

STATE OF COLORADO

Colorado General Assembly

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MEMORANDUM

TO: Donald Creager III and John Ebel
FROM: Legislative Council Staff and Office of Legislative Legal Services
DATE: April 16, 2021
SUBJECT: Proposed initiative measure 2021-2022 #36, concerning Petitions

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 proposed initiative 2021-2022 #35. The comments and questions raised in this memorandum will not include comments and questions that were addressed in the memorandum for proposed initiative 2021-2022 #35, except as necessary to fully understand the issues raised by the revised proposed initiative. Comments and questions addressed in that other memorandum may also be relevant, and those questions and comments are hereby incorporated by reference in this memorandum. Only new comments and questions are included in this memorandum.

Earlier versions of this proposed initiative, proposed initiatives 2021-2022 # 6, 2021-2022 ##8-12, and 2021-2022 ## 23 and 24, were the subject of memoranda dated

were the subject of memoranda date November 27, 2020, December 31, 2020, and March 22, 2021, which were discussed at public meetings on November 30, 2020, January 6, 2021, and March 25, 2021. The substantive and technical comments and questions raised in this memorandum will not include comments and questions that were addressed at the earlier meetings, except as necessary to fully understand the issues raised by the revised proposed initiative. However, the prior comments and questions that are not restated here continue to be relevant and are hereby incorporated by reference in this memorandum.

Purposes

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

1. To modify the following aspects of the petition process: filing procedures, deadlines, government administration, signature form and review, number of signatures required, protest and appeals, voter information, enforcement, and election timing;
2. To extend initiatives and referenda to counties and other local governments;
3. To restrict the Colorado General Assembly's authority to make bills petition exempt;
4. To allow laws enacted by initiative to be changed only by another initiative; and
5. To repeal the requirement that constitutional amendments, other than those that are limited to repealing a provision, must be approved by 55% of the voters.

Substantive Comments and Questions

There are no new substantive comments.

Technical Comments

There are no new technical comments.