

# STATE OF COLORADO

## Colorado General Assembly

Natalie Mullis, Director  
Legislative Council Staff

**Colorado Legislative Council**  
200 East Colfax Avenue Suite 029  
Denver, Colorado 80203-1716  
Telephone 303-866-3521  
Facsimile 303-866-3855  
Email: lcs.ga@state.co.us



Sharon L. Eubanks, Director  
Office of Legislative Legal Services

**Office of Legislative Legal Services**  
200 East Colfax Avenue Suite 091  
Denver, Colorado 80203-1716  
Telephone 303-866-2045  
Facsimile 303-866-4157  
Email: olls.ga@state.co.us

### MEMORANDUM

**TO:** Natalie Menten and Chip Creager  
**FROM:** Legislative Council Staff and Office of Legislative Legal Services  
**DATE:** January 27, 2020

**SUBJECT:** Proposed initiative measure 2019-2020 #245, concerning Petitions

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Colorado Legislative Council and the Office of Legislative Legal Services to "review and comment" on initiative petitions for proposed laws and amendments to the Colorado constitution. We hereby submit our comments to you regarding the appended proposed initiative.

The purpose of this statutory requirement of the directors of Legislative Council and the Office of Legislative Legal Services is to provide comments intended to aid proponents in determining the language of their proposal and to avail the public of knowledge of the contents of the proposal. Our first objective is to be sure we understand your intent and your objective in proposing the amendment. We hope that the statements and questions contained in this memorandum will provide a basis for discussion and understanding of the proposal.

An earlier version of this proposed initiative, proposed initiative 2019-2020 #127, was the subject of a memorandum dated October 2, 2019. Proposed initiative 2019-2020 #127 was discussed at a public meeting on October 4, 2019. The substantive and technical comments and questions raised in this memorandum will not include comments and questions that were addressed at the earlier meeting, except as necessary to fully understand the issues raised by the revised proposed initiative. However, the prior comments and questions that are not restated here continue to be relevant and are hereby incorporated by reference in this memorandum.

## **Purposes**

The major purposes of the proposed amendment to the Colorado constitution appear to be:

1. To modify the following aspects of the petition process: filing procedures, deadlines, government administration, signature form and review, number of signatures required, protest and appeals, voter information, enforcement, and election timing;
2. To extend initiatives and referenda to counties and other local governments;
3. To repeal the single-subject requirement, yet still have it remain in effect for petitions;
4. To expand the Colorado Supreme Court's role in reviewing petitions;
5. To restrict Colorado General Assembly's authority to make bills petition exempt;
6. To eliminate the requirement that constitutional amendments, other than those that are limited to repealing a provision, must be approved by 55% of the voters; and
7. To eliminate Legislative Council Staff's Blue Book.

## **Substantive Comments and Questions**

The substance of the proposed initiative raises the following comments and questions:

1. Article V, section 1 (5.5) of the Colorado constitution requires all proposed initiatives to have a single subject. What is the single subject of the proposed initiative?
2. What is the "state single-subject rule"?
3. Section 5 of the proposed measure repeals Article V, Section 1 (5.5) of the Colorado Constitution, which prohibits a petition from having more than one subject and requires the single subject to be expressed in its title, but section 1 (1) of the proposed measure states the single-subject rule remains in effect. How can the single-subject rule remain in effect if it is being repealed by the measure?
4. Why repeal the single-subject rule if it is supposed to remain in effect?

5. What part of the rule remains in effect: The prohibition on a measure having more than one subject, the requirement that it clearly be stated in the ballot title, the prohibition on setting a title with more than a single subject, the penalty that any part of the measure that does not fit under the single subject is void, permission for proponents to revise a measure by eliminating provisions, or some combination of these provisions?
6. In Section 1 (1), the proposed measure states that protests of ballot titles shall be filed "only two days after setting." Why has it been added to the measure since your earlier measure, proposed initiative #127? What is your intent by adding the word "only" in this context?
7. Who is required to deliver the sample petition sections?
8. In subsection (4) of the proposed initiative, what are "filer election notice comments"?
9. What happens with these filer election notice comments? Where are they filed and with whom? Are they required to be posted anywhere or distributed in some fashion? If so, who is required to post or distribute the comments?
10. Section 5 of the proposed measure states that article XXII "shall . . . repeal all conflicting laws." What other conflicting laws are there? How will it be determined if a law conflicts with article XXII and should be repealed? Do you expect the Revisor of Statutes to repeal any provisions of the state constitution the next time it is published after the initiative is approved by voters?
11. Is there special meaning of the words, phrases, and sentences that you've italicized?

## **Technical Comments**

There are no new technical comments.