

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0774.03 Rebecca Bayetti x4348

HOUSE BILL 26-1320

HOUSE SPONSORSHIP

Nguyen and Garcia,

SENATE SPONSORSHIP

(None),

House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING STATUTORY REQUIREMENTS FOR BALLOT TITLE
102 LANGUAGE, AND, IN CONNECTION THEREWITH, REQUIRING THE
103 USE OF ACCESSIBLE LANGUAGE AND ALLOWING FOR THE
104 MODIFICATION OF STATUTORILY REQUIRED BALLOT TITLE
105 LANGUAGE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Under current law, the title board must set a ballot title for an initiative petition that is brief, does not conflict with another title for an

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

initiative petition filed for the same election, and is in the form of a question that may be answered "yes/for" or "no/against" and that unambiguously states the principle of the provision sought to be added, amended, or repealed by the initiative. The bill adds a requirement that the title board write a ballot title using accessible language, which means plain language that is understood by the widest possible audience.

In addition, current law requires that specific language appear in the ballot title for certain initiatives that increase or reduce tax revenue. For initiatives that reduce state tax revenue or local district property tax revenue through a tax change, this required language must appear at the beginning of the ballot title. For initiatives that increase tax revenue for any district through a tax change, this required language must appear directly after language required by the Taxpayer's Bill of Rights. The bill modifies these statutory provisions so that the required ballot title language must only be substantially similar to the specific statutory language and may appear anywhere in the ballot title.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-40-106, **amend**
3 (3)(b), (3)(e), (3)(f), (3)(g)(I), and (3)(h) as follows:

4 **1-40-106. Title board - meetings - ballot title - initiative and**
5 **referendum - definitions - rules.**

6 (3) (b) (I) In setting a title, the title board shall consider the public
7 confusion that might be caused by misleading titles and shall, whenever
8 practicable, avoid titles for which the general understanding of the effect
9 of a "yes/for" or "no/against" vote will be unclear. The title for the
10 proposed law or constitutional amendment, which ~~shall~~ MUST correctly
11 and fairly express the true intent and meaning thereof, together with the
12 ballot title and submission clause, ~~shall~~ MUST be completed, except as
13 otherwise required by section 1-40-107, within two weeks after the first
14 meeting of the title board. Immediately upon completion, the secretary of
15 state shall deliver the same with the original to the designated
16 representatives of the proponents, keeping the copy with a record of the

1 action taken thereon.

2 (II) THE TITLE BOARD SHALL SET ballot titles ~~shall~~ THAT:

3 (A) ~~be~~ ARE brief; ~~shall~~

4 (B) ARE WRITTEN USING ACCESSIBLE LANGUAGE, WHICH IS PLAIN
5 LANGUAGE THAT IS UNDERSTOOD BY THE WIDEST POSSIBLE AUDIENCE;

6 (C) DO not conflict with ~~those~~ BALLOT TITLES selected for any
7 petition previously filed for the same election; and ~~shall~~

8 (D) ~~be~~ ARE in the form of a question ~~which~~ THAT may be
9 answered "yes/for" (to vote in favor of the proposed law or constitutional
10 amendment) or "no/against" (to vote against the proposed law or
11 constitutional amendment) and ~~which shall~~ THAT unambiguously ~~state~~
12 STATES the principle of the provision sought to be added, amended, or
13 repealed.

14 (e) For measures that reduce state tax revenue through a tax
15 change, the ballot title must ~~begin~~ INCLUDE LANGUAGE SUBSTANTIALLY
16 SIMILAR TO THE FOLLOWING LANGUAGE, WHICH MAY APPEAR ANYWHERE
17 IN THE BALLOT TITLE: "Shall there be a reduction to the (description of
18 tax) by (the percentage by which the tax is reduced in the first full fiscal
19 year that the measure reduces revenue) thereby reducing state revenue,
20 which will reduce funding for state expenditures that include but are not
21 limited to (the three largest areas of program expenditure) by an estimated
22 (projected dollar figure of revenue reduction to the state in the first full
23 fiscal year that the measure reduces revenue) in tax revenue...?". If the
24 ballot measure specifies the public services or programs that are to be
25 reduced by the tax change, those public services or programs must be
26 stated in the ballot title. If the public services or programs identified in
27 the measure are insufficient to account for the full dollar value of the tax

1 change in the first full fiscal year that the measure reduces revenue, then
2 the three largest areas of program expenditure must be stated in the bill
3 title along with the public services or programs identified in the measure.
4 The estimates reflected in the ballot title shall not be interpreted as
5 restrictions of the state's budgeting process.

6 (f) For measures that reduce local district property tax revenue
7 through a tax change, the ballot title must ~~begin~~ INCLUDE LANGUAGE
8 SUBSTANTIALLY SIMILAR TO THE FOLLOWING LANGUAGE, WHICH MAY
9 APPEAR ANYWHERE IN THE BALLOT TITLE: "Shall funding available for
10 counties, school districts, water districts, fire districts, and other districts
11 funded, at least in part, by property taxes be impacted by a reduction of
12 (projected dollar figure of property tax revenue reduction to all districts
13 in the first full fiscal year that the measure reduces revenue) in property
14 tax revenue...?". The title board shall exclude any districts whose property
15 tax revenue would not be reduced by the measure from the measure's
16 ballot title. The estimates reflected in the ballot title shall not be
17 interpreted as restrictions of a local district's budgeting process.

18 (g) (I) For measures that increase tax revenue for any district
19 through a tax change and specify the public services to be funded by the
20 increased revenue, THE BALLOT TITLE MUST INCLUDE LANGUAGE
21 SUBSTANTIALLY SIMILAR TO THE FOLLOWING LANGUAGE, WHICH MAY BE
22 PLACED ANYWHERE after the language required by section 20 (3)(c) of
23 article X of the state constitution: ~~the ballot title shall state~~ "in order to
24 increase or improve levels of public services, including (the public
25 service specified in the measure)...". For measures that increase tax
26 revenue for any district through a tax change and do not specify the public
27 services to be funded by the increased revenue, THE BALLOT TITLE MUST

1 INCLUDE LANGUAGE SUBSTANTIALLY SIMILAR TO THE FOLLOWING
2 LANGUAGE, WHICH MAY APPEAR ANYWHERE after the language required
3 by section 20 (3)(c) of article X of the state constitution: ~~the ballot title~~
4 ~~shall state~~ "in order to increase or improve levels of public services...".

5 (h) In determining whether a ballot title qualifies as brief for
6 purposes of section 1-40-102 (10) and ~~subsection (3)(b)~~ SUBSECTION
7 (3)(b)(II)(A) of this section AND WHETHER A BALLOT TITLE USES
8 ACCESSIBLE LANGUAGE FOR PURPOSES OF SUBSECTION (3)(b)(II)(B) OF
9 THIS SECTION, the language required by subsection (3)(e), (3)(f), (3)(g),
10 or (3)(j) of this section may not be considered.

11 **SECTION 2.** In Colorado Revised Statutes, 1-40-106, **amend**
12 (3)(b), (3)(e), (3)(f), (3)(g)(I), and (3)(h) as follows:

13 **1-40-106. Title board - meetings - ballot title - initiative and**
14 **referendum - definitions - rules.**

15 (3) (b) (I) In setting a title, the title board shall consider the public
16 confusion that might be caused by misleading titles and shall, whenever
17 practicable, avoid titles for which the general understanding of the effect
18 of a "yes/for" or "no/against" vote will be unclear. The title for the
19 proposed law or constitutional amendment, which ~~shall~~ MUST correctly
20 and fairly express the true intent and meaning thereof, together with the
21 ballot title and submission clause, ~~shall~~ MUST be completed, except as
22 otherwise required by section 1-40-107, within two weeks after the first
23 meeting of the title board. Immediately upon completion, the secretary of
24 state shall deliver the same with the original to the designated
25 representatives of the proponents, keeping the copy with a record of the
26 action taken thereon.

27 (II) THE TITLE BOARD SHALL SET ballot titles ~~shall~~ THAT:

- 1 (A) ~~be~~ ARE brief; ~~shall~~
- 2 (B) ARE WRITTEN USING ACCESSIBLE LANGUAGE, WHICH IS PLAIN
3 LANGUAGE THAT IS UNDERSTOOD BY THE WIDEST POSSIBLE AUDIENCE;
- 4 (C) DO not conflict with ~~those~~ BALLOT TITLES selected for any
5 petition previously filed for the same election; and ~~shall~~
- 6 (D) ~~be~~ ARE in the form of a question ~~which~~ THAT may be
7 answered "yes/for" (to vote in favor of the proposed law or constitutional
8 amendment) or "no/against" (to vote against the proposed law or
9 constitutional amendment) and ~~which shall~~ THAT unambiguously ~~state~~
10 STATES the principle of the provision sought to be added, amended, or
11 repealed.
- 12 (e) For measures that reduce state tax revenue through a tax
13 change, the ballot title must ~~begin~~ INCLUDE LANGUAGE SUBSTANTIALLY
14 SIMILAR TO THE FOLLOWING LANGUAGE, WHICH MAY APPEAR ANYWHERE
15 IN THE BALLOT TITLE: "Shall there be a reduction to the (description of
16 tax) by (the percentage by which the tax is reduced in the first full fiscal
17 year that the measure reduces revenue) thereby reducing state revenue,
18 which will reduce funding for state expenditures that include but are not
19 limited to (the three largest areas of program expenditure) by an estimated
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21 fiscal year that the measure reduces revenue) in tax revenue...?". If the
22 ballot measure specifies the public services or programs that are to be
23 reduced by the tax change, those public services or programs must be
24 stated in the ballot title. If the public services or programs identified in
25 the measure are insufficient to account for the full dollar value of the tax
26 change in the first full fiscal year that the measure reduces revenue, then
27 the three largest areas of program expenditure must be stated in the bill

1 title along with the public services or programs identified in the measure.
2 The estimates reflected in the ballot title shall not be interpreted as
3 restrictions of the state's budgeting process.

4 (f) For measures that reduce local district property tax revenue
5 through a tax change, the ballot title must ~~begin~~ INCLUDE LANGUAGE
6 SUBSTANTIALLY SIMILAR TO THE FOLLOWING LANGUAGE, WHICH MAY
7 APPEAR ANYWHERE IN THE BALLOT TITLE: "Shall funding available for
8 counties, school districts, water districts, fire districts, and other districts
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10 (projected dollar figure of property tax revenue reduction to all districts
11 in the first full fiscal year that the measure reduces revenue) in property
12 tax revenue...?". The title board shall exclude any districts whose property
13 tax revenue would not be reduced by the measure from the measure's
14 ballot title. The estimates reflected in the ballot title shall not be
15 interpreted as restrictions of a local district's budgeting process.

16 (g) (I) For measures that increase tax revenue for any district
17 through a tax change and specify the public services to be funded by the
18 increased revenue, THE BALLOT TITLE MUST INCLUDE LANGUAGE
19 SUBSTANTIALLY SIMILAR TO THE FOLLOWING LANGUAGE, WHICH MAY
20 APPEAR ANYWHERE after the language required by section 20 (3)(c) of
21 article X of the state constitution: ~~the ballot title shall state~~ "in order to
22 increase or improve levels of public services, including (the public
23 service specified in the measure)...". For measures that increase tax
24 revenue for any district through a tax change and do not specify the public
25 services to be funded by the increased revenue, THE BALLOT TITLE MUST
26 INCLUDE LANGUAGE SIMILAR TO THE FOLLOWING LANGUAGE, WHICH MAY
27 APPEAR ANYWHERE after the language required by section 20 (3)(c) of

1 article X of the state constitution: ~~the ballot title shall state~~ "in order to
2 increase or improve levels of public services...".

3 (h) In determining whether a ballot title qualifies as brief for
4 purposes of section 1-40-102 (10) and ~~subsection (3)(b)~~ SUBSECTION
5 (3)(b)(II)(A) of this section AND WHETHER A BALLOT TITLE USES
6 ACCESSIBLE LANGUAGE FOR PURPOSES OF SUBSECTION (3)(b)(II)(B) OF
7 THIS SECTION, the language required by subsection (3)(e), (3)(e.5), (3)(f),
8 (3)(g), or (3)(j) of this section may not be considered.

9 **SECTION 3. Act subject to petition - effective date -**
10 **applicability.** (1) (a) Except as otherwise provided in this section, this
11 act takes effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly (August
13 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
14 referendum petition is filed pursuant to section 1 (3) of article V of the
15 state constitution against this act or an item, section, or part of this act
16 within such period, then the act, item, section, or part will not take effect
17 unless approved by the people at the general election to be held in
18 November 2026 and, in such case, will take effect on the date of the
19 official declaration of the vote thereon by the governor.

20 (b) Section 1 of this act takes effect only if House Bill 26-1084
21 does not become law, in which case section 1 takes effect on the
22 applicable effective date of this act.

23 (c) Section 2 of this act takes effect only if House Bill 26-1084
24 becomes law, in which case section 2 takes effect on the applicable
25 effective date of this act or on the effective date of House Bill 26-1084,
26 whichever is later.

27 (2) This act applies to initiative petition drafts submitted to the

- 1 secretary of state for title setting on or after the applicable effective date
- 2 of this act.