

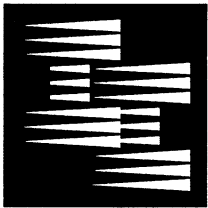
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Are Coloradans Fit to Make Their Own Laws?

A Common-Sense Primer on the Initiative Process

By Dennis Polhill



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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 group 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 turn-out in initiative states and non-initiative states in 1976, 1978, 1980, 1982, and 1984:

	Voter Turnout ⁽¹⁶⁾					
	<u>1976</u>	<u>1978</u>	<u>1980</u>	<u>1982</u>	<u>1984</u>	<u>Average</u>
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 <u>Year</u>	Non-Presidential <u>Year</u>	Drop <u>Off</u>
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

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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.

	44,778 CA I
<u>1912</u>	
1. Designating mining and smelting business as affected with the public interest.	8. Providing recall from office.
35,997	<u>53,620</u>
<u>37,953</u>	39,564
CA R	CA I
2. Creating a state tax commission in lieu of the state board of equalization and continuing county boards of equalization.	9. Providing for the holding of special elections for voting on proposed constitutional amendments and initiated and referred laws.
32,548	33,413
<u>40,012</u>	<u>40,634</u>
CA R	CA I
3. Providing that salaries of county, precinct and other officers need not be paid entirely from fees collected by said officers.	10. Defining contempt of court and providing for trial by jury for contempt in certain cases.
28,889	31,850
<u>41,622</u>	<u>41,855</u>
CA R	CA I
4. Raising limitation on county debts, based upon assessed valuation of taxable property in county.	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.
29,741	27,534
<u>47,284</u>	<u>51,820</u>
CA R	CA I
5. Providing for statewide prohibition.	12. Providing wider control of the schools by the people.
75,877	38,318
<u>116,774</u>	<u>55,691</u>
CA I	CA I
6. Providing special funds for the state immigration bureau.	13. Providing for juvenile courts in cities and counties of over 100,000 population.
30,359	<u>55,416</u>
<u>54,272</u>	40,891
CA I	CA I
7. Granting home rule to cities and towns.	14. Authorizing a bonded indebtedness for public highways.
<u>49,596</u>	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 right 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 R P

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

SI

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

SI

7. Shall grocery stores be permitted to sell wine.

333,467

620,190

SI

• 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

SI

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

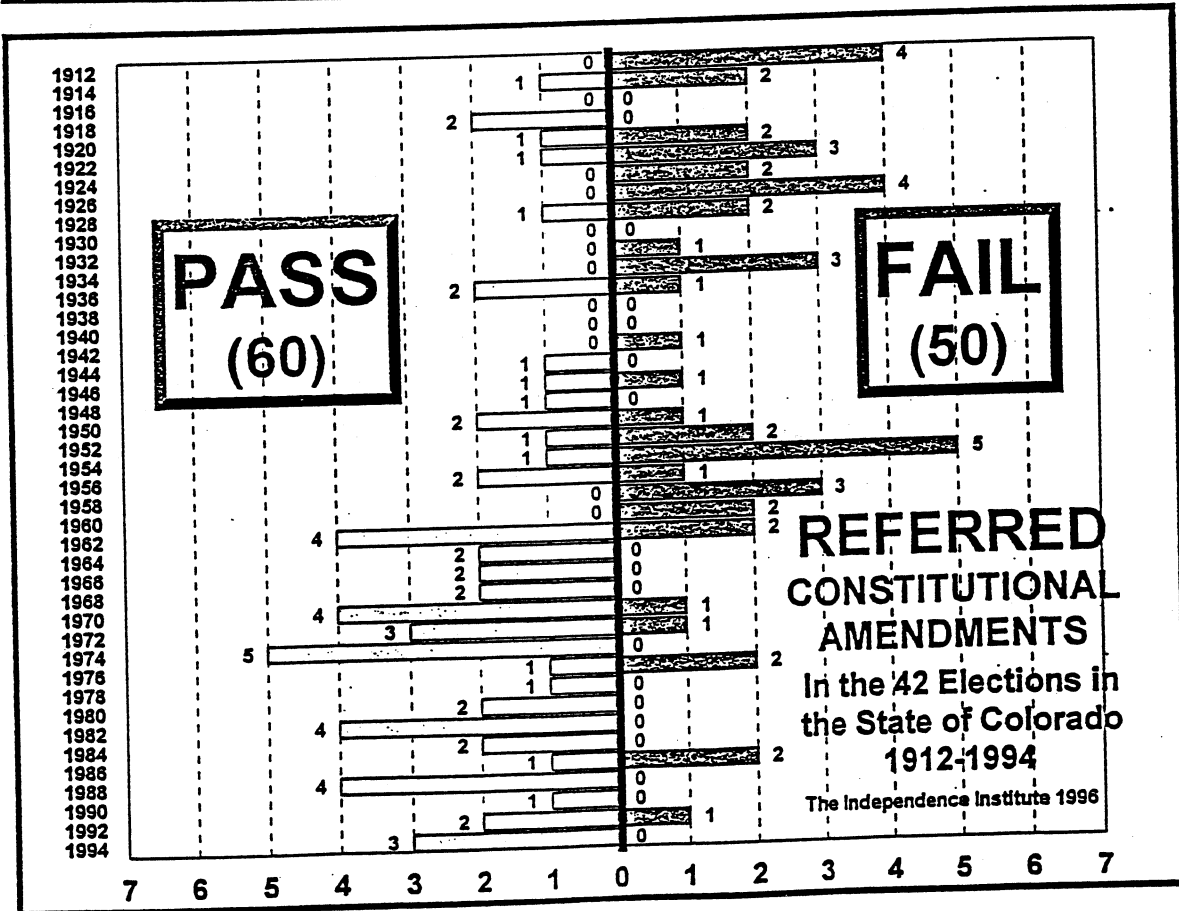
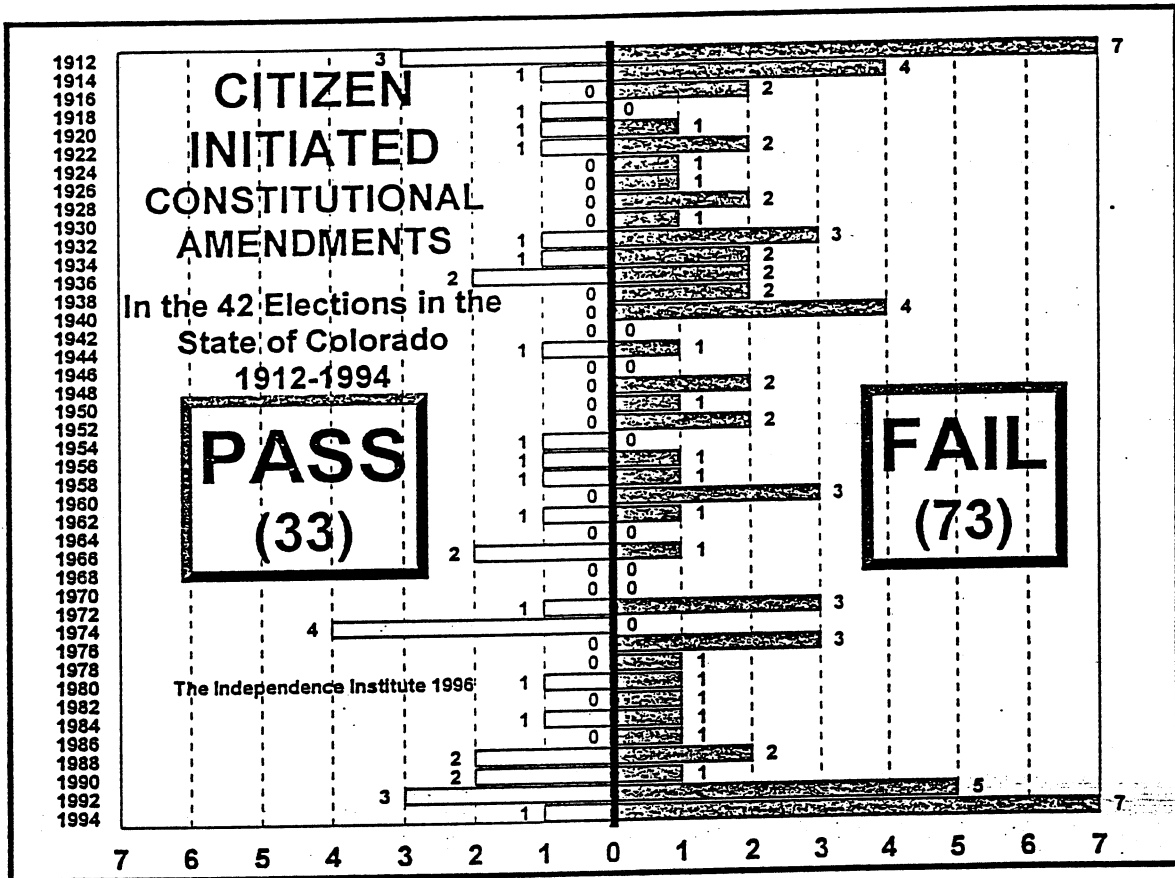
A. Confinement and maintenance of juvenile or adult state prisoners.

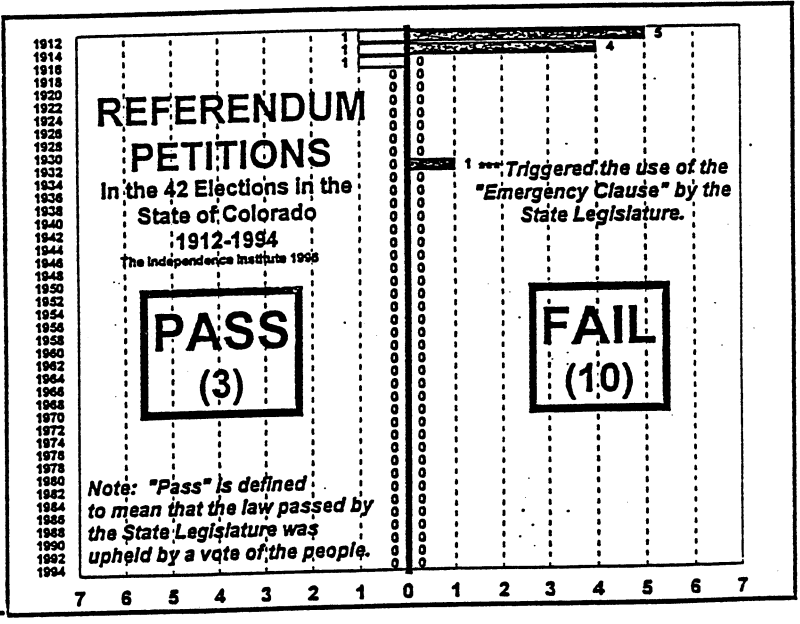
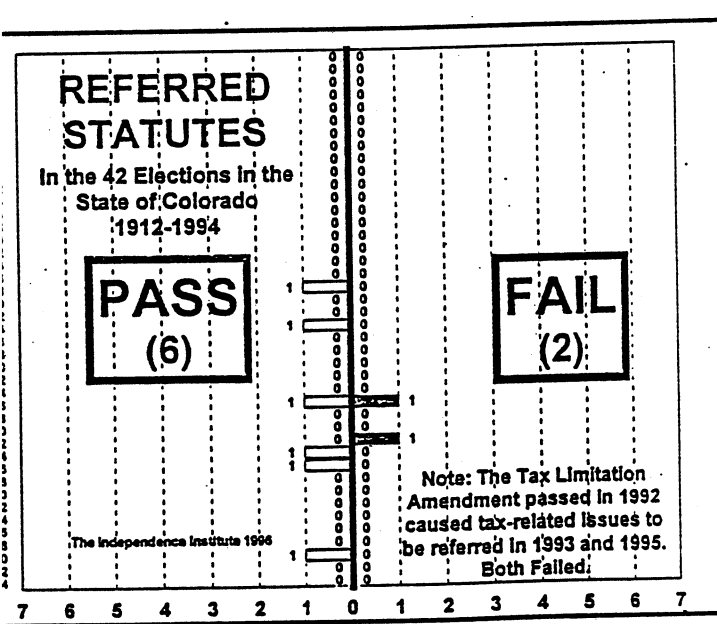
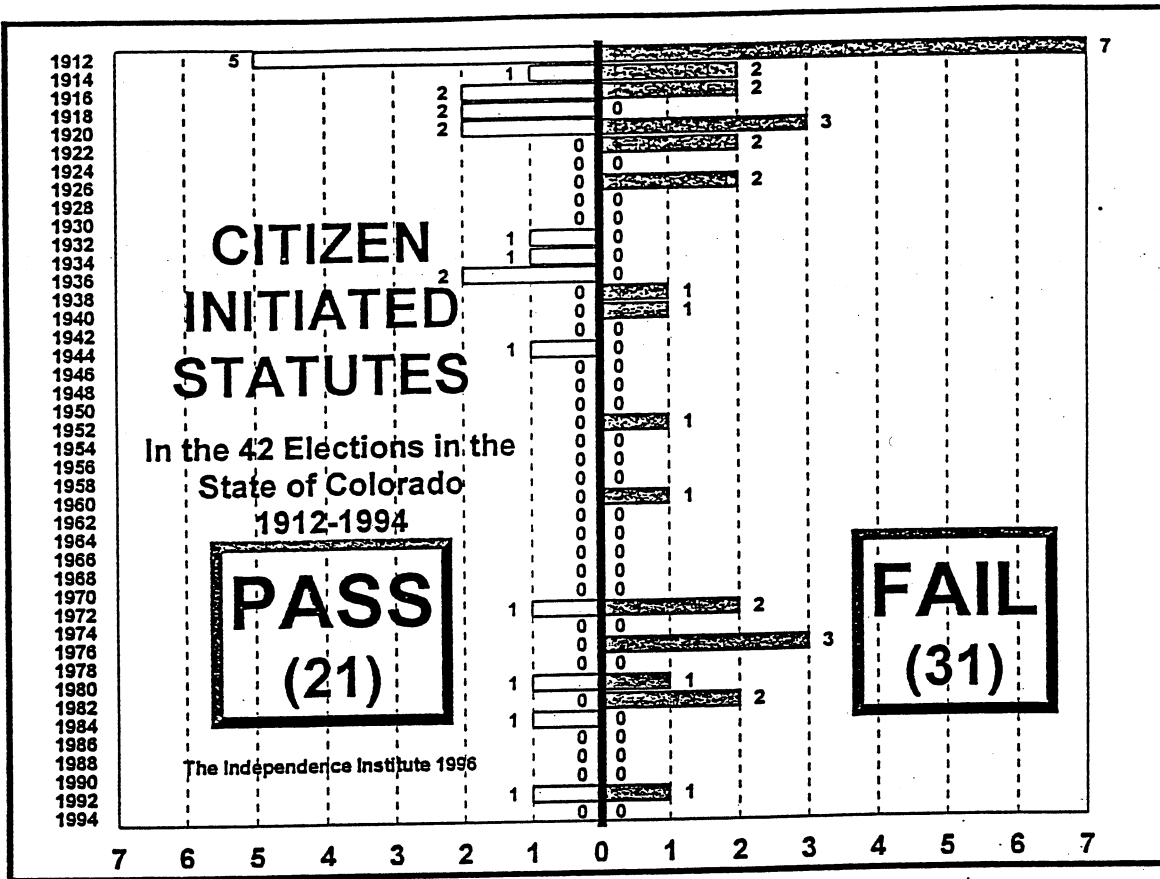
291,736

355,031

S R

Appendix C
Results of Initiative and Referendum Elections





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