# ELECTIONS

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## Initiative and Referendum

**HB 15-1057** *(Enacted)*
The Statewide Initiative Process

## Voter Registration

**SB 15-060** *(Enacted)*
Preventing Multiple Voter Registrations

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| ***Date:*** | ***5/7/2015*** |
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# Legislative Council Staff
## *Research Note*

**Bill Number:** **HB15-1057**

**Short Title:** *The Statewide Initiative Process*

**Prime Sponsors:** Representatives Court and DelGrosso
Senators Sonnenberg and Hodge

**Research Analyst:** **Julia Jackson (x4788)**

### Current Status

The bill is pending the Governor's signature.

### Summary

As amended, the bill modifies the review and comment hearing process for proposed initiatives by requiring both designated representatives of a measure to attend the hearing. If one of the representatives fails to attend, the petition is automatically resubmitted and the hearing rescheduled, unless the proponents object to the automatic resubmission.

Once an initiated measure has been submitted to the Title Board, the bill requires Legislative Council Staff (LCS) to prepare an initial fiscal impact statement, which must be provided to the designated representatives and the Secretary of State before the Title Board meeting at which the measure is considered. The statement must also be posted online. It should be similar to the fiscal notes prepared for bills and include an abstract of the measure's fiscal impact to be included on the petition for the measure.

The bill requires the statement to include estimates of the following:

- the effect of the measure on state and local government revenues, expenditures, taxes, and fiscal liabilities;
- the measure's economic benefits for all Coloradans;
- the amount of any recurring expenditures or liabilities for state and local governments as a result of the measure; and
- the impact of the measure on the average taxpayer, if the measure concerns taxes.

The initial fiscal impact estimate should take into account estimates submitted by the proponents, the Governor's Office of State Planning and Budgeting, and the Department of Local Affairs. The proponents may file a motion for rehearing with the Title Board if they are not satisfied with the abstract, and the Title Board can modify the abstract at the rehearing.

If a measure is successfully placed on the ballot, the initial fiscal impact statement can be modified for the Blue Book.

**Background**

To place a measure on the statewide ballot, state law and regulations currently require the following:

1. The text of the proposed measure must be submitted to LCS for review and comment. The proposal must be accompanied by the names and addresses of two designated representatives, who will represent the proponents. A public review and comment meeting is scheduled for two weeks after the measure was filed, and a proponent (but not necessarily one of the designated representatives) must attend.

2. The Office of Legislative Legal Services (OLLS) and LCS prepare written comments on the proposal, addressing both content and technical concerns. The comments are presented at the public review and comment meeting. Proponents may discuss the comments with staff, and they may revise their proposal accordingly, but they are not required to do so.

3. If the proponents submit a revised proposal, it goes through another review and comment process, unless staff has no additional comments.

4. Following the review and comment process, the proposal can be submitted to the Secretary of State for title setting.

5. The ballot title and submission clause are set by the Title Board, which consists of designees of the Secretary of State, the Attorney General, and OLLS. The Title Board holds public meetings twice monthly as necessary, and its actions require a majority vote. The Title Board cannot set a title if it determines that the proposal contains more than one subject. Its titles must be brief, unambiguous, and in the form of a yes or no question.

6. If the Title Board finds that a proposal contains more than one subject, the proponents may revise the proposal and resubmit it directly to the Title Board. However, if the board feels that the revisions are substantial, the proposal must be resubmitted for the review and comment process.

7. If proponents (or any registered voter) believes the title and submission clause set by the Title Board are unfair, or disagree with a single subject determination, they can request a rehearing by the Title Board. After a rehearing, anyone who remains dissatisfied with the outcome may file an appeal with the Colorado Supreme Court.

8. Once the ballot title and submission clause are set and the petition form is approved by the Secretary of State, petitions for the proposal may be printed and circulated throughout the state to obtain the required number of signatures. Each petition section must contain the names and addresses of the two designated representatives, as well as the language of the proposed measure. Each page

must include the title, ballot title, and submission clause. Only registered electors may sign petitions. To be placed on the ballot, a proposal must receive five percent of the total votes cast for all candidates for the Office of Secretary of State at the previous general election. In 2014, the number of required signatures was 86,105.

9. Signed petitions must be submitted to the Secretary of State within six months of final title setting, but in no event later than three months before the election.

10. The Secretary of State verifies signatures using a random sample of at least five percent. If the random sample indicates a percentage of valid signatures greater than 110 percent of the required number, the petition is deemed sufficient. If the percentage is less than 90 percent of the required number, the petition is deemed insufficient. If the random sample indicates a percentage of valid signatures between 90 and 110 percent of the required number, each signature must be individually verified to determine sufficiency. The Secretary of State has 30 days to make a determination of sufficiency.

11. If a petition is found insufficient, the proponents have 15 days to "cure" it by submitting an addendum with the additional signatures necessary. The Secretary of State then has ten days to verify each new signature. Regardless of the time line, the deadline of three months before the election cannot be extended. The determination of sufficiency can be appealed to the Denver District Court within 30 days of the determination. The burden of proof lies with the protesting party, and the Colorado Supreme Court must review the decision if so requested.

12. Once a statement of sufficiency is issued, the proposal is numbered and placed on the ballot. LCS prepares the Blue Book, covering all initiated and referred measures on the statewide ballot.

**House Action**

***House State, Veterans, and Military Affairs Committee (March 25, 2015).*** The committee first heard the bill for witness testimony and committee discussion only. A number of individuals testified against the bill, along with groups such as Common Cause, Conservation Colorado, and the Independence Institute. Groups such as the League of Women Voters, the Colorado Water Congress, and the Colorado Municipal League testified in support of the bill.

***House State, Veterans, and Military Affairs Committee (April 20, 2015).*** At this action-only hearing, the committee adopted the following amendment:

- L.014 makes a number of changes to the introduced bill. First, it provides a mechanism for automatic resubmittal in the event that both of the proponents do not attend the scheduled hearing. Second, it eliminates the recommendation that the proponents submit a fiscal impact estimate along with their proposed measure, providing them instead with the option to provide input to LCS on the measure's fiscal impact. Third, the requirement that a two-sentence fiscal impact summary appear on every page of a petition section is eliminated. Finally the amendment provides for a public meeting and public comment on LCS's initial fiscal impact estimate, an opportunity to file a motion for rehearing to the Title Board based on

the estimate, and clarification that the General Assembly cannot modify the initial fiscal impact statement.

***Legislative Council Committee (April 24, 2015).*** At this hearing, the committee adopted the following amendment:

- L.018 eliminates the requirement that LCS conduct a public meeting about the draft of the initial fiscal impact statement. It also slightly modifies the statement included on the initial fiscal impact abstract.

***House Appropriations Committee (April 29, 2015).*** At this hearing, the committee adopted the following amendment:

- J.001 appropriates $18,414 and 0.3 FTE to the legislative department for LCS.

***House Committee of the Whole (May 1, 2015).*** The House adopted the following amendments:

- L.024 clarifies that the Title Board does not consider the fiscal impact statement at a measure's initial hearing, but if a rehearing is requested to challenge the fiscal impact statement, the Title Board will consider the statement at the rehearing. It also clarifies that the Title Board may modify the statement at the rehearing;
- L.060 requires that the initial fiscal impact statement include a statement of the measure's economic benefits for all Coloradans; and
- L.031 modifies statutory definitions of lobbying to include members of LCS as covered officials and the preparation of the initial fiscal impact statement as an action that can be influenced by lobbying.

***Senate State, Veterans, and Military Affairs Committee (May 4, 2015).*** At this hearing, the committee took testimony opposing the bill from Colorado Common Cause and Conservation Colorado. Colorado Concern testified in support of the bill.

***Senate State, Veterans, and Military Affairs Committee (May 5, 2015).*** At this action-only hearing, the committee considered, but did not adopt, a number of amendments to the bill.

***Senate Appropriations Committee, Senate Committee of the Whole (May 5, 2015).*** The Senate did not amend the bill.

**Relevant Research**

*Placing an Initiated Proposal on the Statewide Ballot* (LCS website, 2014): http://tinyurl.com/7yjnq2k

*Initiative Procedures & Guidelines* (Secretary of State website, 2014): http://tinyurl.com/nesffsb

*Recent Changes to the Initiative and Referendum Process* (LCS Issue Brief, 2012): http://tinyurl.com/p2hypfh

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| ***Date:*** | ***6/18/2015*** |
| ***Version:*** | ***Final*** |

# Legislative Council Staff
## *Research Note*

**Bill Number:** **SB15-060**

**Short Title:** *Preventing Multiple Voter Registrations*

**Prime Sponsors:** Senator Holbert
Representative Everett

**Research Analyst:** **Julia Jackson (x4788)**

### Current Status

This research note reflects the final version of the bill, which becomes effective on August 5, 2015, assuming no referendum petition is filed.

### Summary

This bill allows the Secretary of State (SOS) to forward to the appropriate county clerk and recorder any information obtained from the Division of Motor Vehicles (DMV) in the Department of Revenue. If information about an elector meets the minimum matching criteria specified in statute, the county clerk must then update the elector's voter registration record.

### Background

Pursuant to the National Voter Registration Act of 1993 ("Motor Voter"), states must offer voter registration materials to anyone applying for or renewing a driver's license at the DMV. However, DMV records are not integrated with Colorado's voter registration database (known as SCORE), so changes to driver's license records do not necessarily result in updated voter registration records. It is possible under this system for a registered voter to attempt to register again, possibly after a name or address change, and have the duplication go unnoticed. Under Colorado's mail ballot delivery system, a duplicated voter registration could result in a voter receiving two ballots.

### Senate Action

***Senate State, Veterans, and Military Affairs Committee (February 2, 2015).*** At the hearing, the SOS and representatives from Colorado Common Cause and county clerks' offices testified in support of the bill.

The committee adopted amendment L.004, which clarified that the county clerk will only update the voter registration when minimum matching criteria specified in state statute are met. This means that the county clerk must be able to match the elector's name, date of birth, and either prior residence, driver's license number, or social security number.

The committee referred the bill, as amended, to the Senate Committee of the Whole and the consent calendar.

***Senate second reading (February 4, 2015).*** The Senate adopted the State, Veterans, and Military Affairs committee report and passed the bill, as amended, on second reading.

***Senate third reading (February 5, 2015).*** The Senate passed the bill on third reading with no amendments.

**House Action**

***House State, Veterans, and Military Affairs Committee (March 25, 2015).*** At the hearing, the Deputy SOS and a representative of Colorado Common Cause testified in support of the bill. The committee referred the unamended bill to the House Committee of the Whole.

***House second reading (March 27, 2015).*** The House passed the bill on second reading with no amendments.

***House third reading (March 30, 2015).*** The House passed the bill on third reading with no amendments.

**Relevant Research**

*Voter Registration and Identification (LCS Issue Brief, 2012): http://tinyurl.com/p4xlh9z*