

ballot initiatives and the 13-27-228 meeting

A LEGISLATIVE-BRANCH PERSPECTIVE

key ideas

ballot initiatives go through many steps

those steps involve constitutionally distinct entities: the people, the SOS, **the legislative branch**, the governor's office, the AG, and sometimes the state supreme court

this committee has a duty to perform under 13-27-228:

- meet (requires public notice and a quorum)
- hold a public hearing (requires public comment)
- vote on whether to support or not support placement of the initiative on the ballot (requires a clear outcome)

the committee's decision will appear on the signature sheets prepared by the SOS

proponent submits material to the SOS — 13-27-214

SOS forwards material to LSD – 13-27-216(a)

LSD reviews for clarity, consistency, bill draft formatting, and other factors ordinarily considered in bill drafting, and may recommend changes to the proponent – 13-27-216(2); 13-27-225

proponent submits a final version to the SOS – 13-27-216(3)

SOS sends the final version to the budget director for a fiscal note and AG for a legal sufficiency determination – 13-27-216(4)

early steps in the ballot initiative process

determining legal sufficiency

AG REVIEW – 13-27-226

AG examines the proposal for legal sufficiency, and determines whether the statement of purpose and implication complies with 13-27-212 and the yes/no statement complies with 13-27-213

AG sends determination of legal sufficiency or deficiency to SOS

legal sufficiency continues the process

legal deficiency stops the process

STATE SUPREME COURT – 13-27-605

proponents can challenge a decision of the AG with an original proceeding in the supreme court

the court can determine that the AG was incorrect, resuming the initiatives process – 13-27-605(3)(c)(iv)

legislative-
branch steps in
the 14-day
window

SOS forwards legally sufficient ballot initiatives to the executive director (ED) -- this starts the 14-day window – 13-27-228(1), (3)(b)

ED assigns the ballot initiative to the relevant interim committee – 13-27-228(1)

the interim committee “shall meet and hold a public hearing after receiving the information and vote to either support or not support the placement of the proposed statewide initiative text on the ballot” 13-27-228(2)

staff informs the SOS of the vote result and vote count – 13-27-228(3)(a)

key questions

what motion should the committee vote on?

what happens if there isn't majority support for the motion?

what happens if there is a tie on the motion?

what will the vote result look like on the signature sheets?

what has to happen for this initiative to get on the ballot?

what motion should the committee vote on?

the committee should vote on a motion to support placement of the initiative on the ballot

this is the preferred motion because:

- it makes voting easier:
 - yes/aye = do support
 - no = do not support

it has a clear result if there isn't majority support for the motion

what happens if
there isn't a
majority?

a majority is necessary for a committee to take an action

a majority is the next whole number above $\frac{1}{2}$ of the members voting

if the motion to support fails to attain a majority, that means the committee does not support placing the initiative on the ballot

compare that result to a failed motion not to support – then the committee does not not support placement on the ballot – but that doesn't necessarily mean the committee does support placement

what happens if there is a tie?

a tie is the same thing as not attaining a majority – the motion fails

there is no tie-breaker on this vote – the senate president and house speaker can only break ties on MAPA votes – 2-4-112(1)

what will the
vote result look
like on the
signature
sheets?

Voters are advised that either an interim committee or an administrative committee of the legislature in accordance with [5-5-215](#) or [5-11-105](#) reviewed the content of this initiative and [did] or [did not] support the placement of the proposed text of this initiative on the ballot. The outcome of the vote was [x] in favor of placing the measure on the ballot and [x] against placing the measure on the ballot.

what happens after we've done our part?

SOS sends a sample petition form to the proponent – 13-27-233

for constitutional initiatives (such as CI-127), proponents try to gather signatures from 10% of the voters of 40 house districts, and 10% of the total number of qualified electors of the state – **13-27-241(1)(a); Art. XIV, Section 9(1)**

proponents must submit sufficient signatures “by 5 p.m. of the third Friday of the fourth month prior to the election at which they are to be voted upon by the people” – 13-27-104

SOS certifies the ballot initiative to the governor – 13-27-308

the proponent forms a committee advocating support in the voter pamphlet– 13-27-402(4)

the governor, AG, senate president, and speaker of the house appoint members to the committee advocating rejection in the pamphlet – 13-27-402(5)

SOS and DOA distribute the voter information pamphlet – 13-27-410

the people vote on election day – a majority vote is needed for a ballot initiative to succeed

unless the initiative has an effective date section, it becomes effective October 1 following approval – 13-27-105(1)