

FINAL
FISCAL NOTE

Drafting Number: LLS 10-0905
Prime Sponsor(s): Sen. Tapia
Rep. Court

Date: June 25, 2010
Bill Status: Postponed Indefinitely
Fiscal Analyst: Bill Zepernick (303-866-4777)

TITLE: SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF COLORADO AN AMENDMENT TO SECTION 1 OF ARTICLE V OF THE CONSTITUTION OF THE STATE OF COLORADO, CONCERNING BALLOT INITIATIVES, AND, IN CONNECTION THEREWITH, REQUIRING AT LEAST FIVE PERCENT OF THE MINIMUM TOTAL NUMBER OF SIGNATURES FOR A PETITION FOR AN INITIATED CONSTITUTIONAL AMENDMENT TO BE GATHERED FROM RESIDENTS OF EACH STATE CONGRESSIONAL DISTRICT; WITH CERTAIN SPECIFIED EXCEPTIONS, REQUIRING AT LEAST SIXTY PERCENT VOTER APPROVAL FOR A PROPOSED INITIATED CONSTITUTIONAL AMENDMENT TO BECOME PART OF THE CONSTITUTION; AND REQUIRING A TWO-THIRDS VOTE FOR THE GENERAL ASSEMBLY TO AMEND, REPEAL, OR SUPERSEDE AN INITIATED LAW FOR A PERIOD OF THREE YEARS AFTER THE LAW BECOMES EFFECTIVE.

Fiscal Impact Summary	FY 2010-2011	FY 2011-2012	FY2012-2013
State Revenue			
State Expenditures			
Cash Funds			
Department of State Cash Fund	\$70,000	\$210,000	\$140,000
FTE Position Change			
Effective Date: The bill was postponed indefinitely by the House State, Veterans and Military Affairs Committee on May 12, 2010.			
Appropriation Summary for FY 2010-2011: See State Appropriations section.			
Local Government Impact: None.			

Summary of Legislation

This concurrent resolution refers a constitutional amendment to voters at the 2010 general election that makes changes to the process for citizen-initiated constitutional amendments. Specifically, this referred amendment makes the following changes:

- requires that at least 5 percent of the total signatures required to initiate a constitutional amendment be collected in each of the state's 7 congressional districts;
- requires most initiated constitutional amendments to receive 60 percent of the vote in order to be adopted;

- makes exceptions to the 60 percent vote requirement to amend or repeal certain sections of the constitution that were amended by voters in prior elections or at the 2010 general election; and
- prohibits the General Assembly from amending or repealing an initiated law for a period of 3 years, unless approved by 2/3 of all members in both houses.

Background

Under current law, citizens may initiate changes to state law by collecting petition signatures in an amount equal to 5 percent of the number of votes cast for the office of Secretary of State in the last general election. Based on the number of votes cast in the 2006 general election, the current requirement is 76,047 signatures. Under SCR 10-003, proponents will be required to collect at least 3,802 signatures in each congressional district. The total number of signature required will remain the same as under current law.

An average of 6 constitutional initiative petitions are filed for each even-year election and 3 for each odd-year election. The Secretary of State verifies petitions by first checking a random sample of signatures submitted. If the random sampling does not lead to a determination that the number of valid signatures is either sufficient or not, the secretary must verify each signature until a sufficient number of valid signatures is found, or the petition is deemed insufficient. Under current law, random sampling leads to a determination of sufficiency for about 90 percent of all initiatives submitted.

State Expenditures

Requiring that signatures be collected from each congressional district will likely increase the number of petitions requiring signature verification — rather than random sampling — and increase costs of the Department of State. Costs are estimated to increase by \$70,000 in FY 2010-11, \$210,000 in FY 2011-12, and \$140,000 in FY 2012-13. However, actual costs will differ depending on the number of petitions for constitutional amendments submitted and the number requiring signature verification versus random sampling. This analysis assumes that 70 percent of initiative petitions will require signature verification; compared with 10 percent under current law. Based on this, it is estimated that, on average, 1 additional petition will require verification in odd-year elections, and that 3 additional petitions will require verification in even-year elections.

Election Expenditure Impacts (For Informational Purposes Only)

The bill refers a measure to the voters at the November 2010 general election. This measure will be published in newspapers and an analysis of the measure will be included in the Blue Book mailed to all registered voter households prior to the election. Under current law, costs for these functions will be paid through a General Fund line item in the Long Appropriations Bill. Table 1 below identifies the anticipated costs for the 2010 Blue Book.

Table 1. Cost to Produce and Distribute the 2010 Blue Book to All Registered Voter Households	
Printing	\$400,000
Postage	\$450,000
Translation	\$20,000
Newspaper Publication (English & Spanish)	\$700,000
Total Cost (14 issues)	\$1,570,000
Average Cost per Issue	\$112,143

State Appropriations

If voters approve the constitutional amendment referred under this measure, the Department of State will require an appropriation of \$70,000 in FY 2010-11 from the Department of State Cash Fund.

Departments Contacted

Judicial Law Legislature State