

**FINAL
FISCAL NOTE**

Drafting Number: LLS 09-0260
Prime Sponsor(s): Rep. Court
 Sen. White

Date: May 26, 2009
Bill Status: Postponed Indefinitely
Fiscal Analyst: Chris Ward (303-866-5834)

TITLE: CONCERNING CLARIFICATION OF THE PROCESS OF DIRECT DEMOCRACY.

Fiscal Impact Summary	FY 2009-2010	FY 2010-2011
State Revenue		
State Expenditures General Fund	See State Expenditures Section	
FTE Position Change		
Effective Date: The bill was postponed indefinitely by the House State, Veterans and Military Affairs Committee on March 26, 2009.		
Appropriation Summary for FY 2009-2010: None required.		
Local Government Impact: See Local Government Impact section.		

Summary of Legislation

This bill modifies certain requirements related to statewide ballot measures. It requires that additional information appear:

- on each ballot prior to the section related to ballot issues;
- at the beginning of each ballot issue's title;
- at the top of each page of a petition form; and
- in the Blue Book voter information guide.

The bill also moves the deadline for withdrawing an initiative petition from 33 days prior to the election to 60 days prior to the election. Since current law provides that the Secretary of State has until 57 days before the election to certify to county clerk and recorders the ballot order and content for statewide measures, the change required by HB 09-1158 will preclude withdrawn measures from being published on the ballot, in the newspaper, or in the Blue Book voter information guide.

Under HB 09-1140, proposed changes to the Colorado Constitution must be identified on the ballot using the term *amendment* and proposed changes to the Colorado Revised Statutes must be identified on the ballot using the term *proposition*. Under current law, the statutes can be changed through the passage of a bill while the constitution may be changed only with approval of the state's voters at an election.

Background — Withdrawn Initiatives. In 2008, four ballot measures were withdrawn after the Secretary of State had certified the ballot. If HB 09-1140 had been in effect, and those measures had been withdrawn 60 or more days prior to the election, certain state and local expenditures related to the measures would have been avoided during the 2008 general election. Those expenditures include \$107,000 in state costs for publishing the text and title of each measure in newspapers throughout the state and, for counties, an unknown amount for printing and mailing longer ballots. The proposed deadlines might also have reduced the postage costs for mailing the Blue Book to voters, but it would not have changed costs of the Secretary of State in verifying petition signatures or costs associated with printing the Blue Book.

State Expenditures

The bill will not change state expenditures from the current level, but it eliminates certain potential future costs for the Legislative Department related to withdrawn ballot measures. Changing the deadline for withdrawing citizen-initiated ballot measures would allow the state to avoid paying for the publication of withdrawn ballot measures in newspapers.

Changing the deadline will not affect costs of the Secretary of State in verifying petition signatures for ballot measures, because the withdrawal procedure only applies to petitions that have already been approved by the secretary. Similarly, costs for printing the Blue Book will not be affected by changing the withdrawal deadline because the contract for printing the book will continue to be bid prior to the withdrawal deadline based on an estimate of the number of measures that will be included in the book.

Adding new requirements to petition forms and the Blue Book will not affect state expenditures.

Local Government Impact

Counties are responsible for printing and mailing ballots for statewide elections in Colorado and this bill will affect their costs. However, the overall impact on county election costs cannot be determined. Requiring that additional information be printed on each ballot will increase the length of ballots and may increase county costs for printing and mailing. These costs will vary by county depending in large part on each county's method of conducting elections and the proportion of mail-in voters in the county. On the other hand, requiring that ballot measures be withdrawn prior to the certification of the ballot will allow counties to avoid any future costs to print and mail ballots that include withdrawn measures. These costs were incurred during the 2008 election cycle when four ballot measures were withdrawn after the ballot was certified.

Departments Contacted

Legislature

State