

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

ENGROSSED

LLS NO. R10-0905.02 Ed DeCecco

SCR10-003

SENATE SPONSORSHIP

Tapia and White, Heath, Penry, Boyd, Hodge, Keller, Kester, Romer, Shaffer B.

HOUSE SPONSORSHIP

Court,

Senate Committees

State, Veterans & Military Affairs
Appropriations

House Committees

SENATE CONCURRENT RESOLUTION 10-003

101 SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF
102 COLORADO AN AMENDMENT TO SECTION 1 OF ARTICLE V OF
103 THE CONSTITUTION OF THE STATE OF COLORADO, CONCERNING
104 BALLOT INITIATIVES, AND, IN CONNECTION THEREWITH,
105 REQUIRING AT LEAST FIVE PERCENT OF THE MINIMUM TOTAL
106 NUMBER OF SIGNATURES FOR A PETITION FOR AN INITIATED
107 CONSTITUTIONAL AMENDMENT TO BE GATHERED FROM
108 RESIDENTS OF EACH STATE CONGRESSIONAL DISTRICT; WITH
109 CERTAIN SPECIFIED EXCEPTIONS, REQUIRING AT LEAST SIXTY
110 PERCENT VOTER APPROVAL FOR A PROPOSED INITIATED
111 CONSTITUTIONAL AMENDMENT TO BECOME PART OF THE
112 CONSTITUTION; AND REQUIRING A TWO-THIRDS VOTE FOR THE
113 GENERAL ASSEMBLY TO AMEND, REPEAL, OR SUPERSEDE AN

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
May 10, 2010

101
102

**INITIATED LAW FOR A PERIOD OF THREE YEARS AFTER THE LAW
BECOMES EFFECTIVE.**

Resolution Summary

(Note: This summary applies to this resolution as introduced and does not reflect any amendments that may be subsequently adopted. If this resolution passes third reading in the house of introduction, a resolution summary that applies to the reengrossed version of this resolution will be available at <http://www.leg.state.co.us/billsummaries>.)

Currently, the minimum total number of signatures of registered electors required for an initiative petition to amend the state constitution is equal to 5% of the votes cast in the previous election for the office of secretary of state, and there is no requirement for geographic distribution of those signatures. If on the ballot, such an initiative becomes part of the constitution if approved by a majority of the votes cast thereon.

The concurrent resolution makes the following changes related to a proposed constitutional initiative:

- ! 5% of the minimum total number of signatures must be gathered from residents in each United States congressional district; and
- ! An initiated constitutional amendment will become part of the constitution if approved by 60% of the votes cast thereon; except that this requirement shall not apply to an amendment that is limited to repealing a provision of the constitution in existence prior to the 2011 odd-year election or certain amendments related to Amendment 61, which is to be voted on at the 2010 general election.

1 *Be It Resolved by the Senate of the Sixty-seventh General Assembly*
2 *of the State of Colorado, the House of Representatives concurring herein:*

3 **SECTION 1.** At the next election at which such question may be
4 submitted, there shall be submitted to the registered electors of the state
5 of Colorado, for their approval or rejection, the following amendment to
6 the constitution of the state of Colorado, to wit:

7 Section 1 (4) of article V of the constitution of the state of
8 Colorado is amended, and the said section 1 is further amended BY THE

1 ADDITION OF A NEW SUBSECTION, to read:

2 **Section 1. General assembly - initiative and referendum -**
3 **repeal.** (2.5) FOR AN INITIATIVE PETITION FOR AN AMENDMENT TO THIS
4 CONSTITUTION THAT IS SUBJECT TO A VOTE AT THE 2011 ODD-YEAR
5 ELECTION OR A STATEWIDE ELECTION HELD THEREAFTER, THE MINIMUM
6 NUMBER OF SIGNATURES BY REGISTERED ELECTORS WHO RESIDE IN EACH
7 UNITED STATES CONGRESSIONAL DISTRICT IN COLORADO SHALL BE AN
8 AMOUNT EQUAL TO FIVE PERCENT OF THE MINIMUM NUMBER OF THE TOTAL
9 SIGNATURES REQUIRED FOR SUCH PETITION PURSUANT TO SUBSECTION (2)
10 OF THIS SECTION. FOR PURPOSES OF THIS SUBSECTION (2.5), THE
11 BOUNDARIES OF THE CONGRESSIONAL DISTRICTS SHALL BE THOSE IN
12 EFFECT AT THE TIME THAT THE INITIATIVE PETITION IS FILED WITH THE
13 SECRETARY OF STATE.

14 (4) (a) The veto power of the governor shall not extend to
15 measures initiated by or referred to the people. All elections on measures
16 initiated by or referred to the people of the state shall be held at the
17 biennial regular general election. ~~and~~ EXCEPT AS PROVIDED IN
18 PARAGRAPH (b) OF THIS SUBSECTION (4), all such measures shall become
19 the law or a part of the constitution, when approved by a majority of the
20 votes cast thereon, and not otherwise, and shall take effect from and after
21 the date of the official declaration of the vote thereon by proclamation of
22 the governor, but not later than thirty days after the vote has been
23 canvassed. This section shall not be construed to deprive the general
24 assembly of the power to enact any measure; EXCEPT THAT THE GENERAL
25 ASSEMBLY SHALL NOT AMEND, REPEAL, OR SUPERSEDE AN INITIATED LAW
26 FOR A PERIOD OF THREE YEARS FROM THE DATE THE LAW TAKES EFFECT
27 UNLESS APPROVED BY A VOTE OF TWO-THIRDS OF ALL THE MEMBERS

1 ELECTED TO EACH HOUSE.

2 (b) BEGINNING WITH THE 2011 ODD-YEAR ELECTION AND FOR ALL
3 STATEWIDE ELECTIONS HELD THEREAFTER, AN INITIATED CONSTITUTIONAL
4 AMENDMENT SHALL NOT BECOME A PART OF THIS CONSTITUTION UNLESS
5 THE AMENDMENT IS APPROVED BY AT LEAST SIXTY PERCENT OF THE VOTES
6 CAST THEREON, EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (c) OF
7 THIS SUBSECTION (4).

8 (c) (I) THE FOLLOWING INITIATED CONSTITUTIONAL AMENDMENTS
9 SHALL BECOME A PART OF THIS CONSTITUTION WHEN APPROVED BY A
10 MAJORITY OF THE VOTES CAST THEREON:

11 (A) AN INITIATED CONSTITUTIONAL AMENDMENT THAT IS LIMITED
12 TO AMENDING SECTION 3, 4, 5, OR 6, OR ANY COMBINATION THEREOF, OF
13 ARTICLE XI OF THIS CONSTITUTION TO RETURN SUCH SECTION OR SECTIONS
14 TO THE FORM EXISTING IMMEDIATELY PRIOR TO THE 2010 GENERAL
15 ELECTION;

16 (B) AN INITIATED CONSTITUTIONAL AMENDMENT THAT INCLUDES
17 AN EXCEPTION TO ANY REQUIREMENT SET FORTH IN SECTION 20 (4) (c) OF
18 ARTICLE X OR SECTION 3 OR 6 OF ARTICLE XI OF THIS CONSTITUTION, AS
19 AMENDED BY VOTERS AT THE 2010 GENERAL ELECTION; AND

20 (C) AN INITIATED CONSTITUTIONAL AMENDMENT THAT IS LIMITED
21 TO REPEALING ONE OR MORE PROVISIONS OF THIS CONSTITUTION THAT
22 WERE APPROVED BY VOTERS PRIOR TO THE 2011 ODD-YEAR ELECTION.

23 (II) (A) IF THE VOTERS DO NOT APPROVE AN INITIATED
24 CONSTITUTIONAL AMENDMENT TO AMEND SECTION 20 (4) OF ARTICLE X
25 AND SECTIONS 3, 4, 5, AND 6 OF ARTICLE XI OF THIS CONSTITUTION AT THE
26 2010 GENERAL ELECTION, SUB-SUBPARAGRAPHS (A) AND (B) OF
27 SUBPARAGRAPH (I) OF THIS PARAGRAPH (c) ARE REPEALED, EFFECTIVE

1 JULY 1, 2011.

2 (B) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JULY 2,
3 2011.

4 **SECTION 2.** Each elector voting at said election and desirous of
5 voting for or against said amendment shall cast a vote as provided by law
6 either "Yes" or "No" on the proposition: "SHALL THERE BE AN
7 AMENDMENT TO SECTION 1 OF ARTICLE V OF THE CONSTITUTION OF THE
8 STATE OF COLORADO, CONCERNING BALLOT INITIATIVES, AND, IN
9 CONNECTION THEREWITH, REQUIRING AT LEAST FIVE PERCENT OF THE
10 MINIMUM TOTAL NUMBER OF SIGNATURES FOR A PETITION FOR AN
11 INITIATED CONSTITUTIONAL AMENDMENT TO BE GATHERED FROM
12 RESIDENTS OF EACH STATE CONGRESSIONAL DISTRICT; WITH CERTAIN
13 SPECIFIED EXCEPTIONS, REQUIRING AT LEAST SIXTY PERCENT VOTER
14 APPROVAL FOR A PROPOSED INITIATED CONSTITUTIONAL AMENDMENT TO
15 BECOME PART OF THE CONSTITUTION; AND REQUIRING A TWO-THIRDS VOTE
16 FOR THE GENERAL ASSEMBLY TO AMEND, REPEAL, OR SUPERSEDE AN
17 INITIATED LAW FOR A PERIOD OF THREE YEARS AFTER THE LAW BECOMES
18 EFFECTIVE?"

19 **SECTION 3.** The votes cast for the adoption or rejection of said
20 amendment shall be canvassed and the result determined in the manner
21 provided by law for the canvassing of votes for representatives in
22 Congress, and if a majority of the electors voting on the question shall
23 have voted "Yes", the said amendment shall become a part of the state
24 constitution.