A BILL FOR AN ACT

CONCERNING THE IMPLEMENTATION OF VOTER-APPROVED CHANGES TO THE COLORADO CONSTITUTION THAT MAKE IT MORE DIFFICULT TO AMEND THE STATE CONSTITUTION, AND, IN CONNECTION THERewith, PROHIBITING A PETITION FOR AN INITIATED AMENDMENT TO THE STATE CONSTITUTION FROM BEING SUBMITTED TO VOTERS UNLESS THE PETITION IS SIGNED BY THE CONSTITUTIONALLY REQUIRED NUMBER OF REGISTERED ELECTORS WHO RESIDE IN EACH STATE SENATE DISTRICT AND TOTAL NUMBER OF REGISTERED ELECTORS, AND REQUIRING AT LEAST FIFTY-FIVE PERCENT OF THE VOTES CAST ON ANY AMENDMENT TO THE STATE CONSTITUTION TO ADOPT THE AMENDMENT UNLESS THE AMENDMENT ONLY REPEALS IN WHOLE OR IN PART A PROVISION OF THE STATE CONSTITUTION,
IN WHICH CASE REQUIRING A MAJORITY OF THE VOTES CAST ON
THE AMENDMENT TO ADOPT THE AMENDMENT.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://leg.colorado.gov.)

The bill implements changes to the Colorado constitution approved by voters at the 2016 general election that make it more difficult to amend the state constitution by:

! Prohibiting a petition for an initiated state constitutional amendment to be submitted to voters for approval or rejection unless the petition is signed by the constitutionally specified number of registered electors who reside in each state senate district and total number of registered electors; and

! Requiring at least 55% of the votes cast on any state constitutional amendment to adopt the amendment; except that only a simple majority of the votes cast is necessary to adopt a state constitutional amendment that only repeals in whole or in part a provision of the state constitution.

When a draft of a ballot issue that proposes a state constitutional amendment is filed with the title board, the title board must decide if the proposed constitutional amendment only repeals in whole or in part a provision of the state constitution for purposes of determining the required percentage of votes cast to adopt the amendment. The designated representatives of the proponents or any registered elector who is not satisfied with the title board's decision may appeal the decision by filing a motion for rehearing to the title board. Decisions of the title board at the rehearing on this issue may be directly appealed to the Colorado supreme court in the same manner as ballot title and fiscal impact abstract appeals.

The bill requires the secretary of state to notify proponents of a petition for an initiated state constitutional amendment of the number and boundaries of the state senate districts in existence and the number of registered electors in each state senate district at the time the petition format is approved. The secretary of state must validate signatures on a petition for an initiated state constitutional amendment by random sampling. If the random sample establishes that the number of valid signatures is 90% or less of the total number of registered electors needed to declare the petition sufficient, the secretary of state is required to deem
the petition to be not sufficient. If the random sample establishes that the number of valid signatures is more than 90% of the total number of registered electors needed to declare the petition sufficient, the secretary of state is required to order the examination of each signature filed.

After the examination of a petition for an initiated constitutional amendment, the secretary of state is required to issue a statement as to whether a sufficient number of valid signatures from each state senate district and a sufficient total number of valid signatures appear to have been submitted to certify the petition to the ballot. If the secretary of state declares that the petition appears not to have either a sufficient number of valid signatures from each state senate district, a sufficient total number of valid signatures, or both, the secretary of state's statement shall specify the number of sufficient and insufficient signatures from each state senate district, the total number of sufficient or insufficient signatures, or both, as applicable. The bill allows the proponents of the petition to cure an insufficiency of signatures in one or more state senate districts, the total valid signatures, or both, as applicable.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 1-40-106, add (3.5) as follows:

1-40-106. Title board - meetings - ballot title - initiative and referendum. (3.5) For every proposed constitutional amendment, the title board shall determine whether the proposed constitutional amendment only repeals in whole or in part a provision of the state constitution for purposes of section 18(4)(b) of article V of the state constitution. The secretary of state shall keep a record of the determination made by the title board.

SECTION 2. In Colorado Revised Statutes, 1-40-107, amend (1)(b) and (2); and add (1)(a)(III) as follows:

1-40-107. Rehearing - appeal - fees - signing. (1)(a)(III) The designated representatives of the proponents or any registered elector who is not satisfied with the determination by the title board.
BOARD MADE PURSUANT TO SECTION 1-40-106 (3.5) WITH RESPECT TO
WHETHER A PETITION THAT PROPOSES A CONSTITUTIONAL AMENDMENT
ONLY REPEALS IN WHOLE OR IN PART A PROVISION OF THE STATE
CONSTITUTION MAY FILE A MOTION FOR A REHEARING WITH THE
SECRETARY OF STATE WITHIN SEVEN DAYS AFTER THE TITLES AND
SUBMISSION CLAUSE FOR THE INITIATIVE PETITION ARE SET ON THE
GROUNDS THAT THE DETERMINATION IS INCORRECT.

(b) A motion for rehearing must be typewritten and set forth with
particularity the grounds for rehearing. If the motion claims that the
petition contains more than a single subject, then the motion must, at a
minimum, include a short and plain statement of the reasons for the claim.
If the motion claims that the title and submission clause set by the title
board are unfair or that they do not fairly express the true meaning and
intent of the proposed state law or constitutional amendment, then the
motion must identify the specific wording that is challenged. If the
motion claims that an estimate in the abstract is incorrect, the motion
must include documentation that supports a different estimate. If the
motion claims that the abstract is misleading or prejudicial or does not
comply with the statutory requirements, the motion must specifically
identify the specific wording that is challenged or the requirement at
issue. The title board may modify the abstract based on information
presented at the rehearing. IF THE MOTION CLAIMS THAT THE
DETERMINATION OF WHETHER THE PETITION THAT PROPOSES A
CONSTITUTIONAL AMENDMENT ONLY REPEALS IN WHOLE OR IN PART A
CONSTITUTIONAL PROVISION IS INCORRECT, THE MOTION MUST INCLUDE A
SHORT AND PLAIN STATEMENT OF THE REASONS FOR THE CLAIM.

(2) If any person presenting OR THE DESIGNATED
REPRESENTATIVES OF THE PROPONENTS OF an initiative petition for which a motion for a rehearing is filed, any registered elector who filed a motion for a rehearing pursuant to subsection (1) of this section, or any other registered elector who appeared before the title board in support of or in opposition to a motion for rehearing is not satisfied with the ruling of the title board upon the motion, then the secretary of state shall furnish such person, upon request, a certified copy of the petition with the titles and submission clause of the proposed law or constitutional amendment, or the abstract, OR THE DETERMINATION WHETHER THE PETITION REPEALS IN WHOLE OR IN PART A CONSTITUTIONAL PROVISION, together with a certified copy of the motion for rehearing and of the ruling thereon. If filed with the clerk of the supreme court within seven days thereafter, the matter shall be disposed of promptly, consistent with the rights of the parties, either affirming the action of the title board or reversing it, in which latter case the court shall remand it with instructions, pointing out where the title board is in error.

SECTION 3. In Colorado Revised Statutes, 1-40-109, amend (1) as follows:

1-40-109. Signatures required - withdrawal. (1) (a) No petition for any initiated law or amendment to the state constitution shall be of any force or effect, nor shall the proposed law or amendment to the state constitution be submitted to the people of the state of Colorado for adoption or rejection at the polls, as is by law provided for, unless the petition for the submission of the initiated law or amendment to the state constitution is signed by the number of REGISTERED electors required by SECTION 1 (2) OF ARTICLE V OF the state constitution.

(b) NO PETITION FOR ANY INITIATED AMENDMENT TO THE STATE

SECTION 4. In Colorado Revised Statutes, 1-40-113, add (1)(c) as follows:

1-40-113. Form - representatives of signers. (1) (c) The Secretary of State shall notify the proponents at the time a petition format for an initiated amendment to the state constitution is approved pursuant to subsection (1)(a) of this section of the number and boundaries of the state senate districts in existence and the number of registered electors in each state senate district at the time of approval.

SECTION 5. In Colorado Revised Statutes, 1-40-116, amend (4) as follows:

(4) (a) The secretary of state shall verify EXAMINE the signatures on the petition by use of random sampling. The random sample of signatures to be verified EXAMINED MUST be drawn so that every signature filed with the secretary of state shall be given an equal opportunity to be included in the sample. The secretary of state is authorized to engage in rule-making to establish the appropriate methodology for conducting such random sample.

(b) (I) The random sampling shall TO VALIDATE SIGNATURES ON A PETITION PROPOSING AN INITIATED LAW MUST include an examination of no less than five percent of the signatures, but in no event FEWER than four thousand signatures. If the random sample verification examination establishes that the number of valid signatures is ninety percent or less of the number of registered eligible electors needed to find the petition sufficient, the SECRETARY OF STATE SHALL DEEM THE petition shall be deemed to be not sufficient. If the random sample verification establishes that the number of valid signatures totals one hundred ten percent or more of the number of required signatures of registered eligible electors, the SECRETARY OF STATE SHALL DEEM THE petition shall be deemed sufficient. If the random sampling sample shows the number of valid signatures to be more than ninety percent but less than one hundred ten percent of the number of signatures of registered eligible electors needed to declare the petition sufficient, the secretary of state shall order the examination and verification VALIDATION of each signature filed.

   (II) THE RANDOM SAMPLING TO VALIDATE SIGNATURES ON A PETITION PROPOSING AN AMENDMENT TO THE STATE CONSTITUTION MUST INCLUDE AN EXAMINATION OF NO FEWER THAN FIVE PERCENT OF THE
SIGNATURES, BUT IN NO EVENT LESS THAN FOUR THOUSAND SIGNATURES.

IF THE RANDOM SAMPLE ESTABLISHES THAT THE NUMBER OF VALID
SIGNATURES IS NINETY PERCENT OR LESS OF THE NUMBER OF REGISTERED
ELECTORS REQUIRED BY SECTION 1 (2) OF ARTICLE V OF THE STATE
CONSTITUTION TO FIND THE PETITION SUFFICIENT, THE SECRETARY OF
STATE SHALL DEEM THE PETITION TO BE NOT SUFFICIENT. IF THE RANDOM
SAMPLE SHOWS THE NUMBER OF VALID SIGNATURES TO BE MORE THAN
NINETY PERCENT OF THE NUMBER OF REGISTERED ELECTORS REQUIRED BY
SECTION 1 (2) OF ARTICLE V OF THE STATE CONSTITUTION TO DECLARE THE
PETITION SUFFICIENT, THE SECRETARY OF STATE SHALL ORDER THE
EXAMINATION OF EACH SIGNATURE FILED.

SECTION 6. In Colorado Revised Statutes, amend 1-40-117 as
follows:

1-40-117. Statement of sufficiency - cure. (1) After examining
the petition:

(a) IF THE PETITION PROPOSES A LAW, the secretary of state shall
issue a statement as to whether a sufficient number of valid signatures
appears to have been submitted to certify the petition to the ballot; OR

(b) IF THE PETITION PROPOSES AN AMENDMENT TO THE STATE
CONSTITUTION, THE SECRETARY OF STATE SHALL ISSUE A STATEMENT AS
TO WHETHER A SUFFICIENT NUMBER OF VALID SIGNATURES FROM EACH
STATE SENATE DISTRICT AND A SUFFICIENT TOTAL NUMBER OF VALID
SIGNATURES APPEAR TO HAVE BEEN SUBMITTED TO CERTIFY THE PETITION
TO THE BALLOT.

(2) If the petition PROPOSES AN INITIATED LAW AND was verified
VALIDATED by random sample, the statement shall MUST contain the total
number of signatures submitted and whether the number of signatures
presumed valid was ninety percent of the required total or less or one
hundred ten percent of the required total or more.

(3) (a) If the secretary declares that the petition appears not to
have a sufficient number of valid signatures, the statement issued by the
secretary shall specify the number of sufficient and insufficient
signatures. The secretary shall identify by section number and line
number within the section those signatures found to be insufficient and
the grounds for the insufficiency. Such information shall be kept on file
for public inspection in accordance with section 1-40-118.

(b) In the event the secretary of state issues a statement declaring
that a petition, having first been submitted with the required number of
signatures, appears not to have a sufficient number of TOTAL valid
signatures, A SUFFICIENT NUMBER OF VALID SIGNATURES IN ONE OR MORE
STATE SENATE DISTRICTS, OR BOTH, AS APPLICABLE, the designated
representatives of the proponents may cure the insufficiency by filing an
addendum to the original petition for the purpose of offering such number
of additional signatures as will cure the insufficiency. No addendum
offered as a cure shall be considered unless the addendum conforms to
requirements for petitions outlined in sections 1-40-110, 1-40-111, and
1-40-113 and unless the addendum is filed with the secretary of state
within the fifteen-day period after the insufficiency is declared and unless
filed with the secretary of state no later than three months and three
weeks before the election at which the initiative petition is to be voted on.
All filings under this paragraph (b) SUBSECTION (3)(b) shall be made by
3 p.m. on the day of filing. Upon submission of a timely filed addendum,
the secretary of state shall order the examination and verification of each
signature on the addendum. The addendum shall not be available to the
public for a period of up to ten calendar days for such examination. After
examining the petition, the secretary of state shall, within ten calendar
days, issue a statement as to whether the addendum cures the
insufficiency INSUFFICIENCIES found in the original petition.

SECTION 7. In Colorado Revised Statutes, amend 1-40-123 as
follows:

1-40-123. Counting of votes - effective date - conflicting
provisions. (1) The votes on all measures submitted to the people shall
be counted and properly entered after the votes for candidates for office
cast at the same election are counted and shall be counted, canvassed, and
returned and the result determined and certified in the manner provided
by law concerning other elections. The secretary of state who has certified
the election shall, without delay, make and transmit to the governor a
certificate of election. The measure shall take TAKES effect from and after
the date of the official declaration of the vote by proclamation of the
governor, but not later than thirty days after the votes have been
canvassed, as provided in section 1 of article V of the state constitution.

(2) A majority of the votes cast thereon shall adopt ADOPTS any
measure submitted FOR A PROPOSED LAW, and, in case of adoption of
conflicting provisions, the one that receives the greatest number of
affirmative votes shall prevail PREVAILS in all particulars as to which
there is a conflict.

(3) AT LEAST FIFTY-FIVE PERCENT OF THE VOTES CAST THEREON
ADOPTS ANY MEASURE SUBMITTED FOR AN AMENDMENT TO THE STATE
CONSTITUTION; EXCEPT THAT A MAJORITY OF THE VOTES CAST THEREON
ADOPTS ANY MEASURE SUBMITTED FOR AN AMENDMENT TO THE STATE
CONSTITUTION THAT ONLY REPEALS IN WHOLE OR IN PART ANY PROVISION
OF THE STATE CONSTITUTION. IN THE CASE OF ADOPTION OF CONFLICTING
PROVISIONS, THE ONE THAT RECEIVES THE GREATEST NUMBER OF
AFFIRMATIVE VOTES PREVAILS IN ALL PARTICULARS AS TO WHICH THERE
IS A CONFLICT.

SECTION 8. Safety clause. The general assembly hereby finds,
determines, and declares that this act is necessary for the immediate
preservation of the public peace, health, and safety.