

COMMENTS AND QUESTIONS

The form and content of the proposed amendment raise the following comments and questions:

1. Article V, Section 1 (8) of the Colorado Constitution specifies that the enacting clause required for all initiatives submitted to the people shall be "Be it Enacted by the People of the State of Colorado". Would the proponents consider including the required enacting clause at the beginning of the proposed measure to comply with the constitutional requirement? *yes*

2. The proposed measure does not contain an amending clause and is stated in the form of a question or a ballot submission clause<sup>1</sup>. Would the proponents consider adding an amending clause that indicates where in the constitution it is to be located and framing the measure in a format other than as a question? *yes*

3. Do the proponents intend for the heading "MAJORITY RULE AMENDMENT" to be part of the proposed measure? *not necessarily*

4. The measure covers "all elections governed by or conducted under Colorado statutes". Does this cover elections under the statutory "Uniform Election Code of 1992", i.e., general, primary, congressional vacancy, school district, special district, and ballot issue elections? Does it cover elections under the statutory "Colorado Municipal Election Code of 1965"? What about elections required to be held pursuant to article X, section 20 of the state constitution? *yes*

5. Are there any existing statutory provisions that require a vote other than a majority vote for the election of a candidate or passage of a measure? *not aware*. Would this amendment override those provisions? Are there any such charter ordinance provisions requiring greater than a majority vote and, if so, would this amendment override those provisions? *not aware*  
*presidential party*

6. Is the purpose of this proposed constitutional amendment to preclude the adoption of a statutory "super-majority" requirement for future ballot questions, e.g., a three-fifths or two-thirds vote requirement? Do the proponents regard elections on initiated or referred constitutional amendments and statutory changes as "elections governed by or conducted under Colorado statutes"? Would this measure conflict with a constitutional amendment requiring "super majority" approval of constitutional amendments? *yes*

*majority vote - decided by court*

*yes but should include  
no not*

<sup>1</sup> Section 1-40-105(4), C.R.S., provides that the final draft of the measure shall be submitted to the secretary of state "without any title, submission clause, summary, or ballot title".

7. The measure provides for a majority vote, "except as otherwise provided in the Colorado constitution." Would this measure prohibit an individual from initiating a statute that requires certain measures to be adopted by a vote other than a majority vote? Does it prohibit the General Assembly from referring such a statute? *no* *yes* *unflected*

*don't know* 8. Could this proposal be interpreted as requiring a run-off election for a state or local office if no candidate received a majority of the votes cast in an election? Would the requirement for a majority vote apply to a home rule city in Colorado if the city charter did not require run-off elections and permitted a plurality of votes cast to prevail in some elections? *don't know*

9. Colorado conducts presidential primary elections in which the outcome may result in no one candidate receiving a majority of votes cast. Would this proposal require a run-off election for the presidential primary even though no Colorado office is affected by the results of these elections? *don't know*

10. The measure references a majority of individuals who have "actually voted" in an election. Is there some significance attached to the use of the word "actually"? Would the meaning or intent of the measure be changed by eliminating the word "actually"? *no*

11. Many individuals may vote at a general election, for example, who do not vote on every measure appearing on the ballot. Do the proponents intend that a majority of those voting at the election is required to determine a question, or a majority of those voting on the question?

12. This proposal is not self-explanatory on its face, according to a number of people who have contacted our offices. Is there any way of stating the proposition in a way that would make it more self-explanatory in its intent?

*don't know*

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