

## **The Basic Steps To Do An Initiative In Colorado Statutes And Amendments – Direct Initiative Process**

**Basic Procedures:** Proponents must submit the original text of the measure to the directors of the Legislative Council Staff and the Office of Legal Services for review and comment. Proponents must designate two people as those representing the proponents in all matters affecting the petition. Drafts are to be submitted in typewritten form and are to be written in plain, non-technical language, using words with common and everyday meaning understandable to the average reader.

Upon receiving the proposed measure, directors set a date for a public hearing no later than two weeks from the date the measure is filed. The director of the Legislative Council Staff provides proper notice of the date, time, and place for the meeting. Measures accepted as a legal filing are a matter of public record and are available for public distribution.

Comments on proposed initiated measures are prepared by the Legislative Council Staff and the Office of Legislative Legal Services for review during the public hearing. The comments typically contain a summary of the proposal followed by a series of questions concerning the wording, intent, and purpose of the proposal. The Legislative Council Staff and Legislative Legal Services directors may request the assistance of state agencies in preparing the comments. Agencies are required to assist when so requested. Proponents receive the comments prior to the meeting, but the comments are not disclosed to the public before the hearing, except with permission of the proponents.

The public hearing conducted by the Legislative Council Staff and Legislative Legal Services is informal in nature. The purpose of the meeting is to give the public notice that a proposal on a given topic is under consideration and to review the purposes and wording with the proponents so that the proposal states what the proponents want it to state. The comments are intended to help proponents clarify their proposal, but proponents are not required to accept the suggestions made in the comments. The meeting is open to the public and, while persons who may oppose a measure are welcome to attend, no testimony or comments are accepted from anyone other than the proponents. The meeting is tape recorded for the public record.

Following the public hearing, proponents may submit the measure to the Secretary of State who chairs the Ballot Title Setting Board. The ballot title, submission clause, and summary are established by a board consisting of the Secretary of State, the Attorney General, and the director of the Office of Legislative Legal Services.

The Ballot Title Setting Board usually completes its work on the ballot title, submission clause, and summary at its first meeting. If the board is unable to complete action on all of its agenda, motions for rehearing may be continued until the board's next meeting.

If a proponent or any registered elector claims that a ballot title, submission clause, or summary is unfair or does not fairly express the meaning of a proposal, that person may request a rehearing by the Ballot Title Setting Board. Such request must be made within seven days after the title and summary are set.

Such rehearing will be held at the next regularly scheduled meeting of the board. If the board is unable to complete action on the request for rehearing, consideration of the request may be continued until the next available day, except that if the request was to be heard on the last meeting date in May, it must be heard within 48 hours after the motion is filed.

An appeal for change in the ballot title, submission clause, and summary may be made to the Colorado Supreme Court, pursuant to Section 1-40-107 (2) and (5), C.R.S.

Once the ballot title, submission clause, and summary are established, petitions may then be circulated throughout the state to obtain the required number of signatures.

**Date Initiative language can be submitted to state for November 2002:**  
Can be submitted anytime after the first Wednesday in December of 2000.

**Signatures are tied to vote of which office:** Secretary of State

**Next Secretary of State election:** 2002

**Votes cast for Secretary of State in last election:** 1,611,420 (Note: Although Secretary of States are normally elected every four years, a vacancy was filled in 2000.)

**Net number of signatures required:** 5% of votes cast for Secretary of State in last election, for both statutes and amendments. (80,571 signatures)

**Distribution Requirement:** None

**Circulation period:** 6 months

**Do circulators have to be residents:** No

**Date when signatures are due for certification:** The petition must be filed within 6 months from when the final language is set by the Title Board and no later than 3 months before a statewide election. (August 5, 2002 for the November 2002 ballot.)

**Signature verification process:** The Secretary of State verifies signatures by a random sample procedure. Not less than five percent of the signatures, and in no event fewer than 4,000 signatures, are to be verified. If the sample indicates that the number of valid signatures is 90 percent or less of the required total, the petition is deemed to have insufficient signatures. If the valid signatures are found to be 110 percent or more of number required, the petition is deemed sufficient. However, if the number of valid signatures is found to be over 90 percent but less than 110 percent of the required number, the law requires that each signature on the petition be verified.

**Single-subject restriction:** Yes

**Legislative tampering:** The Legislature can repeal and amend an initiative statute passed by the voters.

**General Comments:** If the Ballot Title Setting Board finds that more than one subject is contained in a proposal, the proponents are permitted to change the measure. If the changes by the proponents involve only the removal of language to achieve a single subject, another review and comment hearing with the Office of Legislative Legal Services and the Legislative Council Staff may not be required. However, if the board finds that revisions are so substantial that another hearing is in the public interest, another review and comment hearing may be required.

If a proposal is revised and resubmitted to the board, a ballot title can be set or the title board can conclude that the proposal still contains more than one subject. In the event of a dispute over the single subject rule, the board can set the title without including reference to the provisions it thought was in violation of the rule. The constitution provides that, if there is any part of a proposal not clearly expressed in the ballot title, that part is to be considered void.