

CHAPTER 141

ELECTIONS

HOUSE BILL 12-1313

BY REPRESENTATIVE(S) Szabo, Beezley, Court, Holbert, Kerr J., Loooper, Nikkel;
also SENATOR(S) Bacon, Heath.

AN ACT

CONCERNING PROCEDURES RELATED TO THE STATEWIDE INITIATIVE TITLE BOARD.

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

SECTION 1. In Colorado Revised Statutes, 1-40-106, **amend** (1) and (3) (b) as follows:

1-40-106. Title board - meetings - titles and submission clause. (1) For ballot issues, beginning with the first submission of a draft after an election, the secretary of state shall convene a title board consisting of the secretary of state, the attorney general, and the director of the office of legislative legal services or ~~the director's designee~~ THEIR DESIGNEES. The title board, by majority vote, shall proceed to designate and fix a proper fair title for each proposed law or constitutional amendment, together with a submission clause, at public meetings to be held at the hour determined by the title board on the first and third Wednesdays of each month in which a draft or a motion for reconsideration has been submitted to the secretary of state. To be considered at such meeting, a draft shall be submitted to the secretary of state no later than 3 p.m. on the twelfth day before the meeting at which the draft is to be considered by the title board, and the designated representatives of the proponents must comply with the requirements of subsection (4) of this section. The first meeting of the title board shall be held no sooner than the first Wednesday in December after an election, and the last meeting shall be held no later than the third Wednesday in April in the year in which the measure is to be voted on.

(3) (b) In setting a title, the title board shall consider the public confusion that might be caused by misleading titles and shall, whenever practicable, avoid titles for which the general understanding of the effect of a "yes" or "no" vote will be unclear. The title for the proposed law or constitutional amendment, which shall correctly

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

and fairly express the true intent and meaning thereof, together with the ballot title and submission clause, shall be completed, EXCEPT AS OTHERWISE REQUIRED BY SECTION 1-40-107, within two weeks after the first meeting of the title board. Immediately upon completion, the secretary of state shall deliver the same with the original to the designated representatives of the proponents, keeping the copy with a record of the action taken thereon. Ballot titles shall be brief, shall not conflict with those selected for any petition previously filed for the same election, and shall be in the form of a question which may be answered "yes" (to vote in favor of the proposed law or constitutional amendment) or "no" (to vote against the proposed law or constitutional amendment) and which shall unambiguously state the principle of the provision sought to be added, amended, or repealed.

SECTION 2. In Colorado Revised Statutes, 1-40-107, **amend** (1) and (2) as follows:

1-40-107. Rehearing - appeal - fees - signing. (1) (a) Any person presenting an initiative petition or any registered elector who is not satisfied with a decision of the title board with respect to whether a petition contains more than a single subject pursuant to section 1-40-106.5, or who is not satisfied with the titles and submission clause provided by the title board and who claims that they are unfair or that they do not fairly express the true meaning and intent of the proposed state law or constitutional amendment may file a motion for a rehearing with the secretary of state within seven days after the decision is made or the titles and submission clause are set.

(b) A MOTION FOR REHEARING MUST BE TYPEWRITTEN AND SET FORTH WITH PARTICULARITY THE GROUNDS FOR REHEARING. IF THE MOTION CLAIMS THAT THE PETITION CONTAINS MORE THAN A SINGLE SUBJECT, THEN THE MOTION MUST, AT A MINIMUM, INCLUDE A SHORT AND PLAIN STATEMENT OF THE REASONS FOR THE CLAIM. IF THE MOTION CLAIMS THAT THE TITLE AND SUBMISSION CLAUSE SET BY THE TITLE BOARD ARE UNFAIR OR THAT THEY DO NOT FAIRLY EXPRESS THE TRUE MEANING AND INTENT OF THE PROPOSED STATE LAW OR CONSTITUTIONAL AMENDMENT, THEN THE MOTION MUST IDENTIFY THE SPECIFIC WORDING THAT IS CHALLENGED.

(c) The motion for rehearing shall be heard at the next regularly scheduled meeting of the title board; except that, if the title board is unable to complete action on all matters scheduled for that day, consideration of any motion for rehearing may be continued to the next available day, and except that, if the titles and submission clause protested were set at the last meeting in April, the motion shall be heard within forty-eight hours after the expiration of the seven-day period for the filing of such motions. THE DECISION OF THE TITLE BOARD ON ANY MOTION FOR REHEARING SHALL BE FINAL, EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, AND NO FURTHER MOTION FOR REHEARING MAY BE FILED OR CONSIDERED BY THE TITLE BOARD.

(2) If any person presenting an initiative petition for which a motion for a rehearing is filed, any registered elector who filed a motion for a rehearing pursuant to subsection (1) of this section, or any other registered elector who appeared before the title board in support of or in opposition to a motion for rehearing is not satisfied with the ruling of the title board upon the motion, then the secretary of state shall

furnish such person, upon request, a certified copy of the petition with the titles and submission clause of the proposed law or constitutional amendment, together with a certified copy of the motion for rehearing and of the ruling thereon. If filed with the clerk of the supreme court within five BUSINESS days thereafter, the matter shall be disposed of promptly, consistent with the rights of the parties, either affirming the action of the title board or reversing it, in which latter case the court shall remand it with instructions, pointing out where the title board is in error.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 26, 2012