

DATE FILED: April 22, 2020 1:21 PM

<p>SUPREME COURT OF COLORADO 2 East 14th Ave. Denver, CO 80203</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>Original Proceeding Pursuant to Colo. Rev. Stat. § 1-40-107(2) Appeal from the Ballot Title Board</p>	
<p>In the Matter of the Title, Ballot Title, and Submission Clause for Proposed Initiative 2019-2020 #299 (“Petitions”)</p> <p>Petitioner: Kelly Brough</p> <p>v.</p> <p>Respondents: Mike Spalding and Chip Creager</p> <p>and</p> <p>Title Board: Theresa Conley, Jason Gelender, and David Powell</p>	
<p>Attorney for Petitioner:</p> <p>Thomas M. Rogers III, #28809 Recht Kornfeld, P.C. 1600 Stout Street, Suite 1400 Denver, Colorado 80202 303-573-1900 (telephone) 303-446-9400 (facsimile) trey@rklawpc.com</p>	<p>Case Number:</p>
<p style="text-align: center;">PETITION FOR REVIEW OF FINAL ACTION OF BALLOT TITLE SETTING BOARD CONCERNING PROPOSED INITIATIVE 2019-2020 #299 (“PETITIONS”)</p>	

Kelly Brough (“Petitioner”), a registered elector of the State of Colorado, through her undersigned counsel, respectfully petitions this Court pursuant to C.R.S. § 1-40-107(2), to review the actions of the Title Setting Board with respect to the title, ballot title, and submission clause set for Initiative 2019-2020 #299 (“Initiative #299” or “#299”), and states:

STATEMENT OF THE CASE

A. Procedural History of Proposed Initiative #299.

Mike Spalding and Chip Creager (the “Proponents”) proposed Initiative #299. Review and comment hearings were held before representatives of the Offices of Legislative Council and Legislative Legal Services. Thereafter, Proponents submitted final versions of Initiative #299 to the Secretary of State for submission to the Title Board, of which the Secretary or her designee is a member.

A Title Board hearing was held on April 1, 2020, at which time titles were set for #299. On April 8, 2020, Petitioner Kelly Brough filed a Motion for Rehearing, alleging *inter alia*, that the titles set were legally flawed because they failed to inform voters of certain central elements of the measure and would mislead voters, and that the Title Board should not have set a title for #299 because the measure’s treatment of the single subject requirement of current law is inconsistent and renders the measure so vague, unclear and incomprehensible that

the measure's meaning cannot be ascertained. Rehearing was held on April 15, 2020, at which time the Title Board denied the Motion for Rehearing.

Petitioner notes that #299 is nearly identical to another measure filed by one of the Proponents this cycle, #245. Petitioner has appealed the title set for #245 to this Court. *See In the Matter of the Title, Ballot Title, and Submission Clause for Proposed Initiative 2019-2020 #245*, Colorado Supreme Court, Case No. 2020SA000091. That appeal is fully briefed and awaiting a decision. Some of the grounds for appeal identified herein are identical to issues raised in the appeal of #245. Petitioner expects that the Court's decision in the #245 appeal will resolve those issues.

B. Jurisdiction

Petitioner is entitled to a review before the Colorado Supreme Court pursuant to C.R.S. § 1-40-107(2). Petitioner timely filed the Motion for Rehearing with the Title Board. *See* C.R.S. § 1-40-107(1). Additionally, Petitioner timely filed this Petition for Review within five days from the date of the hearing on the Motion for Rehearing. C.R.S. § 1-40-107(2).

As required by C.R.S. § 1-40-107(2), attached to this Petition for Review are certified copies of: (1) the draft, amended, and final version of the initiative filed by the Proponents; (2) the original ballot title set for this measure; (3) the Motion

for Rehearing filed by the Petitioner; and (4) the ruling on the Motion for Rehearing as reflected by the title and ballot title and submission clause set by the Board. Petitioner believes that the Title Board erred in denying certain aspects of the Motion for Rehearing. The matter is properly before this Court.

GROUND FOR APPEAL

The titles set by the Title Board violate the legal requirements imposed on the Board because the titles set fail to inform voters of certain central elements of the measure, and because the measure's treatment of the single subject requirement of current law is inconsistent and renders the measure so vague, unclear and incomprehensible that the measure's meaning cannot be ascertained. The following is an advisory list of issues to be addressed in Petitioner's brief.

I. The titles fail to inform voters of six central elements of the measure.

The titles omit the following six central elements of the measure:

1. Whether the titles set by the Board are legally flawed because they fail to inform voters that the measure would eliminate the opportunity for rehearing before the Title Board, thus increasing the burden on petition proponents who can otherwise – without legal counsel – advocate for a ballot title they believe to accurately reflect their measure.

2. Whether the titles set by the Board are legally flawed because they fail to inform voters that the measure would reduce the number of signatures necessary to place a ballot measure on the ballot by more than 10% (from the current 124,632 requirement to only 110,000), a discrepancy that will only grow as the number of voters in the state increases.
3. Whether the titles set by the Board are legally flawed because they fail to inform voters that the measure reverses decades of case law by undermining the requirement that petition circulators properly complete an affidavit verifying compliance with applicable law and prohibiting the invalidation of petition names and signatures as a consequence for completing the affidavit incorrectly.
4. Whether the titles set by the Board are legally flawed because they fail to inform voters that the measure would eliminate name and signature protests to district court and instead require all protests to begin in the Supreme Court, thus converting this Court into a court of first impression on all factual matters relating to petitions.
5. Whether the titles set by the Board are legally flawed because they fail to inform voters that the measure would allow any measure, not just TABOR measures, to be placed on odd-year ballots.

6. Whether the titles set by the Board are legally flawed because they fail to inform voters that the measure would fundamentally restrict the otherwise plenary power of the General Assembly to legislate by requiring voter approval for statutory changes on the same “topic” as any successful referendum.

II. The Title Board should not have set a title for #299 because the measure’s treatment of the single subject requirement of current law is inconsistent and renders the measure so vague, unclear and incomprehensible that the measure’s meaning cannot be ascertained.

The measure’s treatment of the single subject requirement of current law is inconsistent and impossible to comprehend or understand. “[I]f the Board cannot comprehend a proposed initiative sufficiently to state its single subject clearly in the title, it necessarily follows that the initiative cannot be forwarded to the voters.”

In the Matter of the Title, Ballot Title and Submission Clause, and Summary for 1999-2000 #25, 974 P.2d 458, 465 (Colo. 1999).

In particular, the measure would repeal art. V, sec. 1(5.5) of the Colorado constitution, which prohibits measures containing more than one subject. *See* #299, sec. 5. Then the measure makes reference to “protests...to enforce the state single subject rule, which remains in effect.” *Id.* at sec. 1(1). It is impossible to resolve this contradiction. The measure both repeals the single subject rule and notes that it

stays in effect. This inconsistency renders the measure impossible to comprehend or understand and it cannot be forwarded to the voters.

PRAYER FOR RELIEF

Petitioner respectfully requests that, after consideration of the parties' briefs, this Court determine that the titles are legally flawed, and direct the Title Board to correct the title to address the deficiencies outlined in Petitioner's briefs.

Respectfully submitted this 22nd day of April, 2020.

s/ Thomas M. Rogers III

Thomas M. Rogers III, #28809
RECHT KORNFELD, P.C.
1600 Stout Street, Suite 1400
Denver, CO 80202
Phone: 303-573-1900
Facsimile: 303-446-9400
Email: trey@rklawpc.com
ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

I, Erin Holweger, hereby affirm that a true and accurate copy of the **PETITION FOR REVIEW OF FINAL ACTION OF BALLOT TITLE SETTING BOARD CONCERNING PROPOSED INITIATIVE 2019-2020 #299 (“PETITIONS”)** was sent electronically via CCEF this day, April 22, 2020, to the following:

Counsel for the Title Board:
Michael Kotlarczyk
Office of the Attorney General
1300 Broadway, 6th Floor
Denver, CO 80203

And sent via U.S. Mail, Postage Pre-Paid to the Proponents at:

Mike Spalding
18 Buckthorn Drive
Littleton, CO 80127

Chip Creager
3056 Newton Street
Denver, CO 80211

/s Erin Holweger _____



STATE OF COLORADO

DEPARTMENT OF
STATE

CERTIFICATE

I, **JENA GRISWOLD**, Secretary of State of the State of Colorado, do hereby certify that:

the attached are true and exact copies of the filed text, fiscal impact statement and abstract, motion for rehearing, and the rulings thereon of the Title Board for Proposed Initiative "2019-2020 #299 'Petitions'".....

.....

IN TESTIMONY WHEREOF I have unto set my hand
and affixed the Great Seal of the State of Colorado, at the
City of Denver this 16th day of April, 2020.

Jena Griswold

SECRETARY OF STATE



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

Article XXII. PETITION RIGHTS

Section 1. Procedures. (1) Petition rights shall exist in all districts. Any secretary of state or county election office in the district shall handle any state or local petition. Draft reviews shall be held four days after state initiatives begin. Ballot titles, up to 60 words in plain English, shall be set weekly on six days notice. All protests of ballot titles, and to enforce the state single subject rule, *which remains in effect*, shall be filed in the supreme court *only*, and *only* two days after setting, and decided six days later. Only timely court decisions may reset ballot titles and remove subjects. Sample petition sections shall be delivered four days later, adapting 1992 forms. Any adult may circulate any petition.

(2) Required entries shall be 5% of district active registered electors, up to 111,000 entries at first. Constitutional amendment entries may increase up to 9,000 every four years and shall remain 50% more than statutory entries. Entry lines require only printed name, signature, registered elector residence address in the district, and town, city, or county. Random or statistical entry sampling is inadmissible. Affidavit errors shall not invalidate entries.

(3) Local entries shall be filed by 180 days, and state entries by 365 days, after sample petition section delivery. In 10 days, neutral election offices shall count and report entries. Up to five days later, filers and foes may protest in the supreme court only. That report shall issue 15 days later. Only foes may protest signer registration, presumed valid. An invalidity report shall start one 15-day cure filing period per petition, reported two days after filing.

(4) Entries first filed by 92 days before any November election shall apply to ballot issues *on any topics*. Entries first filed later shall apply in the next election. Election notice comments shall be filed. Ballots shall list one filer and one foe website, each filed by August 2. *No petition changes any law; it only gives citizens the Right to Vote.*

Section 2. Referendum petitions. Only 12 bills and one budget may be state petition-exempt yearly. Sufficient statutory entries filed by 90 days after the session ends shall further delay effective dates until elections. Ballot titles shall read, "Shall (listed sections of) (bill number) be rejected?" Later bills on rejected topics require voter approval.

Section 3. Definitions. (1) Districts: the state and all local and home rule governments and authorities.

(2) Petitions: initiatives or referenda on legislative policy, except zoning, begun by any two or more adults any time.

Section 4. Enforcement. Those who stop, detain, eject, cite, or arrest a circulator or signer for petitioning peaceably in public access areas shall be fined \$3,000. *Government hostility to petitions must cease.* Hearings may use telephones; court filings may use email. Changing voter-approved petitions requires voter approval of petitions.

Section 5. Article V section 1 (2)-(10) are repealed except (7.3), now (2); (8), now (3); and the first sentence of (4)(a), now (4). The last sentence of Article X section 20 (3)(b)(v), Article XIX section 2 (1)(b), and Article XX shall not apply to petitions. Article XXII shall be self-executing, severable, effective at once, and repeal all conflicting laws. (Do not print section 5.)

Ballot Title Setting Board

Proposed Initiative 2019-2020 #299¹

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

An amendment to the Colorado constitution concerning initiative and referendum petitions, and, in connection therewith, allowing petitioning of all Colorado governments; changing requirements, procedures, and deadlines for: 1) circulating petitions and qualifying petitions for the ballot, including elimination of the requirement that signatures for constitutional amendments be gathered from all parts of the state, 2) protesting petitions, including changing the venue and accelerating the protest process, and 3) informing voters of petition contents, including referring voters to pro and con websites; requiring petition titles of no more than 60 words; limiting the number of bills that the general assembly may exempt from referendum; repealing the requirement that an initiative to add language to the Colorado constitution be approved by 55%, rather than 50%, of the voters; allowing laws enacted by initiative to be changed only by another initiative; exempting petitions from municipal home-rule provisions; and repealing all conflicting laws.

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 initiative and referendum petitions, and, in connection therewith, allowing petitioning of all Colorado governments; changing requirements, procedures, and deadlines for: 1) circulating petitions and qualifying petitions for the ballot, including elimination of the requirement that signatures for constitutional amendments be gathered from all parts of the state, 2) protesting petitions, including changing the venue and accelerating the protest process, and 3) informing voters of petition contents, including referring voters to pro and con websites; requiring petition titles of no more than 60 words; limiting the number of bills that the general assembly may exempt from referendum; repealing the requirement that an initiative to add language to the Colorado constitution be approved by 55%, rather than 50%, of the voters; allowing laws enacted by initiative to be changed only by another initiative; exempting petitions from municipal home-rule provisions; and repealing all conflicting laws?

¹ Unofficially captioned “**Petitions**” by legislative staff for tracking purposes. This caption is not part of the titles set by the Board.

Hearing April 1, 2020:

Single subject approved; staff draft amended; titles set.

The Board determined that the proposed initiative adds language to the state constitution. The requirement for approval by fifty-five percent of the votes cast applies to this initiative.

Hearing adjourned 2:31 p.m.

RECEIVED

By Steven Ward at 1:55 pm, Apr 08, 2020

BEFORE THE COLORADO BALLOT TITLE SETTING BOARD

Kelly Brough, Objector,

vs.

Mike Spalding and Chip Creager, Proponents.

**MOTION FOR REHEARING ON INITIATIVE 2019-2020 #299
("Petitions")**

Kelly Brough ("Objector"), a registered elector of the State of Colorado, through her undersigned counsel, submits this Motion For Rehearing on Initiative 2019-2020 #299 ("#299"), pursuant to C.R.S. § 1-40-107, and states:

The Board set the following ballot title and submission clause for Initiative 2019-2020 #299 on April 1, 2020:

Shall there be an amendment to the Colorado constitution concerning initiative and referendum petitions, and, in connection therewith, allowing petitioning of all Colorado governments; changing requirements, procedures, and deadlines for: 1) circulating petitions and qualifying petitions for the ballot, including elimination of the requirement that signatures for constitutional amendments be gathered from all parts of the state, 2) protesting petitions, including changing the venue and accelerating the protest process, and 3) informing voters of petition contents, including referring voters to pro and con websites; requiring petition titles of no more than 60 words; limiting the number of bills that the general assembly may exempt from referendum; repealing the requirement that an initiative to add language to the Colorado constitution be approved by 55%, rather than 50%, of the voters; allowing laws enacted by initiative to be changed only by another initiative; exempting petitions from municipal home-rule provisions; and repealing all conflicting laws?

A. The titles are legally flawed because they fail to inform voters of certain central elements of the measure.

The titles would fail to inform voters of the following central elements of the measure:

- 1) The measure would eliminate the right of rehearing before the title board. *See* #299, sec. 1(1)(requiring protests to ballot titles to be filed within two days after title is set and in the supreme court *only* (emphasis in original)); *see also* #299, sec. 5 (repealing all conflicting laws). The titles' "changing requirements, procedures and deadlines"

- and “repealing all conflicting laws” language provides inadequate notice for a change of this magnitude.
- 2) The measure would reduce the number of signatures necessary to place a ballot measure on the ballot by more than 10% (from the current 124,632 requirement to only 110,000). *See* <https://www.sos.state.co.us/pubs/elections/Initiatives/signatureRequirements.html> and #299, sec. 1(2). The titles’ “changing requirements, procedures and deadlines” language provides inadequate notice for a change of this magnitude.
 - 3) The measure would essentially eliminate the requirement that petition circulators properly complete an affidavit verifying compliance with applicable law by prohibiting the invalidation of petition names and signatures as a consequence for completing the affidavit incorrectly. *See* #299, sec. 1(2). The titles’ “changing requirements, procedures and deadlines” and “repealing all conflicting laws” language provides inadequate notice for a change of this magnitude.
 - 4) The measure would eliminate name and signature protests to district court and instead requires all protests to begin in the supreme court. *See* C.R.S. § 1-40-118(1) and #299, sec. 1(3). The titles’ “changing requirements, procedures and deadlines” language provides inadequate notice for a change of this magnitude.
 - 5) The measure would allow any measure, not just TABOR measures, to be placed on odd-year ballots. *See Colo. Const. art. V, sec. 1(2) and #299, sec. 1(4)*. The titles’ “changing requirements, procedures and deadlines” language provides inadequate notice for a change of this magnitude.
 - 6) The measure would limit the power of the General Assembly by requiring voter approval for statutory changes on the same “topic” as a successful referendum. *See* #299, sec. 2. This change is not mentioned in the titles.

B. The Title Board should not have set a title for #299 because the measure’s treatment of the single subject requirement of current law is inconsistent and renders the measure so vague, unclear and incomprehensible that the measure’s meaning cannot be ascertained.

The measure’s treatment of the single subject requirement of current law is inconsistent and impossible to comprehend or understand. “[I]f the Board cannot comprehend a proposed initiative sufficiently to state its single subject clearly in the title, it necessarily follows that the initiative cannot be forwarded to the voters.” *In the Matter of the Title, Ballot Title and Submission Clause, and Summary for 1999-2000 #25, 974 P.2d 458, 465* (Colo. 1999).

In particular, the measure would repeal art. V, sec. 1(5.5) of the Colorado constitution, which prohibits measures containing more than one subject. *See* #299, sec. 5. Then the measure makes reference to “protests...to enforce the state single subject rule, which remains in effect.” *Id.* at sec. 1(1). It is impossible to resolve this contradiction. The measure both repeals the single subject rule and notes that it stays in effect. If the single subject rule in fact “remains in effect” then what requirement is actually going to result from an adoption of this proposal? Certainly not the one set forth in Art. V, Sec. 1(5.5)—that one would be expressly repealed.

What is particularly perplexing about this contradiction is that it has been repeatedly pointed out to proponents in the review and comment process and in their appearances before this board, yet they have refused to be explicit about the law that is being proposed to voters. Are proponents trying to have their cake and eat it too? Are they trying to convince the board to approve a title that does not reference the repeal of the single subject rule, only to argue during a campaign and/or after passage that the single subject rule was expressly repealed by the measure? It is difficult to know, but their refusal to address a problem that has been repeatedly addressed raises questions.

Certainly, our courts will be called upon to resolve this blatant contradiction if #299 passes. If the courts determine that the measure does, in fact, repeal the single subject rule, then under the current titles, voters will have voted on the measure without notice of this critical change in law. Moreover, if the measure repeals the single subject requirement, then it certainly violates the current single subject rule by mingling procedural and substantive provisions. *See In re Title, Ballot Title and Submission Clause for 2003-2004 #21, #22, #32 and #33*, 76 P.3d 460, 462 (finding a second subject where a measure combines procedural and substantive changes to existing law). Under the circumstances, the single subject of #299, if there is one, cannot be ascertained and the measure cannot be forwarded to the voters.

The measure is simply too incomprehensible to go forward to the voters and the board should decline to set a title for it.

Accordingly, the Objector respectfully requests that a rehearing be set pursuant to C.R.S. § 1-40-107.

Respectfully submitted this 8th day of April, 2020.

s/ Thomas M. Rogers III
Thomas M. Rogers III, #28809
Recht Kornfeld, P.C.
1600 Stout Street, Suite 1400
Denver, Colorado 80202
303-573-1900 (telephone)
303-446-9400 (facsimile)
trey@rklawpc.com

Objector's Address:
1445 Market St
Denver, CO 80202

CERTIFICATE OF SERVICE

I, Erin Holweger, hereby affirm that a true and accurate copy of the **Motion For Rehearing on Initiative 2019-2020 #299**, was sent this 8th day of April, 2020 by U.S. Mail, postage prepaid, to proponents at:

Mike Spalding
18 Buckthorn Drive
Littleton, CO 80127

Chip Creager
3056 Newton Street
Denver, CO 80211

s/ Erin Holweger _____

Ballot Title Setting Board

Proposed Initiative 2019-2020 #299¹

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

An amendment to the Colorado constitution concerning initiative and referendum petitions, and, in connection therewith, allowing petitioning of all Colorado governments; changing requirements, procedures, and deadlines for: 1) circulating petitions and qualifying petitions for the ballot, including elimination of the requirement that signatures for constitutional amendments be gathered from all parts of the state, 2) protesting petitions, including changing the venue and accelerating the protest process, and 3) informing voters of petition contents, including referring voters to pro and con websites; requiring petition titles of no more than 60 words; limiting the number of bills that the general assembly may exempt from referendum; repealing the requirement that an initiative to add language to the Colorado constitution be approved by 55%, rather than 50%, of the voters; allowing laws enacted by initiative to be changed only by another initiative; exempting petitions from municipal home-rule provisions; and repealing all conflicting laws.

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 initiative and referendum petitions, and, in connection therewith, allowing petitioning of all Colorado governments; changing requirements, procedures, and deadlines for: 1) circulating petitions and qualifying petitions for the ballot, including elimination of the requirement that signatures for constitutional amendments be gathered from all parts of the state, 2) protesting petitions, including changing the venue and accelerating the protest process, and 3) informing voters of petition contents, including referring voters to pro and con websites; requiring petition titles of no more than 60 words; limiting the number of bills that the general assembly may exempt from referendum; repealing the requirement that an initiative to add language to the Colorado constitution be approved by 55%, rather than 50%, of the voters; allowing laws enacted by initiative to be changed only by another initiative; exempting petitions from municipal home-rule provisions; and repealing all conflicting laws?

¹ Unofficially captioned “**Petitions**” by legislative staff for tracking purposes. This caption is not part of the titles set by the Board.

Hearing April 1, 2020:

Single subject approved; staff draft amended; titles set.

The Board determined that the proposed initiative adds language to the state constitution. The requirement for approval by fifty-five percent of the votes cast applies to this initiative.

Hearing adjourned 2:31 p.m.

Rehearing April 15, 2020:

Motion for Rehearing denied in its entirety.

Hearing adjourned 9:27 a.m.



Legislative
Council Staff

Nonpartisan Services for Colorado's Legislature

Initiative # 299

INITIAL FISCAL IMPACT STATEMENT

Date: March 30, 2020

Fiscal Analyst: Josh Abram (303-866-3561)

LCS TITLE: PETITIONS

Disclaimer. *This initial fiscal impact statement has been prepared for the Title Board. If the initiative is placed on the ballot, Legislative Council Staff may revise this estimate for the ballot information booklet (Blue Book) if new information becomes available.*

Summary of Measure

The measure amends the state constitution related to citizen petitions and referenda. The measure also eliminates the requirement that constitutional amendments secure signatures from electors in every senate district, and the requirement that adding provisions to the state constitution requires 55 percent of the vote to pass. Among its other provisions, the measure:

- modifies the filing process, the deadlines for gathering signatures, government administration, signature form requirements and review, qualifying signature thresholds, verification of valid signatures, enforcement, election timing, and the procedures and time lines for protests and appeals;
- revises and expands the role of the Colorado Supreme Court to review petitions, protests, and appeals; and
- extends the statewide process for citizen initiatives and referenda to counties, local and home rule governments, enterprises, authorities, school districts, and other special districts.

Under current law, citizens are given 90 days to initiate a referendum petition to hold an election to invalidate, in whole or in part, legislation passed by the state legislature. However, the legislature may pass bills with a clause that exempts the legislation from this citizen initiated petition and election. This measure:

- limits the number of bills that the state legislature may exempt from a citizen referendum petition process; and
- requires voter approval for any subsequent bill offered on any rejected topic.

State Revenue

The measure requires fines for individuals who illegally prevent the collection of signatures; however, details on what level of government is responsible for the enforcement, collection, and disposition of fine revenue is not included in the measure. Should enabling legislation determine that the state enforce these provisions and collect fines, state revenue may increase. Given the uncertainty of this implementation, state fine revenue is indeterminate and has not been quantified.

State Expenditures

The measure is not anticipated to change the overall expenditures of state government; however, since this measure may increase the number of citizen initiated ballot measures in the future, workload for several agencies may be affected as described below.

Judicial department. The measure shifts some of the current workload and costs of district courts to the state supreme court by requiring that the supreme court act as the court of primary jurisdiction for all protests and appeals related to citizen initiatives.

Although no immediate increase in judicial department expenditures is anticipated, for every increase of 20 cases considered by the supreme court, the department requires the addition of 0.5 FTE Staff Attorney. Should the number of cases facing the Supreme Court exceed department resources, state expenditures will increase via the annual budget setting process.

Secretary of State (SOS). The measure shifts the current workload and costs for the SOS. The measure allows citizens to initiate both state and local petitions with the SOS, thus increasing the department's workload. Under current law, the SOS may only process statewide ballot measures. Further, the department is prohibited from using the current statistical verification processes for validating petition signatures, and instead is restricted to counting and reporting the completion of petition forms, which potentially reduces the workload of the SOS and their vendor, the Department of Personnel and Administration.

Local Government Impact

Local governments without a petition process will be required to establish such a process, incurring administrative and computer programming costs. Local governments may also experience an increase in the number of petitions received. Changes in local government revenue and expenditures will depend upon the number of petitions filed.

The measure may require that any county clerk's office process any state or local citizen initiative. These provisions potentially increase workload and costs for county offices to assume these tasks. This includes processing citizen initiatives, preparing printed ballot petitions, verifying signatures, and validating petitions. Local governments will also have increased costs for legal services to attend to protests and appeals heard in the Supreme Court.

Economic Impacts

While this measure may impact the number and type of citizen-initiative measures proposed or enacted in the future, Initiative #299 itself is not expected to have a direct economic impact on the state.

Effective Date

If approved by voters at the 2020 general election, this measure takes effect upon proclamation of the Governor, no later than 30 days after the official canvass of the vote is completed.

State and Local Government Contacts

Counties
Law

County Clerks
Legislature

Judicial
Secretary of State

Abstract of Initiative 299: PETITIONS

The abstract includes estimates of the fiscal impact of the proposed initiative. If this initiative is to be placed on the ballot, Legislative Council Staff will prepare new estimates as part of a fiscal impact statement, which includes an abstract of that information. All fiscal impact statements are available at www.ColoradoBlueBook.com and the abstract will be included in the ballot information booklet that is prepared for the initiative.

This initial fiscal estimate, prepared by the nonpartisan Director of Research of the Legislative Council as of March 30, 2020, identifies the following impacts:

State revenue. The measure imposes fines for certain offenses related to impeding the gathering of petition signatures. Fine revenue is indeterminate and has not been quantified.

State expenditures. The measure potentially increases the number of citizen initiated statewide ballot petitions. State workload and costs may increase due to a greater number of petitions administered by the Secretary of State, and because the state Supreme Court must review ballot disputes within newly established deadlines. Workload and costs may decrease to approve each petition because administrative processes have been eliminated and signatures will only be counted and not verified.

Local government impact. Local governments without a petition process will be required to establish such a process, incurring administrative and computer programming costs. Local governments may also experience an increase in the number of petitions received. Changes in local government revenue and expenditures is indeterminate and has not been quantified.

Economic impacts. While this measure may impact the number and type of citizen-initiative measures proposed or enacted in the future, Initiative #299 itself is not expected to have a direct economic impact on the state.