

**Initiative #96  
Requirements for Constitutional Amendments**

1 **Amendment ? proposes amending the Colorado Constitution to:**

- 2       ♦ require that a certain number of signatures be gathered from each state  
3       senate district to place a constitutional initiative on the ballot; and
- 4       ♦ increase the percentage of votes required to adopt a constitutional  
5       amendment, except for proposals that only repeal part of the state  
6       constitution.

7 **Summary and Analysis**

8       **Background.** In Colorado, citizens may propose changes to the state constitution  
9       and statutes through the citizen-initiative process. Under this process, proponents  
10       must collect a certain number of signatures to place an initiative on the ballot. The  
11       state legislature may refer constitutional changes to the voters with a two-thirds vote of  
12       both houses. State statutes can be changed by the legislature without a vote of the  
13       people, but amending the constitution, whether by citizen initiative or legislative  
14       referendum, requires a majority of the votes cast in an election.

15       In order to place a citizen initiative on the ballot, proponents must collect enough  
16       signatures to equal at least 5 percent of the votes cast in the most recent Secretary of  
17       State election. In 2016, this requirement is 98,492 signatures. Proponents have up to  
18       six months to gather and submit signatures to the Secretary of State's Office for  
19       verification.

20       **Changes under Amendment ?.** Amendment ? makes it more difficult to amend  
21       the constitution by increasing statewide signature collection requirements for the  
22       citizen-initiative process and the percentage of votes required to adopt changes to the  
23       constitution in most situations.

24       **Signature requirements.** Amendment ? creates an additional signature-gathering  
25       requirement to place a constitutional initiative on the ballot. Of the total required  
26       signatures, some must be collected from each of the state's 35 senate districts in an  
27       amount of at least 2 percent of the registered voters in each district.

28       Table 1 shows a sample of state senate districts and the minimum number of  
29       signatures that would be needed to qualify a ballot measure under Amendment ?,  
30       based on the 2 percent requirement and the number of registered voters in these  
31       districts.

1 **Table 1. Sample Signature Collection Requirements**  
 2 **Under Amendment ?, as of May 1, 2016**

3 4 5	State Senate District	Location	Number of Registered Voters	2 Percent of Registered Voters
6	District 1	11 counties in northeast Colorado	90,983	1,820
7	District 7	Mesa County	110,167	2,203
8	District 20	Jefferson County	118,644	2,373
9	District 29	Arapahoe County	82,963	1,659
10	District 35	16 counties in south and southeast Colorado	88,962	1,779

11 *Percent of vote required to adopt changes to the constitution.* Under current law,  
 12 changes to the constitution require a simple majority of all votes cast, or 50 percent  
 13 plus one vote. Amendment ? changes this requirement to 55 percent of all votes cast,  
 14 except when a proposed amendment only repeals rather than changes part of the  
 15 constitution, in which case only a simple majority of votes is required.

*For information on those issue committees that support or oppose the measures on the ballot at the **November 8, 2016**, election, go to the Colorado Secretary of State's elections center web site hyperlink for ballot and initiative information:*

<http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html>

16 **Arguments For**

17 1) It should be difficult to change the constitution because it is a foundational  
 18 document for our state. Because the current requirements for proposing and adopting  
 19 constitutional and statutory amendments are the same, the constitution has seen the  
 20 addition of detailed provisions that cannot be changed without an election.  
 21 Amendment ? encourages citizen-initiated changes to law in statute rather than the  
 22 constitution, which allows the legislature to react when laws require clarification or  
 23 when problems or unforeseen circumstances arise.

24 2) Requiring that signatures for constitutional initiatives be gathered from each  
 25 state senate district ensures that citizens from across the state support measures  
 26 before they are placed on the ballot. Due to the relative ease of collecting signatures  
 27 in heavily populated urban areas compared to sparsely populated rural areas, rural  
 28 citizens currently have a limited voice in determining which issues appear on the  
 29 ballot.

1 **Arguments Against**

2 1) Amendment ? makes it too difficult for citizens to exercise their right to initiate  
3 constitutional changes. Sometimes the will of the people or issues of broad public  
4 interest are not adequately addressed by the political process. It is critical to protect  
5 the right of the voters to change the constitution because such changes can only be  
6 amended in a future election, and this level of protection should be maintained.

7 2) Requiring proponents to collect signatures statewide makes the process of  
8 placing a measure on the ballot even more difficult and costly. Amendment ? puts  
9 ballot access out of the reach of average Coloradans, leaving an important democratic  
10 tool accessible only to those able to bear the higher costs associated with a  
11 complicated signature-gathering process.

12 **Estimate of Fiscal Impact**

13 *(Please Note: A summary of the fiscal impact will be included in this space in the*  
14 *second draft of the analysis, and an official fiscal note will be prepared and placed on*  
15 *the web when the final blue book is sent to voters.)*