

Are Coloradans Fit to Make Their Own Laws?

A Common-Sense Primer on the Initiative Process

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Introduction

On Election Day, Nov. 5, Colorado citizens will exercise their right to vote not only in electing candidates but also in deciding upon proposed laws, both statutory and constitutional. Some of these proposals will have been initiated by signature petitions, while others were referred from the General Assembly for final action by the voters.

The "initiative and referendum" feature of self-government in Colorado flows from the bold declaration in Article V, Section 1, of the State Constitution: "The people reserve to themselves the power to propose laws and amendments to the constitution and to enact or reject the same at the polls independent of the general assembly and also reserve power at their own option to approve or reject at the polls any act or item, section, or part of any act of the general assembly." It is a provision not to be taken for granted, since more than half the states (26) do not recognize it in their constitutions, nor does it occur in the U.S. Constitution. It is prized by some Coloradans as an important bulwark of liberty, but criticized by others as a nuisance or flaw in the system.

Initiative and Referendum (I&R) is briskly debated in every election year as the ballot fills up with questions for decision and the airwaves buzz with ads pro and con. The debate becomes especially hot in years when the ballot process is used to revise itself, as was the case in 1994 with enactment of the single-subject rule and as is recurring in 1996 with Referred Measure A, the 60-percent proposal, and Amendment 13, the petition rights measure. The present paper will not address the merits of those specific proposals, but will provide a general primer on petitions, ballot questions, and I & R as a time-honored feature of the U.S. and Colorado political scene in this century.

While this boisterous manifestation of popular sovereignty is no panacea, it cannot be waved off as a bogeyman in the way sometimes attempted by those who would foreclose all argument with the simple mantra, "representative government." Our ancestors who pioneered representative government were the same ones who cherished petition rights from the time of Magna Carta and who acknowledged them in the First Amendment right to petition. The petition right and representative government can more properly be seen as complementary, not antithetical, as the succeeding discussion will show.

I. Background

The citizen initiative came into existence as one of the platform issues of the Populist Party in the 1890s. At the time, special interests controlled both state and federal legislative bodies and new tools were needed to insure accountability in representative government. Initiative and Referendum (I & R) has three parts:

- 1 - An Initiative Petition permits citizens to propose laws.
- 2 - A Referendum Petition permits citizens to challenge laws passed by the legislature.
- 3 - A Recall Petition permits citizens to remove elected official from office prior to the next regular election.

I & R gives formal definition to the right to petition as mentioned in the First Amendment to the U.S. Constitution. In 1898, South Dakota became the first state to adopt I & R. Utah was second in 1900. Colorado was eleventh in 1910. Governor John Franklin Shafroth called a special session of the Colorado legislature in 1909 for direct primary election of U.S. Senators and for I & R. By 1918, nineteen states had adopted I & R. World War I and II and The Great Depression diverted the national focus from good government. No states adopted I & R until 1958 when Alaska was admitted. Currently, 24 states have some form of I & R (Illinois' I & R is so limited that Illinois is frequently deleted from the count). The last state to achieve I & R was Mississippi in 1992. Movements to acquire I & R exist in every non-I & R state. At least ten non-I & R state governors have pledged their support for I & R.

Initiative States:

	State	Year Adopted	Number on Ballot Since Adoption*
1	South Dakota	1898	42
2	Utah	1900	16
3	Oregon	1902	274
4	Nevada (C)	1904	27
5	Montana	1904	56
6	Oklahoma (B)	1907	79
7	Missouri	1908	60
8	Maine	1908	27
9	Michigan (D)	1908	54
10	Arkansas	1909	80
11	Colorado (E)	1910	150
12	Arizona	1910	133
13	California (F)	1911	232
14	Idaho	1912	17
15	Nebraska	1912	35
16	Ohio	1912	58
17	Washington	1912	91
18	North Dakota (I)	1914	160

19	Massachusetts	1918	41
20	Alaska	1959	22
21	Wyoming	1968	3
22	Illinois (A)	1970	4
23	Florida	1972	12
24	Mississippi (G) (H)	1992	0

* Includes citizen-initiated amendments and statutes only. Does not include referendum, recall, or referred items (1898-1992).

Notes:

(A) Illinois approved non-binding initiatives in 1902 & 1910, but the legislature never followed the mandate of the people. Binding I & R was approved in 1970 as part of a new Constitution.

(B) Delaware approved non-binding initiative in 1906 by 89%, but it was never enacted by the legislature.

(C) Nevada secured the referendum petition right and added initiative in 1912.

(D) Michigan - The 1908 procedures proved too difficult and were loosened in 1913.

(E) Most I & R approval votes have been overwhelming. Colorado's was by 75.6%.

(F) New Mexico approved the referendum petition in 1911, but included no initiative in its new Constitution.

(G) Mississippi approved I & R in 1914 by 2-1, but blank ballots were counted as "NO" votes defeating the proposal.

(H) Mississippi's first initiative election was in November of 1995 on term limits.

(I) Maryland approved the referendum petition in 1915.

Sources: "Citizen Lawmaker" by David Schmidt⁽²⁾ and National Conference of State Legislators.⁽³⁾

II. Colorado Ballot Issues

Of 106 citizen-initiated constitutional amendments to make it to the ballot, 33 have passed (31%). Of 110 constitutional amendments referred to the ballot by the State Legislature, 60 passed (55%). Fifty-two initiated statutes have made it to the ballot, of which 21 have passed (40%). Ten statutes have been referred by the Legislature and six have passed.

Appendix B provides a list of all issues that have appeared on the ballot between 1912 and 1995.⁽⁴⁾ Appendix C shows the approval rates for various types of ballot issues. The longest ballot in Colorado history was in 1912. The second longest was 1914.

There have been only 13 referendum petitions since 1912 (six in 1912 and five in 1914). The referendum petition is the citizens' right to circulate a petition to challenge a law passed by the Legislature. Of the 13, three were approved by the people and 10 were rejected. The last referendum petition election was held in 1932, and challenged a tax increase imposed by the Legislature. Subsequently, the Legislature has declared nearly every bill introduced into the Legislature as a statewide "emergency." The "emergency" declaration suspends the citizens' right to a referendum petition.

By studying the list of citizen-initiated ballot issues, one quickly realizes that these issues are almost exclusively items that the Legislature can not or will not address.

They generally fall into one of three groups:

1 - Conflict of interest issues, such as term limits, tax limits, redistricting, campaign finance reform, lobbying reform, and limiting perks of elected officials.

2 - Issues of controversy, such as gambling, tobacco use, school finance, nuclear detonation, and bottle deposit.

3 - Issues of principle, such as abortion, welfare reform, gay rights, and tax on churches and non-profits.

III. Assumptions, Claims, and Accusations

As Huxley said, "facts do not cease to exist because they are ignored." There are many claims about I & R that are false or exaggerated. Following are some of the assumptions, claims, and accusations with a brief summary of factual data available on each:

1 - Initiatives are a tool of special interests. This claim is false. The standard for comparison should be the legislative process. Special interests influence the Legislature. Is the initiative process influenced more or less by special interests than is the Legislature? Why do moneyed interests so aggressively take sides on initiatives? Why do special interests of all kinds band together with politicians of all philosophies to attack the initiative process? Could it be that power in the hands of the people is a threat to those who control power? Special interests fear the initiative process because it is a mechanism for expressing the public will.

2 - Initiative campaigns are influenced by money. This is true, but the real questions are "How?" and "In relation to what?"

The John S. Shockley study⁽⁵⁾ of the 1976 election in Colorado found that total spending on ten initiative and referred measure campaigns was \$205,613 "Pro", and \$2,137,392 "Con." Money tends to be on the side of the opponents, not the proponents.

Big money came out in opposition to two environmental initiatives: nuclear safety (5:1), and bottle deposit (31:1). Money also opposed repeal of sales tax on food (21:1), a consumer advocate for utilities (25:1), and voter approval of tax increases (20:1).

Would it have cost these special interests more money or less money to stop these proposals in the Legislature? The obvious answer is "less." Therefore, the initiative process is clearly less corrupted by money than is the legislative process.

The tougher question is "How much?" Certain issues will always pass, while others will always fail, irrespective of the influence of money. For those issues in-between, how often is money the determinant factor in an election? "Campaign spending can be judged the decisive factor in only about 23" of 189 initiative campaigns between 1976 and 1984 or 12%.⁽⁶⁾ Tax limitation was on the Colorado ballot nine times over a 26 year period⁽⁷⁾ and passed in 1992 when opposition spending dropped to 4:1.

3 - Voters are incompetent to decide complex issues. "The Judgment of the American people is extraordinarily sound. The public is always ahead of its leaders,"⁽⁸⁾ said George Gallup, Sr. in 1984 after 50 years in the public opinion polling business.

Although there was discussion of recall during the drafting of the U.S. Constitution in 1787, the formalized petition structures of I & R were unknown to the Framers. However, there can be little doubt of what their positions might have been. Thomas Jefferson said, "I know of no safe repository of the ultimate power of society but the people, and if we think them not enlightened enough, the remedy is not to take the power from them, but to inform them."

Thomas Paine was more extreme and believed that the source of innovative public policy was the people, not the rulers: "Could the straggling thoughts of individuals be collected, they would frequently form materials for wise and able men."⁽⁹⁾ Clearly, Paine would advocate far more open government in the presence of today's more advanced communications technology and educated populace.

In 1975, the Swedish government decided to involve the voters in determining its national energy policy. It was hoped that 10,000 citizens would avail themselves of a 10-hour course on energy. Shockingly, 80,000 attended.⁽¹⁰⁾ This turn-out is equivalent to 2,000,000 Americans or 30,000 Coloradans. People are responsible. They go out of their way to become informed. They share their information and conclusions with others. So it is not necessarily accurate to suggest that the 30,000 most-informed Coloradans would generate a less desirable policy on any issue than 100 generalist state legislators who must dispose of 600 bills in 120 days under the pressure of lobbyists and special interests.

In his study of the 1976 Colorado election, Shockley found that voting was higher on initiatives than it was for any candidate except President.⁽¹¹⁾ This suggests something about where the interests of voters rest. In voter awareness interviews, Shockley found a surprising correlation. People's knowledge of issues and candidates was amazingly similar to their voting practices. In other words, voters appear to be more informed about issues than they are about candidates. The

notion that voters are incompetent to vote on issues suggests that they are also incompetent to vote for candidates. Such a notion is contrary to fundamental democratic principles.

Further, the fact that not all voters vote on all issues supports the "responsible voter" premise. Early studies suggested that some voters just gave up, and stopped voting towards the end of a long ballot, or just voted "no" on everything at the end of the ballot. In her 1987 book, *Money, Media and Grass Roots*, Betty H. Zisk contradicts the once-conventional wisdom: "long ballots do not seem to cause consistent patterns of either negative voting or a drop in participation at the end of the ballot. Nor do 'difficult' propositions (in substance or in wording) invariably evoke negative reactions."⁽¹²⁾

Many scholars now support the "pick-and-choose" theory. On a long ballot, voters skip the issues they do not feel informed about, and vote on the ones they do, regardless of ballot placement.

4 - Initiatives are poorly written. False. Compared to bills that move through the Legislature, initiatives are no worse, and sometimes better. In Colorado, the Legislature drafts, considers, and disposes of about 600 bills per year in its 120-day session. Each legislator is allowed to sponsor five bills (although there are procedures that allow more). Initiatives are usually drafted by a small groups of activists who are passionate and well-informed about their issues. It is not uncommon for development of a draft to take many months, even years. The procedure requires the same help that legislators get from the State Office of Legislative Legal Services (the bill drafting staff). The arduous task of getting on the ballot, the normal prospect of being substantially outspent in the campaign, the risk that any flaw is ammunition for the opposition, and the inevitability of court challenges upon passage provide important incentives for proponents to be both careful and reasonable in drafting their measure.

5 - Initiatives are often unconstitutional. False. Of 40 initiatives passed between 1980 and 1982, only two were found to be unconstitutional.⁽¹³⁾ The percentages are even lower in Colorado. Amendment #2 passed in 1992 and is the only initiated constitutional amendment ever to be invalidated as unconstitutional.

Other proposals over the years, rejected by the voters, may have been unconstitutional. The voters' rejection of these measures is another sign of the voters' good judgement.

6 - There are too many initiatives on the ballot. False. "Too many" is subjective. Who gets to decide what the correct number is? Those who claim there are too many have yet to suggest the proper number of initiatives or a rational basis for that number. They evidently know only that there are too many.

7 - Initiatives cause ballot clutter. So what?

Besides, if ballot clutter exists, it is as much a product of the legislature as citizens. In the 1982 and 1984 elections, there were four times as many referred as initiated measures on state ballots nationwide.⁽¹⁴⁾ For the entire history of the initiative in Colorado (1912-1994), the Legislature has referred 110 amendments and 106 have been initiated by voters.

There would be less clutter if there were no initiative, and less clutter still if there were no referred measures. The cleanest ballot of all would be a blank piece of paper with no candidates to select. Pre-marked ballots would also be easy for voters. Though voters may complain about deciding hard issues, most understand that participation in government is their civic duty in a democracy and they exercise it responsibly.

8 - Voters do not like long ballots. False. The data suggest the opposite. In a 1977 poll, voters were asked, "Would you be more inclined or less inclined to go to vote if you could vote on issues as well as on candidates?" The results were 74% said "More," 7% said "Less," and 13% said "No Difference."⁽¹⁵⁾

Actual voter behavior also suggests that initiatives promote turnout. Schmidt tabulated voter turnout in initiative states and non-initiative states in 1976, 1978, 1980, 1982, and 1984:

Voter Turnout⁽¹⁶⁾

	1976	1978	1980	1982	1984	Average
Initiative States	59.0	44.7	59.8	46.8	54.5	53.0
Non-initiative	56.0	39.4	55.0	39.8	53.0	48.6
Difference	3.0	5.3	4.8	7.0	1.5	4.4

	Presidential Year	Non-Presidential Year	Drop Off
Initiative States	57.8	45.8	12.0
Non-initiative States	54.7	39.6	15.1
Difference	3.1	6.2	

Note: Voter turn-out is higher when initiatives are on the ballot - both in presidential and non-presidential election years. In non-presidential election years, voter turn-out drops sharply when no issues appear on the ballot. When initiatives are on the ballot, voter turnout is generally about 10 percent higher.

A 1992 study by the Public Affairs Research Institute also found that voter turn-out was higher in states with initiatives on the ballot than elsewhere (50% versus 42%).⁽¹⁷⁾ More significantly, ballot initiatives tend to sustain voter interest in non-presidential election years (45% versus 34%). During presidential elections, the differential is small (57% versus 55%).

Not only is voter interest higher when initiatives are on the ballot, but there is evidence that the level of voter interest increases in proportion to the number of initiatives. More research is needed to prove this point. The data currently available suggests that voter turn-out is higher when more issues are on the ballot.

Oregon is the most active citizen initiative state with 274 initiatives over the years (nearly twice as many as Colorado). Oregon's voter turn-out is 57%, second only to North Dakota at 60%. North Dakota has the third highest number of initiatives at 160.⁽¹⁸⁾

9 - Initiatives benefit one philosophy. False. This is a claim used to divide the people so that those with power can maintain control.

"Claims that the initiative has worked for the benefit of only one political philosophy or one group of people simply are not accurate," observed a 1980 study of the Colorado initiative process, funded by the National Endowment for the Humanities.⁽¹⁹⁾

Initiative opponents list examples of initiatives offensive to the left or right (depending upon the audience) to provide the appearance of abuse of the process. This way, they trick people into voting away their petition rights as a false protection against a non-existent threat from extremists. To the extent that initiatives benefit one philosophy that one philosophy is the will of the general public.

10 - People vote selfishly. Subjective. This alarmist statement is designed to instill fear. It is another version of "the people can not be trusted."

Its meaning must be clear. First, assume that selfish means that the people will lower their taxes. Although they have the right to do so (because it is their money), voters have been very discrete and discriminating in choosing which tax initiatives to pass. Between 1978 and 1984, for example, only three of 19 tax cut initiatives passed.⁽²⁰⁾ In Colorado, tax limitation was on the ballot nine times over a 26-year period before it finally passed in 1992.

Selfish cannot mean that the majority would discriminate against minorities, because each individual enjoys constitutional protection. Besides, the general public is predisposed to a sense of fairness.

11 - Many initiatives are bad ideas. Subjective. The check against bad ideas is the vote of the people.

Tax limits failed eight times before it became a good idea. It became a good idea because it eventually became clear that the issue would not be addressed by politicians.

Even people with bad ideas have First Amendment petition rights. To suggest that the initiative should be restricted or killed because some foolish citizen may someday introduce a bad ballot proposal is an expression of elitism and distrust of the public. Such thinking is unsuited for a free people.

Generally, bad ideas cannot muster the support needed to get on the ballot. When they do, they seldom are approved. Skeptics are invited to make a list of those that are bad from the 33 citizen-initiated amendments passed.

12 - Initiatives place extraneous material in the Constitution. True, but exaggerated. This charge needs to be placed in context.

As originally written, the Colorado Constitution includes much more operational detail than the U.S. Constitution. So the Colorado Constitution is long because that is how it was originally written.

Second, if the Constitution has been over-amended, the fault is not in the initiative process. Since 1912, there have been 33 initiated amendments (from the people) and 60 referred amendments (from the legislature) added. In other words, nearly two-thirds of the amendments originated in the Legislature. Review of the approved citizen-initiated constitutional amendments shows that only few in whole or in part are candidates to be statutes.

That said, there are some provisions that have been placed into the Constitution that perhaps should not have been. The reason is that if the provisions had been added to Colorado laws as a statute, rather than as a constitutional amendment, there would have been almost no protection from the provisions being gutted by the legislature. Because initiatives often involve issues that the Legislature has ignored or rejected, fear of Legislative gutting is not unreasonable.

The petitioning task is so daunting that no rational person would consider putting an "at-risk" item into statute. The fix is to invent a system by which initiated statutes would be safe from the threat of hostile action by the Legislature. Proponents of an initiative already have the incentive to propose a statute rather than a constitutional amendment, because of the former's higher approval rate (40% for versus 31%). If protections against legislative tampering are put in place, there will be even less incentive for initiatives to be proposed as constitutional amendments.

13 - Initiatives create tyranny of the majority. Tyranny is defined by Webster's dictionary as "oppressive power" or "a government in which absolute power is vested." To apply such a label to lawmaking by popular vote where fundamental rights are protected by the United States and Colorado Constitutions is absurd. It is a play on words that is designed to elicit an emotional response. To deny or restrict the initiative would be more accurately described as oppressive and tyrannical. Those who make such claims are those whose power is threatened by determining the popular will: politicians, political parties, lobbyists, and special interests.

14 - Initiatives make the Legislature unnecessary. False. Legislatures are no less necessary, but their role is reshaped. The initiative helps the legislative process by providing a mechanism to deal with issues that the Legislature often will not approach: conflict of interest issues, issues of principle, and issue of controversy. The key to public policy success is to enlist the wisdom and resources of the people, not to shut them out.

The number of initiatives rarely reaches 1% of the number of bills considered in a legislature. Use of the initiative increases when the legislative process is broken. Thus, high usage of initiatives merely means that legislative reform is needed.

The notion that there should be less citizen involvement in their government is wrong. Therefore, the real issue for the future is the form that citizen involvement will take.

Conclusion

Citizens can count themselves fortunate in Colorado and 23 of her sister states where the people's power to make their own laws is constitutionally guaranteed.

The provision for initiating statutes or amendments by petition, and then deciding them by ballot, is a legacy of the 1898-1918 Populist Era in most of the states that now have it. In a handful of other states it was wrested from the political class by grassroots reformers in the 1959-1992 period. In Colorado today, proponents of the initiative as a valuable form of lawmaking often find themselves on the defensive against harsh criticism from that same political class. But the critics' arguments are clearly refuted by facts and logic.

Examination of fourteen commonly heard allegations against the initiative process finds none of them very persuasive. Special interests do *not* thrive on the initiative; they find the legislature far easier to manage. Money-power likewise gets its way more readily under the Capitol dome, *not* at the ballot box.

Voters are *not* incompetent to decide complex issues, as quantitative research has proved. *Nor* are ballot measures notably less well drafted than legislative bills. Constitutional invalidation of successful initiatives is *not* frequent, but very rare.

The number of initiatives on today's ballot is not unprecedentedly large. Indeed, the very long ballots of 1912 and 1914 have never been matched since. Such ballot clutter as there is, actually results more from legislative referenda, *not* from initiated measures. And voters themselves do *not* seem to dislike a longer ballot; turnout statistics suggest the opposite.

The initiative does *not* benefit merely the political right or left; partisans from both sides have used it over the years. Bad ideas do *not* often muster the petition support to make the ballot, and they win at the polls even less often. Lengthy constitutional provisions are *not* primarily the result of initiatives, rather they stem from the inherent nature of a state constitution, as amended mostly by legislative referenda.

Finally, the initiative does *not* imply a tyranny of the majority; the U.S. Constitution prevents that. *Nor* does the initiative threaten to make the legislature unnecessary, rather it supports that institution by enlisting the people to counter-balance legislative overreach and to compensate for legislative weaknesses.

Nine decades into our state's experience with the initiative process, the burden of proof for curtailing or eliminating that option rests upon its doubters. The outlook for coming decades

suggests that initiatives probably will, and rightly should, continue their important contribution to "government of the people, by the people, and for the people" in Colorado.

Endnotes

1. Colorado Constitution, Article V, Section 1.
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20. David B. Schmidt, "Citizen Lawmakers," Temple University Press, 1989, page 39.

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Appendix A

Types of Petitions

In a representative democracy there are two general types of petitions: formal and informal. The informal variety is of the same general type as the mentioned in the Magna Carta, which promised that people who complained to the King about something would not be punished. An individual or group simply states their grievance to an appropriate official. There is no binding effect and no particular expectation on the part of the petitioner. When elected officials receive letters or telephone calls from constituents, the informal petition is being exercised.

The formal petition serves as a mechanism to define a threshold level of public interest. When public interest has been sufficiently demonstrated, access to the ballot is granted. Thus, the petition is merely the tool by which public interest is measured. Issues of greater importance require that a greater level of public interest be shown. To run as a city council candidate may require few signatures, but to petition to amend the Colorado Constitution currently requires 54,242 signatures. Once the minimum criteria for access to the ballot are satisfied, the people have a right to a public vote, referendum or plebiscite. The general meaning of "referendum" is synonymous with plebiscite and public vote. The specific definition of "referendum" is provided in a following section.

1. CANDIDATE PETITION - The candidate petition is the simplest of the formal petitions. Just about anybody can run for public office, but one of the first hurdles candidates must overcome in non-partisan races is to complete a petition for the purpose of demonstrating a minimum level of public support for their candidacy. Signature requirements vary from very few for city council and special district races to several thousand for congressional offices. The higher threshold insulates voters from having "too many" choices on the ballot.

In partisan races, independent and third party candidates can petition onto the ballot. The two major parties are exempt from petitioning requirements. One thousand signatures are required to get a name on the ballot to challenge the selections of the two parties for Governor, Secretary of State, Attorney General or Treasurer. State Senate is 600. State House is 400. President is 5,000. To win a spot on the party primary ballot, the parties have a series of precinct, district, county and state caucus and assembly meetings. Candidates who wish to bypass the caucus system to get on the primary ballot may do so by petition. The signature requirement is 2% of the party vote for that

office in the last election. This process is being used by an increasing numbers of candidates. Some predict that this will forever change the caucus system.

2. INITIATIVE PETITION - The initiative petition is the first of three petition devices invented nearly 100 years ago by the Populists to reclaim control of their government from special interests. The three together are called Initiative and Referendum (I & R) and include the initiative petition, the referendum petition and the recall petition.

The initiative petition allows citizens to initiate laws. Thus, the name is "citizen initiative." Laws come in two types: organic law (constitutional law or charter law) and ordinary law (statutory law or ordinance law). Constitutional and statute are state terminology. Charter and ordinance are local terminology. Organic and ordinary law initiatives are allowed in Colorado at both the state and city level of government. Colorado citizens cannot initiate laws at the county level or district levels of government. When sufficient public interest is demonstrated via petition signatures, the initiative is allowed ballot access for a vote of the people.

2.a. DIRECT INITIATIVE - The direct initiative permits initiative activists to go directly to a vote of the people. The direct initiative process bypasses the state legislature. Colorado's is a direct initiative.

2.b. INDIRECT INITIATIVE - The indirect initiative comes in many forms. It involves the legislature and/or staff in the process. Because initiative issues tend to be ones where the legislature is in a conflict-of-interest to act (such as term limits or tax limitations), legislatures tend not to act. So the only substantive product of the indirect initiative is to slow down change.

The benefits of the indirect initiative are public debate, public hearing, compromise, professional drafting, in-depth consideration of impacts, exposure of unintended consequences, and consensus building.

Mississippi's indirect initiative gives the legislature the opportunity to enact the proposal after ballot access is achieved. If the legislature enacts a proposed statute, the proposal does not appear on the ballot. The legislature may not otherwise prohibit the measure from appearing on the ballot, but may propose an alternative version of the proposal on the same ballot.

The indirect initiative in Massachusetts has a very low signature threshold which puts the proposal before the legislature for consideration. If the legislature does not act, proponents must collect additional signatures to achieve ballot access.

2.c. INSTRUCTIONAL INITIATIVE - Instruction is the use of a citizen initiative to instruct legislators how to vote on an issue. The most famous example of instruction is popular election of U.S. Senators. The unamended U.S. Constitution required that U.S. Senators be elected by the respective state legislatures. The 17th Amendment ratified in 1913 changed the selection of U.S. Senators to popular election. The change was necessitated by the control of state legislatures by special interests prior to 1890. Fifteen states, beginning with Oregon in 1905, began to approve citizen initiatives that instructed state legislators to vote for the person who got the most popular votes in the primary election. It is conceivable that instructional initiatives may find a resurgence

in response to popular issues such as the balanced budget, term limits, campaign finance reform, and unfunded mandates.

3. REFERENDUM PETITION - The referendum petition is the second of the three I&R devices invented by the Populists. If a legislative body passes a law, activists may circulate petitions to reconsidering the law. When sufficient public interest is demonstrated, the law is suspended until it can be brought before the people at the next election. A vote of the general public either upholds or strikes the work of the legislature. The people reserve to themselves the right of referendum in Article V, Section 3 of the Colorado Constitution. Referendum petition rights apply to the state and to cities, but not to counties and districts. Signature requirements are the same as initiatives. The time allowed to collect signatures is short. Referendum petitions are sometimes called "protest petitions" and "citizens' veto."

4. RECALL PETITION - The recall petition is the third of three I&R petition devices invented by the Populists. A recall petition allows citizen activists to remove an elected official from office on political grounds. Recall requires no legal or criminal basis. When public interest is demonstrated via petition signatures, a special election is scheduled. The ballot question is "Shall Hubert Smith be recalled?" If the "Yes" votes prevail, Mr. Smith is out of office and usually a second special election is held to select a replacement. Sometimes, alternate replacement mechanisms exist and sometimes replacement candidates appear on the same recall ballot. Signature requirements for recalls are very high in Colorado. The right of recall is available to the constituents of all Colorado governments. There is uncertainty as to whether recall in Colorado includes judges. There has never been a recall election of a state official in Colorado, because of the high signature requirement.

5. REFERRED MEASURES - As agents of the people, legislative bodies have the authority to "refer" measures to a vote of the people. Under the terms of the Taxpayers Bill of Rights (TABOR), legislators *must* refer tax increase and debt issues to a vote of the people. Constitutional amendments proposed by the legislature can become law only by a vote of the people. In only one state (Delaware) is the legislature allowed to amend the Constitution without the consent of the people. Alabama does not permit the legislature to refer amendments for a vote of the people. New Hampshire requires a two-thirds vote of the people to approve referred constitutional amendments. In Colorado, referred constitutional amendments require a two-thirds vote in each House to get on the ballot. Referred statutes require a simple majority in each House. The Governor cannot veto. The process of referring measures to a vote of the people by the legislature is also called a "legislative referendum."

6. NONBINDING REFERENDUM - The nonbinding referendum is also called "advisory referendum", "voluntary referendum", and "informational referendum." It is used to take the pulse of public opinion. As the name implies, the legislative body is under no obligation to act. The nonbinding referendum is rarely used. There are no examples of its use in Colorado.

A nonbinding referendum process was approved in Delaware in 1906 with an 89% vote, but the state legislature has yet to pass enacting legislation. For a nonbinding initiative to work in Colorado, a new procedure would be needed.

Appendix B

Colorado Ballot Issues (1912-1995)

The election results are provided as follows. First, the SUBJECT.

Then, the votes FOR and AGAINST. The winning side's vote is underlined.

Then, the TYPE of the measure is listed, either CA = Constitutional Amendment or S = Statute

Finally, SOURCE of the measure: I = Citizen Initiated; R = Referred by Legislature; RP = Referendum Petition.

1912

1. Designating mining and smelting business as affected with the public interest. 35,997 37,953 CA R
2. Creating a state tax commission in lieu of the state board of equalization and continuing county boards of equalization. 32,548 40,012 CA R
3. Providing that salaries of county, precinct and other officers need not be paid entirely from fees collected by said officers. 28,889 41,622 CA R
4. Raising limitation on county debts, based upon assessed valuation of taxable property in county. 29,741 47,284 CA R
5. Providing for statewide prohibition. 75,877 116,774 CA I
6. Providing special funds for the state immigration bureau. 30,359 54,272 CA I
7. Granting home rule to cities and towns. 49,596 44,778 CA I
8. Providing recall from office. 53,620 39,564 CA I
9. Providing for the holding of special elections for voting on proposed constitutional amendments and initiated and referred laws. 33,413 40,634 CA I
10. Defining contempt of court and providing for trial by jury for contempt in certain cases. 31,850 41,855 CA I
11. 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 51,820 CA I
12. Providing wider control of the schools by the people. 38,318 55,691 CA I
13. Providing for juvenile courts in cities and counties of over 100,000 population. 55,416 40,891 CA I
14. Authorizing a bonded indebtedness for public highways. 36,636 53,327 CA I
1. Eight hour law for work in underground mines, smelters, coke ovens, etc. 69,489 30,992 S RP
2. Concerning the branding and marking of livestock. 37,387 37,740 S RP

3. Relating to the custody and management of public funds. 20,968 44,322 S RP
4. Establishing teachers' summer normal schools. 23,521 63,266 S RP
5. Concerning examinations for teachers. 25,369 54,086 S RP
6. Concerning water rights and irrigation. 22,931 47,614 S RP
7. Enforcement of prohibition laws by search and seizure. 64,616 79,190 S I
8. Women's eight hour employment law. 108,959 32,019 S I
9. Providing for the regulation of public service corporations. 30,347 64,138 S I
10. Establishing a state fair. 49,102 52,462 S I
11. Reducing costs of publishing constitutional amendments, initiated and referred laws, and publishing arguments for and against. 39,551 50,635 S I
12. Amending election laws. 37,616 38,537 S I
13. Amending election laws, and providing for a "headless" ballot. 43,390 39,504 S I
14. Mothers' compensation act and aid to dependent and neglected children. 82,337 37,870 S I
15. Relating to civil service and amending said law. 38,426 35,282 S I
16. Eight hour law for work in underground mines, smelters, mills and coke ovens. 52,525 48,777 S I
17. Giving state highway commission control of certain funds. 44,568 45,101 S I
18. Construction of tunnel through James Peak. 45,800 93,183 S I

1914

1. Providing sixty years for redemption of city and town indebtedness. 38,589 65,206 CA R
2. Concerning the equalization of tax assessments at full cash value, by the state and county boards of equalization. 55,987 55,275 CA R
3. Concerning publication of constitutional amendments and initiated and referred laws. 48,301 56,259 CA R
4. Providing that initiated measures rejected by people cannot again be initiated for six years, and if two conflicting measures be adopted at same election, one receiving largest affirmative vote shall prevail. 55,667 112,537 CA I
5. Providing for statewide prohibition. 129,589 118,017 CA I
6. Providing for a three-fourths jury verdict in civil cases, and permitting women to serve on juries if they desire. 67,130 77,488 CA I

7. Giving people right to petition governor to call special elections for submitting measures under the initiative and referendum. 40,643 80,977 CA I

8. Designating newspapers as public utilities. 35,752 91,426 CA I

1. Relating to the financing and capitalization of public utilities. 39,703 65,132 S RP

2. Providing for the licensing and regulation of commission merchants. 39,448 67,454 S RP

3. Relieving employees from assuming risk of injury or death. 69,006 60,298 S RP

4. Concerning the appointment of peace officers. 49,116 66,833 S RP

5. Relating to the financing and capitalization of public utilities. 37,633 63,603 S RP

6. Providing for codification of laws relating to women and children. 68,242 72,122 S I

7. Increasing state road fund by half mill levy for highway construction. 117,146 53,844 S I

8. Permitting probation in criminal cases for minors and first offenders. 62,561 68,512 S I

1916

1. Placing state civil service in the constitution. 62,458 96,561 CA I

2. Declaring beer non-intoxicating and providing for its manufacture and sale. 77,345 163,134 CA I

1. Regulating the practice of medicine. 96,879 82,317 S RP

2. Providing for the care and treatment of insane persons. 164,220 39,415 S I

3. Abolishment of the state tax commission. 80,362 84,011 S I

4. Regulating the running of stock at large. 85,279 155,134 S I

5. Providing for the investment of public school funds in certain securities. 102,956 66,053 S I

1918

1. Concerning the publication of proposed constitutional amendments and initiated and referred laws. 98,715 12,237 CA R

2. Limiting time for introduction of legislative bills from 25 to 15 days. 67,693 19,901 CA R

3. Placing state civil service in the constitution. 75,301 41,287 CA I

1. "Bone-dry" prohibition law. 113,636 64,740 S I

2. Relief of adult blind. 131,469 9,440 S I

1920

1. \$5,000,000 bond issue for construction of public highways. 100,130 70,997 CA R
2. Increasing number of county judges. 35,095 97,398 CA R
3. Increasing salaries of governor, his secretary, and supreme and district court judges. 49,313 112,878 CA R
4. Providing additional one mill levy for state educational institutions. 160,268 52,324 CA I
5. Providing for the construction of the Moffat, Monarch and San Juan tunnels, and bond issue therefor. 101,841 126,099 CA I
1. Fixing hours of employment in city fire departments. 113,286 82,596 S I
2. Relating to the practice of chiropractic, and providing for the regulation and licensing thereof. 84,286 109,385 S I
3. Creating the county Limon. 34,881 141,239 S I
4. Creating the county of Flagler. 33,295 140,363 S I
5. Appropriating \$350,000 from the general fund for the establishment of the Psychopathic Hospital and Laboratory. 155,049 50,295 S I

1922

1. Location and control of educational institutions. 87,282 58,315 CA R
2. Four year terms for certain elected state officers. 37,945 105,782 CA R
3. Four year terms for certain elected state officers. 40,081 100,367 CA R
4. Giving legislature power to provide for property rights of aliens ineligible to citizenship. 43,074 95,219 CA R
5. \$1,500,000 bond issue for construction of public highways. 131,271 66,536 CA I
6. Creating a public utilities commission, prescribing its powers and duties, and defining public utilities. 75,061 107,655 CA I
7. Giving legislature or people power to exempt certain intangibles from ad valorem taxation, and to impose an income tax in lieu thereof. 42,466 120,355 CA I
2. Revising apportionment of members of legislature. 61,502 101,537 S I

1924

1. Providing for creation of bond issue to pay bonus to soldiers and sailors. 91,510 119,586 CA R
2. Giving legislature power to fix salaries of state officers. 67,230 129,344 CA R
3. Establishing the office of state printer, and a printing building committee. 32,150 225,505 CA I

1926

1. Giving legislature power to fix salaries of governor, his secretary, and supreme and district court judges. 95,625 104,709 CA R

2. Giving legislature power to fix salaries of county and precinct officers, such salaries not necessarily to be paid only from fees collected. 60,086 118,284 CA R

3. Giving legislature power to enact laws for motor vehicle registration taxes and fees in lieu of ad valorem taxes. 68,459 134,292 CA R

4. Giving legislature power to provide for manufacture and sale of intoxicating liquors for intrastate use, subject to federal constitution. 107,749 154,672 CA R

5. Creating a public utilities commission and prescribing its powers and duties. 35,137 161,372 CA I

1. Amending law to permit dentists licensed in other states to practice in Colorado without examination. 56,433 182,816 S I

2. Concerning the taxation of petroleum products and registration of motor vehicles, and providing that all such taxes and fees be used exclusively for roads. 81,762 145,482 S I

1928

1. Giving legislature power to fix salaries of governor, his secretary and supreme and district court judges. 134,724 119,060 CA R

2. Making payment of ad valorem tax on real estate a qualification for voting school bonded indebtedness. 69,005 155,018 CA R

3. Amending eminent domain provisions to facilitate better city planning and zoning. 32,294 157,973 CA R

4. 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. 84,416 157,889 CA I

5. Providing for a \$60,000,000 bond issue for the construction of highways. 82,422 173,881 CA I

1930

1. 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. 70,643 149,770 CA I

1932

1. Four year terms for certain elected county officials. 102,117 169,703 CA R

2. 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. 85,573 225,713 CA I

3. Giving legislature power to provide for a limited income tax and a classified personal property tax, to be used to public schools. 101,438 214,464 CA I

4. Limiting taxation of motor fuel and ad valorem taxation of motor vehicles. 124,610 248,801 CA I

5. Repealing statewide prohibition, subject to national repeal. 233,311 182,771 CA I

1. Increasing tax on oleomargarine from 10 to 15 cents per lb. 134,313 217,671 S RP

2. Reapportionment of members of legislature. 162,871 144,037 S I

1934

1. "Short ballot" amendment, vesting centralized authority in governor. 47,265 200,366 CA R

2. Amending civil service constitutional amendment. 60,745 192,140 CA R

3. Amending revenue and taxation sections of constitution, principally by eliminating the "uniformity clause", and boards of equalization. 107,457 161,952 CA R

4. Giving people sole power to impose or approve imposition of excise taxes through the initiative and referendum. 126,649 149,098 CA I

5. Concerning the taxation of petroleum products and registration of motor vehicles, and providing that such taxes and fees be used exclusively for roads. 160,482 132,944 CA I

6. Limiting tax on motor fuel to 3 cents per gallon. 87,090 137,720 CA I

1. Imposing license fees on chain stores. 197,144 156,147 S I

1936

1. Providing that women shall serve on juries. 129,872 184,204 CA R

2. Giving legislature power to provide for a graduated income tax. 167,268 159,143 CA R

3. Exempting real and personal property of churches, schools and cemeteries, in certain cases, from taxation, unless otherwise provided for by law. 227,254 111,123 CA R

4. 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. 60,228 283,583 CA I

5. Providing for ownership tax on motor vehicles in lieu of ad valorem taxation thereon, and for the distribution thereof. 218,795 108,270 CA I

6. Amending revenue sections of constitution, principally by giving legislature power to provide for an income tax within limitations. 67,155 282,022 CA I

7. Providing \$45.00 per month old age pensions and designating certain taxes for the payment thereof. 239,289 134,377 CA I

1. Amending workmen's compensation act to benefit of employee. 203,193 114,733 S I

2. Providing for public assistance to indigent tubercular residents. 176,872 133,516 S I

1938

1. 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. 94,846 315,174 CA I

2. Repeal of \$45.00 old age pension amendment and giving legislature power to provide for pensions. 157,975 274,598 CA I

1. Repeal of chain store tax act. 167,109 264,700 S I

1940

1. Providing for an ad valorem tax on all intangible property in the state, and allocating the funds derived therefrom. 50,806 440,202 CA I

2. 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. 196,907 272,768 CA I

3. Providing for an income tax; requiring the legislature to levy such income tax at not lower than certain specified rates; and providing that the revenues derived therefrom shall replace property taxes. 81,737 366,049 CA I

4. 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. 138,383 358,528 CA I

1. 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. 203,195 277,392 S I

1942

1. Relating to the legislature department; providing limitations upon sessions of the General Assembly and the manner of the introduction of bills therein. 72,147 73,648 CA R

1944

1. Providing for jury service to women. 195,793 127,057 CA R

2. 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. 173,652 195,752 CA I

3. 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. 256,563 107,100 CA I

1. 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. 243,863 140,187 S I

1946

1. Providing for secret ballots. 118,470 92,203 CA R

2. 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. 96,787 169,243 CA R

1948

1. Providing for the election of a State Board of Education and the appointment by said Board of a Commissioner of Education. 233,100 128,054 CA R

2. Providing that political subdivisions may adopt and thereafter modify or repeal local option proposals prohibiting the sale of alcoholic and fermented malt beverages. 120,799 334,331 CA I

3. 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. 166,031 295,712 CA I

1. Providing for the authorization, regulations and licensing of the racing of horses and other animals with part mutual wagering. 238,371 183,292 S R

1950

1. 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. 145,780 91,700 CA R

2. 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. 134,048 96,709 CA R

3. 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. 103,848 208,408 CA I

1952

1. 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. 223,365 159,883 CA R

2. 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. 173,652 203,732 CA R

3. 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 through 1961. 96,584 279,682 CA R

4. Providing for a severance tax on certain petroleum products and natural gas. 177,125 315,392 CA I

5. 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. 152,570 324,548 CA I

1. Making it unlawful for any municipality to employ firemen more than 60 hours a week, with certain exceptions. 169,126 266,275 S I

1954

1. 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. 229,175 123,923 CA R

2. Relating to income deductible from old age pensions. 104,079 223,965 CA R

3. Excluding director of water conservation board from civil service. 133,073 159,800 CA R

4. 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. 123,112 155,539 CA R

5. Apportionment of members of general assembly. 116,695 159,183 CA R

6. 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. 143,486 148,517 CA R

7. Providing for four-year terms of office for certain county officers. 168,055 151,271 CA I

1. Providing for issuance of \$35 million of revenue anticipation highway warrants. 177,697 132,628 S R

1956

1. Providing for four year terms of office of the governor, lieutenant governor, secretary of state, state treasurer, and attorney general. 316,611 192,267 CA R

2. Exemptions from ad valorem taxation household furnishings and personal effects which are not used for the production of income at any time. 320,134 196,423 CA R

3. 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. 156,077 334,498 CA R

4. Providing for apportionment of members of the general assembly. 158,204 349,195 CA I

5. 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. 364,961 190,366 CA I

1. 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. 218,426 231,725 CA R

1958

2. 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. 146,328 252,903 CA R

3. 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 benefitted property. 158,666 241,636 CA R

4. 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. 244,929 235,482 CA I

5. "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. 200,319 318,480 CA I

1960

1. 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. 215,956 342,352 CA R

2. 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. 231,023 328,241 CA R

3. Creates a wildlife management commission and a department of wildlife conservation. 190,366 419,048 CA I

4. 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. 200,566 403,470 CA I

5. "Little Cabinet Amendment"; authorizing governor, with consent of Senate, to appoint administrative officers of certain departments, to be excluded from civil service. 170,736 430,394 CA I

1. Providing for daylight savings time. 230,115 336,033 S I

1962

1. Providing for a reorganization of the judicial department. 303,740 169,032 CA R

2. 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. 157,249 254,354 CA R

3. 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. 231,784 201,795 CA R

4. 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. 303,942 137,323 CA R

5. 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. 215,413 212,477 CA R

6. 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. 207,442 208,867 CA R

7. "Federal plan for reapportionment"; providing for reapportionment of the general assembly. 305,700 172,725 CA I

8. "Voter plan for reapportionment"; providing for reapportionment of the general assembly. 149,822 311,749 CA I

1964

1. Providing for a state auditor under the legislative department. 304,066 173,221 CA R

2. The office of county superintendent of schools may be abolished. 308,049 177,967 CA R

1966

1. The executive department of the state government shall not exceed twenty departments. 369,366 162,038 CA R

2. Classification of self-propelled equipment and ownership tax. 318,102 211,177 CA R

3. Selection, tenure, removal or retirement of Justices of the Supreme Court and judges of other courts. 293,771 261,558 CA I

4. Providing for a senate of 35 members and a house of 65 members; single member districts; revision of districts. 374,884 158,067 CA I

5. Property tax limitation. 178,245 386,650 CA I

1. Daylight saving time. 346,274 258,490 S R

2. Shall capital punishment be abolished. 193,245 389,707 S R

1968

1. Election of the governor and lieutenant governor jointly. 428,522 204,186 CA R

2. Exemption of publicly owned real property from taxation. 284,404 308,915 CA R

3. Compensation of county officers. 307,356 288,873 CA R

1970

1. Exempting the heads of principal departments from the classified civil service. 293,621 219,639 CA R
2. Creating Colorado state personnel system. 346,663 175,076 CA R
3. Home rule. 325,512 170,986 CA R
4. Reducing the minimum age and residency requirements of electors. 240,622 291,858 CA R
5. Changing the residency qualification of electors. 336,977 184,694 CA R

1972

2. Student loan program. 443,660 375,948 CA R
3. Equality of rights of the sexes. 531,415 295,254 CA R
4. State institutions of higher education, and providing for the governing boards thereof. 418,825 386,645 CA R
5. Removing the prohibition against increasing or decreasing compensation of certain state and county officers. 233,678 571,083 CA R
6. Privately operated lottery. 161,281 647,817 CA I
7. Property tax limitation. 192,913 627,007 CA I
8. 1976 Winter Olympic Games. 514,228 350,964 CA I
12. Replacement of property taxes for the financing of schools and limitations. 167,882 628,201 CA I
1. Authorizing the conduct of sweepstakes. 408,704 417,149 S R
9. Require that public officials disclose their private interest; that all lobbyists register; that meetings be open to the public. 491,073 325,819 S I
10. Public utility reasonable rates. 350,264 468,154 S I

11 Compulsory insurance and compensation irrespective of fault. 208,155 595,887 S I

1974

1. Annexation of property by a county or city and county. 409,174 292,040 CA I

3. State moneys and reports of the state treasurer. 425,505 247,141 CA R

4. Supplying of energy and providing that cities and towns may become subscribers or shareholders in corporations. 481,513 100,360 CA R

5. Creating a boundary control commission. 397,442 252,256 CA R

6. Filling vacancies in state offices, and relieving the lieutenant governor of legislative duties. 386,284 257,967 CA R

7 Removing the proceeds of the motor fuel tax on aviation fuel from the Highway Users Tax Fund. 375,390 293,430 CA R

8. To prohibit busing to achieve racial balance in public schools. 485,536 220,842 CA I

9. Reapportioning of legislative districts by the Colorado Reapportionment Commission. 386,725 255,725 CA I

10. Detonation of nuclear explosive devices. 399,818 291,284 CA I

2. Death penalty. 451,403 286,805 S R

1976

2. Classification and taxation of motor vehicles and mobile homes. 627,562 388,666 CA R

3. Approval by two thirds of each house of general assembly prior to any construction or modification of a nuclear power plant or related facility. 305,142 734,843 CA I

4. Exemption from the state personnel system of the heads of divisions of principal departments of the state. 237,853 768,687 CA R

5. Allowing county commissioners to set the compensation of county elected officials. 376,386 629,136 CA R

6. Repeal equality of rights under the law on account of sex. 401,943 629,060 CA I

10. Registered elector approval of new or increased taxes. 259,201 767,157 CA I

1. Sweepstakes races. 522,068 511,135 S R

7. Exempt food and food products from state sales and use taxes. 406,311 639,058 S I

8. Minimum deposit refund value for beverage containers. 346,335 702,292 S I

9. Protect and represent consumers of public utilities services by creating a Department of Public Counselor. 304,594 711,627 S I

1978

1. Vacancy in the office of the county commissioner. 442,071 226,432 CA R

2. Limiting annual increases in per capita expenditures by the state and its political subdivisions. 295,616 420,759 CA I

1980

1. 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. 638,731 423,322 CA R

2. Establish a state-supervised lottery. 660,213 443,289 CA R

3. 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. 601,302 460,084 CA I

4. No person or lending institution with a security interest in real estate shall accelerate or mature the indebtedness secured by such real estate. 381,821 745,625 CA I

5. Branch banking. 292,323 850,454 S I

6. Election of 15 member board of directors of the Regional Transportation District. 570,049 444,902 S I

1982

1. Valuation for assessment of residential real property. 551,334 290,590 CA R
2. Denial of bail to persons accused of a capital offense. 737,813 156,336 CA R
3. Judicial discipline. 659,905 193,425 CA R
4. Regular sessions of the general assembly shall not exceed 140 calendar days. 442,601 372,897 CA R
6. Cessation of nuclear weapons component production in Colorado. 325,985 564,606 CA I
5. Minimum refund value on beverage containers. 242,653 708,564 S I
7. Shall grocery stores be permitted to sell wine. 333,467 620,190 S I

1984

1. Appointment of Commissioner of Insurance. 641,587 449,362 CA R
2. A person must be a registered elector in order to vote or to sign a petition. 811,130 304,208 CA R
3. Prohibiting use of public funds for any induced abortion. 627,343 617,637 CA I
4. Casino gaming in Pueblo county. 406,989 819,533 CA I
4. Voter registration of qualified electors applying for a driver's license. 705,725 447,803 S I

1986

1. Appointments to offices and employments in the state personnel system to be made according to merit and fitness. 461,004 488,226 CA R
2. Board of County Commissioners in each county has sole authority to fix the compensation of county officers. 406,960 492,511 CA R
3. Making any franchise granted by a home rule municipality subject to the initiative and referendum. 455,053 396,738 CA R
4. Prohibiting new or increased state or local taxes without approval of voters. 375,097 625,158 CA I

1988

1. English is the official language of the State of Colorado. 829,617 527,053 CA I
2. Reimbursement of recall expenses. 645,002 551,118 CA R
3. Regular sessions of the General Assembly shall not exceed 120 calendar days. 641,363 584,359 CA R
4. Eight-hour workday. 799,250 389,906 CA R
5. Exemption from property taxation for non-producing unpatented mining claims. 624,021 578,295 CA R
6. Voter approval for certain increases in state and local government tax revenues. 567,884 778,075 CA I
7. Use of public funds for abortion. 534,070 809,078 CA I
8. General assembly party caucus voting prohibition. 852,448 332,159 CA I

1990

1. Voter approval for certain state and local government revenue increases. 494,934 516,534 CA I
3. Repeal of obsolete constitutional provisions. 717,544 204,294 CA R
4. Legalizing limited gaming in the cities of Black Hawk, Central, and Cripple Creek. 574,620 428,096 CA I
5. Term limits 708,975 289,664 CA I
2. Presidential primary election. 582,835 370,166 S R

1992

1. Voter approval for certain state and local government tax revenue increases. 812,308 700,906 CA I
2. Gay rights 813,966 710,151 CA I
3. To permit limited gaming in Trinidad. 448,779 1,060,168 CA I

4. To permit limited gaming, subject to an affirmative local vote. 414,699 1,087,136 CA I

5. To permit limited gaming in Parachute. 414,489 1,087,713 CA I

7. School vouchers. 503,162 1,011,901 CA I

8. Great Outdoors Colorado Program. 876,424 629,490 CA I

9. To permit limited gaming in specified portions of the Central Platte Valley area of Denver. 292,961 1,200,336 CA I

A. Rights of crime victims. 1,139,427 281,731 CA R

B. Repeal of obsolete constitutional provisions. 1,081,463 304,718 CA R

C. Limited gaming shall not be lawful unless first approved by an affirmative vote of the electorate. 448,779 1,060,168
CA R

6. Sales tax for schools. 693,231 826,787 S I

10. Bear hunting restrictions. 1,054,032 458,260 S I

1993

A. Shall state taxes be increased for the Colorado Tourism Board? 274,989 338,546 S R

1994

1. Tobacco taxes. 429,847 685,860 CA I

11. Workers Compensation benefits. 369,741 730,963 CA I

12. Election reform. 246,723 848,140 CA I

13. Slot machines without a local vote in Manitou Springs. 90,936 1,007,557 CA I

15. Limit amount of campaign contributions. 508,029 588,072 CA I

16. Control promotion of obscenity. 404,156 696,040 CA I

17. Term limits. 554,238 531,521 CA I

18. State medical assistance repayment. 334,029 714,653 CA I

A. Single subject. 687,527 359,298 CA R

B. Ballot information booklet. 529,749 520,438 CA R

C. Denying bail for violent felonies. 822,632 246,726 CA R

1995

A. Confinement and maintenance of juvenile or adult state prisoners. 291,736 355,031 S R

Nothing written here is to be construed as necessarily representing the views of the Independence Institute or as an attempt to influence any election or legislative action.

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