

CHAPTER 323

ELECTIONS

SENATE BILL 93-98

BY SENATORS R. Powers, Norton, Bishop, Schroeder, and Trujillo;
also REPRESENTATIVES Anderson and Wright.

AN ACT

CONCERNING MATTERS WHICH MAY APPEAR ON THE BALLOT AT ELECTIONS TO BE HELD IN NOVEMBER OF ODD-NUMBERED YEARS PURSUANT TO SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

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

SECTION 1. Title 1, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW ARTICLE to read:

**ARTICLE 41
Odd-Year Elections**

1-41-101. Legislative declaration. THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION REQUIRES THAT A BALLOT ISSUE ELECTION BE HELD ON THE FIRST TUESDAY IN NOVEMBER OF ODD-NUMBERED YEARS; THAT THE PROVISIONS OF SECTION 20 (2) AND 20 (3) OF SAID ARTICLE X ARE UNCLEAR AS TO WHAT ISSUES CAN BE SUBMITTED TO A VOTE IN THE ODD-YEAR ELECTION; THAT ARTICLE X, SECTION 20 DID NOT AMEND PREEXISTING PROVISIONS OF THE STATE CONSTITUTION ON THE INITIATIVE, THE REFERENDUM, AND THE SUBMISSION OF CONSTITUTIONAL AMENDMENTS BY THE GENERAL ASSEMBLY, AND REPEAL OR AMENDMENT OF SUCH PROVISIONS BY IMPLICATION IS NOT PRESUMED; THAT THIS LEGISLATION IMPLEMENTS SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, WHICH ARTICLE IS ENTITLED "REVENUE" AND CONCERNS EXCLUSIVELY GOVERNMENT REVENUE RAISING AND APPROPRIATIONS; THAT ARTICLE X, SECTION 20 REQUIRES PUBLIC VOTES ON ADDITIONAL GOVERNMENT TAXES, SPENDING, OR DEBT; THAT THE LANGUAGE OF ARTICLE X, SECTION 20 EVINCES THE PUBLIC'S DESIRE TO HAVE MORE OPPORTUNITY TO VOTE ON GOVERNMENT TAX, SPENDING, AND DEBT PROPOSALS; THAT A

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

CONSTRUCTION OF ARTICLE X, SECTION 20 THAT LIMITS LOCAL GOVERNMENT ELECTORS' OPPORTUNITIES TO VOTE ON TAX, SPENDING, DEBT, OR OTHER PROPOSALS WOULD BE INCONSISTENT WITH THE BALLOT TITLE OF AND THE VOTERS' INTENTION IN ADOPTING SAID AMENDMENT; THAT STATE AND LOCAL ELECTION OFFICIALS NEED GUIDANCE AS TO HOW TO ADMINISTER THE NOVEMBER, 1993, ELECTION; AND THAT, IN VIEW OF THE ISSUES SET OUT IN THIS SECTION, THE GENERAL ASSEMBLY SHOULD EXERCISE ITS LEGISLATIVE POWER TO RESOLVE THE AMBIGUITIES IN ARTICLE X, SECTION 20 IN A MANNER CONSISTENT WITH ITS TERMS.

1-41-102. State ballot issue elections in odd-numbered years. (1) AT THE STATEWIDE ELECTION TO BE HELD ON THE FIRST TUESDAY OF NOVEMBER IN 1993, AND IN EACH ODD-NUMBERED YEAR THEREAFTER, THE FOLLOWING ISSUES SHALL APPEAR ON THE BALLOT IF THEY CONCERN STATE MATTERS ARISING UNDER SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION AND IF THEY ARE SUBMITTED IN ACCORDANCE WITH APPLICABLE LAW:

(a) AMENDMENTS TO THE STATE CONSTITUTION SUBMITTED BY THE GENERAL ASSEMBLY IN ACCORDANCE WITH ARTICLE XIX OF THE STATE CONSTITUTION;

(b) STATE LEGISLATION AND AMENDMENTS TO THE STATE CONSTITUTION INITIATED IN ACCORDANCE WITH SECTION 1 OF ARTICLE V OF THE STATE CONSTITUTION AND ARTICLE 40 OF THIS TITLE;

(c) MEASURES REFERRED TO THE PEOPLE BY THE GENERAL ASSEMBLY IN ACCORDANCE WITH SECTION 1 OF ARTICLE V OF THE STATE CONSTITUTION;

(d) MEASURES REFERRED TO THE PEOPLE PURSUANT TO PETITIONS FILED AGAINST AN ACT OR ITEM, SECTION, OR PART OF AN ACT OF THE GENERAL ASSEMBLY IN ACCORDANCE WITH SECTION 1 OF ARTICLE V OF THE STATE CONSTITUTION;

(e) QUESTIONS WHICH ARE REFERRED TO THE PEOPLE BY THE GENERAL ASSEMBLY IN ACCORDANCE WITH THE LAW PRESCRIBING PROCEDURES THEREFOR;

(f) QUESTIONS WHICH ARE INITIATED BY THE PEOPLE IN ACCORDANCE WITH THE LAW PRESCRIBING PROCEDURES THEREFOR.

(2) IF NO QUESTIONS CONCERNING STATE MATTERS ARISING UNDER SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION ARE REFERRED OR INITIATED AS PROVIDED IN SUBSECTION (1) OF THIS SECTION, NO STATEWIDE ELECTION SHALL BE HELD ON THE FIRST TUESDAY OF NOVEMBER IN 1993, OR ON THE FIRST TUESDAY IN NOVEMBER OF ANY SUBSEQUENT ODD-NUMBERED YEAR.

(3) AS USED IN THIS SECTION, A "QUESTION" MEANS A PROPOSITION WHICH IS IN THE FORM OF A QUESTION MEETING THE REQUIREMENTS OF SECTION 20 (3) (c) OF ARTICLE X OF THE STATE CONSTITUTION AND WHICH IS SUBMITTED IN ACCORDANCE WITH THE LAW PRESCRIBING PROCEDURES THEREFOR WITHOUT REFERENCE TO SPECIFIC STATE LEGISLATION OR A SPECIFIC AMENDMENT TO THE STATE CONSTITUTION.

(4) AS USED IN THIS SECTION, "STATE MATTERS ARISING UNDER SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION" INCLUDES:

(a) APPROVAL OF A NEW TAX, TAX RATE INCREASE, VALUATION FOR ASSESSMENT RATIO INCREASE FOR A PROPERTY CLASS, OR EXTENSION OF AN EXPIRING TAX, OR A TAX POLICY CHANGE DIRECTLY CAUSING A NET TAX REVENUE GAIN PURSUANT TO SECTION 20 (4) (a) OF ARTICLE X OF THE STATE CONSTITUTION;

(b) APPROVAL OF THE CREATION OF ANY MULTIPLE-FISCAL YEAR DIRECT OR INDIRECT STATE DEBT OR OTHER FINANCIAL OBLIGATION WITHOUT ADEQUATE PRESENT CASH RESERVES PLEDGED IRREVOCABLY AND HELD FOR PAYMENTS IN ALL FUTURE FISCAL YEARS PURSUANT TO SECTION 20 (4) (b) OF ARTICLE X OF THE STATE CONSTITUTION;

(c) APPROVAL OF EMERGENCY TAXES PURSUANT TO SECTION 20 (6) OF ARTICLE X OF THE STATE CONSTITUTION;

(d) APPROVAL OF REVENUE CHANGES PURSUANT TO SECTION 20 (7) OF ARTICLE X OF THE STATE CONSTITUTION;

(e) APPROVAL OF A DELAY IN VOTING ON BALLOT ISSUES PURSUANT TO SECTION 20 (3) (a) OF ARTICLE X OF THE STATE CONSTITUTION;

(f) APPROVAL OF THE WEAKENING OF A STATE LIMIT ON REVENUE, SPENDING, AND DEBT PURSUANT TO SECTION 20 (1) OF ARTICLE X OF THE STATE CONSTITUTION.

1-41-103. Local ballot issue elections in odd-numbered years. (1) AT THE LOCAL ELECTION TO BE HELD ON THE FIRST TUESDAY OF NOVEMBER IN 1993, AND IN EACH ODD-NUMBERED YEAR THEREAFTER, THE FOLLOWING ISSUES SHALL APPEAR ON THE BALLOT IF THEY CONCERN LOCAL GOVERNMENT MATTERS ARISING UNDER SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION AND IF THEY ARE SUBMITTED IN ACCORDANCE WITH APPLICABLE LAW:

(a) AMENDMENTS TO THE CHARTER OF ANY HOME RULE CITY OR HOME RULE COUNTY INITIATED BY THE VOTERS OR SUBMITTED BY THE LEGISLATIVE BODY OF THE HOME RULE CITY OR COUNTY IN ACCORDANCE WITH SAID CHARTER;

(b) ORDINANCES, RESOLUTIONS, OR FRANCHISE PROPOSED IN ACCORDANCE WITH SECTION 1 OF ARTICLE V OF THE STATE CONSTITUTION AND SECTION 1-40-116;

(c) MEASURES REFERRED TO THE PEOPLE PURSUANT TO PETITIONS FILED AGAINST AN ORDINANCE, RESOLUTION, OR FRANCHISE PASSED BY THE LEGISLATIVE BODY OF ANY LOCAL GOVERNMENT IN ACCORDANCE WITH SECTION 1 OF ARTICLE V OF THE STATE CONSTITUTION AND SECTION 1-40-115;

(d) QUESTIONS WHICH ARE REFERRED TO THE PEOPLE BY THE GOVERNING BODY OF THE LOCAL GOVERNMENT IN ACCORDANCE WITH THE LAW PRESCRIBING PROCEDURES THEREFOR;

(e) QUESTIONS WHICH ARE INITIATED BY THE PEOPLE IN ACCORDANCE WITH THE LAW PRESCRIBING PROCEDURES THEREFOR.

(2) AS USED IN THIS SECTION, "LOCAL GOVERNMENT" MEANS A COUNTY, A MUNICIPALITY AS DEFINED IN SECTION 31-1-101 (6), C.R.S., A SCHOOL DISTRICT, OR

A SPECIAL DISTRICT AS DEFINED IN SECTIONS 32-1-103 (20) AND 35-70-109, C.R.S.

(3) AS USED IN THIS SECTION, A "QUESTION" MEANS A PROPOSITION WHICH IS IN THE FORM OF A QUESTION MEETING THE REQUIREMENTS OF SECTION 20 (3) (c) OF ARTICLE X OF THE STATE CONSTITUTION AND WHICH IS SUBMITTED IN ACCORDANCE WITH THE LAW PRESCRIBING PROCEDURES THEREFOR WITHOUT REFERENCE TO A SPECIFIC ORDINANCE, RESOLUTION, FRANCHISE, OR OTHER LOCAL LEGISLATION OR A SPECIFIC AMENDMENT TO THE CHARTER OF A HOME RULE CITY OR HOME RULE COUNTY.

(4) AS USED IN THIS SECTION, "LOCAL GOVERNMENT MATTERS ARISING UNDER SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION" INCLUDES:

(a) APPROVAL OF A NEW TAX, TAX RATE INCREASE, MILL LEVY ABOVE THAT FOR THE PRIOR YEAR, OR EXTENSION OF AN EXPIRING TAX, OR A TAX POLICY CHANGE DIRECTLY CAUSING A NET TAX REVENUE GAIN PURSUANT TO SECTION 20 (4) (a) OF ARTICLE X OF THE STATE CONSTITUTION;

(b) APPROVAL OF THE CREATION OF ANY MULTIPLE-FISCAL YEAR DIRECT OR INDIRECT DEBT OR OTHER FINANCIAL OBLIGATION WITHOUT ADEQUATE PRESENT CASH RESERVES PLEDGED IRREVOCABLY AND HELD FOR PAYMENTS IN ALL FUTURE FISCAL YEARS PURSUANT TO SECTION 20 (4) (b) OF ARTICLE X OF THE STATE CONSTITUTION;

(c) APPROVAL OF EMERGENCY TAXES PURSUANT TO SECTION 20 (6) OF ARTICLE X OF THE STATE CONSTITUTION;

(d) APPROVAL OF REVENUE CHANGES PURSUANT TO SECTION 20 (7) OF ARTICLE X OF THE STATE CONSTITUTION;

(e) APPROVAL OF A DELAY IN VOTING ON BALLOT ISSUES PURSUANT TO SECTION 20 (3) (a) OF ARTICLE X OF THE STATE CONSTITUTION;

(f) APPROVAL OF THE WEAKENING OF A LOCAL LIMIT ON REVENUE, SPENDING, AND DEBT PURSUANT TO SECTION 20 (1) OF ARTICLE X OF THE STATE CONSTITUTION.

(5) THE SUBMISSION OF ISSUES AT ELECTIONS IN NOVEMBER OF ODD-NUMBERED YEARS IN ACCORDANCE WITH THIS SECTION, OR AT OTHER ELECTIONS AS PROVIDED IN SECTION 20 (3) (a) OF ARTICLE X OF THE STATE CONSTITUTION, SHALL NOT BE DEEMED THE EXCLUSIVE METHOD OF SUBMITTING LOCAL ISSUES TO A VOTE OF THE PEOPLE, AND NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REPEAL, DIMINISH, OR OTHERWISE AFFECT IN ANY WAY THE AUTHORITY OF LOCAL GOVERNMENTS TO HOLD ISSUE ELECTIONS IN ACCORDANCE WITH OTHER PROVISIONS OF LAW.

SECTION 2. 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.

Approved: June 8, 1993