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2006 Colorado General Election Initiatives and Referenda

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Background

- **Initiatives** - The Colorado Constitution allows for citizens of the state to initiate measures to be placed on the general election ballot. These initiatives may amend either the [state Constitution](#) or the [Colorado Revised Statutes](#). Proponents of ballot [initiatives must follow a process](#) that provides for input on the initiative from the Legislative Council and a title setting by the Title Board prior to submission of petitions to the Secretary of State. Proponents are required to obtain signatures of qualified voters equal to five percent of the total votes cast for Secretary of State in the previous general election. For 2006, that number is 67,829. More information on the initiative process is available from the [Colorado Legislative Council](#) or the [Colorado Secretary of State](#).
- **Referenda** - Additionally, the Colorado General Assembly may refer measures to the ballot, also amending either the statutes or the Constitution. A simple majority voting in favor of the referendum in each house of the legislature is required for a statutory change, but a constitutional amendment to be referred requires a 2/3 majority in each house – 24 in the Senate, 44 in the House.
- **Major differences between initiatives and referenda –**
 - **Initiatives** - Proponents of initiated measures are not required to hold public hearings, to solicit input from other interested parties or to accept amendments to the initiative. The initiative may amend either the Colorado Revised Statutes or the Colorado Constitution and passes with a

simple majority of those voting in the general election. Initiatives are assigned numbers in the order in which they are certified for the ballot by the Secretary of State.

- **Referred measures** - Referred measures (referendum or referenda) that pass the legislature go through the same legislative process as any other legislative bill. That is, there is a committee hearing in each house, at which any interested party may testify for or against the measure and offer suggested amendments. All amendments and the measure must be approved by a majority of the committee before it is sent to the full House of Representatives or the full Senate for 2nd reading debate and amendments. After this debate, a majority of those elected (in the case of statutory changes) or a 2/3 majority of those elected (in the case of constitutional changes) must vote in favor of the measure before it is sent to the other house for the same process to be repeated. Only after successful passage from both houses will it appear on the general election ballot. Obviously, referenda are exposed to much more “sunshine” and public input before placement on the ballot. Referred measures are assigned letters, with Constitutional measures appearing first, then statutory measures.
- ***A simple rule of thumb – if the issue on the ballot is numbered, it is being placed on the ballot by citizens, without benefit of public hearing, input and amendments. If the measure has a letter, it has been referred by the Colorado General Assembly, with public hearings, amendments and a majority of the General Assembly voting in favor of placing the measure on the ballot.***
- The [Colorado Economic Futures Panel](#), in their [final report](#), suggested that the initiative process in Colorado should be tightened. For example, the signature threshold to place an initiative on the Colorado ballot is the lowest in the nation as a percentage of population. Colorado is the only state in the nation that does not maintain a different signature requirement for constitutional changes versus statutory changes. Since 1980, Coloradans have amended the state constitution 47 times. In more than 219 years since the founding of the United States, the U.S. Constitution has been amended only 27 times (10 of those amendments were the original Bill of Rights). Please note that Amendment 38 is in direct contradiction to the recommendations of the Colorado Economic Futures Panel.
- Colorado voters will have more initiatives and referenda to vote on this year than in any election since the early 1900's. More even than California voters are likely to see this year.

2006 Referenda (you may click on the hyperlinks to get more information)

- [Referendum E – SCR 06-001](#) amending provisions of the [Colorado Constitution](#) to extend the existing property tax exemption for qualifying seniors to any United States military veteran who is one hundred percent permanently disabled due to a service-connected disability. *Referred by the General Assembly.*

- [Referendum F – SCR 05-005](#) amending provisions of the Colorado Constitution concerning elections to recall state elected officials. *Referred by the General Assembly.*
- [Referendum G – SCR 06-002](#) amending the Colorado Constitution to eliminate obsolete provisions of the state constitution. *Referred by the General Assembly.*
- [Referendum H – HB 06S-1020](#) amending state statutes eliminating the ability of businesses, beginning January 1, 2008, to claim wages for "unauthorized aliens" as an expense for state income tax purposes, if the employer knew or reasonably should have known that the employee was an unauthorized alien. *Referred by the General Assembly.*
- [Referendum I – HB 06-1344](#) amending state statutes to establish legal domestic partnerships in the state of Colorado and specify eligibility requirements, definitions, procedures, rights, responsibilities, and means for terminating domestic partnerships. *Referred by the General Assembly.*
- [Referendum J – HB 06-1283](#) amending state statutes to require all school districts to send their budgets to the Department of Education in a standard format and ensure that at least 65 percent of operational expenditures go to services directly affecting student achievement. *Referred by the General Assembly.*
- [Referendum K – HB 06S-1022](#) – Directing the Colorado Attorney General to initiate a lawsuit against the federal government to demand enforcement of existing federal immigration laws. *Referred by the General Assembly.*

2006 Initiatives (you may click on the hyperlinks to get more information).

- [Amendment #38](#) – An amendment to the Colorado Constitution that makes several changes to the initiative and referendum process, including changing petition rights and procedures; allowing petitions to be submitted at all levels of Colorado government; limiting initiative ballot titles to 75 words; changing single-subject requirements and procedures; limiting the annual number of new laws that governments may exclude from possible referendum petitions; establishing standards for review of filed petitions; specifying that petitions may be voted on at any November election; limiting the use of government resources to discuss a petition; and requiring voter approval for future petition laws and rules and for changes to certain voter-approved petitions.
- [Amendment #39](#) – An amendment to the Colorado Constitution requiring that a school district spend at least 65 percent of its operational expenditures on classroom instruction, with limited exceptions. This amendment is similar to

Referendum J – the differences primarily being that this is a constitutional change, Referendum J is a statutory change and the two measures define items to be included in the 65% expenditure differently.

- [Amendment #40](#) – An amendment to the Colorado Constitution reducing the terms of office for supreme court justices and court of appeals judges to four years; requiring appellate judges serving as of January 1, 2007, to stand for retention at the next general election; prohibiting an appellate judge from serving more than three terms; and making any appellate judge who has served ten or more years at one court level ineligible for another term at that level.
- [Amendment #41](#) – An amendment to the Colorado Constitution prohibiting state and local elected officials and employees from soliciting or accepting monetary or in-kind gifts; prohibiting a professional lobbyist from giving anything of value to such person's or their immediate family members; prohibiting state elected officials from representing another person or entity before other state elected officials for a period of two years following departure from office; establishing penalties; creating an independent ethics commission; and specifying that the measure shall not apply to home rule jurisdictions that have adopted laws concerning matters covered by the measure.
- [Amendment #42](#) – An amendment to the Colorado Constitution to raise the minimum wage to \$6.85 per hour from the current \$5.15 per hour. It also raises the minimum wage for workers who receive tips from the current \$2.13 per hour to \$3.83 per hour. Subsequently both amounts will be adjusted for inflation.
- [Amendment #43](#) - An amendment to the Colorado Constitution to define marriage in Colorado as only a union between one man and one woman.
- [Amendment #44](#) – An amendment to the Colorado statutes that would legalize the possession of up to one ounce of marijuana for adults 21 years or older.
- [Amendment #45](#) – An amendment to the Colorado Constitution declaring that a domestic partnership is established as a unique and valid relationship between adults of the same sex and is not similar to marriage; and directing the General Assembly to enact implementing legislation consistent with the provisions for domestic partnerships set forth in House Bill 06-1344 (See Referendum I, which is an amendment to the Colorado statutes.)

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