

CHAPTER 77

ELECTIONS

HOUSE BILL 93-1155

BY REPRESENTATIVES Taylor, Acquafresca, Adkins, Agler, Allen, Anderson, Armstrong, Berry, Blue, Chlouber, Clark, Coffman, DeGette, Dyer, Eisenach, Entz, Epps, Faatz, Fleming, Foster, Friednash, George, Gordon, Grampas, Greenwood, Hagedorn, R. Hernandez, T. Hernandez, Jerke, June, Kaufman, Keller, Kerns, Knox, Kreutz, Lawrence, Lyle, Martin, May, Moellenberg, Nichol, Owen, Pfiffner, Pierson, Prinster, Ratterree, Reeser, Reeves, Rupert, Salaz, Shoemaker, Snyder, Strom, Sullivan, Tanner, Thiebaut, Tucker, Williams, and Wright;

also SENATORS Schroeder, Casey, Johnson, Mutzebaugh, Peterson, Tebedo, and Weissmann.

AN ACT**CONCERNING MEASURES TO IMPROVE VOTER UNDERSTANDING OF BALLOT ISSUES.**

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

SECTION 1. 1-40-101 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended, and the said 1-40-101 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

1-40-101. Filing procedure - title and submission clause - summary - rehearing - appeal. (1.5) 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) After the conference provided in subsection (1) of this section, the original or amended drafts, as the case may be, shall be submitted with a copy thereof to the secretary of state without any title, submission clause, or ballot title providing the designation by which the voters shall express their choice for or against said 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. Beginning with the first submission of a draft after a general election, the secretary of state shall call to his

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

assistance 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, 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 has been submitted to the secretary of state. To be considered at such meeting, a draft shall be submitted no later than 3 p.m. on the Wednesday prior to the first and third Wednesdays of each month, with the last such meeting to be held the third Wednesday in May of the general election year. The board 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 board may request assistance in the preparation of the summary from the legislative council and, if, in the opinion of the 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 board requests fiscal impact information from the office of state planning and budgeting or the department of local affairs, such fiscal impact information shall be filed with the secretary of state by five o'clock p.m. on the Monday preceding the Wednesday meeting. 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. In setting a title, the 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 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.

SECTION 2. 1-40-108 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-40-108. Ballot - voting - publication. (1) Measures shall appear upon the official ballot by ballot title only. Measures submitted by the general assembly 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, and they shall be printed on the official ballot in that order, together with their respective letters and numbers prefixed in boldface type. Each ballot shall have the following explanation at the beginning of such measures: "Measures referred by the general assembly 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 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 ___

SECTION 3. 1-40-114, Colorado Revised Statutes, 1980 Repl. Vol., is amended BY THE ADDITION OF A NEW SUBSECTION to read:

1-40-114. Publication. (3) 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."

SECTION 4. 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: April 1, 1993