



**Colorado  
Legislative  
Council  
Staff**

**SB17-152**

**FINAL  
FISCAL NOTE**

**FISCAL IMPACT:**  State  Local  Statutory Public Entity  Conditional  No Fiscal Impact

**Drafting Number:** LLS 17-0442  
**Prime Sponsor(s):** Sen. Court  
Rep. Kennedy

**Date:** August 17, 2017  
**Bill Status:** Signed into Law  
**Fiscal Analyst:** Chris Creighton (303-866-5834)

**BILL TOPIC:** IMPLEMENT CHANGES MADE BY AMENDMENT 71

<b>Fiscal Impact Summary</b>	<b>FY 2017-2018</b>	<b>FY 2018-2019</b>
<b>State Revenue</b>		
<b>State Expenditures</b>	<b><u>\$4,120</u></b>	Workload and expenditure increase.
Cash Funds	4,120	
<b>Appropriation Required:</b> \$4,120 - Department of State (FY 2017-18).		
<b>Future Year Impacts:</b> Ongoing workload and expenditure increase.		

**Summary of Legislation**

This bill updates Colorado statutes to reflect the changes to the Colorado constitution under Amendment 71, which was approved by the voters during the 2016 General Election. The initiative process is updated for constitutional amendments (constitutional initiatives) as follows:

- The Title Board is required to determine if a proposed constitutional amendment repeals all or part for a provision in the constitution. Proponents are authorized to appeal for a rehearing on such decisions.
- The signature requirements for citizen-initiated constitutional amendments are updated to reflect the new requirement that signatures must be gathered in each state senate district. And the existing random sampling process for verifying signatures is modified to incorporate district-level verification of all signatures if a minimal statistical threshold is met.
- The Department of State is required to notify the proponents of the current number of state senate districts, boundaries, and the number or registered voters in each at the time a constitutional initiative petition is approved for signature collection.
- The Department of State is required to issue a statement indicating whether the required number of signatures overall from each senate district and a sufficient number of signatures have been submitted when certifying the issue petition for the ballot.
- At least 55 percent of votes must be cast to pass an amendment to the state constitution.

## **Background**

In Colorado, citizens have the power to propose changes to the state constitution and statutes through the citizen initiative process. Under this process, proponents must collect a certain number of signatures to place an initiative on the ballot. In order to place a citizen initiative on the ballot to change the constitution or state statutes, proponents must collect enough signatures equal to at least 5 percent of the votes cast in the most recent election for Secretary of State. In 2016, this requirement was 98,492 signatures. Amendment 71 added the requirement that signatures for citizen initiatives to change the state constitution must be collected in each of the state's 35 senate districts in an amount of at least 2 percent of the registered voters in each district. Also, constitutional initiatives amending the constitution must receive 55 percent of the vote. However, constitutional initiatives that only repeal a prior constitutional amendment, in whole or in part, only require a majority vote to pass.

## **State Expenditures**

This bill increases workload and expenditures as discussed below.

**Statewide voter registration and election database.** In FY 2017-18, this bill increases Department of State cash fund expenditures by \$4,120. These funds are needed to make minor changes in the statewide voter registration system to capture voter information by senate district and to generate associated reports. This work requires 40 hours of computer programming at a rate of \$103 per hour.

**Title Board review.** This bill requires the Title Board to review each constitutional initiative to determine if it repeals, in whole or in part, a prior amendment to the state constitution. This increases workload for members of the Title Board which includes staff from the Department of Law, the Department of State, and the Office of Legislative Legal Services. The proponents of a constitutional initiative may file a motion for a rehearing of this determination with the Title Board. To the extent that rehearsals occur, workload for the Title Board further increases. This workload increase is consistent with current Title Board duties and can be accomplished within existing appropriations.

**Department of State.** Department of State workload is increased to record additional Title Board determinations and to notify the proponents of the current number of state senate districts, boundaries, and the number of registered voters in each at the time a constitutional initiative petition is approved for signature collection. This workload increase can be accomplished within existing appropriations.

This bill requires the signatures on the constitutional initiatives to be examined if the initiative is deemed to have sufficient signatures after random sampling is conducted. Signature validation is conducted for the Department of State by the Integrated Document Solutions group of the Department of Personnel and Administration using funds reappropriated from the Department of State Cash Fund. While the additional signature verification increases costs, Amendment 71 will likely reduce the number of constitutional initiatives. Therefore, the number of future constitutional initiatives and signatures needing to be examined is not known. Should additional funds be needed they will be requested through the annual budget process.

**Office of Administrative Courts.** This bill potentially increases workload in the Office of Administrative Courts, in the Department of Personnel and Administration for administrative law judges to hear cases related to petition signature sufficiency. This would also increase costs for the Department of State. It is believed that any increase can be accomplished within existing appropriations and additional appropriations will be requested through the annual budget process, if needed.

### **State Appropriations**

For FY 2017-18, consistent with this fiscal note, this bill requires and includes an appropriation of \$4,120 to the Department of State from the Department of State Cash Fund.

### **Effective Date**

The bill was signed into law by the Governor on April 28, 2017, and became effective on August 9, 2017.

### **State and Local Government Contacts**

Information Technology  
Legislative Council  
Personnel and Administration

Law  
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