

STATE OF COLORADO

Colorado General Assembly

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MEMORANDUM

TO: Hattie Lou Reed and Mike Melanson
FROM: Legislative Council Staff and Office of Legislative Legal Services
DATE: April 1, 2020
SUBJECT: Proposed initiative measure 2019-2020 #317 regarding ballot access by candidates

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.

This initiative was submitted with a series of initiatives including proposed initiatives 2019-2020 #316 to #318. The comments and questions raised in this memorandum will not include the substantive comments and questions that were addressed in the memoranda for proposed initiative 2019-2020 #316, except as necessary to fully understand the issues raised by the revised proposed initiative. Comments and questions addressed in Categories I and II of that memorandum are hereby incorporated by reference in this memorandum.

Purposes

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

1. To eliminate the role of the political party assembly in designating candidates for the primary and general election ballots.
2. To ensure that candidates are placed on the ballot for the primary or general election, as applicable, exclusively by petition.
3. To change certain requirements affecting the sufficiency of petitions, including requirements governing the required number of signatures necessary on a petition.

Substantive Comments and Questions

The substantive questions and comments from Categories I and II of proposed initiative 2019-2020 #316 are incorporated by reference. Additionally, the substance of the proposed initiative raises the following comments and questions:

1. Regarding section 1-4-801, C.R.S.:
 - a. In subsection (2)(a), it appears that the language changed by the proposed amendment is substantially the same as the sentence it strikes and replaces except for the decrease in the number of *valid* signatures used as an alternate reference point (along with the percentage qualifier) from 1,000 to 750. Are these the only changes made by the proposed initiative to current law? If so, the proponents could make those more specific changes to the existing statutory text rather than repeating the entire sentence as modified. What is the basis for decreasing the required number of valid signatures used as the alternate reference point from 1,000 to 750?
 - b. With respect to subsection (2)(a.5), what is the basis for changing the required number of valid signatures from the lesser of 1,500 or 10% of the applicable votes cast to 1,250 valid signatures alone?
 - c. With respect to subsection (2)(b), what is the basis for changing the required number of valid signatures from the lesser of 1,000 or 30% of the applicable votes cast to 1,000 valid signatures alone for state senate candidates and 750 valid signatures alone for state house of representatives and certain district candidates?

- d. With respect to subsection (2)(b.5), what is the basis for changing the required number of valid signatures from the lesser of 1,000 or 10% of the applicable votes cast to 750 valid signatures alone?
 - e. With respect to subsection (2)(c)(II), what is the basis for changing the required number of valid signatures from at least 1,500 eligible electors in each congressional district to at least 8,500 statewide, of which at least 500 must come from each congressional district?
 - f. With respect to subsection (2)(c.5), what is the basis for increasing the required number of valid signatures from at least 1,000 in each congressional district to at least 6,000 statewide, of which at least 300 must come from each congressional district?
 - g. With respect to subsection (2)(c.7), what is the basis for increasing the required number of valid signatures from at least 500 eligible electors in each congressional district to at least 3,000 eligible electors statewide, of which at least 100 must come from each congressional district.
 - h. What is the basis for deleting from current section 1-4-801, C.R.S.:
 - i. Subsection (2)(e)?
 - ii. Subsection (2)(f)?
 - iii. Subsection (4)?
2. The new signature requirements for the offices referenced in subsections (2)(c)(II), (2)(c.5), and (2)(c.7) represent a very significant increase from the existing signature requirements for those offices. What is the proponents' rationale in making the new signature requirements for these offices so much greater than the existing requirements?
3. Regarding section 1-4-802, C.R.S.:
- a. With respect to subsection (1)(c)(I), what is the basis for decreasing the required number of valid signatures in each congressional district from at least 1,500 to at least 1,250?
 - b. With respect to subsection (1)(c)(II)(A), what is the basis for changing the required number of valid signatures from at least 1,000 in each congressional district to at least 5,000 statewide, including at least 300 in each congressional district?

- c. With respect to subsection (1)(c)(II)(B), what is the basis for changing the required number of valid signatures from at least 500 in each congressional district to at least 3,000 statewide, including at each 100 in each congressional district?
- d. With respect to subsection (1)(c)(III), what is the basis for changing the required number of valid signatures from the lesser of 1,500 or 2 and 1/2% of the applicable votes cast to at least 1,250 valid signatures alone?
- e. With respect to subsection (1)(c)(IV), what is the basis for changing the required number of valid signatures from the lesser of 1,000 or 3 and 1/3% of the applicable votes to at least 1,000 valid signatures alone?
- f. With respect to subsection (1)(c)(V), what is the basis for changing the required number of valid signatures from the lesser of 1,000 or 5% of the applicable votes cast to at least 750 valid signatures alone?
- g. With respect to subsection (1)(c)(VI), what is the basis for changing the required number of valid signatures from the lesser of 1,000 or 3% of the applicable votes to at least 750 valid signatures alone?
- h. With respect to subsection (1)(c)(VII), the existing provision applies to county offices. What is the effect and meaning of inserting a petition requirement in the middle of the sentence that applies to "the political subdivision." Under subsection (1)(c)(VII) as it would be amended by the proposed initiative, to what offices would this provision apply? Why not keep the reference uniform as applying to county offices? Please state how you understand this provision to operate?
- i. The new signature requirements for the office of an at-large seat on either the state board of education or the board of regents of the university of Colorado that are referenced in subsection (1)(c)(II)(B) represent a very significant increase from the existing signature requirements for those offices. What is the proponents' rationale in making the new signature requirements for these offices so much greater than the existing requirements?

Technical Comments

There are no new technical comments.