

RULES FOR STAFF OF LEGISLATIVE COUNCIL AND OFFICE OF LEGISLATIVE LEGAL SERVICES

REVIEW AND COMMENT FILINGS

1. Legal Authority. These rules are issued pursuant to section 1(5) of article V of the Colorado Constitution and section 1-40-105, Colorado Revised Statutes.
2. Purpose of Rules. The purpose of these rules is to delineate the procedures to be followed by the staff of the Legislative Council and the Office of Legislative Legal Services in preparing comments and conducting review and comment meetings with proponents as specified by the Colorado Constitution and by Colorado Statutes. These rules are intended to balance the interests of proponents, including their interests in a reliable, predictable, and fair process; the public's right to receive full and timely notice of meetings and to participate in them; and the business requirements of the staffs of the two offices. These rules are further intended to advise proponents and interested persons of the procedures to be followed so that they may make more effective use of the review and comment process.
3. Applicability of Rules. These rules apply to the filing of all original petitions, corrected petitions, amended petitions, and resubmitted petitions.
4. Definitions. As used in this rule, the following definitions apply:
 - (a) "Original petition" means the first submission of the text of a proposed initiated constitutional amendment or initiated law filed by a proponent.
 - (b) "Corrected petition" means the submission of a proposed initiated constitutional amendment or initiated law that, because of an obvious and plain error, including a grammatical, punctuation, or spelling error or other error of a technical nature, is filed as a replacement for an original petition or amended petition.
 - (c) "Amended petition" means a revised version of an original petition that contains substantive changes and therefore does not meet the definition of a corrected petition.
 - (d) "Resubmitted petition" means any type of petition that is automatically submitted for review and comment in accordance with paragraph (a) of subsection (10) of these rules.
 - (e) "State holiday" means the legal holidays enumerated in or appointed pursuant to section 24-11-101, Colorado Revised Statutes.
5. Designees. The directors of the Legislative Council and the Office of Legislative Legal Services may designate persons on their respective staffs to act in their stead. In addition, the staff of

Legislative Council is the designee of the Office of Legislative Legal Services for the purpose of receiving any filings made pursuant to section 1(5) of article V of the Colorado Constitution.

6. Filing Requirements. (a) A petition must be typewritten and legible, contain the text of the initiated measure, and provide the names and mailing addresses of the two designated representatives of the proponents.
 - (b) It is not necessary for the proponents of a petition to file a resubmitted petition with the staff of the Legislative Council.
7. Time of Filing. A petition shall be filed with the staff of Legislative Council during normal business hours. Normal business hours are considered to be from 8:00 AM through 5:00 PM, excluding weekends and state holidays. Any petition received by the staff of Legislative Council after 5:00 PM, on a weekend, or on a state holiday shall be deemed to be filed on the next regular business day.
8. Methods of Filing - Numbering. (a) Petitions shall be considered filed when a legible, typewritten, complete copy is received by delivery to the staff of Legislative Council in person, by mail, by electronic mail, or by telefax. It is the responsibility of proponents to verify that filings made by mail, electronic mail, and telefax are received by the staff of Legislative Council in legible and complete form.
 - (b) Petitions shall be numbered by the staff of Legislative Council for purposes of keeping track of each filing.
9. Scheduling of Review and Comment Meetings. (a) Except in cases set forth in paragraph (b) of this subsection (9), a review and comment meeting on an original petition or amended petition shall be scheduled with the designated representatives and the staff of the Legislative Council and the Office of Legislative Legal Services on a date two weeks after the petition is filed with the staff of Legislative Council.
 - (b) When the date specified in paragraph (a) of this subsection (9) falls on a day that is not a state holiday but that the office of the Legislative Council Staff or the Office of Legislative Legal Services is closed, the review and comment meeting may be held on a regular business day that is prior to a date two weeks after the petition is filed with the staff of the Legislative Council.
 - (c) A review and comment meeting on a resubmitted petition shall be scheduled with the designated representatives and the staff of the Legislative Council and the Office of Legislative Legal Services on a date no later than five business days after the resubmission.
10. Review and Comment Meetings. (a) Review and comment meetings will be conducted in the State Capitol Building or the Legislative Services Building. Both designated representatives must appear in person at all review and comment meetings. The requirement for both designated representatives to appear in person is not satisfied by the appearance of counsel. If either or both of the designated representatives fail to attend a review and comment meeting in person, the petition is considered withdrawn by the proponents. If one of the designated representatives

fails to attend a review and comment meeting in person but the other designated representative does attend the meeting in person, the withdrawn petition is deemed to be automatically resubmitted to the directors of the Legislative Council and Office of Legislative Legal Services for review and comment, unless the designated representative who is present objects to the automatic resubmission.

- (b) The review and comment memorandum prepared by the Office of Legislative Legal Services and the staff of the Legislative Council for the review and comment meeting shall be transmitted to the proponents as soon as possible but no later than 48 hours prior to the meeting date, except in the case of a resubmitted petition for which a meeting is scheduled within 48 hours of the resubmission.
- (c) Remote participation at a review and comment meeting by electronic technology is not permitted.

11. Corrected Petitions and Amended Petitions Filed Prior to the Review and Comment Meeting. (a)

A corrected petition filed with the staff of Legislative Council shall be treated for all purposes as a substitute for the petition that it corrects unless the proponents request that it be treated as an amended petition. A corrected petition shall be considered at the review and comment meeting originally scheduled for the petition it corrects.

- (b) If the staff of Legislative Council determines that a document filed as a corrected petition actually constitutes an amended petition, they shall treat it as an amended petition. Staff should make the determination as soon as practicable but no later than 24 hours after the document is filed. The proponents shall be asked if they wish to proceed with both petitions or to specify the status of the prior petition. The filing date for the amended petition and the date for the review and comment meeting shall be determined in accordance with these rules.

12. Changes Made Subsequent to the Review and Comment Meeting. After the review and comment

meeting, if proponents make substantial amendments or revisions to a petition that are not in response to comments made by the staff of Legislative Council or the Office of Legislative Legal Services, the proponents shall file an amended petition with the staff of Legislative Council for the purposes of scheduling and holding a review and comment meeting. The review and comment meeting shall be scheduled in accordance with Rule 9 on a date two weeks after the amended petition is filed. If the directors of Legislative Council and the Office of Legislative Legal Services have no additional comments on the amended petition, they shall so inform the proponents in writing as soon as practicable, but in no case later than ~~72 hours~~ **THE CLOSE OF THE THIRD BUSINESS DAY after the filing DAY ON WHICH THE AMENDED PETITION IS FILED**, and the review and comment meeting shall be canceled. Notice of the filing of such an amended petition and the conclusion of the directors that they have no additional comments and that a review and comment meeting has been canceled shall be posted in the office of the staff of Legislative Council and communicated to any party who has provided an address to the staff of Legislative Council for such purpose.

13. Changes Made Subsequent to a Title Board Meeting. (a) The staff shall accept a filing as an amended petition if the Title Setting Board has made a determination that it does not have jurisdiction to set a title for the petition because the proponents have made substantial amendments or revisions to the petition following the review and comment meeting and the amendments or revisions are not in response to comments made by the staff of Legislative Council or the Office of Legislative Legal Services.
- (b) If the staff of Legislative Council is informed of or is aware that a petition contains changes that have been made to achieve a single subject following a determination by the Title Setting Board that the petition contains more than one subject, the staff shall inform the proponents that they should file the petition directly with the office of the Secretary of State unless the changes involve more than the elimination of provisions to achieve a single subject.
- (c) In addition, the staff shall accept a filing as an amended petition if the Title Setting Board has previously determined that the petition contains more than one subject and the proponents have changed the petition and resubmitted it to the Title Setting Board and the Board has subsequently made a determination in accordance with section 1 (5.5) of article V of the Colorado Constitution that the changes involve more than the elimination of provisions to achieve a single subject or that the changes are so substantial that a review and comment meeting is in the public interest.
- (d) If proponents decline to file a petition directly with the Secretary of State because they want it treated as an original petition or if they have determined that it contains changes that involve more than the elimination of provisions to achieve a single subject, the petition shall be accepted and treated as an amended petition.
- (e) All amended petitions accepted for filing in accordance with this rule shall be scheduled for a review and comment meeting in accordance with Rule 9 on a date two weeks after the amended petition is filed. If the directors of Legislative Council and the Office of Legislative Legal Services have no comments on the amended petition, they shall so inform the proponents in writing as soon as practicable, but in no case later than ~~72 hours~~ **THE CLOSE OF THE THIRD BUSINESS DAY** after the ~~filing~~ **DAY ON WHICH THE AMENDED PETITION IS FILED**, and the review and comment meeting shall be canceled. Notice of the filing of such an amended petition and the conclusion of the directors that they have no additional comments and that a review and comment meeting has been canceled shall be posted in the office of the staff of Legislative Council and communicated to any party who has provided an address to the staff of Legislative Council for such purpose.
14. Computations of Time. For purposes of these rules, time shall be computed as provided in sections 2-4-105 and 2-4-108, Colorado Revised Statutes. "Two weeks" means 14 consecutive days. The counting of any time period included in these rules excludes the day a petition is filed with the staff of Legislative Council. When the final day in a counting period falls on a state holiday, the counting period is extended so that the final day falls on the next regular business day following a state holiday.