

CHAPTER 183

ELECTIONS

SENATE BILL 93-135

BY SENATORS Wattenberg, Johnson, and Casey;
also REPRESENTATIVES Fleming, Allen, Armstrong, Hagedorn, R. Hernandez, Kerns, Knox, Kreutz, Reeser, Schauer, and Tanner.

AN ACT

CONCERNING BALLOT ISSUES PROPOSED PURSUANT TO THE INITIATIVE AND REFERENDUM PROCESS.

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

SECTION 1. Article 40 of title 1, Colorado Revised Statutes, 1980 Repl. Vol., as amended by House Bill 93-1155, enacted at the First Regular session of the Fifty-ninth General Assembly, is amended, WITH THE RELOCATION OF PROVISIONS, to read:

ARTICLE 40
Initiative and Referendum

1-40-101. [Formerly 1-40-111] Legislative declaration. It is not the intention of ~~sections 1-40-101 to 1-40-111~~ THIS ARTICLE to limit or abridge in any manner the powers reserved to the people in the initiative and referendum, but rather to properly safeguard, protect, and preserve inviolate for them these modern instrumentalities of democratic government.

1-40-102. [Formerly 1-40-100.3] Definitions. As used in this article, unless the context otherwise requires:

(1) "BALLOT ISSUE" MEANS A NONRECALL, CITIZEN-INITIATED PETITION OR LEGISLATIVELY-REFERRED MEASURE WHICH IS AUTHORIZED BY THE STATE CONSTITUTION.

(+) (2) "Ballot title" means the language which is printed on the ballot which is comprised of the submission clause and the title.

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

(3) "DESIGNATED ELECTION OFFICIAL" MEANS THE SECRETARY OF STATE FOR ALL STATEWIDE BALLOT ISSUES AND, FOR LOCAL BALLOT ISSUES, THE MUNICIPAL CLERK, A MEMBER OF A GOVERNING BOARD, THE SECRETARY OF THE BOARD, THE COUNTY CLERK AND RECORDER, OR ANY OTHER PERSON WHO IS RESPONSIBLE FOR CONDUCTING A BALLOT ISSUE ELECTION.

~~(2)~~ (4) "Draft" means the TYPEWRITTEN proposed text of the initiative which, if passed, becomes the actual language of the constitution, ~~or~~ statute, CHARTER PROVISION, OR ORDINANCE, together with ~~any~~ language concerning placement of the measure in the constitution, ~~or the~~ statutes, CHARTER, OR ORDINANCES.

(5) "LOCAL BALLOT ISSUE" MEANS ANY BALLOT ISSUE OTHER THAN A STATEWIDE BALLOT ISSUE.

~~(3)~~ (6) "Section" means a bound compilation of initiative forms approved by the ~~secretary of state~~ DESIGNATED ELECTION OFFICIAL, which shall include pages that contain the warning required by ~~section 1-40-106 (1) (a)~~ SECTION 1-40-110 (1), the title, the summary AND the ballot title IF THE MEASURE IS FOR A STATEWIDE BALLOT ISSUE, and a copy of the proposed measure; succeeding pages that contain ~~said~~ THE warning, the ballot title OR, IN THE CASE OF A LOCAL BALLOT ISSUE, THE TITLE, and ruled lines numbered consecutively for registered electors' signatures; and a final page that contains the affidavit required by ~~section 1-40-106 (2) (b)~~ SECTION 1-40-111 (2). Each section shall be consecutively prenumbered by the petitioner prior to circulation.

(7) "STATEWIDE BALLOT ISSUE" MEANS ANY BALLOT ISSUE THAT MAY BE VOTED ON BY ALL REGISTERED ELECTORS IN THE STATE.

~~(4)~~ (8) "Submission clause" means the language which is attached to the title to form a question which can be answered by "yes" or "no".

~~(5)~~ (9) "Summary" means a condensed statement as to the intent of the proposed law, ORDINANCE, CHARTER PROVISION, or constitutional amendment.

~~(6)~~ (10) "Title" means a brief statement that fairly and accurately represents the true intent and meaning of the proposed text of the initiative.

1-40-103. Applicability of article. THIS ARTICLE SHALL APPLY TO ALL BALLOT ISSUES THAT ARE AUTHORIZED BY THE STATE CONSTITUTION UNLESS OTHERWISE PROVIDED BY STATUTE, CHARTER, OR ORDINANCE.

1-40-104. Designated representatives. AT THE TIME OF ANY FILING OF A DRAFT AS PROVIDED IN THIS ARTICLE, THE PROPONENTS SHALL DESIGNATE THE NAMES AND MAILING ADDRESSES OF TWO PERSONS WHO SHALL REPRESENT THE PROPONENTS IN ALL MATTERS AFFECTING THE PETITION AND TO WHOM ALL NOTICES OR INFORMATION CONCERNING THE PETITION SHALL BE MAILED.

1-40-105. [Formerly 1-40-101 (1) and the first portion of 1-40-101 (2)] Filing procedure - review and comment - amendments - filing with secretary of state.

(1) The original ~~drafts of all initiative petitions for proposed laws or amendments~~

TYPEWRITTEN DRAFT OF EVERY INITIATIVE PETITION FOR A PROPOSED LAW OR AMENDMENT to the state constitution to be enacted by the people, before ~~they are signed by the electors or any of them~~ IT IS SIGNED BY ANY ELECTOR, shall be submitted by the proponents of the petition to the directors of the legislative council and the office of legislative legal services for review and comment. PROPONENTS ARE ENCOURAGED TO WRITE SUCH DRAFTS IN PLAIN, NONTECHNICAL LANGUAGE AND IN A CLEAR AND COHERENT MANNER USING WORDS WITH COMMON AND EVERYDAY MEANING WHICH ARE UNDERSTANDABLE TO THE AVERAGE READER. Upon request, any agency in the executive department shall ~~render assistance~~ ASSIST in reviewing and preparing comments on the petition. No later than two weeks after the date of submission of the original draft, unless it is withdrawn by the proponents, the directors of the legislative council and the office of legislative legal services, or their designees, shall render their comments to the proponents of the petition concerning the format or contents of the petition at a meeting open to the public. ~~Such~~ EXCEPT WITH THE PERMISSION OF THE PROPONENTS, THE comments shall not be disclosed to ANY PERSON other than the proponents prior to ~~such~~ THE public meeting with the proponents of the petition.

(2) After the public meeting but before submission to the secretary of state for title setting, the proponents may amend the petition in response to some or all of the comments of the directors of the legislative council and the office of legislative legal services, or their designees. IF ANY SUBSTANTIAL AMENDMENT IS MADE TO THE PETITION, OTHER THAN AN AMENDMENT IN DIRECT RESPONSE TO THE COMMENTS OF THE DIRECTORS OF THE LEGISLATIVE COUNCIL AND THE OFFICE OF LEGISLATIVE LEGAL SERVICES, THE AMENDED PETITION SHALL BE RESUBMITTED TO THE DIRECTORS FOR COMMENT IN ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION PRIOR TO SUBMITTAL TO THE SECRETARY OF STATE AS PROVIDED IN SUBSECTION (4) OF THIS SECTION. IF THE DIRECTORS HAVE NO ADDITIONAL COMMENTS CONCERNING THE AMENDED PETITION, THEY MAY SO NOTIFY THE PROPONENTS IN WRITING, AND, IN SUCH CASE, A HEARING ON THE AMENDED PETITION PURSUANT TO SUBSECTION (1) OF THIS SECTION IS NOT REQUIRED.

~~(1.5)~~ (3) To the extent possible, drafts shall be worded with simplicity and clarity and so that the effect of the measure will not be misleading or likely to cause confusion among voters. The draft shall not present the issue to be decided in such manner that a vote for the measure would be a vote against the proposition or viewpoint that the voter believes that he or she is casting a vote for or, conversely, that a vote against the measure would be a vote for a proposition or viewpoint that the voter is against.

~~(2)~~ (4) After the conference provided in ~~subsection (1)~~ SUBSECTIONS (1) AND (2) of this section, ~~the original or amended drafts, as the case may be~~ A COPY OF THE ORIGINAL TYPEWRITTEN DRAFT SUBMITTED TO THE DIRECTORS OF THE LEGISLATIVE COUNCIL AND THE OFFICE OF LEGISLATIVE LEGAL SERVICES, A COPY OF THE AMENDED DRAFT WITH CHANGES HIGHLIGHTED OR OTHERWISE INDICATED, IF ANY AMENDMENTS WERE MADE FOLLOWING THE LAST CONFERENCE CONDUCTED PURSUANT TO SUBSECTIONS (1) AND (2) OF THIS SECTION, AND AN ORIGINAL FINAL DRAFT WHICH GIVES THE FINAL LANGUAGE FOR PRINTING shall be submitted ~~with a copy thereof~~ to the secretary of state without any title, submission clause, SUMMARY, or ballot title providing the designation by which the voters shall express their choice for or against ~~said~~ THE proposed law or constitutional amendment. ~~and without a summary. At the~~

~~time of filing, the proponents of the measure shall designate two persons to whom all notices or information concerning the petition shall be mailed.~~

1-40-106. [Formerly the last portion of 1-40-101 (2)] Title board - meetings - summary, titles, and submission clause. (1) FOR STATEWIDE BALLOT ISSUES, beginning with the first submission of a draft after a ~~general~~ AN election, the secretary of state shall ~~call to his assistance~~ 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. ~~the three of whom, constituting a board for such purposes, a majority controlling;~~ THE TITLE BOARD, BY MAJORITY VOTE, shall proceed to designate and fix a proper fair title for each ~~such~~ proposed law or constitutional amendment, together with a submission clause, at public meetings to be held at 2 p.m. 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 ~~Wednesday prior to the first and third Wednesdays of each month~~ TWELFTH DAY BEFORE THE MEETING AT WHICH THE DRAFT IS TO BE CONSIDERED BY THE TITLE BOARD. THE FIRST MEETING OF THE TITLE BOARD SHALL BE HELD NO SOONER THAN THE FIRST WEDNESDAY IN DECEMBER AFTER AN ELECTION, ~~with~~ AND the last ~~such~~ meeting ~~to~~ SHALL be held NO LATER THAN the third Wednesday in May of the ~~general election year~~. IN THE YEAR IN WHICH THE MEASURE IS TO BE VOTED ON.

(2) FOR LOCAL BALLOT ISSUES, UNLESS OTHERWISE PROVIDED BY CHARTER OR ORDINANCE, THE TITLE BOARD SHALL CONSIST OF THE DESIGNATED ELECTION OFFICIAL AND THE GOVERNING BOARD OF THE POLITICAL SUBDIVISION AND SHALL MEET AT THE REGULARLY SCHEDULED MEETINGS OF THE GOVERNING BOARD. THE TITLE BOARD SHALL BY RESOLUTION FIX A PROPER FAIR TITLE FOR EACH PROPOSED MEASURE SUBSTANTIALLY AS PROVIDED IN PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION. THE GOVERNING BOARD MAY DESIGNATE WHEN DRAFTS OF THE TEXT OF THE PROPOSED AMENDMENT SHALL BE SUBMITTED TO THE DESIGNATED ELECTION OFFICIAL PRIOR TO THE MEETING AT WHICH THE TITLE IS TO BE FIXED.

(3) (a) The TITLE board FOR STATEWIDE BALLOT ISSUES shall prepare a clear, concise summary of the proposed law or constitutional amendment. The summary shall be true and impartial and shall not be an argument, nor likely to create prejudice, either for or against the measure. The TITLE board may request assistance in the preparation of the summary from the legislative council and, if, in the opinion of the TITLE board, the proposed law or constitutional amendment will have a fiscal impact on the state or any of its political subdivisions, shall request assistance in such matter from the office of state planning and budgeting or the department of local affairs. When the TITLE board requests fiscal impact information from the office of state planning and budgeting or the department of local affairs, ~~such~~ THE fiscal impact information shall be filed with the secretary of state by ~~five o'clock p.m. on the Monday preceding the Wednesday meeting~~ 12 NOON ON THE FRIDAY BEFORE THE MEETING OF THE TITLE BOARD AT WHICH THE DRAFT IS TO BE CONSIDERED. The legislative council, the office of state planning and budgeting, and the department of local affairs shall furnish any assistance so requested, and the summary shall include an estimate of any such fiscal impact, together with an explanation thereof.

(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 and fairly express the true intent and meaning thereof, together with the ballot title, submission clause, and summary, shall be completed 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 parties presenting it, 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.

1-40-107. Rehearing - appeal - fees - signing. (1) **[Formerly the first portion of 1-40-101 (3)]** ~~(3) If Any persons~~ PERSON presenting ~~such~~ A STATEWIDE initiative petition OR ANY REGISTERED ELECTOR WHO ~~are~~ IS not satisfied with the titles, submission clause, and summary ~~thus~~ provided BY THE TITLE BOARD and ~~claim~~ 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 ~~forty-eight hours after its return, they may file a motion with the secretary of state for a rehearing, which shall be passed upon by the board within forty-eight hours thereafter~~ SEVEN DAYS AFTER THE TITLES AND SUMMARY ARE SET. 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 SUMMARY PROTESTED WERE SET AT THE LAST MEETING IN MAY, THE MOTION SHALL BE HEARD WITHIN FORTY-EIGHT HOURS AFTER THE MOTION IS FILED.

(2) **[Formerly the last portion of 1-40-101 (3)]** ~~and;~~ If ANY PERSON WHO FILED A MOTION FOR A REHEARING PURSUANT TO SUBSECTION (1) OF THIS SECTION IS overruled BY THE TITLE BOARD, THEN THE SECRETARY OF STATE SHALL FURNISH SUCH PERSON, upon ~~their~~ request, a certified copy of ~~said~~ THE petition with the titles, submission clause, and summary of ~~such~~ THE proposed law or constitutional amendment, together with a certified copy of ~~such~~ THE motion for rehearing and of the ruling thereon. ~~shall be furnished them by the secretary of state and;~~ If filed with the clerk of the supreme court within five days thereafter, THE MATTER shall be docketed as a cause there pending, which shall be placed at the head of the calendar and disposed of summarily, either affirming the action of the TITLE board or reversing it, in which latter case the court shall remand it with instructions, pointing out ~~wherein said~~ WHERE THE TITLE board is in error.

(3) **[Formerly 1-40-103 (1)]** ~~(1)~~ The secretary of state shall be allowed a fee which shall be determined and collected pursuant to section 24-21-104 (3), C.R.S., for certifying a record of any proceedings before ~~said~~ THE TITLE board. The clerk of the supreme court shall receive one-half the ordinary docket fee for docketing any such cause, all of which shall be paid by the parties desiring a review of such proceedings.

(4) **[Formerly 1-40-103 (2)]** ~~(2)~~ No petition for any initiative measure shall be circulated nor any signature thereto have any force or effect which has been signed before the titles, submission clause, and summary have been fixed and determined as provided in ~~section 1-40-101~~ SECTION 1-40-106 AND THIS SECTION.

(5) **[Formerly 1-40-102 (3) (b)]** ~~(b)~~ In the event a motion for rehearing is filed in accordance with ~~paragraph (a) of this subsection (3)~~ THIS SECTION, the period for filing a petition in accordance with ~~section 1-40-104~~ SECTION 1-40-108 shall not begin until a final decision concerning the ~~said~~ motion is rendered by the title board or the Colorado supreme court; except that under no circumstances shall the period for filing a petition be extended beyond three months prior to the election at which ~~such~~ THE petition is to be voted upon.

(6) **[Formerly 1-40-101 (4)]** ~~(4)~~ The summary of any proposed initiated law or constitutional amendment shall be included in the publication of measures by the secretary of state pursuant to article XXIII of the state constitution.

(7) ANY HEARING CONCERNING THE TITLE OF A LOCAL BALLOT ISSUE SHALL BE AS PROVIDED BY ORDINANCE, RESOLUTION, OR CHARTER PROVISION.

~~1-40-102. Rehearing.~~

~~(1) and (2) Repealed, L. 77, p. 253, § 8, effective June 6, 1977.~~

~~(3) (a) Any registered elector, other than persons submitting such petitions for whom rehearing and appeal is provided in section 1-40-101 (3), who is not satisfied with the titles, summary, and submission clause thus provided and claims them to be unfair or that they do not clearly express the true meaning and intent of the proposed law or constitutional amendment, within fifteen days after such titles, summary, and submission clause have been fixed and determined, may file a motion with the secretary of state for a rehearing, which shall be passed upon by the board established in section 1-40-101 within forty-eight hours thereafter. If overruled, a certified copy of said petition with the titles, summary, and submission clause of such proposed law or constitutional amendment, together with a certified copy of such motion for rehearing and of the ruling thereon, shall be furnished upon request by the secretary of state to the elector filing such motion and the persons presenting the petition for such initiative measure and, if filed with the clerk of the Colorado supreme court within five days thereafter shall be docketed as a cause there pending, which shall be placed at the head of the calendar and disposed of as expeditiously as the circumstances permit, after due opportunity for hearing has been afforded to all interested parties, either affirming the action of said board or reversing it, in which case the court shall remand it with instructions pointing out wherein such board is in error.~~

1-40-108. [Formerly 1-40-104] Petition - time of filing - fees. (1) No petition for any STATEWIDE initiative law or amendment to the state constitution shall be of any effect unless filed with the secretary of state within six months from the date that the titles, submission clause, and summary ~~therefor~~ have been fixed and determined pursuant to the provisions of ~~section 1-40-101~~ SECTIONS 1-40-106 AND 1-40-107 and unless filed with the secretary of state ~~at least three months~~ WITHIN THE TIME REQUIRED BY THE STATE CONSTITUTION before the election at which it is to be voted

upon. All filings under this section must be made by 3 p.m. on the day of filing.

(2) NO PETITION FOR ANY LOCAL MEASURE SHALL BE OF ANY EFFECT UNLESS FILED WITH THE DESIGNATED ELECTION OFFICIAL WITHIN SIX MONTHS FROM THE DATE THE TITLE IS SET.

1-40-109. [Formerly 1-40-105] Signatures required. (1) No petition for any initiated law or amendment to the state constitution shall be of any force or effect, nor shall ~~said~~ THE proposed law or amendment to the state constitution be submitted to the people of the state of Colorado for adoption or rejection at the polls, as is by law provided for, unless the petition for the submission of ~~such~~ THE initiated law or amendment to the state constitution is signed by ~~registered electors in an amount equal to at least five percent of the total number of voters who cast votes for all candidates for the office of secretary of state at the preceding general election~~ THE NUMBER OF ELECTORS REQUIRED BY THE STATE CONSTITUTION.

(2) ~~Nothing in this section shall be construed to apply to the initiative and referendum powers reserved to the legal voters of every city, town, and municipality as to all local, special, and municipal legislation of every character in or for their legislative municipalities.~~ EXCEPT AS PROVIDED IN SECTIONS 1-40-127 AND 1-40-128, AND UNLESS OTHERWISE PROVIDED BY STATUTE, CHARTER, ORDINANCE, OR RESOLUTION, A PETITION TO SUBMIT A LOCAL BALLOT ISSUE AT THE NEXT ELECTION SHALL BE SIGNED BY THE CONSTITUTIONALLY-SPECIFIED PERCENTAGE OF THE REGISTERED ELECTORS OF THE LOCAL GOVERNMENT REGISTERED ON THE DATE THE FORM OF THE PETITION IS APPROVED BY THE DESIGNATED ELECTION OFFICIAL, AND THE PETITION SHALL BE FILED WITH THE DESIGNATED ELECTION OFFICIAL AT LEAST NINETY DAYS PRIOR TO THE DATE OF THE ELECTION.

(3) ANY PERSON WHO IS A REGISTERED ELECTOR MAY SIGN A PETITION FOR ANY STATEWIDE OR LOCAL BALLOT ISSUE FOR WHICH THE ELECTOR IS ELIGIBLE TO VOTE.

1-40-110. [Formerly 1-40-106 (1)] Warning - ballot title. (1) ~~(a)~~ At the top of each page of every initiative or referendum petition section shall be printed, in a form as prescribed by the ~~secretary of state~~ DESIGNATED ELECTION OFFICIAL, the following:

**"WARNING:
IT IS AGAINST THE LAW:**

For anyone to sign any initiative or referendum petition with any name other than his or her own or to knowingly sign his or her name more than once for the same measure or to knowingly sign ~~such~~ A petition when not a registered elector WHO IS ELIGIBLE TO VOTE ON THE MEASURE.

**DO NOT SIGN THIS PETITION UNLESS YOU ARE A
REGISTERED ELECTOR
AND ELIGIBLE TO VOTE ON THIS MEASURE.
TO BE A REGISTERED ELECTOR,
YOU MUST BE A CITIZEN OF COLORADO
AND REGISTERED TO VOTE.**

Do not sign this petition unless you have read or have had read to you the proposed initiative or referred measure or the summary of an initiated measure in its entirety and understand its meaning."

~~(b)~~ (2) The ballot title for the measure shall then be printed on each page following ~~said~~ THE warning.

1-40-111. [Formerly 1-40-106 (2)] Signatures - affidavits. ~~(2)~~~~(a)~~ (1) Any initiative or referendum petition shall be signed only by registered electors WHO ARE ELIGIBLE TO VOTE ON THE MEASURE. Each registered elector shall sign his OR HER own signature and shall print his OR HER name, the address at which he OR SHE resides, including the street number and name, the city and town, the county, and the date of signing. Each registered elector signing a petition shall be encouraged by the circulator of ~~such~~ THE petition to sign ~~such~~ THE petition in black ink. In the event a registered elector is physically disabled or is illiterate and wishes to sign ~~such~~ THE petition, ~~such~~ THE elector shall sign or make his OR HER mark in the space so provided. Any person, but not a circulator, may assist the disabled or illiterate elector in completing the remaining information required by this ~~paragraph~~ ~~(a)~~ SUBSECTION (1). The person providing assistance shall sign his OR HER name and address and shall state that such assistance was ~~rendered~~ GIVEN to the disabled or illiterate elector.

~~(b)~~ (2) To each petition section shall be attached a signed, notarized, and dated affidavit executed by the registered elector who circulated ~~said~~ THE petition section, which shall include his OR HER printed name, the address at which he OR SHE resides, including the street name and number, the city or town, ~~and~~ the county, AND the date he OR SHE signed the affidavit; THAT HE OR SHE HAS READ AND UNDERSTANDS THE LAWS GOVERNING THE CIRCULATION OF PETITIONS; that he OR SHE was a registered elector at the time the section of the petition was circulated and signed by the listed electors; that he OR SHE circulated the ~~said~~ section of the petition; that each signature thereon was affixed in ~~his~~ THE CIRCULATOR'S presence; that each signature thereon is the signature of the person whose name it purports to be; that to the best of ~~his~~ THE CIRCULATOR'S knowledge and belief each of the persons signing ~~said~~ THE petition section was, at the time of signing, a registered elector; and that he OR SHE has not paid or will not in the future pay and that he OR SHE believes that no other person has so paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix his OR HER signature to ~~such~~ THE petition. The ~~secretary of state~~ DESIGNATED ELECTION OFFICIAL shall not accept for filing any section of a petition which does not have attached thereto the notarized affidavit required by this section. Any signature added to a section of a petition after the ~~said~~ affidavit has been executed shall be invalid.

1-40-112. [Formerly 1-40-106 (3)] Circulators - requirements. ~~(3)~~ (1) No section of a petition for any initiative or referendum measure shall be circulated by any person who is not a registered elector AND AT LEAST EIGHTEEN YEARS OF AGE at the time ~~said~~ THE section is circulated.

(2) (a) ALL CIRCULATORS WHO ARE NOT TO BE PAID FOR CIRCULATING PETITIONS CONCERNING BALLOT ISSUES SHALL DISPLAY AN IDENTIFICATION BADGE THAT INCLUDES THE WORDS "VOLUNTEER CIRCULATOR" IN BOLD-FACED TYPE WHICH IS CLEARLY LEGIBLE AND THE CIRCULATOR'S NAME.

(b) ALL CIRCULATORS WHO ARE TO BE PAID FOR CIRCULATING PETITIONS CONCERNING BALLOT ISSUES SHALL DISPLAY AN IDENTIFICATION BADGE THAT INCLUDES THE WORDS "PAID CIRCULATOR" IN BOLD-FACED TYPE WHICH IS CLEARLY LEGIBLE, THE CIRCULATOR'S NAME, AND THE NAME AND TELEPHONE NUMBER OF THE INDIVIDUAL EMPLOYING THE CIRCULATOR.

1-40-113. [Formerly 1-40-107] Form - representatives of signers. (1) Each section of a petition shall be printed on a form as prescribed by the ~~secretary of state~~ DESIGNATED ELECTION OFFICIAL. ~~and~~ No petition shall be printed, published, or otherwise circulated unless ~~it is in such~~ THE form AND THE FIRST PRINTER'S PROOF OF THE PETITION HAVE BEEN APPROVED BY THE DESIGNATED ELECTION OFFICIAL. Each petition SECTION shall designate by name and MAILING address ~~not less than three nor more than five~~ TWO persons who shall represent the signers thereof in all matters affecting the same. The ~~secretary of state~~ DESIGNATED ELECTION OFFICIAL shall assure that the petition contains only the matters required by this article and contains no extraneous material. All ~~such petitions~~ SECTIONS OF ANY PETITION shall be prenumbered serially, and the circulation of any petition SECTION described by this article ~~by any medium~~ other than personally by a circulator is prohibited. Any petition SECTION which fails to conform to the requirements of this article or is circulated in a manner other than that permitted in this article shall be invalid.

(2) Any disassembly of a section of the petition which has the effect of separating the affidavits from the signatures shall render that section of the petition invalid and of no force and effect.

(3) Prior to the time of filing, the persons designated in the petition to represent the signers shall bind the sections of the petition in convenient volumes consisting of one hundred sections of the petition if one hundred or more sections are available or, if less than one hundred sections are available to make a volume, consisting of all sections that are available. Each volume consisting of less than one hundred sections shall be so marked on the first page of the volume. However, any volume that contains more or less than one hundred sections, due only to the oversight of the designated representatives of the signers or their staff, shall not result in a finding of insufficiency of signatures therein. Each section of each volume shall include the affidavits required by ~~section 1-40-106~~ SECTION 1-40-111 (2), together with the sheets containing the signatures accompanying the same. These bound volumes shall be filed with the ~~secretary of state and kept by him as public records~~ DESIGNATED ELECTION OFFICIAL.

1-40-114. [Formerly 1-40-107.5] Petitions - not election materials - no bilingual language requirement. The general assembly hereby determines that initiative petitions are not election materials or information covered by the federal "Voting Rights Act of 1965", and therefore are not required to be printed in any language other than English to be circulated in any county in Colorado.

1-40-115. [Formerly 1-40-108] Ballot - voting - publication. (1) Measures shall appear upon the official ballot by ballot title only. Measures submitted by the general assembly OR REFERRED BY ANY POLITICAL SUBDIVISION shall be listed first by letters, consecutively, ~~in the order in which they were filed~~, and all measures submitted by the people shall be listed thereafter by numbers, consecutively, in the order in which they were ~~filed~~ PUBLISHED OR PRINTED. ALL MEASURES SUBMITTED

BY THE GENERAL ASSEMBLY SHALL FOLLOW ALL STATEWIDE INITIATIVES, WHICH SHALL THEN BE FOLLOWED BY LOCAL BALLOT ISSUES AND THEN MEASURES REFERRED BY POLITICAL SUBDIVISIONS AND LOCAL BALLOT ISSUES.

(2) ~~and they~~ ALL BALLOT ISSUES shall be printed on the official ballot in that order, together with their respective letters and numbers prefixed in ~~boldface~~ BOLD-FACED type. Each ballot shall have the following explanation at the beginning of such measures: "Measures referred by the general assembly OR ANY POLITICAL SUBDIVISION are listed by letter, and measures initiated by the people are listed numerically. A `yes' vote on any measure is a vote in favor of changing constitutional or statutory law, and a `no' vote on any measure is a vote against changing constitutional or statutory law." Each ballot title shall appear on the official ballot but once and shall be separated from the other ballot titles next to it by heavy black lines and shall be followed by the words "yes" and "no" with blank spaces to the right and opposite the same as follows:

Measures referred by the general assembly OR ANY POLITICAL SUBDIVISION are listed by letter, and measures initiated by the people are listed numerically. A "yes" vote on any measure is a vote in favor of changing constitutional or statutory law, and a "no" vote on any measure is a vote against changing constitutional or statutory law.

(HERE SHALL APPEAR THE
BALLOT TITLE IN FULL)

YES
NO

~~(2)~~ (3) A voter desiring to vote for the measure shall make a cross mark (X) in the blank space to the right and opposite the word "yes"; a voter desiring to vote against the measure shall make a cross mark (X) in the blank space to the right and opposite the word "no"; and the votes so marked shall be counted accordingly. Any measure approved by the people of the state shall be printed with the acts of the next general assembly, and ~~such~~ THE amendment, ordinance, or measure approved by the people of any municipality OR OTHER POLITICAL SUBDIVISION shall be published as ordinances are published.

1-40-116. [Formerly 1-40-109 (1) (a) and the first portion of 1-40-109 (1) (b) (I)] Verification - statewide issues - random sampling. (1) ~~(a)~~ FOR STATEWIDE BALLOT ISSUES, each section of a petition to which there is attached an affidavit of the registered elector who circulated the petition that each signature thereon is the signature of the person whose name it purports to be and that to the best of the knowledge and belief of the affiant each of the persons signing ~~such~~ THE petition was at the time of signing a registered elector shall be prima facie evidence that the signatures ~~thereon~~ are genuine and true, that the petitions were circulated in accordance with the provisions of this article, and that the form of the petition is in accordance with this article.

~~(b)~~ (2) Upon submission of the petition, the secretary of state shall examine each name AND signature on the petition. The petition shall not be available to the public for a period of no more than ~~twenty-one~~ THIRTY calendar days for ~~such~~ THE examination. The secretary shall assure that the information required by ~~section 1-40-106~~ SECTIONS 1-40-110 AND 1-40-111 is complete, that the information on each signature line was written by the person making the signature, AND that no signatures have been added to any sections of the petition after the affidavit required by ~~section 1-40-106 (2) (b)~~ SECTION 1-40-111 (2) has been executed.

(3) ~~and that such person~~ NO SIGNATURE SHALL BE COUNTED UNLESS THE SIGNER is a registered elector AND ELIGIBLE TO VOTE ON THE MEASURE. A person shall be deemed a registered elector if ~~his~~ THE PERSON'S name and address appear on the master voting list kept by the secretary of state at the time of signing the section of the petition. IN ADDITION, the secretary of state shall not count the signature of any person ~~who is not a registered elector or~~ whose information is not complete or was not completed by the elector or a person qualified to assist ~~such~~ THE elector. THE SECRETARY OF STATE MAY ADOPT RULES CONSISTENT WITH THIS SUBSECTION (3) FOR THE EXAMINATION AND VERIFICATION OF SIGNATURES.

(4) THE SECRETARY OF STATE SHALL VERIFY THE SIGNATURES ON THE PETITION

BY USE OF RANDOM SAMPLING. THE RANDOM SAMPLE OF SIGNATURES TO BE VERIFIED SHALL BE DRAWN SO THAT EVERY SIGNATURE FILED WITH THE SECRETARY OF STATE SHALL BE GIVEN AN EQUAL OPPORTUNITY TO BE INCLUDED IN THE SAMPLE. THE SECRETARY OF STATE IS AUTHORIZED TO ENGAGE IN RULE-MAKING TO ESTABLISH THE APPROPRIATE METHODOLOGY FOR CONDUCTING SUCH RANDOM SAMPLE. THE RANDOM SAMPLING SHALL INCLUDE AN EXAMINATION OF NO LESS THAN FIVE PERCENT OF THE SIGNATURES, BUT IN NO EVENT LESS THAN FOUR THOUSAND SIGNATURES. IF THE RANDOM SAMPLE VERIFICATION ESTABLISHES THAT THE NUMBER OF VALID SIGNATURES IS NINETY PERCENT OR LESS OF THE NUMBER OF REGISTERED ELIGIBLE ELECTORS NEEDED TO FIND THE PETITION SUFFICIENT, THE PETITION SHALL BE DEEMED TO BE NOT SUFFICIENT. IF THE RANDOM SAMPLE VERIFICATION ESTABLISHES THAT THE NUMBER OF VALID SIGNATURES TOTALS ONE HUNDRED TEN PERCENT OR MORE OF THE NUMBER OF REQUIRED SIGNATURES OF REGISTERED ELIGIBLE ELECTORS, THE PETITION SHALL BE DEEMED SUFFICIENT. IF THE RANDOM SAMPLING SHOWS THE NUMBER OF VALID SIGNATURES TO BE MORE THAN NINETY PERCENT BUT LESS THAN ONE HUNDRED TEN PERCENT OF THE NUMBER OF SIGNATURES OF REGISTERED ELIGIBLE ELECTORS NEEDED TO DECLARE THE PETITION SUFFICIENT, THE SECRETARY OF STATE SHALL ORDER THE EXAMINATION AND VERIFICATION OF EACH SIGNATURE FILED.

1-40-117. [Formerly the last portion of 1-40-109 (1) (b) (I) and 1-40-109 (1) (b) (II)] Statement of sufficiency - statewide issues. (1) After examining the petition, the secretary of state shall issue a statement as to whether a sufficient number of valid signatures appears to have been submitted to certify the petition to the ballot.

(2) IF THE PETITION WAS VERIFIED BY RANDOM SAMPLE, THE STATEMENT SHALL CONTAIN THE TOTAL NUMBER OF SIGNATURES SUBMITTED AND WHETHER THE NUMBER OF SIGNATURES PRESUMED VALID WAS NINETY PERCENT OF THE REQUIRED TOTAL OR LESS OR ONE HUNDRED TEN PERCENT OF THE REQUIRED TOTAL OR MORE.

~~(H) (A) (3) (a) If the secretary declares that the petition appears to have a sufficient number of valid signatures, the statement issued by the secretary shall specify the number of sufficient signatures. The secretary shall identify by section number and line number within such section those signatures found to be insufficient and the grounds for such insufficiency. Such information shall be kept on file for public inspection in accordance with paragraph (c) of this subsection (1). If the secretary declares that the petition appears not to have a sufficient number of valid signatures, the statement issued by the secretary shall specify the number of sufficient and insufficient signatures. The secretary shall identify by section number and line number within such THE section those signatures found to be insufficient and the grounds for such THE insufficiency. Such information shall be kept on file for public inspection in accordance with paragraph (c) of this subsection (1) SECTION 1-40-118.~~

~~(B) (b) In the event the secretary of state issues a statement declaring that a petition, having first been submitted with the required number of signatures, appears not to have a sufficient number of valid signatures, which statement shall be issued no later than twenty-one calendar days after the petition is filed with the secretary of state, a majority of persons representing the signers of the petition, as defined in section 1-40-107 (1), C.R.S., THE REPRESENTATIVES DESIGNATED BY THE PROPONENTS PURSUANT TO SECTION 1-40-104 may cure the insufficiency by filing an addendum to the original petition for the purpose of offering such number of~~

additional signatures as will cure the insufficiency. No addendum offered as a cure shall be considered unless the addendum conforms to requirements for petitions outlined in ~~section 1-40-106 and section 1-40-107 C.R.S.~~ SECTIONS 1-40-110, 1-40-111, AND 1-40-113, and unless the addendum is filed with the secretary of state within the fifteen-day period after the insufficiency is declared and unless filed with the secretary of state ~~at least three months~~ WITHIN THE TIME REQUIRED BY THE STATE CONSTITUTION before the election at which the initiative petition is to be voted on. All filings under this ~~sub-subparagraph (B)~~ PARAGRAPH (b) ~~must~~ SHALL be made by 3 p.m. on the day of filing. Upon submission of a timely filed addendum, the secretary of state shall ~~examine each name signature on the petition in the manner provided for verifying original petitions in subparagraph (1) of this paragraph (b)~~ ORDER THE EXAMINATION AND VERIFICATION OF EACH SIGNATURE ON THE ADDENDUM. The addendum shall not be available to the public for a period of up to ten calendar days for such examination. After examining the petition, the secretary of state shall, within ten calendar days, issue a statement as to whether the addendum cures the insufficiency found in the original petition.

1-40-118. [Formerly 1-40-109 (1) (c) and (1.6)] Protest. ~~(c)~~ (1) A protest in writing, under oath, together with three copies thereof, may be filed in the ~~office~~ DISTRICT COURT FOR THE COUNTY in which ~~such~~ THE petition has been filed by some registered elector, within thirty days after the ~~secretary of state~~ DESIGNATED ELECTION OFFICIAL issues a statement as to whether the petition has a sufficient number of valid signatures, which statement shall be issued no later than ~~twenty-one~~ THIRTY calendar days after the petition has been filed. If the ~~secretary~~ DESIGNATED ELECTION OFFICIAL fails to issue a statement within ~~twenty-one~~ THIRTY calendar days, the petition shall be deemed sufficient. During the period a petition is being examined by the ~~secretary~~ DESIGNATED ELECTION OFFICIAL for sufficiency, ~~such~~ THE petition shall not be available to the public; except that such period shall not exceed ~~twenty-one~~ THIRTY calendar days.

(2) IF THE DESIGNATED ELECTION OFFICIAL CONDUCTED A RANDOM SAMPLE OF THE PETITIONS AND DID NOT VERIFY EACH SIGNATURE, THE PROTEST SHALL SPECIFICALLY ALLEGE THE DEFECTS IN THE PROCEDURE USED BY THE DESIGNATED ELECTION OFFICIAL IN THE VERIFICATION OF THE PETITION OR THE GROUNDS FOR CHALLENGING INDIVIDUAL SIGNATURES. IF THE DESIGNATED ELECTION OFFICIAL VERIFIED EACH NAME ON THE PETITION SECTIONS, the protest shall set forth with particularity the grounds of ~~such~~ THE protest and the ~~names or sections~~ SIGNATURES protested. NO SIGNATURE MAY BE CHALLENGED WHICH IS NOT IDENTIFIED IN THE PROTEST BY SECTION NUMBER, LINE NUMBER, NAME, AND REASON WHY THE DESIGNATED ELECTION OFFICIAL IS IN ERROR. IF ANY PARTY IS PROTESTING THE FINDING OF THE DESIGNATED ELECTION OFFICIAL REGARDING THE REGISTRATION OF A SIGNER, THE PROTEST SHALL BE ACCOMPANIED BY AN AFFIDAVIT OF THE ELECTOR OR A COPY OF THE ELECTION RECORD OF THE SIGNER. ~~If the secretary's determination that the signatures are insufficient is overruled by the district court, a protest, together with three copies thereof, may be filed by a registered elector within thirty days after such ruling. Upon receiving a protest, the officer with whom such petition is filed shall forthwith mail two copies of the protest and all exhibits to the designated representatives of the persons named in such petition at the addresses therein given; together with a notice fixing a time for hearing the protest not less than five nor more than twenty days after such notice is mailed. Pursuant to part 2 of article 72 of title 24, C.R.S., the secretary of state shall furnish a requesting protestor with a copy of~~

the petitions filed pursuant to section 1-40-104 at a reasonable charge.

~~(1.6) (a) (3) Each county clerk and recorder or election commissioner DESIGNATED ELECTION OFFICIAL shall furnish a requesting protestor with a list of the registered electors in such county THE POLITICAL SUBDIVISION and shall charge a fee to cover the cost of furnishing such THE list.~~

~~(b) (4) The secretary of state shall furnish a requesting protestor with a list COMPUTER TAPE OR MICROFICHE LISTING of the names of all registered electors in the state and shall charge a fee which shall be determined and collected pursuant to section 24-21-104 (3), C.R.S., to cover the cost of furnishing such list THE LISTING.~~

~~(c) Repealed, L. 89, p. 329, § 16, effective June 10, 1989.~~

1-40-119. [Formerly 1-40-109 (2) (a)] Procedure for hearings. ~~(2)(a) All records and hearings shall be public, and all testimony shall be under oath, and the officer with whom such petition is filed shall have the power to issue subpoenas to compel the attendance of witnesses and the production of documents. Upon failure of any witness to obey the subpoena, the officer may petition the district court, and, upon proper showing, the court may enter an order compelling the witness to appear and testify or produce documentary evidence. Failure to obey the order of court shall be punishable as a contempt of court. At any hearing held under this section ARTICLE, the party protesting the finding of the secretary of state DESIGNATED ELECTION OFFICIAL concerning the sufficiency of signatures shall have the burden of proof. Hearings shall be had as soon as is conveniently possible and must SHALL be concluded within thirty days after the commencement thereof, and the result of such hearings shall be forthwith certified to the designated representatives of the signers and to the protestors of such THE petition. The hearing shall be subject to the provisions of section 24-4-105, C.R.S. THE COLORADO RULES OF CIVIL PROCEDURE. except that, in the case of a conflict, the provisions of this article shall take precedence over said section. The finding as to the sufficiency of any petition may be reviewed by any state court of general jurisdiction in the county in which such petition is filed, but such review shall be had and determined forthwith, subject to the provisions for review under section 24-4-106, C.R.S. Upon application, the decision of such THE court thereon shall be reviewed by the Colorado supreme court.~~

1-40-120. [Formerly 1-40-109 (2) (b) and (3)] Filing in federal court. ~~(b) In case a complaint has been filed with the federal district court on the grounds that a petition is insufficient due to failure to comply with any federal law, rule, or regulation, such THE petition may be withdrawn by a majority of the TWO persons designated pursuant to section 1-40-107 (1) SECTION 1-40-104 to represent the signers of such THE petition and, within fifteen days after such THE court has issued its order in such THE matter, may be amended and refiled as an original petition. Nothing in this paragraph (b) SECTION shall prohibit the timely filing of a protest to any original petition, including one that has been amended and refiled. No person shall be entitled, pursuant to this section, to amend an amended petition.~~

~~(3) If the secretary declares that the petition appears not to have a sufficient number of valid signatures, such finding may be reviewed by any state court of general jurisdiction in the county in which such petition is filed.~~

1-40-121. [Formerly 1-40-110] Receiving money to circulate petitions - filing. (1) The proponents of the petition shall file with the ~~secretary of state~~ OFFICIAL WHO RECEIVES FILINGS UNDER THE "CAMPAIGN REFORM ACT OF 1974" FOR THE ELECTION the name, ~~and~~ address, AND COUNTY OF VOTER REGISTRATION of all circulators who were paid to circulate any section of the petition, THE AMOUNT PAID PER SIGNATURE, AND THE TOTAL AMOUNT PAID TO EACH CIRCULATOR. The filing ~~must~~ SHALL be made at the same time the petition is filed with the ~~secretary of state~~ DESIGNATED ELECTION OFFICIAL. Any payment made to circulators is an expenditure under article 45 of this title.

(2) THE PROPONENTS OF THE PETITION SHALL SIGN AND FILE MONTHLY REPORTS WITH THE DESIGNATED ELECTION OFFICIAL, DUE TEN DAYS AFTER THE LAST DAY OF EACH MONTH IN WHICH PETITIONS ARE CIRCULATED ON BEHALF OF THE PROPONENTS BY PAID CIRCULATORS. MONTHLY REPORTS SHALL SET FORTH THE FOLLOWING:

- (a) THE NAMES OF THE PROPONENTS;
- (b) THE NAME AND THE RESIDENTIAL AND BUSINESS ADDRESSES OF EACH OF THE PAID CIRCULATORS;
- (c) THE NAME OF THE PROPOSED BALLOT MEASURE FOR WHICH PETITIONS ARE BEING CIRCULATED BY PAID CIRCULATORS; AND
- (d) THE AMOUNT OF MONEY PAID AND OWED TO EACH PAID CIRCULATOR FOR PETITION CIRCULATION DURING THE MONTH IN QUESTION.

1-40-122. [Formerly 1-40-112] Certification of ballot titles. (1) The secretary of state, at the time ~~he~~ THE SECRETARY OF STATE certifies to the county ~~clerk~~ CLERK AND RECORDER of ~~the several counties~~ EACH COUNTY the names of the candidates for state and district offices for general election, shall also certify to them the ballot titles and numbers of each initiated and referred measure ~~theretofore~~ filed in ~~his~~ THE office OF THE SECRETARY OF STATE to be voted upon at such election.

(2) ANY OTHER DESIGNATED ELECTION OFFICIAL WHO HAS CERTIFIED BALLOT TITLES SHALL COORDINATE WITH THE COUNTY CLERK AND RECORDER AND THE DESIGNATED ELECTION OFFICIAL OF ANY OTHER POLITICAL SUBDIVISION WHICH IS CONDUCTING A COORDINATED ELECTION AT WHICH MEASURES ARE TO BE SUBMITTED TO THE PEOPLE TO ASSURE THAT THE BALLOTS ARE COMPLETE AND THAT THE REQUIREMENTS OF THIS ARTICLE AS TO PUBLICATION AND PRINTING OF BALLOTS ARE MET.

1-40-123. [Formerly 1-40-113] Counting of votes - effective date - conflicting provisions. The votes on all measures submitted to the people shall be counted and properly entered after the votes for candidates for office cast at the same election are counted and shall be counted, canvassed, and returned and the result determined and certified in the manner provided by law concerning other elections. The secretary of state or the officer who has certified the election shall, without delay, make and transmit to the governor or the appropriate official a certificate of election. The measure shall take effect from and after the date of the official declaration of the vote by proclamation of the governor or appropriate official, but not later than thirty days after the votes have been canvassed, as provided in section 1 of article V of the

state constitution. A majority of the votes cast thereon shall adopt any measure so submitted, and, in case of adoption of conflicting provisions, the one which receives the greatest number of affirmative votes shall prevail in all particulars as to which there is a conflict.

1-40-124. [Formerly 1-40-114 (1) and (2)] Publication. (1) FOR STATEWIDE ISSUES, the secretary of state shall cause to be published in ~~two issues of~~ every legal newspaper, as defined in sections 24-70-102 and 24-70-103 (1), C.R.S., ~~1973~~; AS REQUIRED BY THE STATE CONSTITUTION, compactly and without unnecessary spacing, a true copy of the title and text of each constitutional amendment, initiated or referred measure, or part of a measure to be submitted to the people with the number and form in which the ballot title thereof will be printed in the official ballot. The charge for ~~such~~ publication shall be at the newspaper's then effective current lowest bulk comparable or general rate charged. ~~The publications shall be made at least one week apart and shall be not less than three weeks nor more than five weeks before any general election at which any constitutional amendment, initiated or referred measure, or part of a measure is to be submitted to the people. It is the duty of The secretary of state to~~ SHALL provide all of the legal newspapers either complete slick proofs or mats of the title and text of the proposed constitutional amendment, initiated or referred measure, or part of a measure at least one week before the ~~first~~ publication date.

(2) Whenever the provisions of the initiative and referendum are applied to local and municipal affairs, the provisions of this section shall apply; except that the rate charged for publication shall be in accordance with section 24-70-107, C.R.S. ~~1973~~. ~~The city or town clerk or other official designated by law to receive petitions~~ DESIGNATED ELECTION OFFICIAL shall perform the duties specified in this section to be done by the secretary of state; except that the full text and title submitted to the legal newspapers shall be in ~~such~~ THE form ~~as may be~~ prescribed by the local official. The publication provided for in this subsection (2) shall be in two legal newspapers, if there are two, published within the ~~municipality or local district~~ POLITICAL SUBDIVISION in which the initiative or referendum vote is to be taken.

1-40-125. Mailing to electors. (1) THE REQUIREMENTS OF THIS SECTION SHALL APPLY TO ANY BALLOT ISSUE INVOLVING AN INCREASE IN TAXES OR DEBT FOR WHICH NOTICE IS REQUIRED TO BE MAILED PURSUANT TO SECTION 20 (3) (b) OF ARTICLE X OF THE STATE CONSTITUTION. A MAILING IS NOT REQUIRED FOR A BALLOT ISSUE THAT DOES NOT INVOLVE AN INCREASE IN TAXES OR DEBT PURSUANT TO SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

(2) FIFTEEN TO TWENTY-FIVE DAYS BEFORE A BALLOT ISSUE ELECTION, POLITICAL SUBDIVISIONS SHALL MAIL AT THE LEAST COST AND AS A PACKAGE WHERE DISTRICTS WITH BALLOT ISSUES OVERLAP, A TITLED NOTICE OR SET OF NOTICES ADDRESSED TO "ALL REGISTERED VOTERS" AT EACH ADDRESS OF ONE OR MORE ACTIVE REGISTERED ELECTORS. EXCEPT FOR VOTER-APPROVED ADDITIONS, NOTICES SHALL INCLUDE ONLY:

(a) THE ELECTION DATE, HOURS, BALLOT TITLE, TEXT, AND LOCAL ELECTION OFFICE ADDRESS AND TELEPHONE NUMBER;

(b) FOR PROPOSED DISTRICT TAX OR BONDED DEBT INCREASES, THE ESTIMATED OR

ACTUAL TOTAL OF DISTRICT FISCAL YEAR SPENDING FOR THE CURRENT YEAR AND EACH OF THE PAST FOUR YEARS, AND THE OVERALL PERCENTAGE AND DOLLAR CHANGE;

(c) FOR THE FIRST FULL FISCAL YEAR OF EACH PROPOSED POLITICAL SUBDIVISION TAX INCREASE, DISTRICT ESTIMATES OF THE MAXIMUM DOLLAR AMOUNT OF EACH INCREASE AND OF DISTRICT FISCAL YEAR SPENDING WITHOUT THE INCREASE;

(d) FOR PROPOSED DISTRICT BONDED DEBT, ITS PRINCIPAL AMOUNT AND MAXIMUM ANNUAL AND TOTAL DISTRICT REPAYMENT COST, AND THE PRINCIPAL BALANCE OF TOTAL CURRENT DISTRICT BONDED DEBT AND ITS MAXIMUM ANNUAL AND REMAINING LOCAL DISTRICT REPAYMENT COST;

(e) TWO SUMMARIES, UP TO FIVE HUNDRED WORDS EACH, ONE FOR AND ONE AGAINST THE PROPOSAL, OF WRITTEN COMMENTS FILED WITH THE ELECTION OFFICER BY THIRTY DAYS BEFORE THE ELECTION. NO SUMMARY SHALL MENTION NAMES OF PERSONS OR PRIVATE GROUPS, NOR ANY ENDORSEMENTS OR RESOLUTIONS AGAINST THE PROPOSAL. PETITION REPRESENTATIVES FOLLOWING THESE RULES SHALL WRITE THIS SUMMARY FOR THEIR PETITION. THE ELECTION OFFICER SHALL MAINTAIN AND ACCURATELY SUMMARIZE ALL OTHER RELEVANT WRITTEN COMMENTS.

1-40-126. [Formerly 1-40-114 (3)] Explanation of effect of "yes" or "no" vote included in notices provided by mailing or publication. In any notice to electors provided by the secretary of state, whether by mailing or publication, there shall be included the following explanation preceding any information about individual measures: "A `yes' vote on any measure is a vote in favor of changing constitutional or statutory law, and a `no' vote on any measure is a vote against changing constitutional or statutory law."

1-40-127. [Formerly 1-40-115] Ordinances - effective, when - referendum.
 (1) No ordinance, resolution, or franchise passed by the legislative body of any city or town shall take effect before thirty days after its final passage and publication, except an ordinance calling a special election or necessary to the immediate preservation of the public peace, health, or safety, and not then unless the ordinance states in a separate section the reasons why it is thus necessary and unless it receives the affirmative vote of three-fourths of all the members elected to ~~such~~ THE legislative body taken by ayes and noes. If within ~~said~~ thirty days after final publication of the ordinance a petition is filed with the ~~city or town clerk or other election officer~~ DESIGNATED ELECTION OFFICIAL, signed by AT LEAST FIVE PERCENT OF THE registered electors ~~equal in number to at least five percent of the total number of electors~~ of the city or town registered on the date the form of the petition is approved by the ~~clerk~~; DESIGNATED ELECTION OFFICIAL pursuant to sections 1-40-107(1) and 1-40-117(2); protesting against ~~such~~ THE ordinance or any part thereof taking effect, ~~such~~ THE ordinance or part thereof ~~so~~ protested against shall ~~thereupon be suspended from taking~~ NOT TAKE effect, and ~~such~~ THE legislative body shall immediately reconsider the ~~same~~ ORDINANCE. The ~~town clerk or other election officer~~ DESIGNATED ELECTION OFFICIAL shall grant a fifteen-day extension to the petitioners to secure the necessary signatures if within ~~said~~ THE thirty days the organizers of the petition effort file with the ~~town clerk or other election officer~~ DESIGNATED ELECTION OFFICIAL the following:

(a) A list of ~~five~~ TWO persons who represent the petition effort;

(b) A copy of the petition of referendum; and

(c) A statement of intent, signed by the ~~five~~ TWO organizers, to file the necessary signatures within the extended time.

(2) If the ordinance or any part thereof is not repealed, the legislative body shall forthwith publish the ~~same~~ MEASURE as other ordinances are published if no publication has theretofore been made and shall submit the ~~same~~ MEASURE to a vote of the registered electors at a regular or special election held not less than sixty days and not more than one hundred fifty days after the date the petition is filed UNLESS OTHERWISE REQUIRED BY THE STATE CONSTITUTION. The ordinance or part thereof shall not take effect unless a majority of the registered electors voting ~~thereon~~ ON THE MEASURE at ~~such~~ THE election vote in favor ~~thereof~~ OF THE MEASURE.

1-40-128. [Formerly 1-40-116 (1)] Ordinances, how proposed - conflicting measures. (1) Any proposed ordinance may be submitted to the legislative body of any city or town by filing notice of ~~such~~ THE proposed ordinance with the ~~city or town clerk or other~~ DESIGNATED election official and, within one hundred eighty days after ~~such~~ THE notice, filing a petition ~~therefor~~ signed by AT LEAST FIVE PERCENT OF THE registered electors ~~equal in number to at least five percent of the total number of electors of the city or town registered on the date the form of the petition is approved by the clerk DESIGNATED ELECTION OFFICIAL. pursuant to sections 1-40-107 (1) and 1-40-117 (2).~~ The proposed ordinance shall be adopted without alteration by ~~such~~ THE legislative body within twenty days after ~~such~~ THE petition is filed and, if vetoed by the mayor, shall be passed over ~~his~~ THE MAYOR'S veto within ten days after ~~such~~ THE veto; or the legislative body shall refer ~~such~~ THE proposed ordinance, in the form petitioned for, to the registered electors of the city or town.

1-40-129. [Formerly 1-40-116 (2) and (3)] Voting on ordinances. (2) (1) The vote by the registered electors on any ordinance proposed pursuant to ~~this~~ ~~section~~ SECTION 1-40-128 shall be at a regular or special election held not less than sixty days and not more than one hundred fifty days after the petition for ~~such~~ THE election is filed, UNLESS OTHERWISE REQUIRED BY THE STATE CONSTITUTION.

(3) (2) The legislative body shall cause ~~such~~ THE proposed ordinance, as well as those referred to a vote under ~~section 1-40-115~~ SECTION 1-40-127, to be published as provided in ~~section 1-40-114~~ SECTION 1-40-124. Alternative ordinances may be submitted at the same election, and, if two or more conflicting measures are approved by the people, the one which receives the greatest number of affirmative votes shall be adopted in all particulars as to which there is a conflict.

1-40-117. Municipal initiative or referendum - duties of municipal clerks:

—(1) Repealed, L. 83, p. 373, § 5, effective July 1, 1983.

—(2) In addition to any other sections of this article specifically made applicable, the requirements of sections 1-40-106 to 1-40-120 shall apply to any municipal initiative or referendum brought under this article, and the municipal clerk shall perform any duties required in such sections to be performed by the secretary of state and shall have the powers granted to the secretary of state in such sections.

1-40-130. [Formerly 1-40-118] Unlawful acts - penalty. (1) ~~Every person who is a registered elector may sign a petition.~~

(2) It is unlawful:

(a) For any person willfully and knowingly to circulate or cause to be circulated or sign or procure to be signed any petition bearing the name, device, or motto of any person, organization, association, league, or political party, or purporting in any way to be endorsed, approved, or submitted by any person, organization, association, league, or political party, without the written consent, approval, and authorization of ~~such~~ THE person, organization, association, league, or political party;

(b) For any person to sign any name other than his OR HER own to any petition or knowingly to sign his OR HER name more than once for the same measure at one election;

(c) For any person to knowingly sign any petition who is not a registered elector at the time of signing the same;

(d) For any person to sign any affidavit as circulator without knowing or reasonably believing the statements made in ~~such~~ THE affidavit to be true;

(e) For any person to certify that an affidavit attached to a petition was subscribed or sworn to before him OR HER unless it was so subscribed and sworn to before him OR HER and unless ~~such~~ THE person so certifying is duly qualified under the laws of this state to administer an oath;

(f) For any officer or person to do willfully, or with another or others conspire, or agree, or confederate to do, any act which hinders, delays, or in any way interferes with the calling, holding, or conducting of any election permitted under the initiative and referendum powers reserved by the people in section 1 of article V of the state constitution or with the registering of electors therefor;

(g) For any officer to do willfully any act which shall confuse or tend to confuse the issues submitted or proposed to be submitted at any election, or refuse to submit any petition in the form presented for submission at any election;

(h) For any officer or person to violate willfully any provision of this article.

(3) (2) Any person, upon conviction of a violation of any provision of this section, shall be punished by a fine of not more than five hundred dollars, or by imprisonment for not more than one year in the county jail, or by both such fine and imprisonment.

1-40-131. [Formerly 1-40-118.5] Tampering with initiative or referendum petition. Any person who willfully destroys, defaces, mutilates, or suppresses any initiative or referendum petition or who willfully neglects to file or delays the delivery of the initiative or referendum petition or who conceals or removes any initiative or referendum petition from the possession of the person authorized by law to have the custody thereof, or who adds, amends, alters, or in any way changes the information on the petition as provided by the elector, or who aids, counsels, procures, or assists any person in doing any of said acts commits a misdemeanor and, upon conviction

thereof, shall be punished as provided in section 1-13-111. The language in this section shall not preclude a circulator from striking a complete line on the petition if said THE circulator believes the line to be invalid.

1-40-132. [Formerly 1-40-119] Enforcement. (1) The secretary of state is charged with the administration and enforcement of the provisions of this article relating to statewide initiated or referred measures and state constitutional amendments. The secretary of state shall have the authority to promulgate ~~such~~ rules as may be necessary to administer and enforce any provision of this article that relates to statewide initiated or referred measures and state constitutional amendments. The secretary of state may conduct a hearing, upon a written complaint by a registered elector, on any alleged violation of ~~such~~ THE provisions relating to the circulation of a petition, which may include but shall not be limited to the preparation or signing of an affidavit by a circulator. If the secretary of state, after the hearing, has reasonable cause to believe that there has been a violation of the provisions of this article relating to statewide initiated or referred measures and state constitutional amendments, he OR SHE shall notify the attorney general, who may institute a criminal prosecution. If a circulator is found to have violated any provision of this article or is otherwise shown to have made false or misleading statements relating to his OR HER section of the petition, such section of the petition shall be deemed void.

(2) THE DESIGNATED ELECTION OFFICIAL OF THE POLITICAL SUBDIVISION IN WHICH THE INITIATIVE OR REFERENDUM WAS FILED SHALL HAVE ALL OF THE AUTHORITY OF THE SECRETARY OF STATE IN THE ADMINISTRATION AND ENFORCEMENT OF THE PROVISIONS OF THIS ARTICLE. THE DESIGNATED ELECTION OFFICIAL SHALL NOT HAVE RULE-MAKING AUTHORITY. FURTHER, ANY VIOLATION OF THE PROVISIONS OF THIS ARTICLE RELATING TO LOCAL BALLOT ISSUES SHALL BE REFERRED TO THE DISTRICT ATTORNEY FOR THE DISTRICT IN WHICH THE POLITICAL SUBDIVISION IS LOCATED, WHICH DISTRICT ATTORNEY MAY INSTITUTE A CRIMINAL PROSECUTION.

~~**1-40-120. Frequency of elections - local initiative and referendum.** Notwithstanding any other provisions of sections 1-40-115 to 1-40-119 to the contrary, a city or town may consolidate all proposed ordinances and all ordinances, resolutions, or franchises protested against for submission to the registered electors of such city or town.~~

1-40-133. Retention of petitions. AFTER A PERIOD OF THREE YEARS FROM THE TIME OF SUBMISSION OF THE PETITIONS TO THE DESIGNATED ELECTION OFFICIAL, IF IT IS DETERMINED THAT THE RETENTION OF THE PETITIONS IS NO LONGER NECESSARY, THE DESIGNATED ELECTION OFFICIAL MAY DESTROY THE PETITIONS.

SECTION 2. 1-45-103 (7), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-45-103. Definitions. As used in this article, unless the context otherwise requires:

(7) "Expenditure" means the payment, distribution, loan, or advance of any money or contribution in kind by any candidate, political committee, or agent of either for the purpose of influencing the passage or defeat of any issue or the nomination, retention, election, or defeat of any candidate and includes any payment made to

circulators of initiative petitions pursuant to ~~section 1-40-110~~ SECTION 1-40-121. "Expenditure" does not include services provided without compensation by any candidate or political committee or expenditures from the candidate's own funds for his personal or family activities. An expenditure occurs when the actual payment is made or when there is a contractual agreement and the amount is determined.

SECTION 3. 23-71-203 (2), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

23-71-203. Submission of plan for joining state system. (2) (a) If the junior college board of trustees fails to submit a plan of dissolution on its own initiative within five years after May 27, 1967, the eligible electors of the junior college district may petition the board of trustees to submit a plan to the board. ~~The petition shall be signed by at least five hundred eligible electors and shall be filed with the secretary of the junior college district.~~ THE PETITION SHALL BE SIGNED BY AT LEAST FIVE PERCENT OF THE ELIGIBLE ELECTORS RESIDING WITHIN EACH COUNTY IN THE JUNIOR COLLEGE DISTRICT AND SHALL BE FILED WITH THE SECRETARY OF THE JUNIOR COLLEGE DISTRICT. The signatures need not all be on one sheet of paper, but each sheet shall contain an oath, subscribed to by the person circulating the sheet, that the signatures thereon are genuine. Each person signing the petition shall add to the signature the date of the signing and the elector's place of residence. TO THE EXTENT PRACTICABLE, THE PROVISIONS OF ARTICLE 40 OF TITLE 1, C.R.S., REGARDING CIRCULATION OF PETITIONS, ELECTOR INFORMATION AND SIGNATURES ON PETITIONS, AND AFFIDAVITS AND REQUIREMENTS OF CIRCULATORS OF PETITIONS SHALL APPLY TO PETITIONS UNDER THIS SECTION.

(b) Upon receipt of the petition, the secretary shall refer the petition to the junior college board of trustees. The board shall, without undue delay, determine if the petition has been signed by the requisite number of eligible electors RESIDING IN EACH COUNTY of the junior college district. If the petition is found to contain the requisite number of signatures, the board of trustees shall proceed to develop and submit to the board within ninety days a plan of dissolution in accordance with the provisions of subsection (1) of this section. If the petition does not contain the requisite number of signatures, the board of trustees shall make the determination by written resolution.

(c) IF A PETITION AND PLAN OF DISSOLUTION IS SUBMITTED PURSUANT TO THIS SECTION, AND DISSOLUTION OF THE JUNIOR COLLEGE DISTRICT IS EFFECTED BECAUSE OF REJECTION OR NONAPPROVAL OF THE PLAN, OR OTHERWISE, AT ANY STAGE OF THE PROCESS PROVIDED FOR BY SUBSECTION (1) OF THIS SECTION AND SECTION 23-71-204, NO FURTHER PETITION OR PLAN OF DISSOLUTION PURSUANT TO THIS SECTION SHALL BE SUBMITTED OR ACCEPTED FOR A PERIOD OF FIVE YEARS FROM THE DATE OF REJECTION OR NONAPPROVAL OR OTHER ACTION CAUSING THE PRIOR PLAN OF DISSOLUTION NOT TO BE EFFECTED.

SECTION 4. 29-2-102, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

29-2-102. Municipal sales or use tax - referendum. Any incorporated town or city in this state may adopt a municipal sales or use tax, or both, ~~such taxes,~~ by ordinance in accordance with the provisions of this article, but only if ~~such~~ THE ordinance provides for the submission of ~~any such~~ THE tax proposal to an election by

the registered electors of ~~such~~ THE town or city for their approval or rejection at a regular municipal election or at a special election called for the purpose if no ~~such~~ regular MUNICIPAL election will be held within ninety days after the adoption of ~~such~~ THE ordinance. ~~Such~~ THE election shall be conducted in the manner provided in the "Colorado Municipal Election Code of 1965", article 10 of title 31, C.R.S. No such ordinance shall be proposed or adopted by any ~~such~~ INCORPORATED town or city on or after the date of the adoption of a resolution for a countywide sales tax, use tax, or both by the board of county commissioners of the county in which all or any portion of ~~such~~ THE town or city is located until after the date of the election on ~~said~~ THE county proposal. Nothing in this article shall preclude the initiation of such a proposal by the registered electors of any ~~such~~ INCORPORATED town or city pursuant to ~~section 1-40-116~~ SECTIONS 1-40-128 AND 1-40-129, C.R.S. Where a municipal sales tax has been approved by the registered electors at an election held prior to July 1, 1973, the use tax provided for in section 29-2-109 may be levied by the governing body without an election.

SECTION 5. 31-4-107 (3), Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

31-4-107. Appointment of officers - terms. (3) The city council may provide by ordinance for four-year overlapping terms of office for councilmen. ~~Such~~ THE ordinance may also provide for four-year terms for the mayor and other elective officers. The city council may reinstate the two-year terms provided in this section by ordinance. Any ordinance passed pursuant to this subsection (3) shall be enacted at least one hundred eighty days before the next regular election and shall be subject, notwithstanding an emergency declaration, to referendum if ~~such~~ THE REFERENDUM is brought pursuant to ~~section 1-40-115~~ SECTION 1-40-127, C.R.S., or pursuant to an applicable municipal ordinance enacted in accordance with section 1 of article V of the state constitution. No ordinance enacted pursuant to this subsection (3) shall extend or reduce the term for which any person was elected. If any vacancy occurs in an office for which a four-year term is in effect pursuant to this subsection (3), such vacancy shall be filled as provided in sections 31-4-106 and 31-4-108 (2) (b). If the office in which the vacancy occurs is not an office for which a successor would otherwise have been elected at the next regular election, the term of office of the successor elected at that regular election shall be shortened so that the following regular election for said office is held at the time at which it would have been held if no vacancy had occurred.

SECTION 6. 31-4-205 (3), Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

31-4-205. Council members - vacancies. (3) The city council may provide by ordinance for four-year overlapping terms of office for its members. The city council may reinstate the two-year terms provided in this section by ordinance. Any ordinance passed pursuant to this subsection (3) shall be enacted at least one hundred eighty days before the next regular election and shall be subject, notwithstanding any emergency declaration, to referendum if such is brought pursuant to ~~section 1-40-115~~ SECTION 1-40-127, C.R.S., or pursuant to an applicable municipal ordinance enacted in accordance with section 1 of article V of the state constitution. No ordinance enacted pursuant to this subsection (3) shall extend or reduce the term for which any person was elected. Where four-year terms have been provided for councilmen

pursuant to section 31-4-107 (3), councilmen shall continue to serve four-year terms unless two-year terms are reinstated pursuant to this subsection (3). If any vacancy occurs in the office of councilman for which a four-year term is in effect pursuant to this subsection (3), ~~such~~ THE vacancy shall be filled as provided in subsection (2) of this section. If the office in which the vacancy occurs is not an office for which a successor would otherwise have been elected at the next regular election, the term of office of the successor elected at that regular election shall be shortened so that the following regular election for ~~said~~ THE office is held at the time at which it would have been held if no vacancy had occurred.

SECTION 7. 31-4-301 (5), Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

31-4-301. Mayor - board of trustees - election - compensation. (5) The board of trustees may provide by ordinance for four-year overlapping terms of office for trustees. ~~Such~~ THE ordinance may also provide for four-year terms for the mayor and any officers elected pursuant to section 31-4-304. The board of trustees may reinstate the two-year terms provided for in subsection (2) of this section by ordinance. Any ordinance passed pursuant to this subsection (5) shall be enacted at least one hundred eighty days before the next regular election and is subject, notwithstanding an emergency declaration, to referendum if ~~such~~ THE REFERENDUM is brought pursuant to ~~section 1-40-115~~ SECTION 1-40-127, C.R.S., or pursuant to an applicable municipal ordinance enacted in accordance with section 1 of article V of the state constitution. No ordinance enacted pursuant to this subsection (5) shall extend or reduce the term for which any person was elected. If any vacancy occurs in an office for which a four-year term is in effect pursuant to this subsection (5), the board of trustees shall fill such vacancy, as provided in section 31-4-303. If the office in which the vacancy occurs is not an office for which a successor would otherwise have been elected at the next regular election, the term of office of the successor elected at that regular election shall be shortened so that the following regular election for ~~said~~ THE office is held at the time at which it would have been held if no vacancy had occurred.

SECTION 8. 32-7-110 (9), Colorado Revised Statutes, as amended, is amended to read:

32-7-110. Board of directors. (9) Any resolution may be referred to or initiated by the eligible electors in accordance with the provisions and subject to the conditions of ~~sections 1-40-115 and 1-40-116~~ SECTIONS 1-40-127, 1-40-128, AND 1-40-129, C.R.S.

SECTION 9. Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 10. Applicability. This act shall apply to any offense committed on or after the effective date of this act and to any measure pending on such date that was proposed on or after the 1992 general election; except that no action lawfully taken prior to the effective date of this act shall impair the status of any measure.

SECTION 11. 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.

This act became law without the Governor's signature, May 4, 1993