

Measure raises bar to amend state Constitution

Special-interest initiatives clutter Colorado elections and key governing document; SCR 15-XXX would set two-year approval process for amendments

Senate Concurrent Resolution 15-XXX—sponsored by Senators Ellen Roberts, R-Durango, and Pat Steadman, D-Denver—**affirms the importance of the Colorado Constitution by raising the bar required to amend our state’s most important governing document.** At the same time, this measure **DOES NOT** impact the process for statutory-initiative votes.

Coloradans value their long-standing right to petition state and local governments. It’s a founding principle of our state. However, over the past 20 years, **special interests have attempted to use Colorado’s initiative and referendum process to write their own agendas into the Constitution.**

Fortunately, for Colorado, many special-interest initiatives have been defeated at the polls, including:

- **Amendment 24**, which sought to limit growth and economic development by requiring votes to approve commercial and residential development zoning decisions made by city and county elected officials
- **Amendment 39**, which would have severely limited local control of school districts by implanting an inflexible formula for classroom spending
- **Amendment 54**, which sought to limit campaign contributions by government contractors and was ultimately tossed by the state Supreme Court
- **Amendments 60, 61 and Proposition 101**, which would have wreaked havoc on Colorado’s public finances by restricting financing options for capital development projects and by imposing constitutionally mandated tax reductions and repeals

Last year, 145 different initiatives—including constitutional and statutory measures—were submitted for consideration. In 2010, nearly 100 were placed into initial consideration. Special-interest initiatives often spike during significant election years, such as gubernatorial or U.S. Senate elections.

Since 2000, Coloradans have voted on 35 different amendments to the state Constitution—only 10 have been successful. That’s because more than \$177 million, according to Secretary of State reports, was spent from 2000 to 2010 on these ballot measures, compared to \$79 million for Democratic and Republican candidates. In 2014, more than \$15 million was spent to defeat one special-interest constitutional amendment.

This situation puts voters squarely in the middle of tit-for-tat battles between special interests as they use the Constitution to push narrow agendas.

To help protect our state Constitution, **this measure would establish a two-tier, two-year process for approval of amendments.** The following three steps would be required to successfully amend the Constitution.

1. Constitutional measures would be placed on an even-year General Election ballot after title setting and signature requirements are met. This vote would authorize the measure for further review and a final vote at the following odd-year election.

2. If authorized by voters, Legislative Council would conduct at least one public hearing in each Congressional district on the policy, fiscal and administrative impacts of the proposed amendment.
3. Lastly, a vote on the next General Election ballot in the odd year would be held for final approval by Colorado voters.

SCR 15-XXX would NOT change the process to:

- Repeal Constitutional initiatives and amendments approved by voters before 2015.
- Petition and vote for a Statutory change to Colorado law by citizen initiative.

SCR 15-XXX does not change existing initiative steps, including:

- Submission to Legislative Council for review and comment and submission to Title Board for title setting.
- Requests to the Colorado Supreme Court to review initiatives.
- Following the single subject requirement.
- Approval of petition formatting, timeline for signature collection and registration of paid signature gatherers.
- Review of signatures and approval of completed petitions by the Secretary of State's Office.

Successful Initiated Constitutional Amendments Since 1990

2012

Amendment 64 - Legalize recreational use of marijuana with regulation

2008

Amendment 50 - Allows municipalities to extend hours of limited gaming operations, increase maximum bet

Amendment 54 - Closes a remaining loophole in Colorado election law by banning the practice of "Pay to Play"— however, the Colorado Supreme Court ruled the measure unconstitutional in 2010

2006

Amendment 41 - Prohibits elected officials or their immediate family members from accepting gifts

Amendment 42 - Increases the minimum wage

Amendment 43 - Defines a valid marriage as being only between man and woman

2004

Amendment 35 - Increases the tax on a pack of cigarettes by 64 cents

2002

Amendment 27- Reduces the contribution amount to candidates and various political organizations

2000

Amendment 20 - Allows legal possession of marijuana for medical purposes

Amendment 23 - Sets a minimum increase in funding for K-12 public education

1998

Amendment 18 - Establishes a system for candidates to submit declarations of voluntary term-limits to the Colorado Secretary of State and for these declarations to be noted on the ballot

1996

Amendment 12 - Instructs Colorado representatives to vote for term limits for U.S. congressional members, portions of this initiative were found to be unconstitutional

Amendment 14 - Prohibits certain methods of trapping or killing animals

Amendment 16 - Establishes constitutional law regarding management of state public land trusts

1994

Amendment 17 - Placing term limits on elected officials, from the local to federal level

1992

Amendment 1 - Requires voter approval of tax revenue increases

Amendment 2 - Prohibits laws banning discrimination of sexual orientation; the U.S. Supreme Court ultimately ruled this amendment unconstitutional

Amendment 8 - Creates the Great Outdoors Colorado program

1990

Amendment 4 - Legalizes limited gaming in Black Hawk, Central, and Cripple Creek

Amendment 5 - Creates term limits for elected officials