

  
 Colorado Legislative Council Staff Fiscal Note  
**FINAL**  
**FISCAL NOTE**

**Drafting Number:** LLS 11-0301 **Date:** June 15, 2011  
**Prime Sponsor(s):** Sen. Shaffer B.; Spence **Bill Status:** Deemed Lost  
 Rep. Murray; Court **Fiscal Analyst:** Bill Zepernick (303-866-4777)

**TITLE:** SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF COLORADO AN AMENDMENT TO THE COLORADO CONSTITUTION CONCERNING BALLOT MEASURES, AND, IN CONNECTION THEREWITH, INCREASING THE NUMBER OF VOTES NEEDED TO PASS A CONSTITUTIONAL AMENDMENT FROM A MAJORITY TO AT LEAST SIXTY PERCENT OF THE VOTES CAST; ALLOWING A CONSTITUTIONAL AMENDMENT PASSED PRIOR TO 2013 TO BE REPEALED BY A MAJORITY OF THE VOTES CAST; ADDING A REQUIREMENT THAT A MINIMUM NUMBER OF PETITION SIGNATURES FOR A CITIZEN-INITIATED CONSTITUTIONAL AMENDMENT BE GATHERED FROM VOTERS WHO RESIDE IN EACH COLORADO CONGRESSIONAL DISTRICT; AND INCREASING THE REQUIREMENT FROM A MAJORITY TO AT LEAST A SIXTY PERCENT VOTE OF THE STATE LEGISLATURE TO CHANGE, REPEAL, OR SUPERSEDE A CITIZEN-INITIATED STATUTORY LAW FOR THREE YEARS AFTER IT BECOMES EFFECTIVE.

Fiscal Impact Summary	FY 2011-2012	FY 2012-2013	FY 2013-2014	FY 2014-2015
<b>State Revenue</b>				
<b>State Expenditures</b>				
Cash Funds				
Department of State Cash Fund		\$70,000	\$210,000	\$140,000
<b>FTE Position Change</b>				
<b>Effective Date:</b> The bill was deemed lost on May 11, 2011, as the House and the Senate did not concur on the final version of the bill.				
<b>Appropriation Summary for FY 2011-2012:</b> None required.				
<b>Local Government Impact:</b> None.				

**Summary of Legislation**

This concurrent resolution refers a constitutional amendment to voters at the 2012 general election that changes the process for amending the constitution in the future. Specifically, this referred amendment makes the following changes:

- requires constitutional amendments to receive at least 60 percent of the vote in order to be adopted, beginning with the 2013 election;

- includes a "grandfather" provision that allows voters to repeal constitutional amendments approved before 2013 with a simple majority vote (50 percent plus one);
- requires that a certain number of petition signatures be collected in each of the state's 7 congressional districts to initiate a constitutional amendment;
- requires a vote of 60 percent of the members of the General Assembly to repeal or amend an initiated statutory law approved by voters for a period of 3 years after the law takes effect, beginning with the 2012 general election.

## **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 2010 general election, the current requirement is 85,854 signatures. SCR 11-001 requires that the total include at least 8,585 signatures from each congressional district. The total number of signatures 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 2012-13, \$210,000 in FY 2013-14, and \$140,000 in FY 2014-15. However, actual costs will differ depending on the number of petitions for initiated 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 2012 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 2012 Blue Book.

<b>Table 1. Cost to Produce and Distribute the 2012 Blue Book to All Registered Voter Households</b>	
Printing	\$400,000
Postage	\$450,000
Translation	\$20,000
Newspaper Publication (English & Spanish)	\$500,000
<b>Total Cost (14 issues)</b>	<b>\$1,370,000</b>
<b>Average Cost per Issue</b>	<b>\$97,857</b>

**Departments Contacted**

Judicial      Law      Legislature      State