

CHAPTER 235

ELECTIONS

HOUSE BILL 26-1320

BY REPRESENTATIVE(S) Nguyen and Garcia, Bacon, Boesenecker, Brown, Clifford, Duran, Lindsay, Rutinel, Sirota, Stewart R., Story, Titone, Velasco, Zokaie, Froelich, Jackson, Joseph, McCluskie;
 also SENATOR(S) Benavidez, Cutter, Exum, Gonzales J., Hinrichsen, Jodeh, Kipp, Kolker, Marchman, Rodriguez, Snyder, Sullivan, Wallace, Coleman.

AN ACT

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

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

SECTION 1. In Colorado Revised Statutes, 1-40-106, **amend** (3)(b), (3)(e), (3)(f), (3)(g)(I), and (3)(h); and **add** (3)(h.5) as follows:

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

(3) (b) (I) 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/for" or "no/against" vote will be unclear. The title for the proposed law or constitutional amendment, which ~~shall~~ **MUST** correctly and fairly express the true intent and meaning thereof, together with the ballot title and submission clause, ~~shall~~ **MUST** 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.

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

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

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

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

(C) DO NOT CONFLICT WITH ~~those~~ BALLOT TITLES selected for any petition previously filed for the same election; and ~~shall~~

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and ~~which shall~~ THAT unambiguously ~~state~~ STATES the principle of the provision sought to be added, amended, or repealed.

(e) For measures that reduce state tax revenue through a tax change, the ballot title must ~~begin~~ INCLUDE LANGUAGE SUBSTANTIALLY SIMILAR TO THE FOLLOWING LANGUAGE, WHICH MAY APPEAR ANYWHERE IN THE BALLOT TITLE: "Shall there be a reduction to the (description of tax) by (the percentage by which the tax is reduced in the first full fiscal year that the measure reduces revenue) thereby reducing state revenue, which will reduce funding for state expenditures that include but are not limited to (the three largest areas of program expenditure) by an estimated (projected dollar figure of revenue reduction to the state in the first full fiscal year that the measure reduces revenue) in tax revenue...?". If the ballot measure specifies the public services or programs that are to be reduced by the tax change, those public services or programs must be stated in the ballot title. If the public services or programs identified in the measure are insufficient to account for the full dollar value of the tax change in the first full fiscal year that the measure reduces revenue, then the three largest areas of program expenditure must be stated in the bill title along with the public services or programs identified in the measure. The estimates reflected in the ballot title shall not be interpreted as restrictions of the state's budgeting process.

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

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

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

(h.5) IN DETERMINING WHETHER A BALLOT TITLE IS WRITTEN USING ACCESSIBLE LANGUAGE FOR PURPOSES OF SUBSECTION (3)(b)(II)(B) OF THIS SECTION, THE TITLE BOARD MAY CONSIDER WHETHER THE TITLE:

(I) AVOIDS USING LEGAL, TECHNICAL, OR SPECIALIZED TERMINOLOGY WHEN POSSIBLE;

(II) CLEARLY IDENTIFIES THE PRINCIPAL CHANGE IN LAW OR POLICY PROPOSED BY THE PROPOSED LAW OR CONSTITUTIONAL AMENDMENT;

(III) AVOIDS UNNECESSARY QUALIFIERS, DOUBLE NEGATIVES, AND OVERLY COMPLEX PHRASING;

(IV) ORGANIZES CLAUSES SO THAT THE EFFECT OF A "YES/FOR" OR "NO/AGAINST" VOTE IS READILY UNDERSTOOD; AND

(V) PRESENTS NECESSARY INFORMATION WITHIN THE BALLOT TITLE IN A LOGICAL AND READABLE ORDER.

SECTION 2. In Colorado Revised Statutes, 1-40-106, **amend** (3)(b), (3)(f), (3)(g)(I), and (3)(h); **add** (3)(h.5); and **amend as amended by House Bill 26-1084** (3)(e) as follows:

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

(3) (b) (I) 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/for" or "no/against" vote will be unclear. The title for the proposed law or constitutional amendment, which ~~shall~~ MUST correctly and fairly express the true intent and meaning thereof, together with the ballot title and submission clause, ~~shall~~ MUST 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.

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(C) DO NOT CONFLICT WITH ~~those~~ BALLOT TITLES selected for any petition previously filed for the same election; and ~~shall~~

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

(e) For measures that reduce state tax revenue through a tax change, the ballot title must ~~begin~~ INCLUDE LANGUAGE SUBSTANTIALLY SIMILAR TO THE FOLLOWING LANGUAGE, WHICH MAY APPEAR ANYWHERE IN THE BALLOT TITLE: "Shall there be a reduction to the (description of tax) by (the percentage by which the tax is reduced in the first full fiscal year that the measure reduces revenue) thereby reducing state revenue, which will likely reduce funding for state expenditures that include but are not limited to (the three largest areas of program expenditure) by an estimated (projected dollar figure of revenue reduction to the state in the first full fiscal year that the measure reduces revenue) in tax revenue...?". If the ballot measure specifies the public services or programs that are to be reduced by the tax change, those public services or programs must be stated in the ballot title. If the public services or programs identified in the measure are insufficient to account for the full dollar value of the tax change in the first full fiscal year that the measure reduces revenue, then the three largest areas of program expenditure must be stated in the bill title along with the public services or programs identified in the measure. The estimates reflected in the ballot title shall not be interpreted as restrictions of the state's budgeting process.

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

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

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

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

(h.5) IN DETERMINING WHETHER A BALLOT TITLE IS WRITTEN USING ACCESSIBLE LANGUAGE FOR PURPOSES OF SUBSECTION (3)(b)(II)(B) OF THIS SECTION, THE TITLE BOARD MAY CONSIDER WHETHER THE TITLE:

(I) AVOIDS USING LEGAL, TECHNICAL, OR SPECIALIZED TERMINOLOGY WHEN POSSIBLE;

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(IV) ORGANIZES CLAUSES SO THAT THE EFFECT OF A "YES/FOR" OR "NO/AGAINST" VOTE IS READILY UNDERSTOOD; AND

(V) PRESENTS NECESSARY INFORMATION WITHIN THE BALLOT TITLE IN A LOGICAL AND READABLE ORDER.

SECTION 3. Act subject to petition - effective date - applicability.

(1) (a) Except as otherwise provided in this section, 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 12, 2026, if adjournment sine die is on May 13, 2026); 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 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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

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

(2) This act applies to initiative petition drafts submitted to the secretary of state for title setting on or after the applicable effective date of this act.

Approved: May 29, 2026