



Legislative Council Staff

Research Note

Version: Final

Date: 4/6/2017

Bill Number

Senate Bill 17-152

Sponsors

Senator Court
Representative Kennedy

Short Title

**Implement Changes Made By
Amendment 71**

Research Analyst

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Status

This research note reflects the final version of the bill, which becomes effective August 9, 2017, assuming no referendum petition is filed.

Background

Colorado voters adopted Amendment 71 in the 2017 General Election. The amendment changed the process by which voters can initiate amendments to the Colorado constitution by adjusting the number of signatures petitioners must collect and increasing to 55 percent the number of votes a proposed amendment must receive.

Previously, initiative proponents were required to collect enough signatures to equal at least 5 percent of the total votes cast statewide in the most recent election for Secretary of State. This signature requirement remains in effect for statutory initiatives. Under Amendment 71, proponents of constitutional initiatives must collect signatures equal to at least 2 percent of the registered voters in each of the state's 35 senate districts. This bill provides statutory guidance to the Secretary of State to implement these requirements.

Under Amendment 71, the percentage of votes required for a constitutional amendment to be adopted is increased from 50 percent to 55 percent. However, an initiative that only repeals existing constitutional language, in whole or in part, only requires a majority vote for adoption. This bill empowers the Title Board to determine whether a proposed constitutional amendment repeals existing language. The Title Board currently determines whether proposed initiatives contain a single subject as required by the state constitution. The Title Board is made up of one representative each from the offices of the Secretary of State, the Attorney General, and Legislative Legal Services. The Title Board conducts public meetings, and its actions require a

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majority vote. Title Board decisions can be reheard at the request of a measure's proponents or any registered elector in the state. Actions at rehearing may be appealed to the Colorado Supreme Court. Under the bill, these processes will also apply to Title Board decisions about repealing existing constitutional language.

Senate Action

Senate State, Veterans, and Military Affairs Committee (February 15, 2017). At the hearing, the Deputy Secretary of State and a representative from the Colorado Farm Bureau testified in support of the bill. A representative from Building a Better Colorado testified on the bill in a neutral position.

The committee adopted a conceptual amendment replacing the bill's safety clause with a petition clause and referred the bill, as amended, to the Senate Appropriations Committee.

Senate Appropriations Committee (February 28, 2017). The committee adopted amendment J.001 and referred the bill to the Senate Committee of the Whole. The amendment added an appropriations clause to the bill.

Senate second reading (March 2, 2017). The Senate adopted the Senate State, Veterans, and Military Affairs and Appropriations committee reports and passed the bill on second reading, as amended.

Senate third reading (March 3, 2017). The Senate passed the bill on third reading with no amendments.

House Action

House State, Veterans, and Military Affairs Committee (March 16, 2017). At the hearing, the Deputy Secretary of State testified in support of the bill. The committee referred the unamended bill to the House Appropriations Committee.

House Appropriations Committee (March 31, 2017). The committee adopted amendment J.002 and referred the bill to the House Committee of the Whole. The amendment clarified that the bill's appropriation would be used for information technology services.

House second reading (March 31, 2017). The House rejected the House Appropriations committee report at the request of the sponsor and passed the bill, unamended, on second reading.

House third reading (April 3, 2017). The House passed the bill on third reading with no amendments.

Relevant Research

Legislative Council Staff, How to File Initiatives:
<http://leg.colorado.gov/content/how-file-initiatives>