



**Colorado
Legislative
Council
Staff**

SB17-152

FISCAL NOTE

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 17-0442
Prime Sponsor(s): Sen. Court

Date: February 8, 2017
Bill Status: Senate SVMA
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BILL TOPIC: IMPLEMENT CHANGES MADE BY AMENDMENT 71

Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
State Revenue		
State Expenditures	<u>\$4,120</u>	Workload and expenditure increase.
Cash Funds	4,120	
Appropriation Required: \$4,120 - Department of State (FY 2017-18).		
Future Year Impacts: Ongoing workload and expenditure increase.		

Summary of Legislation

This bill updates Colorado statutes to reflect the changes to the Colorado constitution under Amendment 71, which was approved by the voters during the 2016 General Election. The initiative process is updated for constitutional amendments (constitutional initiatives) as follows:

- The Title Board is required to determine if a proposed constitutional amendment repeals all or part for a provision in the constitution. Proponents are authorized to appeal for a rehearing on such decisions.
- The signature requirements for citizen-initiated constitutional amendments are updated to reflect the new requirement that signatures must be gathered in each state senate district. And the existing random sampling process for verifying signatures is modified to incorporate district-level verification of all signatures if a minimal statistical threshold is met.
- The Department of State is required to notify the proponents of the current number of state senate districts, boundaries, and the number or registered voters in each at the time a constitutional initiative petition is approved for signature collection.
- The Department of State is required to issue a statement indicating whether the required number of signatures overall from each senate district and a sufficient number of signatures have been submitted when certifying the issue petition for the ballot.
- At least 55 percent of votes must be cast to pass an amendment to the state constitution.

Background

In Colorado, citizens have the power to propose changes to the state constitution and statutes through the citizen initiative process. Under this process, proponents must collect a certain number of signatures to place an initiative on the ballot. In order to place a citizen initiative on the ballot to change the constitution or state statutes, proponents must collect enough signatures to equal at least 5 percent of the votes cast in the most recent election for Secretary of State. In 2016, this requirement was 98,492 signatures. Amendment 71 added the requirement that signatures for citizen initiatives must be collected in each of the state's 35 senate districts in an amount of at least 2 percent of the registered voters in each district. Also, constitutional initiatives amending the constitution must receive 55 percent of the vote. However, constitutional initiatives that only repeal a prior constitutional amendment, in whole or in part, only require a majority vote to pass.

State Expenditures

This bill increases workload and expenditures as discussed below.

Statewide voter registration and election database. In FY2017-18, this bill increases Department of State cash fund expenditures by \$4,120. These funds are needed to make minor changes in the statewide voter registration system to capture voter information by senate district and to generate associated reports. This work requires 40 hours of computer programming at a rate of \$103 per hour.

Title Board review. This bill requires the Title Board to review each constitutional initiative to determine if it repeals, in whole or in part, a prior amendment to the state constitution. This increases workload for members of the Title Board which includes staff from the Department of Law, the Department of State, and the Office of Legislative Legal Services. The proponents of a constitutional initiative may file a motion for a rehearing of this determination with the Title Board. To the extent that rehearsals occur, workload for the Title Board further increases. This workload increase is consistent with current Title Board duties and can be accomplished within existing appropriations.

Department of State. Department of State workload is increased to record additional Title Board determinations and to notify the proponents of the current number of state senate districts, boundaries, and the number of registered voters in each at the time a constitutional initiative petition is approved for signature collection. This workload increase can be accomplished within existing appropriations.

This bill requires the signatures on the constitutional initiatives to be examined if the initiative is deemed to have sufficient signatures after random sampling is conducted. Signature validation is conducted for the Department of State by the Integrated Document Solutions group of the Department of Personnel and Administration using funds reappropriated from the Department of State Cash Fund. While the additional signature verification increases costs, Amendment 71 will likely reduce the number of constitutional initiatives. Therefore, the number of future constitutional initiatives and signatures needing to be examined is not known. Should additional funds be needed they will be requested through the annual budget process.

Office of Administrative Courts. This bill potentially increases workload in the Office of Administrative Courts, in the Department of Personnel and Administration for administrative law judges to hear cases related to petition sufficiency. This would also increase costs for the Department of State. It is believed that any increase can be accomplished within existing appropriations and an additional appropriations will be requested through the annual budget process, if needed.

State Appropriations

For FY 2017-18, this bill requires an of \$4,120 to the Department of State Cash Fund.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

Information Technology	Law
Legislative Council	Legal Services
Personnel and Administration	Secretary of State