

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-1010.02 Alana Rosen x2606

SENATE BILL 22-207

SENATE SPONSORSHIP

Winter,

HOUSE SPONSORSHIP

Bacon,

Senate Committees
Education

House Committees

A BILL FOR AN ACT

101 CONCERNING THE PREVENTION OF TITLE IX MISCONDUCT ON PUBLIC
102 SCHOOL CAMPUSES.

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>.)

To comply with federal law, the bill requires covered public schools to adopt a Title IX policy pursuant to Title IX of the federal "Education Amendments of 1972". The bill outlines the information that must be included in the Title IX policy, including definitions of forms of misconduct and the procedures for reporting and investigating misconduct under Title IX. The bill requires covered public schools to provide their

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

Title IX policy to the department of education.

To comply with federal law, the bill requires covered public schools to designate at least one employee as the Title IX coordinator, who is responsible for coordinating the school's compliance with Title IX, including investigating or adjudicating complaints under the covered public school's Title IX policy.

The bill requires covered public schools to promote on their websites awareness and prevention of misconduct, the covered public school's Title IX policy, and the name and contact information of the Title IX coordinator. Covered public schools are required to annually distribute through electronic or other means of communication the covered public school's Title IX policy as part of the covered public school's handbook to parents with students enrolled in kindergarten through fifth grade and to students enrolled in sixth through twelfth grade.

The bill requires covered public schools to provide training for employees, parents, and students on the Title IX policy. The bill outlines the training requirements, which include how to promote awareness and prevention of misconduct, an explanation of the Title IX policy, and an explanation of relevant federal and state law that affect the Title IX policy.

The bill creates the rural school district Title IX implementation grant program (grant program). The purpose of the grant program is to award money to rural school districts to assist rural schools with creating, implementing, or updating Title IX policies and procedures to comply with federal and state law. The state board of education shall promulgate rules for the grant program.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 22-1-134 as
3 follows:

4 **22-1-134. Title IX training and notification requirements -**
5 **grant program - rules - definitions.** (1) AS USED IN THIS SECTION,
6 UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 (a) "COMPLAINANT" MEANS A PERSON WHO IS SUBJECT TO
8 ALLEGED MISCONDUCT PURSUANT TO THE TITLE IX POLICY OF THE
9 COVERED PUBLIC SCHOOL.

10 (b) "COVERED PUBLIC SCHOOL" MEANS A SCHOOL OF A SCHOOL

1 DISTRICT, A CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT
2 PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE 22, A CHARTER
3 SCHOOL AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE
4 PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE 22, OR A BOARD OF
5 COOPERATIVE SERVICES CREATED AND OPERATING PURSUANT TO ARTICLE
6 5 OF THIS TITLE 22.

7 (c) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION
8 CREATED IN SECTION 24-1-115.

9 (d) "REPORTING PARTY" MEANS AN INDIVIDUAL WHO REPORTS AN
10 ALLEGED INCIDENT OF MISCONDUCT PURSUANT TO THE COVERED PUBLIC
11 SCHOOL'S TITLE IX POLICY.

12 (e) "RESPONDING PARTY" MEANS THE INDIVIDUAL WHO HAS BEEN
13 ACCUSED OF MISCONDUCT PURSUANT TO THE COVERED PUBLIC SCHOOL'S
14 TITLE IX POLICY.

15 (f) "RURAL SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT IN
16 COLORADO THAT THE DEPARTMENT DETERMINES IS RURAL, BASED ON THE
17 GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT AND THE DISTANCE OF THE
18 SCHOOL DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA.

19 (g) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION
20 CREATED AND EXISTING PURSUANT TO SECTION 1 OF ARTICLE IX OF THE
21 STATE CONSTITUTION.

22 (h) "TITLE IX" MEANS TITLE IX OF THE FEDERAL "EDUCATION
23 AMENDMENTS OF 1972", 20 U.S.C. SECS. 1681 TO 1688, AS AMENDED.

24 (i) "TITLE IX COORDINATOR" MEANS THE EMPLOYEE DESIGNATED
25 AS RESPONSIBLE FOR A COVERED PUBLIC SCHOOL'S COMPLIANCE WITH
26 TITLE IX, INCLUDING INVESTIGATING OR ADJUDICATING COMPLAINTS
27 UNDER THE TITLE IX POLICY.

1 (j) "TITLE IX POLICY" MEANS THE SCHOOL POLICY THAT STATES
2 SCHOOLS DO NOT DISCRIMINATE ON THE BASIS OF SEX, INCLUDING SEXUAL
3 ORIENTATION, GENDER IDENTITY, SEXUAL HARASSMENT, OR SEXUAL
4 VIOLENCE, SUCH AS RAPE, SEXUAL ASSAULT, SEXUAL BATTERY, OR SEXUAL
5 COERCION.

6 (2) (a) AS REQUIRED BY TITLE IX, ON OR BEFORE JULY 1, 2023,
7 COVERED PUBLIC SCHOOLS SHALL ADOPT A TITLE IX POLICY FOR
8 ENROLLED STUDENTS. EACH COVERED PUBLIC SCHOOL SHALL
9 PERIODICALLY REVIEW AND UPDATE THE POLICY.

10 (b) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, IF THERE
11 IS A CONFLICT BETWEEN THIS SECTION AND ANY FEDERAL LAW OR
12 REGULATION THAT PLACES A COVERED PUBLIC SCHOOL AT RISK OF LOSING
13 FEDERAL MONEY FOR ITSELF OR ITS STUDENTS, THE COVERED PUBLIC
14 SCHOOL SHALL FOLLOW FEDERAL LAW AND IS NOT LIABLE FOR ANY
15 VIOLATION OF THIS SECTION BASED ON THAT ACTION.

16 (3) AT A MINIMUM, EACH TITLE IX POLICY MUST INCLUDE:

17 (a) DEFINITIONS OF FORMS OF MISCONDUCT CONSISTENT WITH
18 FEDERAL AND STATE LAW AND POLICY;

19 (b) CONFIDENTIAL AND NONCONFIDENTIAL REPORTING OPTIONS
20 FOR MISCONDUCT;

21 (c) AN EXPLANATION OF THE ROLE OF THE COVERED PUBLIC
22 SCHOOL IN ITS RESPONSE TO:

23 (I) A VIOLATION OF THE TITLE IX POLICY; OR

24 (II) A REPORT OF AN INCIDENT OF MISCONDUCT;

25 (d) PROCEDURES FOR INVESTIGATING REPORTS OF MISCONDUCT,
26 WHICH MUST:

27 (I) BE FAIR, IMPARTIAL, AND PROMPT IN WHICH THE COVERED

1 PUBLIC SCHOOL MUST MAKE A GOOD FAITH EFFORT TO COMPLETE AN
2 INVESTIGATION OR ADJUDICATIVE PROCESS, EXCLUDING ANY APPEALS,
3 WITHIN AN AVERAGE OF SIXTY TO NINETY DAYS, WITHOUT JEOPARDIZING
4 THE RIGHTS OF A COMPLAINANT OR RESPONDING PARTY. THE PROCEDURE
5 MAY INCLUDE A PROCESS THAT ALLOWS FOR THE EXTENSION OF THESE
6 TIME FRAMES FOR GOOD CAUSE WITH PRIOR WRITTEN NOTICE OF THE
7 DELAY AND THE REASON FOR THE DELAY TO THE COMPLAINANT AND THE
8 RESPONDING PARTY.

9 (II) INCLUDE PREPONDERANCE OF THE EVIDENCE AS THE
10 EVIDENTIARY STANDARD WHEN A STUDENT IS THE RESPONDING PARTY,
11 NOTWITHSTANDING ANY OTHER EVIDENTIARY STANDARD IN ANY OTHER
12 POLICY OF THE COVERED PUBLIC SCHOOL;

13 (III) OUTLINE THE PROCEDURES TO BE FOLLOWED IN THE
14 INVESTIGATION AND ADJUDICATION PROCESS, WHICH MUST SPECIFY THAT
15 ALL QUESTIONS GO THROUGH THE OFFICIAL INDIVIDUAL OR INDIVIDUALS
16 CONDUCTING OR PARTICIPATING IN THE INVESTIGATION PROCESS;

17 (IV) PROVIDE THE COMPLAINANT AND THE RESPONDING PARTY
18 WITH THE SAME OPPORTUNITY TO HAVE AN ADVISOR OR OTHER PERSON
19 PRESENT DURING ANY PART OF THE PROCEEDING; EXCEPT THAT THE
20 ADVISOR OR OTHER PERSON IS NOT ALLOWED TO SPEAK ON BEHALF OF THE
21 COMPLAINANT OR RESPONDING PARTY DURING THE COURSE OF THE
22 PROCEEDINGS;

23 (V) PROVIDE REGULAR WRITTEN UPDATES ON THE STATUS OF THE
24 INVESTIGATION OR PROCEEDING TO THE COMPLAINANT AND RESPONDING
25 PARTY THROUGHOUT THE PROCESS UNTIL CONCLUSION; AND

26 (VI) PROVIDE FOR THE CONCURRENT NOTIFICATION OF THE
27 OUTCOME OF THE INVESTIGATION OR PROCEEDING TO THE COMPLAINANT

1 AND THE RESPONDING PARTY;

2 (e) PROHIBITIONS ON:

3 (I) THE CONSIDERATION OF PRIOR, IRRELEVANT MISCONDUCT
4 EXCEPT RELATING TO A PRIOR RELATIONSHIP OR HISTORY BETWEEN THE
5 PARTIES IF RELEVANT TO SOME MATERIAL ISSUE IN THE PROCESS; AND

6 (II) ANY ACTION THAT WOULD BE CONSIDERED RETALIATORY
7 UNDER TITLE IX;

8 (f) PROTECTION FROM DISCIPLINARY ACTION AGAINST A
9 COMPLAINANT, REPORTING PARTY, OR WITNESS FOR PARTICIPATING IN THE
10 REPORTING OR INVESTIGATION AND FOR POLICY VIOLATIONS RELATED TO
11 THE INCIDENT, SUCH AS PERSONAL CONSUMPTION OF ALCOHOL OR DRUGS;
12 AND

13 (g) THAT ALL PROVISIONS OF THE TITLE IX POLICY, INCLUDING
14 ANY APPEAL PROCESS THAT MAY BE PROVIDED, BE APPLIED EQUALLY TO
15 BOTH THE COMPLAINANT AND THE RESPONDING PARTY.

16 (4) (a) ON OR BEFORE JULY 1, 2023, EACH COVERED PUBLIC
17 SCHOOL SHALL PROVIDE INFORMATION TO STUDENTS ON HOW TO RECEIVE
18 SUPPORT REGARDING MISCONDUCT UNDER THE TITLE IX POLICY. THE
19 COVERED PUBLIC SCHOOL MAY DESIGNATE FACULTY OR STAFF MEMBERS
20 TO PROVIDE SUPPORT TO STUDENTS; EXCEPT THAT THE COVERED PUBLIC
21 SCHOOL'S TITLE IX COORDINATOR SHALL NOT SERVE IN THIS CAPACITY. A
22 COVERED PUBLIC SCHOOL MAY ALSO DESIGNATE AN OUTSIDE ENTITY OR
23 SERVICE TO PROVIDE SUPPORT TO STUDENTS. IF A COVERED PUBLIC
24 SCHOOL USES AN OUTSIDE ENTITY OR SERVICE, IT SHALL MAKE ITS TITLE
25 IX POLICY AVAILABLE TO THE ENTITY OR SERVICE.

26 (b) IF A FACULTY OR STAFF MEMBER OR OUTSIDE ENTITY OR
27 SERVICE DESCRIBED IN SUBSECTION (4)(a) OF THIS SECTION MEETS THE

1 REQUIREMENTS OF SECTION 13-90-107 (1)(k)(II) OR 12-245-220, THE
2 PROTECTIONS FOR CONFIDENTIALITY OR PRIVILEGES ESTABLISHED
3 PURSUANT TO THOSE SECTIONS APPLY TO THE INDIVIDUAL WHILE ACTING
4 PURSUANT TO THIS SECTION.

5 (5) (a) ON OR BEFORE JULY 1, 2023, EACH COVERED PUBLIC
6 SCHOOL SHALL PROMOTE:

- 7 (I) AWARENESS AND PREVENTION OF MISCONDUCT;
- 8 (II) THE COVERED PUBLIC SCHOOL'S TITLE IX POLICY; AND
- 9 (III) THE NAME OR TITLE AND CONTACT INFORMATION FOR THE
10 TITLE IX COORDINATOR.

11 (b) EACH COVERED PUBLIC SCHOOL SHALL PROMOTE THE
12 INFORMATION DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION BY:

- 13 (I) PROMINENTLY DISPLAYING ON ITS WEBSITE:
 - 14 (A) THE COVERED PUBLIC SCHOOL'S TITLE IX POLICY;
 - 15 (B) THE TELEPHONE NUMBER AND WEBSITE FOR AN
16 INSTITUTIONAL, LOCAL, STATE, OR NATIONAL TWENTY-FOUR-HOUR
17 HOTLINE THAT PROVIDES INFORMATION ON SEXUAL MISCONDUCT; AND
- 18 (II) ANNUALLY DISTRIBUTING THROUGH ELECTRONIC OR OTHER
19 MEANS OF COMMUNICATION THE COVERED PUBLIC SCHOOL'S TITLE IX
20 POLICY AS PART OF THE COVERED PUBLIC SCHOOL'S HANDBOOK TO:

- 21 (A) PARENTS WITH STUDENTS ENROLLED IN KINDERGARTEN
22 THROUGH FIFTH GRADE; AND

- 23 (B) STUDENTS ENROLLED IN SIXTH THROUGH TWELFTH GRADE.

24 (6) (a) ON OR BEFORE JULY 1, 2023, AND BY EACH JULY 1
25 THEREAFTER, EACH COVERED PUBLIC SCHOOL SHALL PROVIDE ANNUAL
26 TRAINING ON THE COVERED PUBLIC SCHOOL'S TITLE IX POLICY TO
27 INCOMING PARENTS OF STUDENTS ENROLLED IN KINDERGARTEN THROUGH

1 FIFTH GRADE, STUDENTS ENROLLED IN SIXTH GRADE THROUGH TWELFTH
2 GRADE, NEW EDUCATORS AND STAFF AND, WHEN APPLICABLE, TO ALL
3 PARENTS, STUDENTS, EDUCATORS, AND STAFF IF THE TITLE IX POLICY IS
4 SUBSTANTIALLY UPDATED.

5 (b) EACH COVERED PUBLIC SCHOOL SHALL DESIGNATE AT LEAST
6 ONE EMPLOYEE AS A TITLE IX COORDINATOR. THE TITLE IX
7 COORDINATOR MUST RECEIVE TRAINING ON THE POLICY IN EFFECT AT THE
8 TIME OF THE COMPLAINT PRIOR TO STARTING THE INVESTIGATION OR
9 ADJUDICATION.

10 (c) THE TRAINING REQUIRED BY THIS SUBSECTION (6) MAY
11 INCLUDE BUT IS NOT LIMITED TO:

12 (I) HOW TO PROMOTE AWARENESS AND PREVENTION OF
13 MISCONDUCT;

14 (II) AN EXPLANATION OF THE COVERED PUBLIC SCHOOL'S TITLE IX
15 POLICY;

16 (III) AN EXPLANATION OF THE RELEVANT FEDERAL AND STATE
17 LAWS CONCERNING MISCONDUCT;

18 (IV) AN EXPLANATION OF TYPES OF CONDUCT THAT WOULD
19 CONSTITUTE A VIOLATION OF THE COVERED PUBLIC SCHOOL'S TITLE IX
20 POLICY;

21 (V) THE ROLE OF THE COVERED PUBLIC SCHOOL IN ENSURING A
22 COORDINATED RESPONSE TO AN ALLEGATION OF MISCONDUCT;

23 (VI) THE DEFINITION OF "CONSENT" IN THE CONTEXT OF SEXUAL
24 ACTIVITY;

25 (VII) OPTIONS FOR BYSTANDER INTERVENTION;

26 (VIII) OPTIONS FOR INVOLVING LAW ENFORCEMENT IN
27 RESPONDING TO MISCONDUCT;

1 (IX) THE IMPORTANCE OF TREATING AND HOW TO TREAT OTHERS
2 WITH DIGNITY AND RESPECT; AND

3 (X) THE EFFECTS OF TRAUMA ON REPORTING PARTIES OR
4 COMPLAINANTS WHO HAVE EXPERIENCED MISCONDUCT THAT MAY
5 INCLUDE:

6 (A) INFORMATION ON WORKING WITH AND INTERVIEWING PERSONS
7 WHO HAVE EXPERIENCED MISCONDUCT;

8 (B) WAYS TO COMMUNICATE SENSITIVELY AND
9 COMPASSIONATELY WITH A REPORTING PARTY OR A COMPLAINANT; AND

10 (C) INFORMATION REGARDING HOW MISCONDUCT MAY IMPACT
11 STUDENTS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES.

12 (7) (a) ON OR BEFORE JULY 1, 2023, EACH COVERED PUBLIC
13 SCHOOL SHALL PROVIDE TO THE DEPARTMENT, TO BE POSTED ON THE
14 DEPARTMENT'S WEBSITE:

15 (I) A COPY OF THE COVERED PUBLIC SCHOOL'S TITLE IX POLICY;

16 (II) A DESCRIPTION OF HOW THE COVERED PUBLIC SCHOOL IS
17 PROVIDING INFORMATION TO STUDENTS ON HOW TO RECEIVE SUPPORT
18 REGARDING MISCONDUCT UNDER TITLE IX AS REQUIRED BY SUBSECTION
19 (4) OF THIS SECTION AND HOW IT IS PROMOTING THE INFORMATION
20 REQUIRED BY SUBSECTION (5) OF THIS SECTION; AND

21 (III) A DESCRIPTION OF THE TITLE IX TRAINING PROVIDED BY THE
22 COVERED PUBLIC SCHOOL, AS REQUIRED BY SUBSECTION (6) OF THIS
23 SECTION.

24 (b) BEGINNING JANUARY 2024, AND IN JANUARY EVERY YEAR
25 THEREAFTER, EACH COVERED PUBLIC SCHOOL SHALL PROVIDE TO THE
26 DEPARTMENT, TO BE POSTED ON THE DEPARTMENT'S WEBSITE:

27 (I) A COPY OF ANY UPDATED TITLE IX POLICY ADOPTED DURING

1 THE PREVIOUS CALENDAR YEAR;

2 (II) A STATEMENT AS TO ANY CHANGES IN THE MANNER IN WHICH
3 THE COVERED PUBLIC SCHOOL PROVIDES OR PROMOTES THE INFORMATION
4 REQUIRED BY SUBSECTION (4) OR (5) OF THIS SECTION; AND

5 (III) A DESCRIPTION OF THE TITLE IX MISCONDUCT TRAINING
6 PROVIDED BY THE COVERED PUBLIC SCHOOL, AS REQUIRED BY SUBSECTION
7 (6) OF THIS SECTION.

8 (8) (a) THERE IS CREATED THE RURAL SCHOOL DISTRICT TITLE IX
9 IMPLEMENTATION GRANT PROGRAM, REFERRED TO IN THIS SUBSECTION (8)
10 AS THE "GRANT PROGRAM". THE PURPOSE OF THE GRANT PROGRAM IS TO
11 AWARD MONEY TO RURAL SCHOOL DISTRICTS TO ASSIST RURAL SCHOOLS
12 WITH CREATING, IMPLEMENTING, OR UPDATING TITLE IX POLICIES AND
13 PROCEDURES, INCLUDING TRAINING AN EMPLOYEE TO BE THE TITLE IX
14 COORDINATOR, TO BE IN COMPLIANCE WITH FEDERAL AND STATE LAWS.
15 ON OR AFTER JULY 1, 2023, A RURAL SCHOOL DISTRICT MAY APPLY FOR A
16 GRANT.

17 (b) THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM
18 PURSUANT TO STATE BOARD RULES ADOPTED PURSUANT TO SUBSECTION
19 (8)(c) OF THIS SECTION.

20 (c) THE STATE BOARD SHALL PROMULGATE RULES CONCERNING
21 THE GRANTS AWARDED PURSUANT TO THIS SUBSECTION (8), WHICH MUST
22 INCLUDE, AT A MINIMUM:

23 (I) THE PROCESS BY WHICH A RURAL SCHOOL DISTRICT MAY APPLY
24 FOR AND RECEIVE GRANT MONEY PURSUANT TO THIS SUBSECTION (8),
25 INCLUDING APPLICATION REQUIREMENTS AND DEADLINES;

26 (II) THE NUMBER AND AMOUNT OF EACH GRANT AND WHETHER
27 GRANT MONEY WILL BE AWARDED IN THE ORDER APPLICATIONS ARE

1 RECEIVED OR THROUGH SOME OTHER METHOD; AND

2 (III) PROCEDURES FOR MONITORING A RURAL SCHOOL DISTRICT'S
3 COMPLIANCE WITH THE PROVISIONS OF THIS SUBSECTION (8) AND
4 SPECIFICALLY THAT MONEY AWARDED PURSUANT TO THIS SUBSECTION (8)
5 IS USED FOR REASONABLE COSTS ASSOCIATED WITH CREATING,
6 IMPLEMENTING, OR UPDATING TITLE IX POLICIES, TRAINING MATERIALS,
7 OR HIRING AN EMPLOYEE TO ACT AS THE TITLE IX COORDINATOR; AND

8 (IV) THE PROCESS BY WHICH A RURAL SCHOOL DISTRICT REPORTS
9 TO THE DEPARTMENT AND THE INFORMATION THAT MUST BE INCLUDED IN
10 THE REPORT.

11 (d) THE DEPARTMENT SHALL REVIEW EACH GRANT APPLICATION
12 RECEIVED PURSUANT TO THIS SUBSECTION (8) AND SHALL MAKE
13 RECOMMENDATIONS TO THE STATE BOARD CONCERNING WHETHER THE
14 GRANT SHOULD BE AWARDED AND THE AMOUNT OF THE GRANT.

15 (9) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), ON OR
16 BEFORE NOVEMBER 1, 2024, AND EVERY NOVEMBER 1 THEREAFTER, THE
17 DEPARTMENT SHALL SUBMIT A REPORT TO THE EDUCATION COMMITTEES
18 OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR
19 COMMITTEES, THE STATE BOARD, AND THE GOVERNOR, CONTAINING
20 INFORMATION ON THE REPORTS SUBMITTED BY THE COVERED PUBLIC
21 SCHOOLS AND RURAL SCHOOL DISTRICTS TO THE DEPARTMENT PURSUANT
22 TO SUBSECTIONS (7)(a) AND (8)(c)(IV) OF THIS SECTION.

23 **SECTION 2. Act subject to petition - effective date.** This act
24 takes effect at 12:01 a.m. on the day following the expiration of the
25 ninety-day period after final adjournment of the general assembly; except
26 that, if a referendum petition is filed pursuant to section 1 (3) of article V
27 of the state constitution against this act or an item, section, or part of this

1 act within such period, then the act, item, section, or part will not take
2 effect unless approved by the people at the general election to be held in
3 November 2022 and, in such case, will take effect on the date of the
4 official declaration of the vote thereon by the governor.