

SUPREME COURT OF COLORADO  
101 West Colfax Avenue, Suite 800  
Denver, Colorado 80203

Original Proceeding  
Pursuant to Colo. Rev. Stat. §1-40-107(2)  
Appeal from the Ballot Title Board

In the Matter of the Title, Ballot Title, and  
Submission Clause for Proposed Initiatives 2011-  
2012 #67, #68, #69 ("Citizen Initiative Process")

**Petitioner: PHILIP HAYES**

v.

**Respondents: DAVID OTTKE and JOHN  
SLOTA**

and

**Title Board: SUZANNE STAIERT; DANIEL  
DOMENICO; and SHARON EUBANKS**

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OF THE STATE OF COLORADO  
Christopher T. Ryan, Clerk

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Case No. 2012 SA 117

**PETITIONER'S OPENING BRIEF**

## **CERTIFICATE OF COMPLIANCE**

I hereby certify that this brief complies with all applicable requirements of C.A.R. 28 and C.A.R. 32, including all formatting requirements set forth in those rules. Specifically, the undersigned certifies that the brief complies with C.A.R. 28(g). The brief contains 3,915 words.

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## **STATEMENT OF ISSUES PRESENTED**

Whether the Title Board erred by conducting the rehearing on the titles it set earlier for Initiatives 2011-2012 #67, #68, and #69 when only one of the two designated representatives attended the rehearing, contrary to the 2011 statutory amendment, requiring that “each designated representative of the proponents shall appear at any title board meeting” at which their measure “is considered.”

Whether the Title Board erred in finding that Initiatives 2011-2012 #67, #68, and #69 each comprised a single subject when all of them make changes in the way the legislature may amend or repeal initiated statutes and also, by their express terms, retroactively limit legislative reconsideration of any initiated statute ever adopted (the first such statute being adopted in 1912) – a surreptitious change as to many different laws.

Whether the Title Board erred by failing to inform voters in the ballot titles set that Initiatives 2011-2012 #67, #68, and #69 are expressly retroactive in nature.

## **SUMMARY OF THE ARGUMENT**

In 2011, the Colorado General Assembly amended the Title Board’s authorizing statute to require that both designated representatives appear at any Title Board meeting at which their proposal is considered. The statute is explicit in this regard, and it allows designated representatives to have their measure

considered at the next meeting of the Title Board if they are not both able to attend. Likewise, the Secretary's guidance allows designated representatives to be replaced for any reason. However, here, the Title Board considered Philip Hayes' motion for rehearing even though one of the two designated proponents, John Slota, was not at the meeting of the Board. This was error.

Similarly, the Title Board erred by finding that these measures comprise a single subject. These three initiatives all change the rules by which an initiated statute can be repealed or even amended. By their express terms, all three proposals apply retroactively to all initiated statutes adopted by voters since this right of initiative was first exercised in 1912. The subjects that are addressed by those initiated statutes varies widely, and by requiring a  $\frac{3}{4}$  majority in each house of the General Assembly just to amend one of these statutes or requiring that the voters themselves enact the amendment or repeal is to, in essence, give initiated statutes status that no other existing statute possesses. The retroactive application of these measures to a host of unrelated statutes violates this Court's clear guidance on what is and is not a single subject. The Title Board thus erred in this regard as well.

If the Board had jurisdiction to act despite the issues addressed above, the Board should have at least referred in these ballot titles to the provisions that made

these proposals retroactive. This type of change certainly deserves to be discussed in the ballot titles so that voters can reason that a "yes" vote means that all initiated statutes adopted at previous elections, are withdrawn from the normal legislative process. Whatever views one takes of issues like gun control, campaign finance, or the eight-hour workday, voters should at least know that they are insulating all such statutes from any normal legislative process. This may be a plus for certain voters on certain issues, and it may be a minus for others on those same issues. (And it may be a positive and negative aspect of the measures for the same voter, depending on his or her view of the array of initiated statutes adopted over the last century.) But it should certainly be mentioned in the title, and the Title Board erred by refusing to do so.

## STATEMENT OF THE CASE

### I. Nature of the Case, Course of Proceedings, and Disposition Below

The designated representatives filed their proposed initiatives with the Office of Legislative Council, went through a review and comment hearing before legislative staff, submitted final drafts of the three initiatives to the Title Board, (attached as **Exhibit A** hereto), and attended the hearings before the Title Board to set ballot titles. At that time, the Board set titles for all three measures. After a motion for rehearing was filed as to all three measures at issue in this case



(attached as **Exhibit B** hereto), only one designated representative, Mr. Ottke, attended the rehearing before the Board. At the rehearing, objections to the Board's jurisdiction relating to the failure of both designated representatives to attend that meeting and to the single subject of the three measures were addressed. In addition, objection to the failure of the titles to reference the retroactive nature of the measures was also made. (Attached as **Exhibit C** hereto).

The Title Board denied all the above-stated jurisdictional objections and slightly modified the titles set. This appeal followed.

## **II. Statement of the Facts**

The final versions of Initiatives 2011-2012 #67, #68, and #69 all address the issue of initiated statutes. All three provide that initiated statutes can only be amended or repealed if three-quarters of each house of the General Assembly agrees to do so or the amendment or repeal of the initiated statute is referred to the voters, and the voters agree with the proposed change. (Under these measures, an initiated statute could provide for amendment or repeal by majority vote of the legislature but would need to do so explicitly.) These measures would apply prospectively but, even so, they would also control any legislative effort to amend or repeal an initiated statute, regardless of whether it "was enacted before or is enacted after the effective date of this section." Thus, this change in legislative

plenary authority is retroactive. This issue was raised in the Objector's Motion for Rehearing. Motion for Rehearing at 1 (¶I.B., C.).

Initiatives #68 and #69 also broach a third subject, namely a change in the qualification of proposed initiated statutes for the ballot. #68 lowers the existing constitutional threshold to 4% of votes at the last election for secretary of state, and #69 lowers that threshold to 3% of such voters. These changes represent an additional subject in these two measures. *See* Motion for Rehearing at 1 (¶I.D.).

The Title Board set titles for these three measures, and those ballot titles are entirely silent on the retroactivity issue.

### LEGAL ARGUMENT

**I. The Title Board did not have jurisdiction to act at the rehearing, as the designated representatives failed to be present as required by law.**

A. Standard of Review and Pertinent Record Citations.

The issue of the Title Board's jurisdiction is purely a question of law to be addressed de novo by this Court, and the proponents' satisfaction of mandated title-related processes is not limited to the single subject requirement that is addressed separately in this Brief. *See, e.g., In re Title, Ballot Title and Submission Clause, and Summary of Initiative 1997-98 #109*, 962 P.2d 252 (Colo. 1998) (Title Board properly refused to set ballot title where designated

representatives failed to submit correct drafts of original, amended, and final initiative to Title Board).

This issue was raised at the rehearing when it became apparent that only one designated representative was attending the rehearing. The objection was raised at the Title Board rehearing. (Transcript of Title Board hearing of April 19, 2012) (Attached as **Exhibit D** hereto at 4:16-23).

- B. One of the required designated representatives of #67, #68, and #69 failed to appear for the rehearing before the Board, depriving the Board of jurisdiction to act at that meeting.

In 2011, Colorado statute was amended to require that designated representatives of an initiative be present at every Title Board meeting at which their measure is considered. Specifically, the statute, C.R.S. § 1-40-107(4), as amended states:

(a) Each designated representative of the proponents shall appear at any title board meeting at which the designated representative's ballot issue is considered.

(b) Each designated representative of the proponents shall certify by a notarized affidavit that the designated representative is familiar with the provisions of this article, including but not limited to the prohibition on circulators' use of false addresses in completing circulator affidavits and the summary prepared by the secretary of state pursuant to paragraph (c) of this subsection (4). The affidavit shall include a physical address at which process may be served on the designated representative. The designated representative shall sign and file the affidavit with the secretary of state at the first title board

meeting at which the designated representative's ballot issue is considered.

(c) The secretary of state shall prepare a summary of the designated representatives of the proponents' responsibilities that are set forth in this article.

(d) The title board shall not set a title for a ballot issue if either designated representative of the proponents fails to appear at a title board meeting or file the affidavit as required by paragraphs (a) and (b) of this subsection (4). The title board may consider the ballot issue at its next meeting, but the requirements of this subsection (4) shall continue to apply.

(Emphasis added.)

Requiring designated representatives to explain their measure and assist the Title Board is hardly onerous. They need to attend the Board meeting at which the title is first set and a rehearing on the title if a motion for rehearing is filed with the Title Board. Should a designated representative be unable to attend one of these meetings, their measure is not eliminated from the process. "The title board may consider the ballot issue at its next meeting." *Id.* Alternatively, under the Secretary of State's guidelines, the designated representatives may substitute another person for the individual who is unable to attend and proceed with the scheduled meeting of the Board. (Attached as **Exhibit E** hereto.)

That this requirement applies to a rehearing is apparent from the plain wording of the statute that requires that designated representatives appear "at any

title board meeting at which the designated representative's ballot issue is considered." The term "any" is all-inclusive and allows for no implied exceptions. *Colo. Educ. Ass'n v. Rutt*, 184 P.3d 65, 75 (Colo. 2008) (the phrase, "any" communication, "is broad and all-inclusive" and Court is "not free to imply limitations or qualifications that are not found" in text); *see also Colo. State Bd. of Accountancy v. Zaveral Boosalis Raisch*, 960 P.2d 102, 106-07 (Colo. 1998) (same interpretation of "any"). And C.R.S. § 1-40-107(4) uses the phrase "any title board meeting" to describe the session of the Board at which the attendance of both designated representatives is required. The statutes that describe the initial hearing on a ballot title and the rehearing also use "meeting" to describe those sessions of the board. C.R.S. §§ 1-40-106(1), -107(1). Had the presence of the two designated representatives only been required at the initial hearing, reference to C.R.S. § 1-40-106(1) or that initial process could have been used to limit the reach of this provision.

Additionally, the Secretary of State, required by law to prepare a summary of designated representative responsibilities, has made it clear that this is a mandatory obligation of the two listed proponents. As he states in the aforementioned summary, the designated representatives "must appear at any Title Board meeting during which the designated representatives' proposed initiative is

to be heard.” (See **Exhibit E.**) It is noteworthy that the statute requires attendance at any Board meeting at which the “ballot issue is considered” and the Secretary’s instructions require attendance at any Title Board meeting where the measure “is to be heard.” All quoted language is clearly broad enough to encompass a title rehearing.

Paramount in the Board’s fulfillment of its statutory duty is its ability to understand the measure as drafted and as intended by those who drafted it. *In re Title, Ballot Title and Submission Clause, and Summary of Initiative 1999-2000 #25*, 974 P.2d 458, 465 (Colo. 1999). If the Board cannot truly understand the proposal, it is legally prevented from setting a ballot title. *Id.* at 467-68. To the extent that the legislature has determined that the presence of both proponents at all Title Board hearings at which their measure is considered will facilitate that understanding, the Board cannot ignore this requirement by holding the rehearing without both of them in attendance.

Here, there is no dispute that only one proponent, David Attke, was present at the rehearing. There is also no dispute that the other proponent, John Slota, was absent. Consideration of a motion for rehearing is part and parcel of the ballot title setting process. *Armstrong v. Davidson*, 10 P.3d 1278, 1283 (Colo. 2000) (“the fixing and determining of titles and summary is not final until the Title Board has

denied the petition for rehearing”). Yet, the Board had no authority, under C.R.S. § 1-40-107(4)(d), to undertake this part of the title setting process unless Mr. Slota attended the rehearing. As such, the Title Board erred by allowing the rehearing to take place and should have deferred it to “its next meeting.” *Id.*

## II. Single Subject Violation

### A. Standard of Review and Pertinent Record Citations.

This Court will analyze whether a measure complies with the constitutional single subject requirement by engaging in a *de novo* review of the proposed measure. A petition comprises multiple subjects if its text relates to more than one subject and has at least two distinct and separate purposes which are not dependent upon or connected with each other. That review considers the single subject requirement enacted as Article V, sec. 1(5.5) of the Colorado Constitution, the implementing statute and related policy considerations, and the case law that has developed around legislation and initiatives insofar as they related to the proposal’s single subject. *In re Title, Ballot Title and Submission Clause for Proposed Initiative #43*, 46 P.3d 438, 441-43 (Colo. 2002) (hereafter “#43”). Primary among the concerns to be addressed upon review is whether the measure joins two topics that would independently but for no related reason attract voter support and also

whether voters would be surprised that the measure includes the additional subject(s). *Id.*; see C.R.S. § 1-40-106.5(e)(I), (II).

This objection was raised in the Motion for Rehearing and at the rehearing itself. Motion for Rehearing at 1 (¶I.B., C., D.); **Exhibit D** at 4:24-8:11.

B. Initiatives #67, #68, and #69 violated the single subject requirement.

These measures create procedural hurdles to the amendment or repeal of any initiated statute, whether it was enacted in the 100 years between the creation of the right of initiative, is enacted at the 2012 election, or is enacted at some election in the future. This retroactivity is one of those hidden topics.

It is one thing to create a new procedure by which certain statutes are amended or repealed. That is a substantial restriction of existing legislative authority but arguably within the authority of the voters to adopt. After all, the legislature has that authority which has been ceded to it by the citizens. Colo. Const., art. V, sec. 1(1). Thus, one subject of these measures is certainly the change in the ways and conditions under which legislative authority can be exercised as to initiated statutes adopted in the future.

An additional subject contained in all three measures is the retroactive effect of these alterations of legislative authority. The breadth of subject matters addressed by each of these three measures is substantial, in part because the scope



of covered initiated statutes is so extensive. For example, a non-exhaustive list of initiated statutes adopted by Colorado voters includes the 8-hour work day for persons working in municipal fire departments, C.R.S. § 8-13-107 (adopted at 1920 general election), lobbyist registration and reporting requirements, C.R.S. § 24-6-203 (adopted at 1994 general election), campaign finance regulation and disclosure, C.R.S. §§ 1-45-101-103, 108, 109, 110, 114-117, 118 (adopted at 1996 general election), and closing the loophole for purchases of firearms at gun shows without a governmental background check. C.R.S. § 12-26.1-101, *et seq.*, (adopted at 2000 general election). One commentator has documented that just through the 2004 election, Colorado voters have adopted at least 26 different statutes. Polhill, Dennis, *Initiative and Referendum in Colorado* at 15-16 (2006) (**Exhibit F** attached hereto, Appendices A and B of Polhill report)).<sup>1</sup> None of these matters is necessarily connected with the others, and voters would not immediately know that they are adopting a hurdle that relates to all of these subjects. More ominously, the campaign could well seek to attract votes to the measure by offering to “preserve” lobbyist oversight or firefighter maximum workdays or gun show background checks by appealing to each of these groups and the initiated statutes that apply to

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<sup>1</sup> [www.iandrinstute.org/REPORT%202006-4%20Colorado.pdf](http://www.iandrinstute.org/REPORT%202006-4%20Colorado.pdf)

those specific interests. It is this element of logrolling that the single subject requirement was intended to foreclose.

Where an initiative's proponents sought to change certain petition procedures and rules of construction but also "establishe[d] the retroactive creation of substantive fundamental rights in all charter or constitutional petitions approved after 1990," they violated the single subject requirement of Art. V, sec. 1(5.5). *In re Title, Ballot Title and Submission Clause, and Summary for an Amendment Adding Section 2 to Article VII (Petition Procedures)*, 900 P.2d 104, 109 (Colo. 1995). At least in that measure, the proponents were only seeking to insulate the provisions approved over a period of about 5 years. Here, the designated representatives seek to insulate more than 100 years of citizen lawmaking from legislative reconsideration in addition to changing the rules that would apply to future initiated statutes. That change is simply so well concealed and so multifaceted that it cannot possibly comply with the single subject requirement.

That this change is well concealed is established by the history of these matters at the Title Board. The Board members did not even consider the retroactivity aspect of these measures at the initial title setting hearing. It simply did not "jump out" at them. **Exhibit D** at 9:10-17. If the skilled and

knowledgeable Board members would not discern the retroactive nature of the measure, how could voters be expected to do so?

The retroactivity of this measure brings to mind this Court's holding in #43. There, the Court found a violation where a proposed measure changed petition procedures, as one subject, but also prevented the repeal of any initiated measure that had previously been determined to violate the single subject requirement. In essence, the measure reached back to insulate multi-subject initiatives contained in a single constitutional article (*i.e.*, Colo. Const., Art. X, sec. 20 (TABOR)), from repeal by means of a single ballot proposal. 46 P.3d at 447-48. Similarly, here, these initiatives would reach back and radically change the way in which the legislature could adjust – whether for purely technical reasons or to effect a notable policy change – initiated statutes. Just as TABOR dealt with multiple subjects, so do the many initiated statutes that voters have adopted since this vehicle of direct democracy was approved in 1910.

Notably, this element of retroactivity is expressly written into these measures. This is not a case where the retroactivity of the measure is open to question and future judicial interpretation. There is no question that this measure was drafted for the purpose of applying retroactively. All three measures expressly state that they apply whether the affected statute “was enacted before or is enacted

after the effective date of this section.” The proponents never denied that this is their intent. **Exhibit D** generally. This reach-back to all previously adopted measures is precisely what the proponents intend to achieve. And because it is an explicit element of these initiatives, it reflects a matter that is well within the ambit of issues that this Court may consider.

Beyond the prospective change in legislative authority and the various initiated statutes that are insulated from change under rules that are different from those in place when they were adopted, Initiatives #68 and #69 also establish lower signature requirements in order to place before voters proposed initiated statutes. Initiative #68 lowers the existing 5% threshold to 4%, and Initiative #69 lowers the threshold to 3%. Thus, these two measures add yet another subject to the measures that would be before voters – initiative qualifications.

These three measures violated Colo. Const., art. V, sec. 1(5.5), and should be returned to the designated representatives so that they can reconfigure these proposals as multiple, single subject measures.

### III. Fair and Accurate Ballot Title Violation

#### A. Standard of Review and Pertinent Record Citations.

The Title Board is charged with setting a title that fully, fairly, and accurately informs voters of the central elements of the measure. C.R.S. § 1-40-106(3)(b). The Board need not summarize every single provision in the proposed initiative, nor need it project the measure's effects. This Court will review the Title Board's decision *de novo* to determine whether it has satisfied the requirement for a balanced and informative title. In doing so, the Court grants great deference to the Board's determination but will reverse that decision if the title set is clearly misleading. *In re Title, Ballot Title and Submission Clause, and Summary for Initiative 1999-00 #256*, 12 P.3d 246, 255 (Colo. 2000).

This objection was raised in the Motion for Rehearing and at the rehearing itself. Motion for Rehearing at 2 (¶II.D.); *see also Exhibit D* at 12:4-14:21.

#### B. Initiatives #67, #68, and #69 violated the prohibition on misleading ballot titles.

If the retroactive application of this measure is not a single subject violation as addressed above, the omission of this aspect of the proposal is certainly a violation of the prohibition on misleading ballot titles.

The entire point of a ballot title is to provide voters, whether they are considering an initiative petition or the matter as it appears on the ballot, with

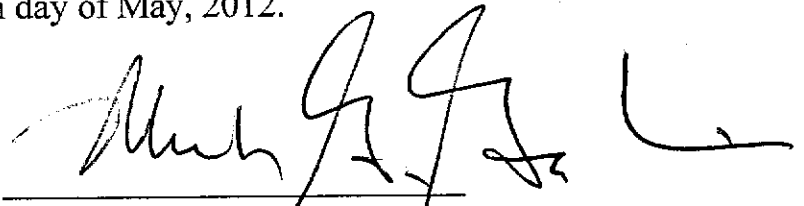
enough information about the measure's central elements to make a thoughtful decision about its merits. The measures under consideration in this case are all expressly retroactive. This element of retroactivity is "a matter of significance" that would be of interest to all voters, and the title is plainly inadequate by failing to mention it. *See In re Title, Ballot Title & Submission Clause, and Summary Pertaining to Proposed Election Reform Amendment*, 852 P.2d 28, 36 (Colo. 1993) (title needed to address aspect of redistricting measure that reduced number of members in Senate and increased number of members in House). Whether voters care about one side or the other of issues like lobbyist transparency, gun control, or restrictions on the work day of their municipal fire departments, they would want to know whether the initiated statutes of the past are being insulated from normal legislative reconsideration, whether it takes the form of an amendment or outright repeal. By refusing to address this issue in the title, though, the Board erred.

### CONCLUSION

In light of the errors committed by the Title Board in setting ballot titles for Initiatives #67, #68, and #69, these measures should either: (1) be returned to the Title Board which should hold a rehearing at a meeting that both designated representatives attend; (2) be returned to the designated representatives in light of the multiple subjects addressed within each measure; (3) be returned to the Title

Board with instructions that the misleading nature of the titles be addressed with language reflecting that these measures are retroactive and apply to initiated statutes enacted prior to the election at which they are considered by voters; or (4) as to just #68 and #69, these two measures should be returned to the designated representatives because their inclusion of a lower percentage of petition signatures for initiated statutes (4% and 3% respectively) is a separate subject and thus violative of Article V, sec. 1(5.5) of the Colorado Constitution.

Respectfully submitted this 14th day of May, 2012.



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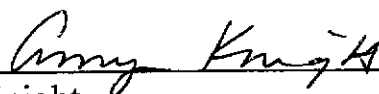
**CERTIFICATE OF SERVICE**

I hereby certify that on the 14<sup>th</sup> day of May, 2012, a true and correct copy of the foregoing **PETITIONER'S OPENING BRIEF** was served via Federal Express, to the following:

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MAR 23 2012 12:30 P.M.

ELECTIONS/LICENSING  
SECRETARY OF STATE S.WARD

"Your Vote Counts Act" - 2011-2012 #67

Final version . . .

Be it Enacted by the People of the State of Colorado:

In the constitution of the state of Colorado, section 1 of article V, add (11), and amend section 22 of article V, as follows:

**"Section 1. General assembly - initiative and referendum.** (11) (a) THIS MEASURE SHALL BE KNOWN AND MAY BE CITED AS THE "YOUR VOTE COUNTS ACT."

(b) A STATUTE ENACTED BY CITIZEN INITIATIVE PURSUANT TO THIS ARTICLE SHALL NOT BE REPEALED OR AMENDED BY THE GENERAL ASSEMBLY EXCEPT BY AT LEAST A THREE-FOURTHS VOTE OF THE MEMBERS OF EACH HOUSE, UNLESS SUCH STATUTE EXPLICITLY PROVIDES THAT THE GENERAL ASSEMBLY MAY REPEAL OR AMEND THE STATUTE OR SPECIFIC PARTS OF THE STATUTE BY A MAJORITY VOTE OF THE MEMBERS OF EACH HOUSE.

(c) THE GENERAL ASSEMBLY MAY BY A MAJORITY VOTE OF THE MEMBERS OF EACH HOUSE PLACE A REPEAL OF A STATUTE ENACTED BY CITIZEN INITIATIVE OR AN AMENDMENT OR AMENDMENTS TO SUCH A STATUTE ON THE BALLOT FOR A VOTE OF THE PEOPLE THROUGH A STATEWIDE REFEREDNUM. IF A MAJORITY OF VOTERS CASTING BALLOTS ON THE SPECIFIC REFERENDUM VOTE IN FAVOR, THE REPEAL, AMENDMENT OR AMENDMENTS SHALL BE ENACTED.

(d) THIS SUBSECTION (11) SHALL APPLY PROSPECTIVELY TO ACTIONS OF THE GENERAL ASSEMBLY RELATING TO STATUTES ENACTED BY CITIZEN INITIATIVE PURSUANT TO THIS ARTICLE, WHETHER THE INITIATIVE STATUTE WAS ENACTED BEFORE OR IS ENACTED AFTER THE EFFECTIVE DATE OF THIS SECTION.

**"Section 22. Reading and Passage of Bills.** Every bill shall be read by title when introduced, and at length on two different days in each house; provided, however, any reading at length may be dispensed with upon unanimous consent of the members present. All substantial amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill, and no bill shall become a law except by a vote of the majority of all members elected to each house taken on two separate days in each house, EXCEPT AS SET FORTH IN SECTION 1 (11) OF ARTICLE V OF THIS CONSTITUTION, nor unless upon its final passage the vote be taken by ayes and noes and the names of those voting be entered on the journal.

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303-638-2979  
John.slota@gmail.com

RECEIVED

"Your Vote Counts Act" 2011-2012 #68

MAR 23 2012 12:30 P.M.

Final version . . .

ELECTIONS/LICENSING  
SECRETARY OF STATE SWARD

Be it Enacted by the People of the State of Colorado:

In the constitution of the state of Colorado, section 1 of article V, amend (2); add (11), and amend section 22 of article V, as follows:

"Section 1. General assembly - initiative and referendum. (2) The first power hereby reserved by the people is the initiative, and signatures by registered electors in an amount equal to at least five percent of the total number of votes cast for all candidates for the office of secretary of state at the previous general election shall be required to propose ~~any measure~~ A CONSTITUTIONAL AMENDMENT by petition AND AT LEAST FOUR PERCENT TO PROPOSE LEGISLATION BY PETITION, and every such petition shall include the full text of the measure so proposed. Initiative petitions for state legislation and amendments to the constitution, in such form as may be prescribed pursuant to law, shall be addressed to and filed with the secretary of state at least three months before the general election at which they are to be voted upon.

(11) (a) THIS MEASURE SHALL BE KNOWN AND MAY BE CITED AS THE "YOUR VOTE COUNTS ACT."

(b) A STATUTE ENACTED BY CITIZEN INITIATIVE PURSUANT TO THIS ARTICLE SHALL NOT BE REPEALED OR AMENDED BY THE GENERAL ASSEMBLY EXCEPT BY AT LEAST A THREE-FOURTHS VOTE OF THE MEMBERS OF EACH HOUSE, UNLESS SUCH STATUTE EXPLICITLY PROVIDES THAT THE GENERAL ASSEMBLY MAY REPEAL OR AMEND THE STATUTE OR SPECIFIC PARTS OF THE STATUTE BY A MAJORITY VOTE OF THE MEMBERS OF EACH HOUSE.

(c) THE GENERAL ASSEMBLY MAY BY A MAJORITY VOTE OF THE MEMBERS OF EACH HOUSE PLACE A REPEAL OF A STATUTE ENACTED BY CITIZEN INITIATIVE OR AN AMENDMENT OR AMENDMENTS TO SUCH A STATUTE ON THE BALLOT FOR A VOTE OF THE PEOPLE THROUGH A STATEWIDE REFEREDNUM. IF A MAJORITY OF VOTERS CASTING BALLOTS ON THE SPECIFIC REFERENDUM VOTE IN FAVOR, THE REPEAL, AMENDMENT OR AMENDMENTS SHALL BE ENACTED.

(d) THIS SUBSECTION (11) SHALL APPLY PROSPECTIVELY TO ACTIONS OF THE GENERAL ASSEMBLY RELATING TO STATUTES ENACTED BY CITIZEN INITIATIVE PURSUANT TO THIS ARTICLE, WHETHER THE INITIATIVE STATUTE WAS ENACTED BEFORE OR IS ENACTED AFTER THE EFFECTIVE DATE OF THIS SECTION.

"Section 22. Reading and Passage of Bills. Every bill shall be read by title when introduced, and at length on two different days in each house; provided, however, any reading at length may be dispensed with upon unanimous consent of the members present. All substantial amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill, and no bill shall become a law except by a vote of the majority of all members elected to each house taken on two separate days in each house, EXCEPT AS SET FORTH IN SECTION 1 (11) OF ARTICLE V OF THIS CONSTITUTION, nor unless upon its final passage the vote be taken by ayes and noes and the names of those voting be entered on the journal.

David Ottke  
3308 S. Hannibal St.  
Aurora CO 80013  
303-552-7236  
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John Slota  
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RECEIVED

"Your Vote Counts Act" 2011-2012 #69

MAR 23 2012

12:30 P.M.

Final version . . .

ELECTIONS/LICENSING S.WARD  
SECRETARY OF STATE

Be it Enacted by the People of the State of Colorado:

In the constitution of the state of Colorado, section 1 of article V, amend (2); add (11), and amend section 22 of article V, as follows:

**"Section 1. General assembly - initiative and referendum.** (2) The first power hereby reserved by the people is the initiative, and signatures by registered electors in an amount equal to at least five percent of the total number of votes cast for all candidates for the office of secretary of state at the previous general election shall be required to propose ~~any measure~~ A CONSTITUTIONAL AMENDMENT by petition AND AT LEAST THREE PERCENT TO PROPOSE LEGISLATION BY PETITION, and every such petition shall include the full text of the measure so proposed. Initiative petitions for state legislation and amendments to the constitution, in such form as may be prescribed pursuant to law, shall be addressed to and filed with the secretary of state at least three months before the general election at which they are to be voted upon.

(11) (a) THIS MEASURE SHALL BE KNOWN AND MAY BE CITED AS THE "YOUR VOTE COUNTS ACT."

(b) A STATUTE ENACTED BY CITIZEN INITIATIVE PURSUANT TO THIS ARTICLE SHALL NOT BE REPEALED OR AMENDED BY THE GENERAL ASSEMBLY EXCEPT BY AT LEAST A THREE-FOURTHS VOTE OF THE MEMBERS OF EACH HOUSE, UNLESS SUCH STATUTE EXPLICITLY PROVIDES THAT THE GENERAL ASSEMBLY MAY REPEAL OR AMEND THE STATUTE OR SPECIFIC PARTS OF THE STATUTE BY A MAJORITY VOTE OF THE MEMBERS OF EACH HOUSE.

(c) THE GENERAL ASSEMBLY MAY BY A MAJORITY VOTE OF THE MEMBERS OF EACH HOUSE PLACE A REPEAL OF A STATUTE ENACTED BY CITIZEN INITIATIVE OR AN AMENDMENT OR AMENDMENTS TO SUCH A STATUTE ON THE BALLOT FOR A VOTE OF THE PEOPLE THROUGH A STATEWIDE REFEREDNUM. IF A MAJORITY OF VOTERS CASTING BALLOTS ON THE SPECIFIC REFERENDUM VOTE IN FAVOR, THE REPEAL, AMENDMENT OR AMENDMENTS SHALL BE ENACTED.

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**"Section 22. Reading and Passage of Bills.** Every bill shall be read by title when introduced, and at length on two different days in each house; provided, however, any reading at length may be dispensed with upon unanimous consent of the members present. All substantial amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill, and no bill shall become a law except by a vote of the majority of all members elected to each house taken on two separate days in each house, EXCEPT AS SET FORTH IN SECTION 1 (11) OF ARTICLE V OF THIS CONSTITUTION, nor unless upon its final passage the vote be taken by ayes and noes and the names of those voting be entered on the journal.

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## BEFORE COLORADO STATE TITLE SETTING BOARD

---

In re Ballot Title and Submission Clause for 2011-2012 Initiatives #67, 68, and 69 ("Citizen Initiative Process")

PHILIP HAYES, Objector

---

### MOTION FOR REHEARING

---

Pursuant to C.R.S. § 1-40-107, Objector, Philip Hayes, a registered elector of the State of Colorado, by and through his legal counsel, Heizer Paul Grueskin LLP, is not satisfied with the April 4, 2012 decisions of the Title Board that Initiatives # 67, 68, and 69 comprise a single subject and further that the titles for these proposed ballot measures are fair and that they accurately express the meaning and intent of said measures.

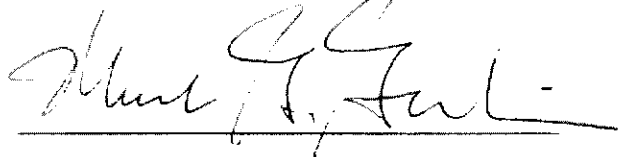
- I. These ballot measures violate the single subject requirement, Colo. Const., art. V, § 1(5.5), including but not limited to the multiple topics of:
  - A. Imposing a constraint on legislative power by creating super-majority requirements for effecting amendments and/or repeals of initiated statutes enacted in the future. Proposed Colo. Const., art. V, sec. 11(1)(d).
  - B. Imposing this limitation on legislative power as to initiated statutes that are enacted at the 2012 election, even where, individually or as a group, they contain multiple, unrelated subjects. *Id.*
  - C. Imposing this limitation on legislative power as to initiated statutes that were enacted at previous elections, even though, individually and as a group, they contained multiple, unrelated subjects. *Id.*; *In re Ballot Title and Submission Clause for Initiative 2001-02 #43*, 46 P.3d 438, 445-48 (Colo. 2002).
  - D. As to #68 and #69, in addition to the above subjects, changing percentages of electors' signatures required for an initiated statute (3% and 4% respectively). *Id.* at 443-444 (petition procedures is a separate subject.)
  
- II. The Title Board did not provide a fair or accurate ballot title because it omitted any reference in the title to, among other things:
  - A. Any legislative repeal or amendment must be by "at least" three-fourths of each house of the general assembly.

- B. The vote taken to refer a measure to the voters must be by a majority of each house of the general assembly.
- C. A referred measure passes when a majority of voters casting ballots agree to the amendment or repeal.
- D. The fact that the measure applies to actions of the general assembly in connection with already enacted initiated statutes, as well as initiated statutes considered at the 2012 election and future initiated statutes.

Please set this matter for rehearing, pursuant to C.R.S. § 1-40-107(1).

Respectfully submitted this 11<sup>th</sup> day of April, 2012.

HEIZER PAUL GRUESKIN LLP



Mark G. Grueskin

Objector's address:

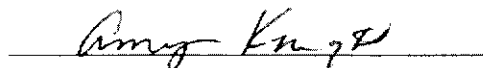
Philip Hayes, 5464 South Ward Way, Littleton CO 80127

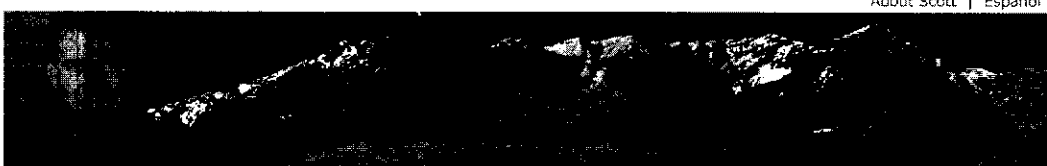
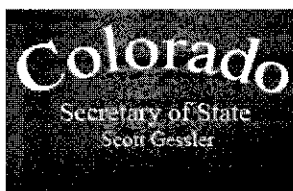
### CERTIFICATE OF SERVICE

A true and accurate copy of this MOTION FOR REHEARING was sent to the designated representatives, by means of U.S. Mail, first class, postage prepaid:

David Ottke, 3308 S. Hannibal Street, Aurora, CO 80013

John Slota, 2990 Shadow Creek Drive, #108, Boulder, CO 80303





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## Results for Proposed Initiative #67

### Ballot Title Setting Board 2011-2012

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  - Conflict of Interest
  - Help America Vote Act (HAVA)
  - Resources
    - NVRA Agency Resources
    - Voter Registration System (SCORE)
    - Voting Systems Program
    - VRD Information
- Lobbyist
- Notary Public
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The title as designated and fixed by the Board is as follows:

An amendment to the Colorado constitution requiring a vote of at least 3/4ths of the members of each house of the state legislature to amend or repeal any statute enacted by citizen initiative, unless the initiated statute includes a provision allowing for its amendment or repeal by a majority vote of the legislature or unless the legislature refers the amendment or repeal of an initiated statute to the voters.

The ballot title and submission clause as designated and fixed by the Board is as follows:

Shall there be an amendment to the Colorado constitution requiring a vote of at least 3/4ths of the members of each house of the state legislature to amend or repeal any statute enacted by citizen initiative, unless the initiated statute includes a provision allowing for its amendment or repeal by a majority vote of the legislature or unless the legislature refers the amendment or repeal of an initiated statute to the voters?

**Hearing April 4, 2012**

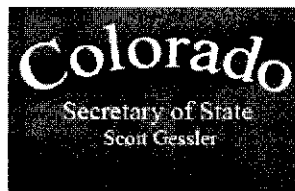
Single subject approved; staff draft amended; titles set.  
Hearing adjourned 10:05 AM

**Hearing April 19, 2012**

Motion for Rehearing granted in part to the extent Board amended titles; denied in all other respects.  
Hearing adjourned 10:50 AM

*\* Unofficially captioned "Citizen Initiative Process" by legislative staff for tracking purposes. This caption is not part of the titles set by the Board.*

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## Results for Proposed Initiative #68

### Ballot Title Setting Board 2011-2012

The title as designated and fixed by the Board is as follows:

An amendment to the Colorado constitution concerning statutes enacted by citizen initiative, and, in connection therewith, reducing the minimum number of signatures required to propose an initiated statute from 5% to 4% of the votes cast in the previous election for secretary of state; and requiring a vote of at least 3/4ths of the members of each house of the state legislature to amend or repeal any initiated statute, unless the initiated statute includes a provision allowing for its amendment or repeal by a majority vote of the legislature or unless the legislature refers the amendment or repeal of an initiated statute to the voters.

The ballot title and submission clause as designated and fixed by the Board is as follows:

Shall there be an amendment to the Colorado constitution concerning statutes enacted by citizen initiative, and, in connection therewith, reducing the minimum number of signatures required to propose an initiated statute from 5% to 4% of the votes cast in the previous election for secretary of state; and requiring a vote of at least 3/4ths of the members of each house of the state legislature to amend or repeal any initiated statute, unless the initiated statute includes a provision allowing for its amendment or repeal by a majority vote of the legislature or unless the legislature refers the amendment or repeal of an initiated statute to the voters?

#### Hearing April 4, 2012

Single subject approved; staff draft amended; titles set.  
Hearing adjourned 10:17 AM

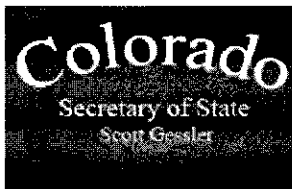
#### Hearing April 19, 2012

Motion for Rehearing granted in part to the extent Board amended titles; denied in all other respects.  
Hearing adjourned 10:51 AM

*\* Unofficially captioned "Citizen Initiative Process" by legislative staff for tracking purposes. This caption is not part of the titles set by the Board.*

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  - Conflict of Interest
  - Help America Vote Act (HAVA)
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## Results for Proposed Initiative #69

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  - NVRA Agency Resources
  - Voter Registration System (SCORE)
  - Voting Systems Program
  - VRD Information
- Lobbyist
- Notary Public
- Rules and Regulations
- UCC
- Contact Us

The title as designated and fixed by the Board is as follows:

An amendment to the Colorado constitution concerning statutes enacted by citizen initiative, and, in connection therewith, reducing the minimum number of signatures required to propose an initiated statute from 5% to 3% of the votes cast in the previous election for secretary of state; and requiring a vote of at least 3/4ths of the members of each house of the state legislature to amend or repeal any initiated statute, unless the initiated statute includes a provision allowing for its amendment or repeal by a majority vote of the legislature or unless the legislature refers the amendment or repeal of an initiated statute to the voters.

The ballot title and submission clause as designated and fixed by the Board is as follows:

Shall there be an amendment to the Colorado constitution concerning statutes enacted by citizen initiative, and, in connection therewith, reducing the minimum number of signatures required to propose an initiated statute from 5% to 3% of the votes cast in the previous election for secretary of state; and requiring a vote of at least 3/4ths of the members of each house of the state legislature to amend or repeal any initiated statute, unless the initiated statute includes a provision allowing for its amendment or repeal by a majority vote of the legislature or unless the legislature refers the amendment or repeal of an initiated statute to the voters?

**Hearing April 4, 2012**

Single subject approved; staff draft amended; titles set.  
Hearing adjourned 10:20 AM

**Hearing April 19, 2012**

Motion for Rehearing granted in part to the extent Board amended titles; denied in all other respects.  
Hearing adjourned 10:52 AM

*\* Unofficially captioned "Citizen Initiative Process" by legislative staff for tracking purposes. This caption is not part of the titles set by the Board.*

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INITIATIVE TITLE SETTING REVIEW BOARD  
STATE OF COLORADO, DEPARTMENT OF STATE

REPORTER'S TRANSCRIPT OF TITLE BOARD HEARING  
April 19, 2012

IN RE:

- INITIATIVE 67 - Citizen Initiative Process
- INITIATIVE 68 - Citizen Initiative Process
- INITIATIVE 69 - Citizen Initiative Process

PURSUANT TO NOTICE to all parties in interest, the above-entitled matter came on for public hearing before the Colorado Secretary of State's Initiative Title Setting Review Board on Thursday, April 19, 2012, commencing at 10:35 a.m., in the Aspen Conference Room, 1700 Broadway, Denver, Colorado, before Pamela Druelinger, Notary Public and Certified Shorthand Reporter, State of Colorado.

1 would like to speak to them all at one time.  
 2 Apparently the individual asking for a  
 3 rehearing here is attempting to inject political  
 4 discussions on the merits or demerits, pro and  
 5 con, of these three initiatives.  
 6 The single issue, as I would state it,  
 7 personally, involves changes in the procedures  
 8 concerning the citizen initiative statutory laws.  
 9 And, of course, there is one -- one  
 10 change in the procedures at the beginning  
 11 concerning the number of signatures in order to  
 12 put the initiative on the ballot, and then there  
 13 is a second procedure at the end involving what it  
 14 would take to basically throw out or reverse  
 15 the -- the law once it was passed by the voters.  
 16 So I -- if I'm not mistaken, the  
 17 Colorado Constitution strictly forbids bringing  
 18 political discussion into the title process. The  
 19 title process is strictly to simply state what the  
 20 initiative is about for the benefit of the voter  
 21 in the ballot box -- at the ballot box. And the  
 22 political discussion is fine, but it really should  
 23 be part of the -- if and when the statute is  
 24 placed on the ballot, that's when the political  
 25 discussion as to the merits or demerits of an

1 WHEREUPON, the following proceedings  
 2 were taken:  
 3 MS. STAIERT: All right. So the next  
 4 one is Item Number 67. And the time is now 10:35.  
 5 This is a Citizen Initiative Process. And I  
 6 believe these were all somewhat similar.  
 7 Would the proponent for 67 come  
 8 forward.  
 9 MR. OTTKE: I'm David Ottke, the  
 10 proponent for 67, 68 and 69.  
 11 MS. STAIERT: And the time is now  
 12 10:35.  
 13 Have you had an opportunity to read the  
 14 Motion for Rehearing?  
 15 MR. OTTKE: Yes.  
 16 MS. STAIERT: Okay. And do you have  
 17 any response to that motion?  
 18 MR. OTTKE: Yes, I do. I would like to  
 19 speak to -- in the interest of saving time, is it  
 20 possible to speak to all three of these  
 21 initiatives at the same time?  
 22 MS. STAIERT: That's fine.  
 23 MR. OTTKE: Because, obviously,  
 24 eventually two of them will be withdrawn and there  
 25 will be only one of the three on the ballot, so I

1 initiative should be discussed and argued before  
 2 the electors.  
 3 So I would -- I would suggest that --  
 4 the decision by the Board that this is a single  
 5 issue is really quite proper.  
 6 MS. STAIERT: Thank you.  
 7 MR. OTTKE: Thank you.  
 8 MS. STAIERT: I should note that  
 9 this Motion for Rehearing -- looks like this was  
 10 also filed by Mr. Grueskin; is that correct?  
 11 MR. GRUESKIN: Yes, it was.  
 12 Thank you, Madam Chair. My name is  
 13 Mark Grueskin. I'm an attorney. I'm appearing on  
 14 behalf of Philip Hayes, the objector in this  
 15 matter.  
 16 As a preliminary matter I would note,  
 17 as I did earlier, that 1-40-106(4)(a) requires --  
 18 appears to require participation at this hearing  
 19 by both proponents, and only one is here. And I  
 20 would suggest that you need to deem the Motion for  
 21 Rehearing admitted. I understand the Board has  
 22 already ruled on that, but I just need to make a  
 23 record.  
 24 The issue on 67, 68, and 69 is a very  
 25 well concealed provision. It was so well

1 concealed that your titles on 67, 68 and 69 don't  
 2 reflect the matter that this super majority, in  
 3 order to amend or repeal or else to refer back to  
 4 the voters, applies to any statute enacted before  
 5 or after the effective date of this section, in  
 6 essence, insulating every initiated statute that  
 7 has been passed to date.

8 Now, this is not a pop quiz, but I  
 9 would ask you if you could name for me initiated  
 10 statutes adopted by the voters. And because I'm  
 11 asking it as a rhetorical question, I will tell  
 12 you that the voters have done things in the form  
 13 of initiated statutes as diverse as establishing  
 14 an eight-hour law for work in underground mines,  
 15 smelters, mills and coke ovens; establishing also  
 16 an eight-hour -- excuse me -- fixing the hours of  
 17 employment for city fire departments; adopting a  
 18 requirement that all lobbyists register and report  
 19 their income; imposing campaign finance  
 20 requirements that's --

21 And all of these statutes still exist.  
 22 The last one is 1-45-101 et seq. The lobbyist  
 23 reform is 24-6-301 et seq. And the labor reforms  
 24 from 1912 and 1920 are at 8-13-102 and 107.

25 The point is, there are provisions that

1 look at it, but the point is, you actually  
 2 evaluate, with a level of scrutiny and  
 3 thoroughness, every proposed initiative. And that  
 4 reach back didn't appear to you. You didn't  
 5 incorporate it in the titles. And that level of  
 6 surprise is going to be imposed upon voters just  
 7 like you.

8 And even if you put it in the title,  
 9 unless you're going to put all of the initiated  
 10 statutes that are effected, there is no way that a  
 11 voter is going to know the impact of what he or  
 12 she is doing. And these are important laws. They  
 13 were important enough to get passed in the first  
 14 place. They were important enough at least to be  
 15 subject to the initiating -- to the statutory  
 16 amendment and repeal process.

17 I think the rest of the motion is  
 18 fairly clear cut. But the point is -- and there  
 19 may well be initiated statutes that are presented  
 20 to the voters in this cycle that will likewise be  
 21 impacted. I'm not familiar with every title that  
 22 you've set, but the point is that voters ought not  
 23 have to guess and that they certainly wouldn't  
 24 know the full range of the statutes that are  
 25 affected.

1 before -- before the default mechanism became for  
 2 an initiatives, let's amend the Constitution,  
 3 there were plenty of initiated statutes. I just  
 4 picked out a few that were adopted that point to  
 5 the fact that this measure, by reaching back and  
 6 preventing any repeal or amendment -- Oh, I  
 7 forgot.

8 The voters also -- the voters also in  
 9 2000 enacted a ban on -- excuse me -- a ban on  
 10 sales of guns at gun shows by statute.

11 So you've now got at least four  
 12 subjects, five subjects that occur to me, all of  
 13 which are put beyond legislative reach unless  
 14 these conditions are met, none of which have  
 15 anything to do with one another. You've got labor  
 16 laws. You've got municipal conditions of  
 17 employment. You've got guns, gun sales. You've  
 18 got campaign finance. You've got lobbyist  
 19 reporting. And those are just the ones that occur  
 20 to me.

21 More to the point is that it did not  
 22 stand out to this Board that what this measure  
 23 does is insulate past initiated statutes, and  
 24 frankly no one steps themselves in this stuff  
 25 like you get to or have to, however you want to

1 And you shouldn't put in -- shouldn't  
 2 put in one group people who want public reporting  
 3 on things like campaign finance or lobbyists  
 4 disclosure, as opposed to people who are looking  
 5 to change the labor laws. Those are distinct  
 6 pods.

7 And we'd ask that you strike this  
 8 measure because of the concealed provision that  
 9 allows -- allows the past proponents of initiated  
 10 statutes to circumvent the regular legislative  
 11 process.

12 And I'll defer any other comments on  
 13 the accuracy of the title to the point you  
 14 actually get there.

15 MS. STAIERT: Thank you.

16 Anyone else wish to speak on this  
 17 issue? No. Okay.

18 MS. EUBANKS: Do we want to deal with  
 19 the jurisdictional question?

20 MR. DOMENICO: Well, we might as well  
 21 just make a record.

22 MS. STAIERT: Okay. Right. Yeah.

23 MR. DOMENICO: Oh, well, my position on  
 24 the jurisdictional or issue about the proponents'  
 25 obligation to be here is the same as it was for

1 the last measure, and I think we ought to, despite  
2 the fact that we only have one proponent here,  
3 proceed to deal with the motions we have in front  
4 of us.

5 MS. STAIERT: Second.

6 All those in favor.

7 Aye.

8 MR. DOMENICO: Aye.

9 MS. EUBANKS: No.

10 MR. DOMENICO: On the merits of the  
11 single subject issue -- I might as well get  
12 started. I don't deny that this -- the fact that  
13 this applies or could apply to all existing, the  
14 fascinating cornucopia of initiated statutes,  
15 didn't jump out at me, but I -- I'm not too  
16 embarrassed by that, because I'm not sure as I see  
17 it as a particularly big deal. Certainly not a  
18 second subject. Whether it would actually be  
19 interpreted that way, is debatable. Even if it  
20 is, it strikes me as a perfectly legitimate single  
21 subject to do, whether it's wise policy or not is,  
22 again, debatable.

23 But the Constitution has no less a  
24 strange collection of measures in the state  
25 Constitution and you could surely say that to

1 amend the state Constitution you now need a super  
2 majority and the fact that you would thereby be  
3 altering how you could change an incredible array  
4 of Constitutional measures is not a single subject  
5 violation, in my view.

6 MS. STAIERT: I would tend to agree.

7 The single subject does still remain the  
8 initiative and referendum process. It did spell  
9 out how initiatives and referendums would be  
10 repealed by that super majority. The fact that it  
11 would only apply to those going forward or those  
12 going backward, I don't think that establishes a  
13 second subject. So I would be inclined to vote  
14 that this is a single subject.

15 MS. EUBANKS: And I'm in agreement. I  
16 don't think we have a single subject issue on the  
17 grounds that the Motion for Rehearing states. I  
18 don't -- they're statutes. The fact that they  
19 were initiated and approved by voters prior to  
20 this measure or after this measure, to me, they're  
21 statutes, and that's a single subject.

22 MS. STAIERT: Do we have a motion?

23 MR. DOMENICO: I'll move that we deny  
24 the Motion for Rehearing on the single subject  
25 question, and I guess -- should I go ahead and

1 make this motion as to all three of these or  
2 should we do them one at a time?

3 MS. STAIERT: Why don't we do all three  
4 and then just put the title up.

5 MR. DOMENICO: So I will then -- my  
6 motion is that we deny the Motions for Rehearing  
7 on Number 67, 68 and 69 as to the single subject  
8 argument and consider separately the motion as it  
9 applies to the title.

10 MS. STAIERT: Second.

11 All those in favor.

12 Aye.

13 MS. EUBANKS: Aye.

14 MR. DOMENICO: Aye.

15 MS. STAIERT: If we could put up the  
16 first title. If the proponent could come back to  
17 the podium.

18 Do you have any comments you would like  
19 to make on the title?

20 MR. OTTKE: On the title? I thought  
21 the title went very well. You know, I agreed with  
22 everything that you did concerning the title.  
23 Basically the way we see it is, it's a way to  
24 simplify what the issue is about for the benefit  
25 of the voter in the ballot -- casting the ballot

1 at the time, you know, the ballot is cast. So it  
2 was -- I thought it was clarified very well.

3 MS. STAIERT: Thank you.

4 Mr. Grueskin, did you want to comment  
5 on the title?

6 MR. GRUESKIN: I know the Board has  
7 read my motion and I would just stand on my  
8 papers.

9 MS. STAIERT: Well, I don't necessarily  
10 have a problem with clarifying that piece if the  
11 Board thinks that it's important to the question.

12 MS. EUBANKS: I think to insert the "at  
13 least" I mean, would reflect the measure  
14 accurately. And so I would move -- and if you  
15 want to deal with 67 first -- on line 1, before  
16 three-fourths to insert the word "at least," and I  
17 would move that change.

18 MS. STAIERT: Second.

19 All those in favor.

20 Aye.

21 MS. EUBANKS: Aye.

22 MR. DOMENICO: No.

23 MS. STAIERT: What about the piece that  
24 the -- that it would apply to all prior  
25 initiatives?

1 MS. EUBANKS: I guess to me, you know,  
 2 a statute is a statute, and, you know, if -- if  
 3 the way the measure is drafted, I don't know that  
 4 we have to say that it was previously initiated  
 5 versus after. I mean, it doesn't matter. If it  
 6 was an initiated statute, no matter when it was  
 7 initiated and approved by voters, then it's  
 8 subject to this requirement. So I'm fine with  
 9 just the reference to the statute.

10 And in terms of the other suggestions  
 11 that Mr. Grueskin made on the Motion for Rehearing  
 12 about it requires a majority of each house to  
 13 refer a bill, well, that's current law. I don't  
 14 see that being a change or necessary to refer to  
 15 in this title.

16 Same with, A referred measure passes  
 17 when a majority of voters cast ballots, that's a  
 18 current requirement and that's -- you know, the  
 19 other changes I -- this is the only change that I  
 20 was agreeable to.

21 MS. STAIERT: Do you have anything  
 22 else?

23 MR. DOMENICO: No. If anything, I  
 24 think you could -- you could include less detail  
 25 and say that unless certain -- unless the

1 reasons the Motion for Rehearing.

2 MS. STAIERT: Second.

3 All those in favor.

4 Aye.

5 MS. EUBANKS: Aye.

6 MR. DOMENICO: Aye.

7 MS. EUBANKS: And then on Number 69 on  
 8 line 4 to insert before three-fourths "at least."  
 9 So in effect granting the Motion for Rehearing on  
 10 that basis and denying it as to all others.

11 MS. STAIERT: Second.

12 All those in favor.

13 Aye.

14 MR. DOMENICO: Aye.

15 MS. EUBANKS: Aye.

16 MS. STAIERT: All right. That takes us  
 17 until 5 minutes until 11:00. We have one more  
 18 matter on Religious Freedom.

19 You guys want to take a break? We'll  
 20 take a five-minute break.

21 MR. DOMENICO: Okay.

22 (The Board concluded discussion on  
 23 Initiative Numbers 67, 68 and 69 at 10:55 a.m.)  
 24  
 25

1 initiated measure includes certain provisions to  
 2 the contrary. But I certainly don't think you  
 3 need to add this sort of detail.

4 And I'll just explain my vote against  
 5 the "at least." It just strikes me as -- I doubt  
 6 many people would read the prior language as  
 7 suggesting that if you had more than three-fourths  
 8 that it didn't -- you hadn't met the requirements,  
 9 but it's not a big deal, obviously, to add it, so  
 10 I don't have a problem with that.

11 MS. EUBANKS: So then we need to  
 12 approve 67 as amended, and I would so move.

13 MS. STAIERT: So this is a grant of the  
 14 motion to the extent that there've been changes in  
 15 the title and deny in all other respects?

16 MS. EUBANKS: That's correct.

17 MS. STAIERT: All right. I'll second.

18 All those in favor.

19 Aye.

20 MR. DOMENICO: Aye.

21 MS. EUBANKS: Aye.

22 So then in 68 I would propose inserting  
 23 on -- so on line 4 before three-fourths to insert  
 24 "at least." I would move that change as suggested  
 25 in the Motion for Rehearing and deny for all other

REPORTER'S CERTIFICATION

1 I, PAMELA DRUELINGER, RPR, Certified Shorthand  
 2 Reporter, certify:

3 That the foregoing proceedings were taken before  
 4 me at the time and place therein set forth;

5 That the proceedings were recorded  
 6 stenographically by me and were thereafter  
 7 transcribed;

8 That the foregoing is a true and correct  
 9 transcript of my shorthand notes so taken.

10 I further certify that I am not a relative or  
 11 employee of any of the parties nor financially  
 12 interested in the action.

13 I declare under the penalty of perjury under the  
 14 laws of the State of Colorado that the foregoing  
 15 is true and correct.

16 Dated this day of 2012.

17  
 18  
 19  
 20  
 21  
 22  
 23  
 24 PAMELA DRUELINGER, RPR, CSR  
 25 My commission expires April 17, 2014.



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## Designated Representatives' Responsibilities

PDF version

The following summary has been prepared by the Secretary of State as required under House Bill 11-1072. This summary is meant as a reference guide only. Designated representatives should consult Article 40 of Title 1 of the Colorado Revised Statutes and [HB 11-1072 \(PDF\)](#).

### "Designated Representative" Defined [1]

When the initiative proponents file a draft text of the proposed initiative with legislative staff for review and comment, the proponents must designate the names and mailing addresses of two people who will represent the proponents in all matters affecting the petition and to whom all notices and information concerning the petition will be delivered. These people are defined as the "designated representatives."

### Responsibilities During the Title Board Process [2]

Each designated representative must appear at any Title Board meeting during which the designated representatives' proposed initiative is to be heard.

#### Notarized Affidavit of Designated Representatives

- At the first Title Board meeting, the Secretary of State will provide each designated representative with an affidavit form, on which the designated representative must affirm that he or she is familiar with the provisions of Article 40 of Title 1, C.R.S., including but not limited to:
  - o The prohibition on circulators' use of false addresses in completing circulator affidavits; and
  - o The requirements contained in this summary of designated representatives' responsibilities.
- The designated representative must include on the affidavit form his or her physical address at which legal process may be served.
- The designated representative must also include an email address to which all correspondence will be sent, unless the designated representative requests correspondence via mail.
- The Secretary of State will provide a notary public for the designated representatives at the Title Board meeting.
- In order to ensure a prompt start time, designated representatives should arrive early to the Title Board meeting in order to sign and file the affidavit.

#### Failure to Appear at a Meeting of the Title Board

If either designated representative fails to appear at a Title Board meeting or fails to file the affidavit, the Title Board will not set a title for the proposed initiative. In this event, the Title Board may consider the proposed initiative at its next meeting, but the designated representatives must comply with the requirements that they appear at that meeting and complete the affidavit.

### Filing the Petition Format [3]

The designated representatives are responsible for filing a hard copy of the petition format with the Secretary of State for approval before the petition may be circulated. The Secretary of State will promptly notify the designated representatives whether the petition format is approved.

### Filing the Completed Petition

The designated representatives are responsible for filing the completed petition with the Secretary of State in accordance with section 1-40-113(3), C.R.S. Both representatives must be present when the petition is filed with the Secretary of State.

### Curing an Insufficient Petition [4]

If the Secretary of State issues a statement of insufficiency, the designated representatives may cure the insufficiency by filing an addendum to the original petition to add additional signatures, so long as:

- The addendum is filed within 15 days after the insufficiency is declared; and
- The addendum is filed no later than three months before the election at which the initiative is to be voted on.

Both representatives must be present when the addendum is filed with the Secretary of State.

#### Filing a Report of Expenditures Related to Petition Circulation [5]

No later than 10 days after the petition has been submitted to the Secretary of State, the designated representatives must sign and file a report with the Secretary of State that includes:

- The dates of circulation by all circulators who were paid to circulate a petition section;
- The total hours for which each circulator was paid;
- The gross amount of wages paid for each circulator;
- Any addresses used by circulators on their affidavits that the designated representatives or their agents have determined, prior to petition filing, to be false addresses; and
- Any other expenditure made by any person or issue committee related to the circulation of petitions for signatures, including the name of the person or issue committee that made the expenditure and the amount of the expenditure.

#### Complaint by a Registered Elector

Within 10 days after the expenditure report is filed, a registered elector may file a complaint alleging a violation of the requirements for the report.

- The designated representatives may cure any alleged violation by filing a report or an addendum to the original report within 10 days after the date the complaint is filed.
- If the violation is not cured, an administrative law judge must conduct a hearing on the complaint within 14 days after the date of the additional filing or the deadline for the additional filing, whichever is sooner.
  - If the administrative law judge determines that the designated representatives intentionally violated the reporting requirements, the designated representatives will be subject to a penalty that is equal to three times the amount of any expenditure that was omitted from or erroneously included in the report.
  - If the administrative law judge determines that the designated representatives intentionally misstated a material fact in the report, or omitted a material fact from the report, or never filed a report, the registered elector who filed the complaint may commence a civil action to recover reasonable attorney fees and costs from the designated representatives.

#### Withdrawal of an Initiative Petition [6]

The designated representatives may withdraw the petition from consideration as a ballot issue by filing a letter with the Secretary of State requesting that the petition not be placed on the ballot. The letter must be signed and notarized by both designated representatives and must be filed no later than sixty days before the election at which the initiative is to be voted upon.

#### Withdrawing as a Designated Representative

If a designated representative wishes to withdraw, he or she may do so by filing a written notice with the Secretary of State that includes:

- A notarized statement of intent to withdraw that is signed by both designated representatives; and
- A notarized designation of a replacement that is signed by the new designated representative and includes the new designated representative's name and mailing address.

If you have any questions, please [contact us](#).

[Top](#)

[1] Section 1-40-104, and 1-40-102(3.7), C.R.S.

[2] Section 1-40-106, C.R.S.

[3] Section 1-40-113, C.R.S.

[4] Section 1-40-117(3)(b), C.R.S.

[5] Section 1-40-121, C.R.S.

[6] Section 1-40-134, C.R.S.

Terms and Conditions

**APPENDIX -A**

<b>COLORADO BALLOT ISSUES -- TABULATION</b>																
<b>1912 - 2005</b>																
<b>Year</b>	<b>Petitioned</b>						<b>Referred</b>						<b>Referendum Petition (1)</b>			<b>Total</b>
	<b>Constitutional</b>			<b>Statutory</b>			<b>Constitutional</b>			<b>Statutory</b>			<b>Pass</b>	<b>Fail</b>	<b>Total</b>	
	<b>Pass</b>	<b>Fail</b>	<b>Total</b>	<b>Pass</b>	<b>Fail</b>	<b>Total</b>	<b>Pass</b>	<b>Fail</b>	<b>Total</b>	<b>Pass</b>	<b>Fail</b>	<b>Total</b>				
1912	3	7	10	5	7	12	0	4	4	0	0	0	1	5	6	32
1914	1	4	5	1	2	3	1	2	3	0	0	0	1	4	5	16
1916	0	2	2	2	2	4	0	0	0	0	0	0	1	0	1	7
1918	1	0	1	2	0	2	2	0	2	0	0	0	0	0	0	5
1920	1	1	2	2	3	5	1	2	3	0	0	0	0	0	0	10
1922	1	2	3	0	2	2	1	3	4	0	0	0	0	0	0	9
1924	0	1	1	0	0	0	0	2	2	0	0	0	0	0	0	3
1926	0	1	1	0	2	2	0	4	4	0	0	0	0	0	0	7
1928	0	2	2	0	0	0	1	2	3	0	0	0	0	0	0	5
1930	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	1
1932	1	3	4	1	0	1	0	1	1	0	0	0	0	1	1	7
1934	1	2	3	1	0	1	0	3	3	0	0	0	0	0	0	7
1936	2	2	4	2	0	2	2	1	3	0	0	0	0	0	0	9
1938	0	2	2	0	1	1	0	0	0	0	0	0	0	0	0	3
1940	0	4	4	0	1	1	0	0	0	0	0	0	0	0	0	5
1942	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	1
1944	1	1	2	1	0	1	1	0	1	0	0	0	0	0	0	4
1946	0	0	0	0	0	0	1	1	2	0	0	0	0	0	0	2
1948	0	2	2	0	0	0	1	0	1	1	0	1	0	0	0	4
1950	0	1	1	0	0	0	2	1	3	0	0	0	0	0	0	4
1952	0	2	2	0	1	1	1	2	3	0	0	0	0	0	0	6
1954	1	0	1	0	0	0	1	5	6	1	0	1	0	0	0	8
1956	1	1	2	0	0	0	2	1	3	0	0	0	0	0	0	5
1958	1	1	2	0	0	0	0	3	3	0	0	0	0	0	0	5
1960	0	3	3	0	1	1	0	2	2	0	0	0	0	0	0	6
1962	1	1	2	0	0	0	4	2	6	0	0	0	0	0	0	8
1964	0	0	0	0	0	0	2	0	2	0	0	0	0	0	0	2
1966	2	1	3	0	0	0	2	0	2	1	1	2	0	0	0	7
1968	0	0	0	0	0	0	2	0	2	0	0	0	0	0	0	2
1970	0	0	0	0	0	0	4	1	5	0	0	0	0	0	0	5
1972	1	3	4	1	2	3	3	1	4	0	1	1	0	0	0	12
1974	4	0	4	0	0	0	5	0	5	1	0	1	0	0	0	10
1976	0	3	3	0	3	3	1	2	3	1	0	1	0	0	0	10
1978	0	1	1	0	0	0	1	0	1	0	0	0	0	0	0	2
1980	1	1	2	1	1	2	2	0	2	0	0	0	0	0	0	6
1982	0	1	1	0	2	2	4	0	4	0	0	0	0	0	0	7
1984	1	1	2	1	0	1	2	0	2	0	0	0	0	0	0	5
1986	0	1	1	0	0	0	1	2	3	0	0	0	0	0	0	4
1988	2	2	4	0	0	0	4	0	4	0	0	0	0	0	0	8
1990	2	1	3	0	0	0	1	0	1	1	0	1	0	0	0	5
1992	3	5	8	1	1	2	2	1	3	0	0	0	0	0	0	13

## COLORADO BALLOT ISSUES -- TABULATION

**1912 - 2005**

Year	Petitioned						Referred						Referendum Petition (1)			Total
	Constitutional			Statutory			Constitutional			Statutory			Pass	Fail	Total	
	Pass	Fail	Total	Pass	Fail	Total	Pass	Fail	Total	Pass	Fail	Total				
1993	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	1
1994	1	7	8	0	0	0	3	0	3	0	0	0	0	0	0	11
1995	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	1
1996	4	3	7	1	0	1	2	2	4	0	0	0	0	0	0	12
1997	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	1
1998	1	3	4	2	2	4	1	1	2	0	1	1	0	0	0	11
1999	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	1
2000	2	2	4	1	1	2	3	1	4	1	1	2	0	0	0	12
2001	0	0	0	0	1	1	0	0	0	1	0	1	0	0	0	2
2002	1	2	3	0	2	2	2	2	4	0	1	1	0	0	0	10
2003	0	2	2	0	0	0	0	0	0	0	1	1	0	0	0	3
2004	1	2	3	1	0	1	1	1	2	0	0	0	0	0	0	6
2005	0	0	0	0	0	0	0	0	0	1	1	2	0	0	0	2
<b>TOTAL</b>	<b>42</b>	<b>87</b>	<b>129</b>	<b>26</b>	<b>37</b>	<b>63</b>	<b>69</b>	<b>56</b>	<b>125</b>	<b>10</b>	<b>10</b>	<b>20</b>	<b>3</b>	<b>10</b>	<b>13</b>	<b>350</b>

(1) Pass of a Referendum Petition means voters approved of the Statute allowing it to go into effect.

(2) Annual Statewide Elections began after passage of TABOR in 1992.

### APPENDIX - B

Colorado Ballot Issues -- Type, Source, Topic, Vote

1912-2005

Year	No.	Type	Source	Topic	Yes	No
1912	1	Constitution	Referred	Designating mining and smelting business as affected with the public interest.	35,997	<b>37,953</b>
1912	2	Constitution	Referred	Creating a state tax commission in lieu of the state board of equalization & continuing county boards of equalization	32,548	<b>40,012</b>
1912	3	Constitution	Referred	Providing salaries of county, precinct and other officers need not be paid entirely from fees collected by said officers.	28,889	<b>41,622</b>
1912	4	Constitution	Referred	Raising limitation on county debts, based upon assessed valuation of taxable property in county.	29,741	<b>47,284</b>
1912	5	Constitution	Citizens	Providing for statewide prohibition.	75,877	<b>116,774</b>
1912	6	Constitution	Citizens	Providing special funds for the state immigration bureau.	30,359	<b>54,272</b>
1912	7	Constitution	Citizens	Granting home rule to cities and towns.	<b>49,596</b>	44,778
1912	8	Constitution	Citizens	Providing recall from office.	<b>53,620</b>	39,564
1912	9	Constitution	Citizens	Providing for the holding of special elections for voting on proposed constitutional amendments and initiated and referred laws.	33,413	<b>40,634</b>
1912	10	Constitution	Citizens	Defining contempt of court and providing for trial by jury for contempt in certain cases.	31,850	<b>41,855</b>
1912	11	Constitution	Citizens	Creating a public utilities court with exclusive power to fix and enforce reasonable rates, and for appeal direct to the supreme court from its decisions.	27,534	<b>51,820</b>
1912	12	Constitution	Citizens	Providing wider control of the schools by the people.	38,318	<b>55,691</b>
1912	13	Constitution	Citizens	Providing for juvenile courts in cities and counties of over 100,000 population.	<b>55,416</b>	40,891
1912	14	Constitution	Citizens	Authorizing a bonded indebtedness for public highways.	36,636	<b>53,327</b>



Year	No.	Type	Source	Topic	Yes	No
1912	1	Statute	Referendum Petition	Eight-hour law for work in underground mines, smelters, coke ovens, etc.	<b>69,489</b>	30,992
1912	2	Statute	Referendum Petition	Concerning the branding and marking of livestock.	37,387	<b>37,740</b>
1912	3	Statute	Referendum Petition	Relating to the custody and management of public funds.	20,968	<b>44,322</b>
1912	4	Statute	Referendum Petition	Establishing teachers' summer normal schools.	23,521	<b>63,266</b>
1912	5	Statute	Referendum Petition	Concerning examinations for teachers.	25,369	<b>54,086</b>
1912	6	Statute	Referendum Petition	Concerning water rights and irrigation.	22,931	<b>47,614</b>
1912	7	Statute	Citizens	Enforcement of prohibition laws by search and seizure.	<b>64,616</b>	<b>79,190</b>
1912	8	Statute	Citizens	Women's eight-hour employment law.	<b>108,959</b>	32,019
1912	9	Statute	Citizens	Providing for the regulation of public service corporations.	30,347	<b>64,138</b>
1912	10	Statute	Citizens	Establishing a state fair.	49,102	<b>52,462</b>
1912	11	Statute	Citizens	Reducing costs of publishing constitutional amendments, initiated & referred laws, & publishing arguments for & against.	39,551	<b>50,635</b>
1912	12	Statute	Citizens	Amending election laws.	37,616	<b>38,537</b>
1912	13	Statute	Citizens	Amending election laws, and providing for a "headless" ballot.	<b>43,390</b>	39,504
1912	14	Statute	Citizens	Mothers' compensation act and aid to dependent and neglected children.	<b>82,337</b>	37,870
1912	15	Statute	Citizens	Relating to civil service and amending the law.	<b>38,426</b>	35,282
1912	16	Statute	Citizens	Eight-hour law for work in underground mines, smelters, mills and coke ovens.	<b>52,525</b>	48,777
1912	17	Statute	Citizens	Giving state highway commission control of certain funds.	44,568	<b>45,101</b>
1912	18	Statute	Citizens	Construction of tunnel through James Peak.	45,800	<b>93,183</b>
1914	1	Constitution	Referred	Providing sixty years for redemption of city and town indebtedness.	38,589	<b>65,206</b>
1914	2	Constitution	Referred	Concerning the equalization of tax assessments at full cash value, by the state and county boards of equalization.	<b>55,987</b>	55,275
1914	3	Constitution	Referred	Concerning publication of constitutional amendments & initiated & referred laws.	48,301	<b>56,259</b>
1914	4	Constitution	Citizens	Providing that initiated measures rejected by people cannot again be initiated for 6 years & if two conflicting measures be adopted at same elections, one receiving largest affirmative vote shall prevail.	55,667	<b>112,537</b>
1914	5	Constitution	Citizens	Providing for statewide prohibition.	<b>129,589</b>	118,017
1914	6	Constitution	Citizens	Providing for a three-fourths jury verdict in civil cases & permitting women to serve on juries if desired.	67,130	<b>77,488</b>
1914	7	Constitution	Citizens	Giving people right to petition governor to call special elections for submitting measures under the initiative & referendum.	40,643	<b>80,977</b>
1914	8	Constitution	Citizens	Designating newspapers as public utilities.	35,752	<b>91,426</b>
1914	1	Statute	Referendum Petition	Relating to the financing & capitalization of public utilities.	39,703	<b>65,132</b>
1914	2	Statute	Referendum Petition	Providing for the licensing & regulation of commission merchants.	39,448	<b>67,454</b>
1914	3	Statute	Referendum Petition	Relieving employees from assuming risk of injury or death.	<b>69,006</b>	60,298
1914	4	Statute	Referendum Petition	Concerning the appointment of peace officers.	49,116	<b>66,833</b>
1914	5	Statute	Referendum Petition	Relating to the financing & capitalization of public utilities.	37,633	<b>63,603</b>
1914	6	Statute	Citizens	Providing for codification of laws relating to women & children.	68,242	<b>72,122</b>
1914	7	Statute	Citizens	Increasing state road fund by half mill levy for highway construction.	<b>117,146</b>	53,844

Year	No.	Type	Source	Topic	Yes	No
1914	8	Statute	Citizens	Permitting probation in criminal cases for minors & first offenders.	62,561	<b>68,512</b>
1916	1	Constitution	Citizens	Placing state civil service in the constitution.	62,458	<b>96,561</b>
1916	2	Constitution	Citizens	Declaring beer non-intoxicating & providing for its manufacture & sale.	77,345	<b>163,134</b>
1916	1	Statute	Referendum Petition	Regulating the practice of medicine.	<b>96,879</b>	82,317
1916	2	Statute	Citizens	Providing for the care & treatment of insane persons.	<b>164,220</b>	39,415
1916	3	Statute	Citizens	Abolishment of the state tax commission.	80,362	<b>84,011</b>
1916	4	Statute	Citizens	Regulating the running of stock at large.	85,279	<b>155,134</b>
1916	5	Statute	Citizens	Providing for the investment of public school funds in certain securities.	<b>102,956</b>	66,053
1918	1	Constitution	Referred	Concerning the publication of proposed constitutional amendments & initiated & referred laws.	<b>98,715</b>	12,237
1918	2	Constitution	Referred	Limiting time for introduction of legislative bills from 25 to 15 days.	<b>67,693</b>	19,901
1918	3	Constitution	Citizens	Placing state civil service in the constitution.	<b>75,301</b>	41,287
1918	1	Statute	Citizens	"Bone-dry" prohibition law.	<b>113,636</b>	64,740
1918	2	Statute	Citizens	Relief of adult blind.	<b>131,469</b>	9,440
1920	1	Constitution	Referred	\$5,000,000 bond issue for construction of public highways.	<b>100,130</b>	70,997
1920	2	Constitution	Referred	Increasing number of county judges.	35,095	<b>97,398</b>
1920	3	Constitution	Referred	Increasing salaries of governor, his secretary, and supreme and district court judges.	49,313	<b>112,878</b>
1920	4	Constitution	Citizens	Providing additional one mill levy for state educational institutions.	<b>160,268</b>	52,324
1920	5	Constitution	Citizens	Providing for the construction of the Moffat, Monarch and San Juan tunnels, & bond issue therefore.	101,841	<b>126,099</b>
1920	1	Statute	Citizens	Fixing hours of employment in city fire departments.	<b>113,286</b>	82,596
1920	2	Statute	Citizens	Relating to the practice of chiropractic & providing for the regulation & licensing thereof.	84,286	<b>109,385</b>
1920	3	Statute	Citizens	Creating the county Limon.	34,881	<b>141,239</b>
1920	4	Statute	Citizens	Creating the county Flagler.	33,295	<b>140,363</b>
1920	5	Statute	Citizens	Appropriating \$350,000 from the general fund for the establishment of the Psychopathic Hospital and Laboratory.	<b>155,049</b>	50,295
1922	1	Constitution	Referred	Location and control of educational institutions.	<b>87,282</b>	58,315
1922	2	Constitution	Referred	Four-year terms for certain elected state officers.	37,945	<b>105,782</b>
1922	3	Constitution	Referred	Four-year terms for certain elected state officers.	40,081	<b>100,367</b>
1922	4	Constitution	Referred	Giving legislature power to provide for property rights of aliens ineligible to citizenship.	43,074	<b>95,219</b>
1922	5	Constitution	Citizens	\$1,500,000 bond issue for construction of public highways.	<b>131,271</b>	66,536
1922	6	Constitution	Citizens	Creating a public utilities commission, prescribing its powers & duties, & defining public utilities.	75,061	<b>107,655</b>
1922	7	Constitution	Citizens	Giving legislature or people power to exempt certain intangibles from ad valorem taxation, & to impose an income tax in lieu thereof.	42,466	<b>120,355</b>
1922	2	Statute	Citizens	Revising apportionment of members of legislature.	61,502	<b>101,537</b>
1924	1	Constitution	Referred	Providing for creation of bond issue to pay bonus to soldiers and sailors.	91,510	<b>119,586</b>
1924	2	Constitution	Referred	Giving legislature power to fix salaries of state officers.	67,230	<b>129,344</b>
1924	3	Constitution	Citizens	Establishing the office of state printer, and a printing building committee.	32,150	<b>225,505</b>
1926	1	Constitution	Referred	Giving legislature power to fix salaries of governor, his secretary and supreme and district court judges.	95,625	<b>104,709</b>
1926	2	Constitution	Referred	Giving legislature power to fix salaries of county and precinct officers, such salaries not necessarily to be paid only from fees collected.	60,086	<b>118,284</b>

Year	No.	Type	Source	Topic	Yes	No
1926	3	Constitution	Referred	Giving legislature power to enact laws for motor vehicle registration taxes & fees in lieu of ad valorem taxes.	68,459	<b>134,292</b>
1926	4	Constitution	Referred	Giving legislature power to provide for manufacture and sale of intoxicating liquors for intrastate use, subject to federal constitution.	107,749	<b>154,672</b>
1926	5	Constitution	Citizens	Creating a public utilities commission and prescribing its power and duties.	35,137	<b>161,372</b>
1926	1	Statute	Citizens	Amending law to permit dentists licensed in other states to practice in Colorado without examination.	56,433	<b>182,816</b>
1926	2	Statute	Citizens	Concerning the taxation of petroleum products and registration of motor vehicles, and providing that all such taxes and fees be used exclusively for roads.	81,762	<b>145,482</b>
1928	1	Constitution	Referred	Giving legislature power to fix salaries of governor, his secretary and supreme and district court judges.	<b>134,724</b>	119,060
1928	2	Constitution	Referred	Making payment of ad valorem tax on real estate a qualification for voting school bonded indebtedness.	69,005	<b>155,018</b>
1928	3	Constitution	Referred	Amending eminent domain provisions to facilitate better city planning and zoning.	32,294	<b>157,973</b>
1928	4	Constitution	Citizens	Providing for the election of a board of education, and for the appointment by said board of a commissioner of education to take place of superintendent of public instruction.	84,416	<b>157,889</b>
1928	5	Constitution	Citizens	Providing for a \$60,000,000 bond issue for the construction of highways.	82,422	<b>173,881</b>
1930	1	Constitution	Citizens	Providing for the election of a board of education and for the appointment by said board of a commissioner of education to take place of superintendent of public instruction.	70,643	<b>149,770</b>
1932	1	Constitution	Referred	Four-year terms for certain elected county officials.	102,117	<b>169,703</b>
1932	2	Constitution	Citizens	Giving legislature power to provide for a graduated income tax for state purposes, abolishing property tax for state purposes, and giving any excess revenue to the public schools.	85,573	<b>225,713</b>
1932	3	Constitution	Citizens	Giving legislature power to provide for a limited income tax and a classified personal property tax, to be used to public schools.	101,438	<b>214,464</b>
1932	4	Constitution	Citizens	Limiting taxation of motor fuel and ad valorem taxation of motor vehicles.	124,610	<b>248,801</b>
1932	5	Constitution	Citizens	Repealing statewide prohibition, subject to national repeal.	<b>233,311</b>	<b>182,771</b>
1932	1	Statute	Referendum Petition	Increasing tax on oleomargarine from 10 to 15 cents per lb.	134,313	<b>217,671</b>
1932	2	Statute	Citizens	Reappointment of members of legislature.	<b>162,871</b>	144,037
1934	1	Constitution	Referred	"Short ballot" amendment, vesting centralized authority in governor.	47,265	<b>200,366</b>
1934	2	Constitution	Referred	Amending civil service constitutional amendment.	60,745	<b>192,140</b>
1934	3	Constitution	Referred	Amending revenue and taxation sections of constitution, principally by eliminating the "uniformity clause" and boards of equalization.	107,457	<b>161,952</b>
1934	4	Constitution	Citizens	Giving people sole power to impose or approve imposition of excise taxes through the initiative and referendum.	<b>126,649</b>	<b>149,098</b>
1934	5	Constitution	Citizens	Concerning the taxation of petroleum products and registration of motor vehicles, and providing that all such taxes and fees be used exclusively for roads.	<b>160,482</b>	132,944
1934	6	Constitution	Citizens	Limiting tax on motor fuel to 3 cents per gallon.	87,090	<b>137,720</b>
1934	1	Statute	Citizens	Imposing license fees on chain stores.	<b>197,144</b>	156,147
1936	1	Constitution	Referred	Providing that women shall serve on juries.	129,872	<b>184,204</b>
1936	2	Constitution	Referred	Giving legislature power to provide for a graduated income tax.	<b>167,268</b>	159,143
1936	3	Constitution	Referred	Exempting real and personal property of churches, schools, cemeteries, in certain cases, from taxation, unless otherwise provided for by law.	<b>227,254</b>	111,123

Year	No.	Type	Source	Topic	Yes	No
1936	4	Constitution	Citizens	Amending "uniformity clause" of constitution, principally by limiting rate of taxation for all purposes to 20 mills in cities and towns of first class, and 15 mills in other divisions.	60,228	<b>283,583</b>
1936	5	Constitution	Citizens	Providing for ownership tax on motor vehicles in lieu of ad valorem taxation thereon, and for the distribution thereof.	<b>218,795</b>	108,270
1936	6	Constitution	Citizens	Amending revenue sections of constitution, principally by giving legislature power to provide for an income tax within limitations.	67,155	<b>282,022</b>
1936	7	Constitution	Citizens	Providing \$45.00 per month old age pensions and designating certain taxes for the payment thereof.	<b>239,289</b>	134,377
1936	1	Statute	Citizens	Amending workmen's compensation act to benefit of employee.	<b>203,193</b>	114,733
1936	2	Statute	Citizens	Providing for public assistance to indigent tubercular residents.	<b>176,873</b>	133,516
1938	1	Constitution	Citizens	Relating to the practice of the healing arts, and giving practitioners licensed by state certain rights in tax-supported institutions, and power to regulate their own professions.	94,846	<b>315,174</b>
1938	2	Constitution	Citizens	Repeal of \$45.00 old age pension amendment and giving legislature power to provide for pensions.	157,975	<b>274,598</b>
1938	1	Statute	Citizens	Repeal of chain store tax act.	167,109	<b>264,700</b>
1940	1	Constitution	Citizens	Providing for an ad valorem tax on all intangible property in the state, and allocating the funds derived therefrom.	50,806	<b>440,202</b>
1940	2	Constitution	Citizens	Providing for the conservation of the state's wildlife resources; limiting the use of game and fish revenues for such purposes; and establishing a Game and Fish Commission.	196,907	<b>272,768</b>
1940	3	Constitution	Citizens	Providing for an income tax; requiring the legislature to levy such income tax at not lower than certain specified rates; and providing that the revenue derived therefrom shall replace property taxes.	81,737	<b>366,049</b>
1940	4	Constitution	Citizens	Providing for a guaranteed old age pension of \$30.00 per month to all residents of the state over 65 years who qualify; and providing that such pensions, together with the state over 65 years who qualify; and providing that such pensions, together with the ordinary expenses of the state government, shall be a first charge against the General Fund.	138,383	<b>358,528</b>
1940	1	Statute	Citizens	Establishing a racing commission and legalizing horse and dog racing; and allocating the revenues derived therefrom 85% to the counties and 15% to the Bureau of Information and Publicity.	203,195	<b>277,392</b>
1942	1	Constitution	Referred	Relating to the legislature department; providing limitations upon sessions of the General Assembly and the manner of the introduction of bills therein.	72,147	<b>73,648</b>
1944	1	Constitution	Referred	Providing for jury service to women.	<b>195,793</b>	127,057
1944	2	Constitution	Citizens	Providing that aliens eligible to citizenship may acquire and dispose of real and personal property, and that provision shall be made by law concerning the right of aliens ineligible to citizenship to acquire and dispose of such property.	173,652	<b>195,752</b>
1944	3	Constitution	Citizens	Providing for preference to honorably discharged veterans and their widows in the civil service of the state and its political subdivisions by the adding of stated points to the passing grades attained by such person in civil service examinations.	<b>256,563</b>	107,100
1944	1	Statute	Citizens	Appropriating \$500,000 for the then-current biennium and \$1,500,000 annually thereafter, or so much thereof as may be necessary, for old age pensions, in order to pay the full award of the county departments of public welfare to each recipient of such pension.	<b>243,863</b>	140,187
1946	1	Constitution	Referred	Providing for secret ballots.	<b>118,470</b>	92,203
1946	2	Constitution	Referred	Providing that any balance in the old age pension fund at the end of any calendar year shall be used to pay future pensions and costs of administering said fund.	96,787	<b>169,243</b>
1948	1	Constitution	Referred	Providing for the election of a State Board of Education and the appointment by said Board of a Commissioner of Education.	<b>233,100</b>	128,054

Year	No.	Type	Source	Topic	Yes	No
1948	2	Constitution	Citizens	Providing that political subdivisions may adopt and thereafter modify or repeal local option proposals prohibiting the sale of alcoholic and fermented malt beverages.	120,799	<b>334,331</b>
1948	3	Constitution	Citizens	Providing for a guaranteed minimum \$50.00 per month old age pension, and for the allocation and earmarking of certain moneys and excise taxes to pay the same; and providing qualifications for recipients.	166,031	<b>295,712</b>
1948	1	Statute	Referred	Providing for the authorization, regulations and licensing of the racing of horses and other animals with part mutual wagering.	<b>238,371</b>	183,292
1950	1	Constitution	Referred	Providing that salaries of certain officers of City & County of Denver may be fixed by ordinance; and for submission to people by legislative body of any home rule city or town of any measure or charter convention proposal at general or special elections	<b>145,780</b>	91,700
1950	2	Constitution	Referred	Concerning general assembly and providing for vacancies, time of convening, terms of members, annual sessions, time of taking effect of acts, reading of bills, officers and employees, appropriation bills, and laws on investment of trust funds.	<b>134,048</b>	96,709
1950	3	Constitution	Citizens	Concerning civil service and providing for additional exemptions therefrom of governor's staff, one secretary to elected officials, and heads of departments as designated by law.	103,848	<b>208,408</b>
1952	1	Constitution	Referred	Relating to certain judges, the increase or decrease of their salaries during their terms of office; acceptance by them of nomination for public office; and retirement for disability.	<b>223,365</b>	159,883
1952	2	Constitution	Referred	Concerning public utilities, other than municipally owned, and the rate making authority of the state; but permitting municipalities the exercise of reasonable police and licensing powers and franchise granting powers.	173,652	<b>203,732</b>
1952	3	Constitution	Referred	Providing for the exemption from ad valorem tax of \$400 of personal property of head of family; and of real and personal property used exclusively for processing gasoline, oils, by-products from coal and oil shale from 1956-1961.	96,584	<b>279,682</b>
1952	4	Constitution	Citizens	Providing for a severance tax on certain petroleum products and natural gas.	177,125	<b>315,392</b>
1952	5	Constitution	Citizens	Legalizing slot machines except where prohibited by local ordinance: 1/2 of proceeds to go to state; 1/2 to city, town or county where machines located.	152,570	<b>324,548</b>
1952	1	Statute	Citizens	Making it lawful for any municipality to employ firemen more than 60 hours a week, with certain exceptions.	169,126	<b>266,275</b>
1954	1	Constitution	Referred	Vesting in public utilities commission power to regulate the facilities, service, and rates and charges of all public utilities except those municipally owned, within or without a home rule city or town, but power of municipalities to exercise reasonable police and licensing powers and granting of franchises not affected.	<b>229,175</b>	123,923
1954	2	Constitution	Referred	Relating to income deductible from old age pensions.	104,079	<b>223,965</b>
1954	3	Constitution	Referred	Excluding director of water conservation board from civil service.	133,073	<b>159,800</b>
1954	4	Constitution	Referred	Providing four-year terms of office for state elected officials; providing that each of said officers could appoint 2 confidential employees to serve at his pleasure; that salaries of such officers could be increased or decreased during their terms of office; and that state treasurer and auditor of state could succeed themselves.	123,112	<b>155,539</b>
1954	5	Constitution	Referred	Apportionment of members of general assembly.	116,695	<b>159,183</b>

Year	No.	Type	Source	Topic	Yes	No
1954	6	Constitution	Referred	Relating to taxation of personal property; \$200 exemption removed and assembly to provide just exemptions; trailers are to be classified for purpose used, and certain trailers subject to ad valorem taxes; all specific ownership taxes would go to political subdivisions; provision that exemptions void if not in constitution deleted.	143,486	<b>148,517</b>
1954	7	Constitution	Citizens	Providing for four-year terms of office for certain county officers.	<b>168,055</b>	151,271
1954	1	Statute	Referred	Providing for issuance of \$35 million of revenue anticipation highway warrants.	<b>177,697</b>	132,628
1956	1	Constitution	Referred	Providing for four-year terms of office of the governor, lieutenant governor, secretary of state, state treasurer, and attorney general.	<b>316,611</b>	192,267
1956	2	Constitution	Referred	Exemptions from ad valorem taxation household furnishings and personal effects which are not used for the production of income at any time.	<b>320,134</b>	196,423
1956	3	Constitution	Referred	Concerning the state civil service; providing for additional exemptions, promotions of employees, for probation periods, for discipline and discharge of employees; providing that employees need not be qualified electors; and making changes in the administration of the state civil service.	156,077	<b>334,498</b>
1956	4	Constitution	Citizens	Providing for apportionment of members of the general assembly.	158,204	<b>349,195</b>
1956	5	Constitution	Citizens	Revising the old age pension article; establishing a monthly award of \$100 to be adjusted to increased living costs; providing for a stabilization fund of \$5 million, and medical fund of not to exceed \$10 million annually; providing for transfer of all moneys not needed for old age pension purposes to the general fund; providing a prohibition against relative responsibility and permitting laws to be changed to allow pensioners to retain nominal outside income.	<b>364,961</b>	190,366
1958	1	Constitution	Referred	Concerning the state civil service; eliminating the rule of one; providing for probationary periods, for provisional appointments, and giving permanent status to certain then-current provisional appointees; providing that employees need not be qualified electors; providing for a personnel director; for additional exemptions; restricting veterans' preference on certain promotional examinations; and providing for disability retirement.	218,426	<b>231,725</b>
1958	2	Constitution	Referred	Providing that compensation of all county and precinct officers shall be as provided by law, and may be increased or decreased during terms of office; that terms of office of local officers shall be as prescribed by the general assembly; and eliminating provision that compensation of county and precinct officers be based upon population of counties and paid from fees.	146,328	<b>252,903</b>
1958	3	Constitution	Referred	Relating to county government; permitting the general assembly to create alternative forms of county government, including a county home rule charter form, which governments would have only such powers as granted by the assembly; but no alternative form could become operative until submitted to and approved by the people of the county affected; and permitting the assembly to authorize counties to provide local improvements and services if financed by the owners of the benefited property.	158,666	<b>241,636</b>
1958	4	Constitution	Citizens	Legalizing the conduct of games of chance (limited to bingo, lotto, or raffles) by certain organizations which operate without profit to dues-paying members, and only under certain conditions.	<b>244,929</b>	235,482
1958	5	Constitution	Citizens	"Right-to-work" amendment; providing that no person shall be denied the freedom to obtain or retain employment because of membership or nonmembership in any labor union or labor organization.	200,319	<b>318,480</b>

Year	No.	Type	Source	Topic	Yes	No
1960	1	Constitution	Referred	Relating to state civil service; providing for additional exemptions; increases authority of civil service commission as to administration; provides general assembly could establish a flexible retirement system; provides for probationary periods and for provisional appointments and gives permanent status to certain then current provisional appointees.	215,956	<b>342,352</b>
1960	2	Constitution	Referred	Relating to county officers and providing a means whereby changes in county offices could be voted by the people of a county of over 75,000 population; removes two-year limitation on terms of office of local officers; permits general assembly to base salaries of county and precinct officers on factors other than county population; provides that solely from fees; and gives county commissioners option of appointing or electing county attorney.	231,023	<b>328,241</b>
1960	3	Constitution	Citizens	Creates a wildlife management commission and a department of wildlife conservation.	190,366	<b>419,048</b>
1960	4	Constitution	Citizens	Authorizing general assembly to vest in counties, cities and counties, cities, and towns, the power to impose a retail sales and use tax for local purposes on tangible personal property, except drugs and food for off-premises consumption.	200,566	<b>403,470</b>
1960	5	Constitution	Citizens	"Little Cabinet Amendment"; authorizing governor, with consent of Senate, to appoint administrative officers of certain departments, to be excluded from civil service.	170,736	<b>430,394</b>
1960	1	Statute	Citizens	Providing for daylight savings time.	230,115	<b>336,033</b>
1962	1	Constitution	Referred	Providing for a reorganization of the judicial department.	<b>303,740</b>	169,032
1962	2	Constitution	Referred	Relating to officers of the city and county of Denver; providing that the fire & police departments shall continue under a separate civil service; providing that salaries of officers, including elected, appointed, and fire and police personnel could be fixed by charter, set by ordinance, or determined by use of a formula set forth in the charter.	157,249	<b>254,354</b>
1962	3	Constitution	Referred	Concerning the state income tax, and authorizing the general assembly to define by reference to the laws of the U.S. the income upon which income taxes would be levied.	<b>231,784</b>	201,795
1962	4	Constitution	Referred	Providing that the general assembly may by law extend to citizens of the U.S. who have resided in Colorado less than one year, the right to vote for presidential and vice-presidential electors.	<b>303,942</b>	137,323
1962	5	Constitution	Referred	Relating to taxable property; deleting the requirement that all taxable property shall be assessed at its full cash value, and providing that state and county boards of equalization shall perform such duties as may be authorized by law.	<b>215,413</b>	212,477
1962	6	Constitution	Referred	Relating to county and other local officers; providing a means whereby changes in county offices may be voted by the people of a county; eliminating the two-year term for certain local officers; and eliminating the provisions that compensation of county and precinct officers be based upon a population classification of counties and paid from fees where fees are prescribed.	207,442	<b>208,867</b>
1962	7	Constitution	Citizens	"Federal plan for reapportionment"; providing for reapportionment of the general assembly.	<b>305,700</b>	172,725
1962	8	Constitution	Citizens	"Voter plan for reapportionment"; providing for reapportionment of the general assembly.	149,822	<b>311,749</b>
1964	1	Constitution	Referred	Providing for a state auditor under the legislative department.	<b>304,066</b>	173,221
1964	2	Constitution	Referred	The office of county superintendent of schools may be abolished.	<b>308,049</b>	177,967
1966	1	Constitution	Referred	The executive department of the state government shall not exceed twenty departments.	<b>369,366</b>	162,038
1966	2	Constitution	Referred	Classification of self-propelled equipment and ownership tax.	<b>318,102</b>	211,177
1966	3	Constitution	Citizens	Selection, tenure, removal or retirement of Justices of the Supreme Court and judges of other courts.	<b>293,771</b>	261,558

Year	No.	Type	Source	Topic	Yes	No
1966	4	Constitution	Citizens	Providing for a senate of 35 members and a house of 65 members; single member districts; revision of districts.	<b>374,884</b>	158,067
1966	5	Constitution	Citizens	Property tax limitation.	178,245	<b>386,650</b>
1966	1	Statute	Referred	Daylight saving time.	<b>346,274</b>	258,490
1966	2	Statute	Referred	Shall capital punishment be abolished.	193,245	<b>389,707</b>
1968	1	Constitution	Referred	Election of the governor and lieutenant governor jointly.	<b>428,522</b>	204,186
1968	2	Constitution	Referred	Exemption of publicly-owned real property from taxation.	284,404	<b>308,915</b>
1968	3	Constitution	Referred	Compensation of county officers.	<b>307,356</b>	288,873
1970	1	Constitution	Referred	Exempting the heads of principal departments from the classified civil service.	<b>293,621</b>	219,639
1970	2	Constitution	Referred	Creating Colorado state personnel system.	<b>346,663</b>	175,076
1970	3	Constitution	Referred	Home rule.	<b>325,512</b>	170,986
1970	4	Constitution	Referred	Reducing the minimum age and residency requirements of electors.	240,622	<b>291,858</b>
1970	5	Constitution	Referred	Changing the residency qualification of electors.	<b>336,977</b>	184,694
1972	2	Constitution	Referred	Student loan program.	<b>443,660</b>	375,948
1972	3	Constitution	Referred	Equality of rights of the sexes.	<b>531,415</b>	295,254
1972	4	Constitution	Referred	State institutions of higher education, and providing for the governing boards thereof.	<b>418,825</b>	386,645
1972	5	Constitution	Referred	Removing the prohibition against increasing or decreasing compensation of certain state and county officers.	233,678	<b>571,083</b>
1972	6	Constitution	Citizens	Privately operated lottery.	161,281	<b>647,817</b>
1972	7	Constitution	Citizens	Property tax limitation.	192,913	<b>627,007</b>
1972	8	Constitution	Citizens	1976 Winter Olympic Games.	<b>514,228</b>	350,964
1972	12	Constitution	Citizens	Replacement of property taxes for the financing of schools, uniform assessment of real property, and replacement revenue from progressive income tax, sales tax and severance tax.	167,882	<b>628,201</b>
1972	1	Statute	Referred	Authorizing the conduct of sweepstakes.	408,704	<b>417,149</b>
1972	9	Statute	Citizens	Require that public officials disclose their private interest; that all lobbyists register; that meetings be open to the public.	<b>491,073</b>	325,819
1972	10	Statute	Citizens	Public utility reasonable rates.	350,264	<b>468,154</b>
1972	11	Statute	Citizens	Compulsory insurance and compensation irrespective of fault.	208,155	<b>595,887</b>
1974	1	Constitution	Citizens	Annexation of property by a county or city and county.	<b>409,174</b>	292,040
1974	3	Constitution	Referred	State moneys and reports of the state treasurer.	<b>425,505</b>	247,141
1974	4	Constitution	Referred	Supplying of energy and providing that cities and towns may become subscribers or shareholders in corporations.	<b>481,513</b>	100,360
1974	5	Constitution	Referred	Creating a boundary control commission.	<b>397,442</b>	252,256
1974	6	Constitution	Referred	Filling vacancies in state offices, and relieving the lieutenant governor of legislative duties.	<b>386,284</b>	257,967
1974	7	Constitution	Referred	Removing the proceeds of the motor fuel tax on aviation fuel from the Highway Users Tax Fund.	<b>375,390</b>	293,430
1974	8	Constitution	Citizens	To prohibit busing to achieve racial balance in public schools.	<b>485,536</b>	220,842
1974	9	Constitution	Citizens	Reapportioning of legislative districts by the Colorado Reapportionment Commission.	<b>386,725</b>	255,725
1974	10	Constitution	Citizens	Detonation of nuclear explosive devices.	<b>399,818</b>	291,284
1974	2	Statute	Referred	Death penalty.	<b>451,403</b>	286,805
1976	2	Constitution	Referred	Classification and taxation of motor vehicles and mobile homes.	<b>627,562</b>	388,666
1976	3	Constitution	Citizens	Approval by two-thirds of each house of general assembly prior to any construction or modification of a nuclear power plant or related facility.	305,142	<b>734,843</b>
1976	4	Constitution	Referred	Exemption from the state personnel system of the heads of divisions of principal departments of the state.	237,853	<b>768,687</b>
1976	5	Constitution	Referred	Allowing county commissioners to set the compensation of county officials.	376,386	<b>629,136</b>
1976	6	Constitution	Citizens	Repeal equality of rights under the law on account of sex.	401,943	<b>629,060</b>



Year	No.	Type	Source	Topic	Yes	No
1976	10	Constitution	Citizens	Registered elector approval of new or increased taxes.	259,201	<b>767,157</b>
1976	1	Statute	Referred	Sweepstakes races.	<b>522,068</b>	511,135
1976	7	Statute	Citizens	Exempt food and food products from state and use taxes.	406,311	<b>639,058</b>
1976	8	Statute	Citizens	Minimum deposit refund value for beverage containers.	346,335	<b>702,292</b>
1976	9	Statute	Citizens	Protect and represent consumers of public utilities services by creating a Department of Public Counselor.	304,594	<b>711,627</b>
1978	1	Constitution	Referred	Vacancy in the office of the county commissioner.	<b>442,071</b>	226,432
1978	2	Constitution	Citizens	Limiting annual increases in per capita expenditures by the state and its political subdivisions.	295,616	<b>420,759</b>
1980	1	Constitution	Referred	An elector must be registered in order to sign a petition and proposed initiative measures shall be submitted to the legislative research and drafting offices.	<b>638,731</b>	423,322
1980	2	Constitution	Referred	Establish a state-supervised lottery.	<b>660,213</b>	443,289
1980	3	Constitution	Citizens	An unincorporated area may be annexed to a municipality only if the annexation has been approved by a majority vote of the landowners and registered electors.	<b>601,302</b>	460,084
1980	4	Constitution	Citizens	No person or lending institution with a security interest in real estate shall accelerate or mature the indebtedness secured by such real estate.	381,821	<b>745,625</b>
1980	5	Statute	Citizens	Branch banking.	292,323	<b>850,454</b>
1980	6	Statute	Citizens	Election of 15-member board of directors of the Regional Transportation District.	<b>570,049</b>	444,902
1982	1	Constitution	Referred	Valuation for assessment of residential real property.	<b>551,334</b>	290,590
1982	2	Constitution	Referred	Denial of bail to persons accused of a capital offense.	<b>737,813</b>	156,336
1982	3	Constitution	Referred	Judicial discipline.	<b>659,905</b>	193,425
1982	4	Constitution	Referred	Regular sessions of the general assembly shall not exceed 140 calendar days.	<b>442,601</b>	372,897
1982	6	Constitution	Citizens	Cessation of nuclear weapons component production in Colorado.	325,985	<b>564,606</b>
1982	5	Statute	Citizens	Minimum refund value on beverage containers.	242,653	<b>708,564</b>
1982	7	Statute	Citizens	Shall grocery stores be permitted to sell wine.	333,467	<b>620,190</b>
1984	1	Constitution	Referred	Appointment of Commissioner of Issuance.	<b>641,587</b>	449,362
1984	2	Constitution	Referred	A person must be a registered elector in order to vote or to sign a petition.	<b>811,130</b>	304,208
1984	3	Constitution	Citizens	Prohibiting use of public funds for any induced abortion.	<b>627,343</b>	617,637
1984	4	Constitution	Citizens	Casino gaming in Pueblo county.	406,989	<b>819,533</b>
1984	4	Statute	Citizens	Voter registration of qualified electors applying for a driver's license.	<b>705,725</b>	447,803
1986	1	Constitution	Referred	Appointments to offices and employments in the state personnel system to be made according to merit and fitness.	461,004	<b>488,226</b>
1986	2	Constitution	Referred	Board of County Commissioners in each county has sole authority to fix the compensation of county officers.	406,960	<b>492,511</b>
1986	3	Constitution	Referred	Making any franchise granted by a home rule municipality subject to the initiative and referendum.	<b>455,053</b>	396,738
1986	4	Constitution	Citizens	Prohibiting new or increased state or local taxes without approval of voters.	375,097	<b>625,158</b>
1988	1	Constitution	Citizens	English is the official language of the State of Colorado.	<b>829,617</b>	527,053
1988	2	Constitution	Referred	Reimbursement of recall expenses.	<b>645,002</b>	551,118
1988	3	Constitution	Referred	Regular sessions of the general assembly shall not exceed 120 calendar days.	<b>641,363</b>	584,359
1988	4	Constitution	Referred	Eight-hour workday.	<b>799,250</b>	389,906
1988	5	Constitution	Referred	Exemption from property taxation for non-producing unpatented mining claims.	<b>624,021</b>	578,295
1988	6	Constitution	Citizens	Voter approval for certain increases in state and local government tax revenues.	567,884	<b>778,075</b>
1988	7	Constitution	Citizens	Use of public funds for abortion.	534,070	<b>809,078</b>

Year	No.	Type	Source	Topic	Yes	No
1988	8	Constitution	Citizens	General assembly party caucus voting prohibition.	<b>852,448</b>	332,159
1990	1	Constitution	Citizens	Voter approval for certain increases in state and local government revenue increases.	494,934	<b>516,534</b>
1990	3	Constitution	Referred	Repeal of obsolete constitutional provisions.	<b>717,544</b>	204,294
1990	4	Constitution	Citizens	Legalizing limited gaming in the cities of Black Hawk, Central, and Cripple Creek.	<b>574,620</b>	428,096
1990	5	Constitution	Citizens	Term limits.	<b>708,975</b>	289,664
1990	2	Statute	Referred	Presidential primary election.	<b>582,835</b>	370,166
1992	1	Constitution	Citizens	Voter approval for certain state and local government tax revenue increases.	<b>812,308</b>	700,906
1992	2	Constitution	Citizens	Prohibit governments from creating rights for gays.	<b>813,966</b>	710,151
1992	3	Constitution	Citizens	To permit limited gaming in Trinidad.	448,779	<b>1,060,168</b>
1992	4	Constitution	Citizens	To permit limited gaming, subject to an affirmative local vote.	414,699	<b>1,087,136</b>
1992	5	Constitution	Citizens	To permit limited gaming in Parachute.	414,489	<b>1,087,713</b>
1992	7	Constitution	Citizens	School vouchers.	503,162	<b>1,011,901</b>
1992	8	Constitution	Citizens	Great Outdoors Colorado Program.	<b>876,424</b>	629,490
1992	9	Constitution	Citizens	To permit limited gaming in specified portions of the Central Platte Valley area of Denver.	292,961	<b>1,200,336</b>
1992	A	Constitution	Referred	Rights of crime victims.	<b>1,139,427</b>	281,731
1992	B	Constitution	Referred	Repeal of obsolete constitutional provisions.	<b>1,081,463</b>	304,718
1992	C	Constitution	Referred	Limited gaming shall not be lawful unless first approved by an affirmative vote of the electorate.	448,779	<b>1,060,168</b>
1992	6	Statute	Citizens	Sales tax for schools.	693,231	<b>826,787</b>
1992	10	Statute	Citizens	Bear hunting restrictions.	<b>1,054,032</b>	458,260
1993	A	Statute	Referred	Shall state taxes be increased for the Colorado Tourism Board?	274,989	<b>338,546</b>
1994	1	Constitution	Citizens	Tobacco taxes.	429,847	<b>685,860</b>
1994	11	Constitution	Citizens	Workers Compensation benefits.	369,741	<b>730,963</b>
1994	12	Constitution	Citizens	Election reform.	246,723	<b>848,140</b>
1994	13	Constitution	Citizens	Slot machines without a local vote in Manitou Springs.	90,936	<b>1,007,557</b>
1994	15	Constitution	Citizens	Limit amount of campaign contributions.	508,029	<b>588,072</b>
1994	16	Constitution	Citizens	Control promotion of obscenity.	404,156	<b>696,040</b>
1994	17	Constitution	Citizens	Term limits.	<b>554,238</b>	531,521
1994	18	Constitution	Citizens	State medical assistance repayment.	334,029	<b>714,653</b>
1994	A	Constitution	Referred	Single subject.	<b>687,527</b>	359,298
1994	B	Constitution	Referred	Ballot information booklet.	<b>529,749</b>	520,438
1994	C	Constitution	Referred	Denying bail for violent felonies.	<b>822,632</b>	246,726
1995	A	Statute	Referred	Confinement and maintenance of juvenile or adult state prisoners.	291,736	<b>355,031</b>
1996	A	Constitution	Referred	Voter approval - constitutional and statutory amendments.	544,543	<b>787,134</b>
1996	B	Constitution	Referred	Mailing of ballot information.	<b>739,435</b>	608,219
1996	C	Constitution	Referred	County sheriffs - qualifications.	<b>754,339</b>	590,402
1996	D	Constitution	Referred	Unemployment compensation insurance.	376,860	<b>908,476</b>
1996	11	Constitution	Citizens	Property tax exemptions.	242,543	<b>1,211,637</b>
1996	12	Constitution	Citizens	Term limits.	<b>768,257</b>	654,124
1996	13	Constitution	Citizens	Petition rights amendment.	435,995	<b>967,266</b>
1996	14	Constitution	Citizens	Prohibited methods of taking wildlife.	<b>752,413</b>	691,733
1996	15	Statute	Citizens	Campaign finance.	<b>928,148</b>	482,551
1996	16	Constitution	Citizens	State trust lands.	<b>708,502</b>	656,095
1996	17	Constitution	Citizens	Parental rights.	615,202	<b>837,606</b>
1996	18	Constitution	Citizens	Limited gambling in Trinidad.	440,173	<b>958,991</b>
1997	1	Statute	Referred	Transportation needs act.	58,599	<b>275,808</b>
1998	11	Statute	Citizens	Prohibition of partial birth abortion.	617,977	<b>655,723</b>
1998	12	Statute	Citizens	Parental Notification of Abortion.	<b>707,021</b>	581,481

Year	No.	Type	Source	Topic	Yes	No
1998	13	Constitution	Citizens	Uniform application of livestock laws.	475,664	<b>753,509</b>
1998	14	Statute	Citizens	Swine feeding operation.	<b>790,825</b>	440,766
1998	15	Statute	Citizens	Water meters in Division 3.	292,977	<b>936,698</b>
1998	16	Constitution	Citizens	Waste water fees in Division 3.	297,872	<b>931,566</b>
1998	17	Constitution	Citizens	Educational tax credit.	515,942	<b>782,982</b>
1998	18	Constitution	Citizens	Voluntary term limits.	<b>613,557</b>	603,651
1998	A	Constitution	Referred	Health care.	505,903	<b>610,449</b>
1998	B	Statute	Referred	Excess revenue.	477,504	<b>765,654</b>
1998	C	Constitution	Referred	City and county of Broomfield.	<b>670,781</b>	423,603
1999	A	Statute	Referred	Trans bonds.	<b>477,982</b>	296,971
2000	20	Constitution	Citizens	Medical use of marijuana.	<b>915,527</b>	786,983
2000	21	Constitution	Citizens	Tax cuts.	569,788	<b>1,107,155</b>
2000	22	Statute	Citizens	Background checks at gun shows.	<b>1,197,593</b>	512,084
2000	23	Constitution	Citizens	Funding of public schools.	<b>882,628</b>	791,934
2000	24	Constitution	Citizens	Voter approval of growth.	511,885	<b>1,188,128</b>
2000	25	Statute	Citizens	Requirements for consent to abortion.	664,411	<b>1,020,029</b>
2000	A	Constitution	Referred	Property tax reduction for senior citizens.	<b>843,620</b>	697,398
2000	B	Constitution	Referred	Legislative reapportionment time table.	<b>852,098</b>	556,769
2000	C	Constitution	Referred	Selection of county surveyors.	661,704	<b>794,310</b>
2000	D	Constitution	Referred	Outdated constitutional provisions.	<b>1,063,345</b>	422,629
2000	E	Statute	Referred	Multi-state lotteries.	<b>836,390</b>	783,275
2000	F	Statute	Referred	Excess state revenue for math and science grants.	697,673	<b>884,071</b>
2001	26	Statute	Citizens	Monorail study.	284,079	<b>546,224</b>
2001	A	Statute	Referred	GOCO debt.	<b>477,572</b>	353,479
2002	27	Constitution	Citizens	Campaign finance.	<b>890,390</b>	448,599
2002	28	Statute	Citizens	Mail ballot elections.	557,573	<b>757,299</b>
2002	29	Statute	Citizens	Selecting candidates for primary election.	509,109	<b>768,683</b>
2002	30	Constitution	Citizens	Election day voter registration.	530,442	<b>821,050</b>
2002	31	Constitution	Citizens	English language education.	608,264	<b>781,016</b>
2002	A	Constitution	Referred	Exempt district attorneys from term limits.	461,848	<b>847,602</b>
2002	B	Constitution	Referred	Public ownership of health facilities.	510,209	<b>741,568</b>
2002	C	Constitution	Referred	Coroner qualifications.	<b>900,611</b>	369,351
2002	D	Constitution	Referred	Repeal obsolete constitutional provisions.	<b>899,914</b>	351,886
2002	E	Statute	Referred	Cesar Chavez legal holiday.	275,947	<b>1,062,780</b>
2003	32	Constitution	Citizens	Taxable value of residential property.	203,449	<b>702,829</b>
2003	33	Constitution	Citizens	Video lottery / tourism promotion.	180,959	<b>766,893</b>
2003	A	Statute	Referred	Revenue bonds for water projects.	307,412	<b>627,716</b>
2004	34	Constitution	Citizens	Construction liability.	469,566	<b>1,533,002</b>
2004	35	Constitution	Citizens	Tobacco tax.	<b>1,258,086</b>	791,627
2004	36	Constitution	Citizens	Selection of presidential electors.	696,770	<b>1,306,834</b>
2004	37	Statute	Citizens	Renewable energy requirement.	<b>1,066,023</b>	922,577
2004	A	Constitution	Referred	State personnel system.	696,007	<b>1,080,136</b>
2004	B	Constitution	Referred	Obsolete constitutional provisions.	<b>1,247,998</b>	560,811
2005	C	Statute	Referred	Loosen constitutional limits on state spending.	<b>600,222</b>	552,662
2005	D	Statute	Referred	Authorize additional state borrowing.	567,540	<b>581,751</b>

- 1) "Citizens" means drafted by citizens and placed on the ballot by initiative petition.
- 2) "Referred" means drafted by legislators and placed on the ballot by legislators for citizen approval.
- 3) "Constitution" means measure seeks to amend the Colorado Constitution.
- 4) "Statute" means measure seeks to amend the Colorado Revised Statutes.
- 5) Beginning in 1992, referred measures are designated with an alpha character.
- 6) Beginning in 1998, initiated measures are numbered continuously thru the years.