

Speaker Carroll targets initiative petition process for reform

By [John Tomasic](#) 3/25/09 9:36 AM



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House Speaker Terrance Carroll, D-Denver, introduced legislation on Tuesday designed to address abuses that plagued the ballot initiative process in Colorado last election season.

Co-sponsored in the House by Lois Court, D-Denver, and in the Senate by Majority Leader Brandon Shaffer, D-Longmont, the bill aims narrowly to address the petitioning process, where signatures in support of initiatives are gathered, and particularly “concerns raised regarding the use of paid

petition circulators,” according to a House Democratic Party press release.

Given the attention petition fraud garnered last year in Colorado, the speaker’s new bill would seem a natural for bipartisan support. And in fact, in a break with the partisan showdowns that have characterized this session so far, House and Senate Minority Leaders Mike May and Josh Penry, respectively, have signed on as sponsors of the bill, as has Republican Rep. Amy Stephens of Monument.

“We must hold everyone to the highest standards when we are attempting to change our constitution or statutes,” Carroll said. “This bill will help to end the fraud and abuse we witnessed firsthand in 2008.”

The proposal language and petition signature threshold requirements for getting citizen-created statutory laws or constitutional amendments on Colorado’s ballot are some of the least constrained in the nation. That sense of ease to muddle with state law also brings with it a host of problems caused by well-meaning but uninformed citizens to carpetbagging activists market-testing the viability of national causes.

Last year complaints were filed with the secretary of state concerning the petition process for at least four of the state’s ballot initiative proposals, which in 2008 numbered well into the double digits. Fourteen initiatives made it onto the Colorado ballot, the longest ballot in the country.

In the run up to the election, for example, petition circulators paid by Colorado Springs-based Kennedy Enterprises to gather signatures for proposed Amendments 47, 53 and 59 allegedly told citizens it was legal to sign someone else’s name and that you didn’t have to be a registered voter to sign the petitions. Both suggestions are in clear violation of the state’s petition laws.

Protect Colorado’s Future, a pro-labor group, hired signature-getters who had only vague knowledge of the petitions, leading voters to commit fraud by encouraging them to sign their names multiple times.

Proposed Amendment 46, the “civil rights initiative” backed by California-based anti-affirmative action consultant Ward Connerly, also came under legal fire. The petition drive for the amendment was marked by accusations of misrepresentation as well as of signature fraud. Citizens said they were led to believe they were signing in support of a pro-affirmative action initiative. A “post-certification lawsuit” filed against the initiative in April 2008 challenged the validity of thousands of signatures, pointing out duplicate signatures, nonresident signatures, and signatures that failed to match names on the state voter lists.

As Carroll put it in Tuesday’s release: “Some paid petitioning is ripe for abuse.”

Although the bill seems likely to gain support among lawmakers, pressure from outside the Capitol may mount against it.

Last year's Referendum O that would have tightened the ballot initiative process was defeated at the polls and attacked by infamous direct democracy proponents, like former Republican state Rep. Doug Bruce, the author of the Colorado Taxpayers' Bill of Rights — which passed as a constitutional amendment in 1992.

That was the era when Colorado — long known as a “cradle state” of direct democracy — began to draw interest groups looking to field-test controversial laws at the ballot box.

In fact the state's loose initiative rules extend well beyond signature fraud and mark every stage of the process, from drafting requirements and legislative review to title setting and the increasingly expensive and often anonymously funded campaigns produced to persuade voters to vote for or against ballot proposals. The legal wrangling that now almost inevitably trails initiatives at every stage of the process has spurred analysts as well as lawmakers to consider remedies.

A 2002 task force composed of the National Conference of State Legislators recommended initiative states like Colorado firm up the processes substantially and non-initiative states avoid adopting the ballot initiative altogether.

Carroll's bill will likely be seen as a mere band-aid by critics of the initiative process and as an ominous opening salvo by proponents, a first shot in a wider effort to wrest power from the citizens.