



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Room 029 State Capitol, Denver, CO 80203-1784

Phone: (303) 866-3521 • Fax: (303) 866-3855

lcs.ga@state.co.us • leg.colorado.gov/lcs

Memorandum

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TO: Initiative Proponents and Other Interested Parties

FROM: Bill Zepernick, Fiscal Notes Manager, 303-866-4777
Josh Abram, Principal Fiscal Analyst, 303-866-3561

SUBJECT: Process for Submitting Fiscal Information for Consideration by LCS

Overview

Legislative Council Staff (LCS) is required to provide fiscal information for all citizen-initiated ballot measures seeking a place on the statewide ballot. This information is provided in two stages. First, when a measure is submitted to the Title Board, LCS prepares a brief fiscal summary. This fiscal summary must be included by proponents on their signature petitions. Once a measure is approved for signature gathering, LCS will prepare a fiscal impact statement within 14 days. Initiative proponents and other interested parties may submit draft fiscal summaries and fiscal estimates, which LCS must consider when preparing the fiscal summary and fiscal impact statement. This memorandum provides instructions and deadlines for interested parties to submit fiscal information for consideration by Legislative Council Staff, outlines the process for filing a motion for a rehearing before the Title Board if there are objections to the fiscal summary prepared by LCS, highlights information that should be included in submissions, and provides additional resources for citizens participating in the ballot initiative process.

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Instructions

To submit fiscal information about a proposed ballot measure to Legislative Council Staff, interested persons should review and follow these guidelines:

- Submissions must include the author's full name, title, organization (if any), and contact information. Designated representatives of the proponents should indicate this status in their submission.
- Draft fiscal summaries and fiscal estimates must be submitted in portable document format (PDF). Spreadsheets, databases, and other documents that show calculations and provide data may also be submitted.
- The PDF and any other files should be sent as e-mail attachments to: BallotImpactEstimates.ga@state.co.us.
- The email with the PDF attachment should include the initiative number and topic in the subject line. For example: Initiative 108 - Funding for the Office of Film, Television, and Media.
- Draft fiscal summaries should be submitted as soon as possible following the Review and Comment hearing, but no later than seven days before the Title Board hearing.
- Fiscal estimates and information regarding the initial fiscal impact statement should be submitted as soon as possible after a petition section is sent to the Secretary of State for approval, but no later than seven days after a petition is approved for signature gathering.

Information to Include in Fiscal Estimates

Fiscal information from proponents and other interested parties should focus on the information that Legislative Council Staff is required to include in its analyses, specifically the impact the measure will have on state and local government revenues, expenditures, taxes, and fiscal liabilities. Fiscal summaries and fiscal impact statements focus primarily on the direct impacts to state government agencies and local governments. The fiscal summary also describes the potential economic impacts of a measure. Key questions to ask when providing fiscal information are listed below.

Expenditures and Staffing

- Which state and/or local agencies are responsible for implementing the measure?
- Will the implementing agencies require new staff?
- Does the measure require computer systems, data collection, or other duties?
- Are there recurring costs under the measure?
- Does the measure require one-time costs to implement?

Revenue

- Does the measure require that new taxes or fees be collected?
- If so, how much? How is new revenue spent?
- How many people will pay the new tax or fee?

Economic Impacts

- How will the measure affect the state economy?
- Will certain groups of people or segments of the economy be affected differently?

Legislative Council Staff will consider all information submitted. However, we will use our professional judgement on whether and how to incorporate any information received into our analysis so that information presented to voters is unbiased, accurate, and nonpartisan in nature. The most helpful, useful, and effective submissions will include verifiable data from independent sources such as government agencies, industry research groups, and nonprofit entities. Helpful submissions should use reasonable and realistic assumptions about how the measure will be implemented, clearly stated in narrative form.

Title Board Schedule and Submission Deadlines for Fiscal Summaries

By law, the Title Board meets on the 1st and 3rd Wednesday of each month beginning in December following an even-year election and ending in April prior to the next election. For the current election cycle, this means the Title Board will meet from December 2020 through April 2022. For a ballot measure to be scheduled at the Title Board, it must be submitted to the Secretary of State by 3:00 p.m. on the 12th day before the board meets. The fiscal summary for each measure must be completed by the time the Title Board meets to set the measure's ballot title. Completed fiscal summaries must be delivered to the Secretary of State and the measure's proponents, and published on the General Assembly's website. Proponents must include the fiscal summary on signature petitions.

To ensure that any information or drafts you provide are considered fully in the preparation of a fiscal summary, you must submit information at least 7 calendar days prior to the Title Board hearing. Please submit information as early as possible to allow the maximum time for Legislative Council Staff to consider your submittal and ask any follow-up questions. While all information submitted will be considered, it may not necessarily be incorporated into the fiscal summary prepared by Legislative Council Staff. All submissions are public records and will be posted on the General Assembly's website for each initiative filed.

Rehearings and Modifications to Fiscal Summary

When a measure is first heard by the Title Board for title setting, Legislative Council Staff provides a fiscal summary. The fiscal summary is accepted by the Title Board without additional review. However, if the proponents or other parties believe that the fiscal summary is prejudicial or misleading, or otherwise does not comply with the requirements in state law, they may file a motion for a rehearing at the Title Board. Proponents must ask for a rehearing within seven days and the motion must identify the specific wording in the fiscal summary that is challenged or the requirement at issue. At the rehearing, the Title Board may modify the fiscal summary. If the fiscal summary is modified, the Secretary of State's Office must send a copy to the Legislative Council Staff to post on its website.

Submission Deadlines for Initial Fiscal Impact Statements

After a title is set for a measure and any motions for rehearing are settled, proponents may submit a petition section to the Secretary of State for approval to begin collecting signatures. Once a petition is approved, Legislative Council Staff will prepare an initial fiscal impact statement within 14 days. This fiscal impact statement must be similar in form and content to fiscal notes provided by Legislative Council Staff for bills during the legislative session. As in the process for fiscal summaries, proponents and other interested parties may submit fiscal information and estimates to Legislative Council Staff to consider when drafting the initial fiscal impact statement. To ensure that we have time to fully consider your submissions, any information or fiscal estimates should be provided no later than seven days after a petition has been approved for circulation. The initial fiscal impact statement will be posted on the General Assembly website.

Updates to Fiscal Analyses

Fiscal estimates depend on the information available and assumptions made at a particular point in time. Legislative Council Staff may update the estimates and information provided in the fiscal summary and initial fiscal impact statement in subsequent documents as a ballot measure moves through the process. For example, the initial fiscal impact statement may include updated information or estimates that are different than what is shown in the fiscal summary. Similarly, the initial fiscal impact statement may be updated when we prepare the final fiscal impact statement for the Blue Book.

Additional Information and Resources

On the [fiscal notes section](#) of the Legislative Council Staff website under “Information for State Agencies,” proponents and other interested parties can find additional information and resources that may assist them in developing fiscal estimates about their measures. These resources include (1) an expense calculation spreadsheet and (2) the fiscal note common policies, which are rules and instructions used by Legislative Council Staff and state agencies to develop fiscal estimates for legislation during the legislative session. The [Joint Budget Committee website](#) also hosts various budget documents and appropriations reports about state agencies and programs that may be useful to use or consider when considering the potential fiscal impact of a measure. Additional information about the Title Board may be found on the [Secretary of State website](#).