

**STATE and LOCAL
FISCAL IMPACT**

Drafting Number: LLS 09-0773
Prime Sponsor(s): Rep. Carroll T.; Court
 Sen. Shaffer B.

Date: March 30, 2009
Bill Status: House SVMA
Fiscal Analyst: Bill Zepernick (303-866-4777)

TITLE: CONCERNING THE INTEGRITY OF THE STATEWIDE CITIZEN-INITIATED PETITION PROCESS.

Fiscal Impact Summary	FY 2009-2010	FY 2010-2011
State Revenue		
Cash Funds		
Fines Collection Cash Fund	Less than \$5,000	Less than \$5,000
Department of State Cash Fund	Up to \$6,000	Up to \$6,000
State Expenditures		
Cash Funds		
Department of State Cash Fund	\$104,400	\$5,000
FTE Position Change		
Effective Date: July 1, 2009, and shall apply to any ballot issue petition that has its title fixed after this date, except that section 11 of the bill takes effect January 1, 2010.		
Appropriation Summary for FY 2009-2010: See State Appropriations section.		
Local Government Impact: See Local Government Impact section.		

Summary of Legislation

The bill makes several changes to the initiative petition process. A measure that amends the Colorado Constitution is to be referred to as an "amendment" and a measure that changes state statute is to be labeled a "proposition." The bill requires ballot language before each amendment or proposition describing whether the proposed ballot measure amends the state constitution or statute.

The bill also changes the deadlines for setting ballot titles, filing petitions with the Secretary of State, and withdrawing an initiative petition from the ballot. It clarifies procedures and jurisdiction for protests concerning petition sufficiency, and allows a person successfully challenging invalid petition signatures to take civil actions to recover reasonable attorney fees and costs.

The warning label on petitions is amended to state that a person should not sign the petition unless they are a registered elector and eligible to vote and that the petition will be placed on the ballot if sufficient signatures are received. A citizen is allowed to withdraw his or her signature from a petition by filing a written request with the Secretary of State.

The bill also increases regulation of the petition circulation process. Any person or entity that pays circulators is required to be licensed by the Secretary of State, and is prohibited from paying circulators based on the number of signatures collected. Petition proponents are required to maintain a list of the names and addresses of all petition circulators who gather signatures, all notaries public who notarize petition sections, and the numbers of the petition sections that each circulator submits and that each notary public notarizes. This list must be filed with the Secretary of State, and if not filed, the Secretary of State is required to prepare such a list and charge a fee to the proponent for the cost of preparation.

Petition circulators who gather more than 100 signatures are required to attend training conducted by the Secretary of State, or by a person who has attended such training. The Secretary of State shall charge a fee to cover the cost of training. Any signature collected in violation of the training requirement is invalid. The bill also requires petition circulators for deposition in the event of a protest concerning a petition section. When signing an affidavit to attach to a petition section, a petition circulator is required to affirm that he or she understands that a circulator may be prosecuted for violating the laws governing circulation, and that failure to make oneself available to be disposed in the event of a protest may invalidate the entire petition section.

State Revenue

The bill is expected to increase cash fund revenue in the Department of State by up to \$6,000 per year beginning in FY 2009-10. However, this revenue is expected to vary from year to year depending on the number of initiative petitions filed, which impacts the demand for training and licensing from the department. A minimal amount of fine revenue in the Fines Collection Cash Fund is also assumed under the bill.

Fees. Section 2-2-322, C.R.S., requires legislative service agency review of measures which create or increase any fee collected by a state agency. Table 1 provides an estimate of the fee impact of the bill, assuming:

- 15 initiative petitions will be filed for the 2010 general election;
- each petition proponent employs one petition entity that is required to be licensed; and
- each petition entity sends two representatives to be trained by the department.

Table 1. Fee Impact on Individuals, Families or Business, FY 2009-10			
Type of Fee	Proposed Fee	Number Affected	Total Fee Impact
Petition Entity License Fee	\$134	15	\$2,010
Petition Circulator Training Fee	133	30	3,990
TOTAL			\$6,000

Fines. The bill increases the fine for violating the laws governing the circulation of petitions from \$500 to \$1,500. Convictions for such offenses are not common and the increased fine could deter future violations. Therefore, the fiscal note assumes that the increased fine will result in a minimal revenue increase of less than \$5,000 to the Fines Collection Cash Fund.

State Expenditures

The bill increases expenditures in the Department of State by \$104,400 in FY 2009-10 and by \$5,000 in FY 2010-11. Table 2 provides a summary of these costs.

Information Technology System Modifications. The department will incur costs of \$92,400 in FY 2009-10 to modify the Statewide Voter Registration and Election System (SCORE), which is used to track the acceptance and rejection of petition signatures. It is estimated that 520 hours of programmer time is required to make these changes at the current contract provider rate of \$105 per hour. These changes are required to remove signatures from a petition at the request of a voter, to accept or reject entire petition sections, and to generate lists of petition circulators if not provided by the petition proponents.

Training Development / Updates. The department will have costs of \$10,000 in FY 2009-10 to develop a web-based training program for petition circulators. It is assumed that a small number of people will participate in training offered by the department for each petition, and that these persons will conduct training for the majority of petition circulators within their organizations. In FY 2010-11 and subsequent years, it is estimated that \$3,000 is required to update the training and maintain web-based training.

Administrative Law Judge Services. The department is estimated to have costs of \$2,000 per year to refer cases concerning the revocation of a petition entity's license to an administrative law judge within the Department of Personnel and Administration. It is estimated that one license will be revoked per year.

Cost Components	FY 2009-10	FY 2010-11
Information Technology Systems Modifications	\$92,400	\$0
Training Development / Updates	10,000	3,000
Administrative Law Judge Services	2,000	2,000
TOTAL	\$104,400	\$5,000

Local Government Impact

The bill may have an impact on county clerks and recorders by requiring additional language on the ballot before each amendment or proposition. Depending on how the ballot is designed and the number of issues and races, an additional page on the ballot or a larger-sized ballot may be needed. This will increase costs to the county clerks for printing and mailing ballots. These costs are not quantified.

State Appropriations

The fiscal note indicates that the Department of State requires an appropriation of \$104,400 from the Department of State Cash Fund in FY 2009-10. Of this amount, \$2,000 is reappropriated to the Department of Personnel and Administration, Office of Administrative Courts.

Departments Contacted

Legislative Council Staff	State	Judicial
Personnel and Administration	Law	