

CHAPTER 22

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**ELECTIONS**

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**HOUSE BILL 94-1080**

BY REPRESENTATIVES Berry, Allen, Lawrence, and Mattingly;  
also SENATORS R. Powers, Norton, Bishop, Casey, Cassidy, Gallagher, Hopper, Johnson, Martinez, Pastore, L. Powers, Schroeder,  
Tebedo, Traylor, Thiebaut, Weissmann, and Wham.

**AN ACT**

**CONCERNING IMPLEMENTATION OF A PROPOSED CONSTITUTIONAL AMENDMENT THAT WOULD IMPOSE A SINGLE-SUBJECT REQUIREMENT ON MEASURES SUBMITTED FOR VOTER APPROVAL.**

*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, is amended BY THE ADDITION OF A NEW SECTION to read:

**1-40-106.5. Single-subject requirements for initiated measures and referred constitutional amendments - legislative declaration.** (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

(a) SECTION 1 (5.5) OF ARTICLE V AND SECTION 2 (3) OF ARTICLE XIX OF THE STATE CONSTITUTION REQUIRE THAT EVERY CONSTITUTIONAL AMENDMENT OR LAW PROPOSED BY INITIATIVE AND EVERY CONSTITUTIONAL AMENDMENT PROPOSED BY THE GENERAL ASSEMBLY BE LIMITED TO A SINGLE SUBJECT, WHICH SHALL BE CLEARLY EXPRESSED IN ITS TITLE.

(b) SUCH PROVISIONS WERE REFERRED BY THE GENERAL ASSEMBLY TO THE PEOPLE FOR THEIR APPROVAL AT THE 1994 GENERAL ELECTION PURSUANT TO SENATE CONCURRENT RESOLUTION 93-4.

(c) THE LANGUAGE OF SUCH PROVISIONS WAS DRAWN FROM SECTION 21 OF ARTICLE V OF THE STATE CONSTITUTION, WHICH REQUIRES THAT EVERY BILL, EXCEPT GENERAL APPROPRIATION BILLS, SHALL BE LIMITED TO A SINGLE SUBJECT, WHICH SHALL BE CLEARLY EXPRESSED IN ITS TITLE.

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

(d) THE COLORADO SUPREME COURT HAS HELD THAT THE CONSTITUTIONAL SINGLE-SUBJECT REQUIREMENT FOR BILLS WAS DESIGNED TO PREVENT OR INHIBIT VARIOUS INAPPROPRIATE OR MISLEADING PRACTICES THAT MIGHT OTHERWISE OCCUR, AND THE INTENT OF THE GENERAL ASSEMBLY IN REFERRING TO THE PEOPLE SECTION 1 (5.5) OF ARTICLE V AND SECTION 2 (3) OF ARTICLE XIX WAS TO PROTECT INITIATED MEASURES AND REFERRED CONSTITUTIONAL AMENDMENTS FROM SIMILAR PRACTICES.

(e) THE PRACTICES INTENDED BY THE GENERAL ASSEMBLY TO BE INHIBITED BY SECTION 1 (5.5) OF ARTICLE V AND SECTION 2 (3) OF ARTICLE XIX ARE AS FOLLOWS:

(I) TO FORBID THE TREATMENT OF INCONGRUOUS SUBJECTS IN THE SAME MEASURE, ESPECIALLY THE PRACTICE OF PUTTING TOGETHER IN ONE MEASURE SUBJECTS HAVING NO NECESSARY OR PROPER CONNECTION, FOR THE PURPOSE OF ENLISTING IN SUPPORT OF THE MEASURE THE ADVOCATES OF EACH MEASURE, AND THUS SECURING THE ENACTMENT OF MEASURES THAT COULD NOT BE CARRIED UPON THEIR MERITS;

(II) TO PREVENT SURREPTITIOUS MEASURES AND APPRISE THE PEOPLE OF THE SUBJECT OF EACH MEASURE BY THE TITLE, THAT IS, TO PREVENT SURPRISE AND FRAUD FROM BEING PRACTICED UPON VOTERS.

(2) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT SECTION 1 (5.5) OF ARTICLE V AND SECTION 2 (3) OF ARTICLE XIX BE LIBERALLY CONSTRUED, SO AS TO AVERT THE PRACTICES AGAINST WHICH THEY ARE AIMED AND, AT THE SAME TIME, TO PRESERVE AND PROTECT THE RIGHT OF INITIATIVE AND REFERENDUM.

(3) IT IS FURTHER THE INTENT OF THE GENERAL ASSEMBLY THAT, IN SETTING TITLES PURSUANT TO SECTION 1 (5.5) OF ARTICLE V, THE INITIATIVE TITLE SETTING REVIEW BOARD CREATED IN SECTION 1-40-106 SHOULD APPLY JUDICIAL DECISIONS CONSTRUING THE CONSTITUTIONAL SINGLE-SUBJECT REQUIREMENT FOR BILLS AND SHOULD FOLLOW THE SAME RULES EMPLOYED BY THE GENERAL ASSEMBLY IN CONSIDERING TITLES FOR BILLS.

**SECTION 2. Effective date.** This act shall take effect upon proclamation of the governor of the vote of the registered electors at the 1994 general election approving Senate Concurrent Resolution 93-4. This act shall not take effect if the registered electors at the 1994 general election disapprove Senate Concurrent Resolution 93-4.

**SECTION 3. 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: March 15, 1994