

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

DRAFT
3.17.15

DRAFT

LLS NO. R15-0945.01 Ed DeCecco x4216

SENATE Concurrent Resolution

SENATE SPONSORSHIP

Roberts and Steadman,

HOUSE SPONSORSHIP

(None),

BILL TOPIC: "Ballot Procedure Citizen-initiated Amendments"

SENATE CONCURRENT RESOLUTION

101 SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF
102 COLORADO AN AMENDMENT TO THE COLORADO CONSTITUTION
103 CONCERNING PROCEDURES RELATED TO A CITIZEN-INITIATED
104 CONSTITUTIONAL AMENDMENT, AND, IN CONNECTION
105 THEREWITH, REQUIRING PRIOR AUTHORIZATION BY A MAJORITY
106 OF VOTERS AT A GENERAL ELECTION BEFORE AN INITIATED
107 CONSTITUTIONAL AMENDMENT IS PLACED ON THE BALLOT AT
108 THE FOLLOWING ODD-YEAR ELECTION FOR THE VOTERS TO
109 APPROVE OR REJECT; REQUIRING THE NONPARTISAN RESEARCH
110 STAFF OF THE GENERAL ASSEMBLY TO PREPARE A BALLOT
111 INFORMATION BOOKLET PRIOR TO AN AUTHORIZATION
112 QUESTION AND, IF THE QUESTION IS APPROVED, TO CONDUCT
113 PUBLIC HEARINGS ABOUT THE AMENDMENT IN EACH

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

101 CONGRESSIONAL DISTRICT PRIOR TO THE ODD-YEAR ELECTION;
102 AND EXCLUDING FROM THESE NEW REQUIREMENTS AN
103 INITIATIVE TO REPEAL A PROVISION FROM A CONSTITUTIONAL
104 AMENDMENT ADOPTED PRIOR TO 2015.

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>.)

The resolution establishes a new 2-election process for an initiative petition to amend the state constitution. After the petition and necessary signatures are filed with the secretary of state, an authorization question for the measure is submitted to the voters at the next general election. The authorization question asks voters whether there should be an election to consider the proposed amendment to the constitution. Prior to the election for the authorization question, the nonpartisan research staff of the general assembly (staff) is required to publish notice of the question and prepare a blue book for the measure that is the basis of the question.

If the voters approve the authorization question, then, and not otherwise, the measure is submitted to the voters for their approval or rejection at the odd-year election held in the next November. During the year following an approved authorization question, staff is required to conduct at least one public hearing about the related measure in each congressional district.

The new procedure does not apply to an initiated constitutional amendment that only repeals a provision of any amendment to the constitution that was adopted prior to 2015.

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

3 **SECTION 1.** At the election held on November 8, 2016, the
4 secretary of state shall submit to the registered electors of the state the
5 ballot title set forth in section 2 for the following amendment to the state
6 constitution:

1 In the constitution of the state of Colorado, section 1 of article V,
2 **amend** (2), (4), (5.5), and (7.3); and **add** (2.5), (7.5) (e), and (11) as
3 follows:

4 **Section 1. General assembly - initiative and referendum.**

5 (2) The first power hereby reserved by the people is the initiative, and
6 signatures by registered electors in an amount equal to at least five
7 percent of the total number of votes cast for all candidates for the office
8 of secretary of state at the previous general election shall be required to
9 propose any measure by petition, and every such petition shall include the
10 full text of the measure so proposed. Initiative petitions for state
11 legislation, and amendments to the constitution, in such form as may be
12 prescribed pursuant to law, shall be addressed to and filed with the
13 secretary of state at least three months before the ~~general~~ election at
14 which they are to be voted upon OR AT WHICH A RELATED AUTHORIZATION
15 QUESTION IS TO BE VOTED UPON.

16 (2.5) (a) IF AN INITIATIVE PETITION FOR AN AMENDMENT TO THE
17 CONSTITUTION IS PROPERLY FILED WITH THE SECRETARY OF STATE, THEN
18 THE SECRETARY OF STATE SHALL SUBMIT THE AUTHORIZATION QUESTION
19 FOR THE MEASURE TO THE REGISTERED ELECTORS OF THE STATE FOR THEIR
20 CONSIDERATION AT THE NEXT GENERAL ELECTION. IF LESS THAN A
21 MAJORITY OF THOSE VOTING APPROVE THE AUTHORIZATION QUESTION, NO
22 FURTHER ACTION IS TAKEN ON THE MEASURE. IF A MAJORITY OF THOSE
23 VOTING APPROVE THE AUTHORIZATION QUESTION, THE SECRETARY OF
24 STATE SHALL SUBMIT THE MEASURE, BY ITS BALLOT TITLE, TO THE
25 REGISTERED ELECTORS OF THE STATE FOR THEIR CONSIDERATION AT THE
26 ELECTION HELD ON THE FIRST TUESDAY IN NOVEMBER OF THE NEXT YEAR.

27 (b) THE SECRETARY OF STATE SHALL PREPARE AN AUTHORIZATION

1 QUESTION IN THE FOLLOWING FORM: "SHALL THERE BE SUBMITTED TO THE
2 VOTERS FOR THEIR APPROVAL OR REJECTION AT THE STATEWIDE ELECTION
3 HELD NEXT NOVEMBER, AN AMENDMENT TO THE CONSTITUTION
4 CONCERNING (SINGLE SUBJECT OF MEASURE)?"

5 (c) IF A MAJORITY OF VOTERS APPROVE AN AUTHORIZATION
6 QUESTION FOR A MEASURE, THEN THE NONPARTISAN RESEARCH STAFF OF
7 THE GENERAL ASSEMBLY SHALL CONDUCT AT LEAST ONE PUBLIC HEARING
8 IN EACH CONGRESSIONAL DISTRICT BEFORE THE ODD-YEAR ELECTION AT
9 WHICH THE MEASURE IS ON THE BALLOT. AT EACH MEETING, STAFF SHALL
10 PROVIDE A SUMMARY OF THE INFORMATION INCLUDED IN THE BALLOT
11 INFORMATION BOOKLET PREPARED IN ACCORDANCE WITH PARAGRAPH (e)
12 OF SUBSECTION (7.5) OF THIS SECTION AND ALLOW PUBLIC TESTIMONY
13 RELATING TO THE MEASURE.

14 (d) THE PROCEDURES REQUIRED UNDER THIS SUBSECTION (2.5) DO
15 NOT APPLY TO AN INITIATED CONSTITUTIONAL AMENDMENT THAT ONLY
16 REPEALS A PROVISION OF ANY AMENDMENT TO THE CONSTITUTION THAT
17 WAS ADOPTED PRIOR TO 2015.

18 (4) The veto power of the governor shall not extend to measures
19 initiated by or referred to the people. All elections on measures initiated
20 by or referred to the people of the state shall be held at the ~~biennial~~
21 ~~regular~~ general election, ~~and such measures~~ UNLESS SUBSECTION (2.5) OF
22 THIS SECTION OR SECTION 20 (3) (a) OF ARTICLE X OF THIS CONSTITUTION
23 APPLIES. A MEASURE shall become the law or a part of the constitution,
24 when approved by a majority of the votes cast thereon, and not otherwise,
25 and shall take effect from and after the date of the official declaration of
26 the vote thereon by proclamation of the governor, but not later than thirty
27 days after the vote has been canvassed. This section shall not be

1 construed to deprive the general assembly of the power to enact any
2 measure.

3 (5.5) No measure shall be proposed by petition containing more
4 than one subject, which shall be clearly expressed in its title; but if any
5 subject shall be embraced in any measure which shall not be expressed in
6 the title, such measure shall be void only as to so much thereof as shall
7 not be so expressed. If a measure contains more than one subject, such
8 that a ballot title cannot be fixed that clearly expresses a single subject,
9 no title shall be set and the measure OR A RELATED AUTHORIZATION
10 QUESTION shall not be submitted to the people for adoption or rejection
11 at the polls. In such circumstance, however, the measure may be revised
12 and resubmitted for the fixing of a proper title without the necessity of
13 review and comment on the revised measure in accordance with
14 subsection (5) of this section, unless the revisions involve more than the
15 elimination of provisions to achieve a single subject, or unless the official
16 or officials responsible for the fixing of a title determine that the revisions
17 are so substantial that such review and comment is in the public interest.
18 The revision and resubmission of a measure in accordance with this
19 subsection (5.5) shall not operate to alter or extend any filing deadline
20 applicable to the measure.

21 (7.3) Before any election at which the voters of the entire state
22 will vote on any initiated or referred constitutional amendment or
23 legislation, the nonpartisan research staff of the general assembly shall
24 cause to be published the text and title of every such measure. ~~Such~~
25 BEFORE ANY GENERAL ELECTION AT WHICH THE VOTERS WILL VOTE ON AN
26 AUTHORIZATION QUESTION, THE NONPARTISAN RESEARCH STAFF OF THE
27 GENERAL ASSEMBLY SHALL CAUSE TO BE PUBLISHED THE AUTHORIZATION

1 QUESTION. THE publication shall be made at least one time in at least one
2 legal publication of general circulation in each county of the state and
3 shall be made at least fifteen days prior to the final date of voter
4 registration for the election. The form and manner of publication shall be
5 as prescribed by law and shall ensure a reasonable opportunity for the
6 voters statewide to become informed about the text and title of each
7 measure OR THE AUTHORIZATION QUESTION.

8 (7.5) (e) BEFORE ANY ELECTION AT WHICH THE VOTERS OF THE
9 ENTIRE STATE WILL VOTE ON AN AUTHORIZATION QUESTION, THE
10 NONPARTISAN RESEARCH STAFF OF THE GENERAL ASSEMBLY SHALL
11 PREPARE AND MAKE AVAILABLE TO THE PUBLIC A BALLOT INFORMATION
12 BOOKLET REQUIRED BY THIS SUBSECTION (7.5) THAT IS BASED ON THE
13 UNDERLYING PROPOSED INITIATED CONSTITUTIONAL AMENDMENT. IF THE
14 VOTERS APPROVE THE AUTHORIZATION QUESTION, STAFF SHALL PREPARE
15 A FINAL VERSION OF THE BALLOT INFORMATION BOOKLET FOR THE
16 MEASURE, WHICH VERSION MAY INCLUDE CHANGES FROM THE VERSION
17 PREPARED FOR THE AUTHORIZATION QUESTION. THE FINAL VERSION OF
18 THE BOOKLET IS THE NOTICE REQUIRED BY SECTION 20 (3) (b) OF ARTICLE
19 X OF THIS CONSTITUTION, IF APPLICABLE.

20 (11) AS USED IN THIS SECTION:

21 (a) "AUTHORIZATION QUESTION" MEANS THE QUESTION
22 SUBMITTED TO VOTERS AT A GENERAL ELECTION AS REQUIRED BY
23 PARAGRAPH (a) OF SUBSECTION (2.5) OF THIS SECTION.

24 (b) "GENERAL ELECTION" MEANS THE ELECTION HELD ON THE
25 TUESDAY SUCCEEDING THE FIRST MONDAY OF NOVEMBER IN EACH
26 EVEN-NUMBERED YEAR.

27 In the constitution of the state of Colorado, section 20 of article X,

1 **amend** (3) (a) as follows:

2 **Section 20. The Taxpayer's Bill of Rights. (3) Election**
3 **provisions.** (a) EXCEPT AS OTHERWISE PROVIDED IN SECTION 1 (2.5) OF
4 ARTICLE V OF THIS CONSTITUTION, ballot issues shall be decided in a state
5 general election, biennial local district election, or on the first Tuesday in
6 November of odd-numbered years. Except for petitions, bonded debt, or
7 charter or constitutional provisions, districts may consolidate ballot issues
8 and voters may approve a delay of up to four years in voting on ballot
9 issues. District actions taken during such a delay shall not extend beyond
10 that period.

11 **SECTION 2.** Each elector voting at the election may cast a vote
12 either "Yes/For" or "No/Against" on the following ballot title: "Shall
13 there be an amendment to the Colorado constitution concerning
14 procedures related to a citizen-initiated constitutional amendment, and,
15 in connection therewith, requiring prior authorization by a majority of
16 voters at a general election before an initiated constitutional amendment
17 is placed on the ballot at the following odd-year election for the voters to
18 approve or reject; requiring the nonpartisan research staff of the general
19 assembly to prepare a ballot information booklet prior to an authorization
20 question and, if the question is approved, to conduct public hearings
21 about the amendment in each congressional district prior to the odd-year
22 election; and excluding from these new requirements an initiative to
23 repeal a provision from a constitutional amendment adopted prior to
24 2015?"

25 **SECTION 3.** Except as otherwise provided in section 1-40-123,
26 Colorado Revised Statutes, if a majority of the electors voting on the

- 1 ballot title vote "Yes/For", then the amendment will become part of the
- 2 state constitution.