



Initiative 54

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Impact Statement

Date: February 17, 2022

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LCS TITLE: PETITIONS

***Disclaimer.** This initial fiscal impact statement has been prepared for an initiative approved for petition circulation by the Secretary of State. If the initiative is placed on the ballot, Legislative Council Staff may revise this estimate for the ballot information booklet (Blue Book) if new information becomes available.*

Summary of Measure

The measure amends state laws related to citizen petitions and referenda. Among its many provisions, the measure:

- modifies the filing process, the deadlines for gathering signatures, government administration, signature form requirements and review, qualifying signature thresholds, verification of valid signatures, enforcement, election timing, and the procedures and time lines for protests and appeals;
- revises and expands the role of the Colorado Supreme Court to review petitions, protests, and appeals; and
- extends the statewide process for citizen initiatives and referenda to counties, local and home rule governments, authorities, school districts, and other special districts.

Under current law, citizens are given 90 days to initiate a referendum petition to hold an election to invalidate, in whole or in part, legislation passed by the state legislature. However, the legislature may pass bills with a clause that exempts the legislation from this citizen initiated petition and election. This measure:

- limits the number of bills that the state legislature may exempt from a citizen referendum petition process; and
- requires voter approval for any subsequent bill offered on any rejected topic.

State Revenue

The measure requires fines for individuals who illegally prevent the collection of signatures; however, details on what level of government is responsible for the enforcement, collection, and disposition of fine revenue is not included in the measure. Should enabling legislation determine that the state enforce these provisions and collect fines, state revenue may increase. Given the uncertainty of this implementation, state fine revenue is indeterminate and has not been quantified.

State Expenditures

The measure is not anticipated to change the overall expenditures of state government; however, since this measure may increase the number of citizen initiated ballot measures in the future, workload for several agencies may be affected as described below.

Judicial department. The measure shifts some of the current workload and costs of district courts to the state Supreme Court by requiring that the Supreme Court act as the court of primary jurisdiction for all protests and appeals related to citizen initiatives.

Although no immediate increase in judicial department expenditures is anticipated, for every increase of 20 cases considered by the Supreme Court, the department requires the addition of 0.5 FTE Staff Attorney. Should the number of cases facing the Supreme Court exceed department resources, state expenditures will increase via the annual budget setting process.

Secretary of State's Office. The measure shifts the current workload and costs for the Secretary of State's Office (SOS). The measure allows citizens to initiate both state and local petitions with the SOS, thus increasing the department's workload. Under current law, the SOS may only process statewide ballot measures. Further, the department is prohibited from using its current statistical verification processes for validating petition signatures, and instead is restricted to counting and reporting the completion of petition forms, which potentially reduces the workload of the SOS and their vendor, the Department of Personnel and Administration.

Local Government

Local governments without a petition process will be required to establish such a process, incurring administrative and computer programming costs. Local governments may also experience an increase in the number of petitions received. Changes in local government revenue and expenditures will depend on the number of petitions filed.

The measure may require that any county clerk's office process any state or local citizen initiative. These provisions potentially increase workload and costs for county offices to assume these tasks. This includes processing citizen initiatives, preparing printed ballot petitions, verifying signatures, and validating petitions. Local governments will also have increased costs for legal services to attend to protests and appeals heard in the Supreme Court.

Effective Date

If approved by voters at the 2022 general election, this measure takes effect upon proclamation of the Governor, no later than 30 days after the official canvass of the vote is completed.

State and Local Government Contacts

Counties	County Clerks	Judicial
Law	Legislature	Secretary of State