

## CHAPTER 113

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**ELECTIONS**

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**HOUSE BILL 18-1145**

BY REPRESENTATIVE(S) Hooton, Arndt, McKean, Thurlow, Coleman, Herod, Kraft-Tharp, Melton, Pabon, Pettersen, Rosenthal;  
also SENATOR(S) Moreno, Martinez Humenik, Zenzinger, Gardner.

**AN ACT**

**CONCERNING THE REPEAL OF LAWS REGULATING BALLOT ISSUE PETITION CIRCULATORS THAT HAVE BEEN PERMANENTLY ENJOINED FROM ENFORCEMENT.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1. Legislative declaration.** The general assembly hereby finds and declares that the purpose of House Bill 18-1145, enacted in 2018, is to repeal laws regulating ballot issue petition circulators that were permanently enjoined from enforcement in *Independence Inst. v. Gessler*, 936 F. Supp. 2d 1256 (D. Colo. 2013).

**SECTION 2.** In Colorado Revised Statutes, 1-40-111, **amend (2)(a)** as follows:

**1-40-111. Signatures - affidavits - notarization - list of circulators and notaries.** (2) (a) To each petition section shall be attached a signed, notarized, and dated affidavit executed by the person who circulated the petition section, which shall include his or her printed name, the address at which he or she resides, including the street name and number, the city or town, the county, and the date he or she signed the affidavit; that he or she has read and understands the laws governing the circulation of petitions; that he or she was ~~a resident of the state~~; a citizen of the United States and at least eighteen years of age at the time the section of the petition was circulated and signed by the listed electors; that he or she circulated the section of the petition; that each signature thereon was affixed in the circulator's presence; that each signature thereon is the signature of the person whose name it purports to be; that to the best of the circulator's knowledge and belief each of the persons signing the petition section was, at the time of signing, a registered elector; that he or she has not paid or will not in the future pay and that he or she believes that no other person has paid or will pay, directly or indirectly,

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*Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix his or her signature to the petition; that he or she understands that he or she can be prosecuted for violating the laws governing the circulation of petitions, including the requirement that a circulator truthfully completed the affidavit and that each signature thereon was affixed in the circulator's presence; and that he or she understands that failing to make himself or herself available to be deposed and to provide testimony in the event of a protest shall invalidate the petition section if it is challenged on the grounds of circulator fraud.

**SECTION 3.** In Colorado Revised Statutes, 1-40-112, **amend** (1); and **repeal** (4) as follows:

**1-40-112. Circulators - requirements - training.** (1) No person shall circulate a petition for an initiative or referendum measure unless the person is ~~a resident of the state~~; a citizen of the United States and at least eighteen years of age at the time the petition is circulated.

~~(4) It shall be unlawful for any person to pay a circulator more than twenty percent of his or her compensation for circulating petitions on a per signature or petition section basis.~~

**SECTION 4.** In Colorado Revised Statutes, 1-40-118, **amend** (5) introductory portion and (5)(a) as follows:

**1-40-118. Protest.** (5) Written entries that are made by petition signers, circulators, and notaries public on a petition section that substantially comply with the requirements of this ~~article~~ ARTICLE 40 shall be deemed valid by the secretary of state or any court, unless:

(a) Fraud, as specified in section 1-40-135 (2)(c), ~~excluding subparagraph (V) of said paragraph (c)~~; is established by a preponderance of the evidence;

**SECTION 5.** In Colorado Revised Statutes, 1-40-135, **amend** (2)(c) introductory portion and (2)(c)(IV); and **repeal** (2)(b) and (2)(c)(V) as follows:

**1-40-135. Petition entities - requirements - definition.** (2) (b) ~~The secretary of state may at any time request the petition entity to provide documentation that demonstrates compliance with section 1-40-112 (4).~~

(c) The secretary of state shall revoke the petition entity license if, at any time after receiving a license, a petition entity is determined to no longer be in compliance with the requirements set forth in ~~paragraph (a) of this subsection (2)~~ SUBSECTION (2)(a) OF THIS SECTION or if the petition entity authorized or knowingly permitted:

(IV) Payment of money or other things of value to any person for the purpose of inducing the person to sign or withdraw his or her name from the petition; OR

~~(V) Payment to a circulator of more than twenty percent of his or her compensation on a per signature or per petition section basis; or~~

**SECTION 6. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 9, 2018