

CHAPTER 120

GOVERNMENT - MUNICIPAL

HOUSE BILL 95-1211

BY REPRESENTATIVES Anderson, George, Musgrave, and Reeser;
also SENATORS Ament, Johnson, Norton, Tebedo, and Weddig.

AN ACT

CONCERNING PROCEDURES FOR MUNICIPAL INITIATIVES, REFERENDA, AND REFERRED MEASURES.

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

SECTION 1. Title 31, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 11

Municipal Initiatives, Referenda, and Referred Measures

31-11-101. Legislative declaration. IT IS THE INTENTION OF THE GENERAL ASSEMBLY TO SET FORTH IN THIS ARTICLE THE PROCEDURES FOR EXERCISING THE INITIATIVE AND REFERENDUM POWERS RESERVED TO THE MUNICIPAL ELECTORS IN SUBSECTION (9) OF SECTION 1 OF ARTICLE V OF THE STATE CONSTITUTION. IT IS NOT THE INTENTION OF THE GENERAL ASSEMBLY TO LIMIT OR ABRIDGE IN ANY MANNER THESE POWERS BUT RATHER TO PROPERLY SAFEGUARD, PROTECT, AND PRESERVE INVIOLEATE FOR MUNICIPAL ELECTORS THESE MODERN INSTRUMENTALITIES OF DEMOCRATIC GOVERNMENT.

31-11-102. Applicability of article. THIS ARTICLE SHALL APPLY TO MUNICIPAL INITIATIVES, REFERENDA, AND REFERRED MEASURES UNLESS ALTERNATIVE PROCEDURES ARE PROVIDED BY CHARTER, ORDINANCE, OR RESOLUTION.

31-11-103. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

- (1) "BALLOT TITLE" MEANS THE LANGUAGE THAT IS PRINTED ON THE BALLOT THAT

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

IS COMPRISED OF THE SUBMISSION CLAUSE AND THE TITLE.

(2) "FINAL DETERMINATION OF PETITION SUFFICIENCY" MEANS THE DATE ON WHICH THE CLERK ISSUES A STATEMENT OF SUFFICIENCY PURSUANT TO SECTION 31-11-109, THE DATE FOLLOWING PASSAGE OF THE PERIOD OF TIME WITHIN WHICH A PROTEST MUST BE FILED PURSUANT TO SECTION 31-11-110, OR THE DATE ON WHICH ANY PROTEST FILED PURSUANT TO SECTION 31-11-110 RESULTS IN A FINDING OF SUFFICIENCY, WHICHEVER IS LATER.

(3) "PETITION SECTION" MEANS THE STAPLED OR OTHERWISE BOUND PACKAGE OF DOCUMENTS DESCRIBED IN SECTION 31-11-106.

(4) "SUBMISSION CLAUSE" MEANS THE LANGUAGE THAT IS ATTACHED TO THE TITLE TO FORM A QUESTION THAT CAN BE ANSWERED BY "YES" OR "NO".

(5) "TITLE" MEANS A BRIEF STATEMENT THAT FAIRLY AND ACCURATELY REPRESENTS THE TRUE INTENT AND MEANING OF THE PROPOSED INITIATIVE, REFERENDUM, OR REFERRED MEASURE.

31-11-104. Ordinances - initiative - conflicting measures. (1) ANY PROPOSED ORDINANCE MAY BE SUBMITTED TO THE LEGISLATIVE BODY OF ANY MUNICIPALITY BY FILING WRITTEN NOTICE OF THE PROPOSED ORDINANCE WITH THE CLERK AND, WITHIN ONE HUNDRED EIGHTY DAYS AFTER THE NOTICE, BY FILING A PETITION SIGNED BY AT LEAST FIVE PERCENT OF THE REGISTERED ELECTORS OF THE CITY OR TOWN ON THE DATE OF SUCH NOTICE. THE PROPOSED ORDINANCE SHALL BE ADOPTED WITHOUT ALTERATION BY THE LEGISLATIVE BODY WITHIN TWENTY DAYS FOLLOWING THE FINAL DETERMINATION OF PETITION SUFFICIENCY. IF VETOED BY THE MAYOR, THE PROPOSED ORDINANCE MAY BE PASSED OVER THE MAYOR'S VETO WITHIN TEN DAYS AFTER THE VETO. IF THE PROPOSED ORDINANCE IS NOT ADOPTED BY THE LEGISLATIVE BODY, THE LEGISLATIVE BODY SHALL FORTHWITH PUBLISH THE PROPOSED ORDINANCE AS OTHER ORDINANCES ARE PUBLISHED AND SHALL REFER THE PROPOSED ORDINANCE, IN THE FORM PETITIONED FOR, TO THE REGISTERED ELECTORS OF THE MUNICIPALITY AT A REGULAR OR SPECIAL ELECTION HELD NOT LESS THAN SIXTY DAYS AND NOT MORE THAN ONE HUNDRED FIFTY DAYS AFTER THE FINAL DETERMINATION OF PETITION SUFFICIENCY, UNLESS OTHERWISE REQUIRED BY THE STATE CONSTITUTION. THE ORDINANCE SHALL NOT TAKE EFFECT UNLESS A MAJORITY OF THE REGISTERED ELECTORS VOTING ON THE MEASURE AT THE ELECTION VOTE IN FAVOR OF THE MEASURE.

(2) ALTERNATIVE ORDINANCES MAY BE SUBMITTED AT THE SAME ELECTION, AND, IF TWO OR MORE CONFLICTING MEASURES ARE APPROVED BY THE PEOPLE, THE ONE THAT RECEIVES THE GREATEST NUMBER OF AFFIRMATIVE VOTES SHALL BE ADOPTED IN ALL PARTICULARS AS TO WHICH THERE IS A CONFLICT.

31-11-105. Ordinances - when effective - referendum. (1) NO ORDINANCE PASSED BY THE LEGISLATIVE BODY OF ANY MUNICIPALITY SHALL TAKE EFFECT BEFORE THIRTY DAYS AFTER ITS FINAL PASSAGE AND PUBLICATION, EXCEPT AN ORDINANCE CALLING FOR 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 NECESSARY AND UNLESS IT RECEIVES THE AFFIRMATIVE VOTE OF THREE-FOURTHS OF ALL THE MEMBERS ELECTED

TO THE LEGISLATIVE BODY TAKEN BY AYES AND NOES.

(2) WITHIN THIRTY DAYS AFTER FINAL PUBLICATION OF THE ORDINANCE, A REFERENDUM PETITION PROTESTING AGAINST THE EFFECT OF THE ORDINANCE OR ANY PART THEREOF MAY BE FILED WITH THE CLERK. THE PETITION MUST BE SIGNED DURING THE THIRTY-DAY PERIOD BY AT LEAST FIVE PERCENT OF THE REGISTERED ELECTORS OF THE MUNICIPALITY REGISTERED ON THE DATE OF FINAL PUBLICATION.

(3) IF A REFERENDUM PETITION IS FILED, THE ORDINANCE OR PART THEREOF PROTESTED AGAINST SHALL NOT TAKE EFFECT, AND, UPON A FINAL DETERMINATION OF PETITION SUFFICIENCY, THE LEGISLATIVE BODY SHALL PROMPTLY RECONSIDER THE ORDINANCE. IF THE PETITION IS DECLARED NOT SUFFICIENT BY THE CLERK OR FOUND NOT SUFFICIENT IN A PROTEST, THE ORDINANCE SHALL FORTHWITH TAKE EFFECT, UNLESS OTHERWISE PROVIDED THEREIN.

(4) IF, UPON RECONSIDERATION, THE ORDINANCE OR PART THEREOF PROTESTED IS NOT REPEALED, THE LEGISLATIVE BODY SHALL SUBMIT THE 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 FINAL DETERMINATION OF PETITION SUFFICIENCY, UNLESS OTHERWISE REQUIRED BY THE STATE CONSTITUTION. THE ORDINANCE OR PART THEREOF SHALL NOT TAKE EFFECT UNLESS A MAJORITY OF THE REGISTERED ELECTORS VOTING ON THE MEASURE AT THE ELECTION VOTE IN FAVOR OF THE MEASURE.

31-11-106. Form of petition sections. (1) EACH PETITION SECTION SHALL BE PRINTED IN A FORM CONSISTENT WITH THE REQUIREMENTS OF THIS ARTICLE. NO PETITION SECTION SHALL BE PRINTED OR CIRCULATED UNLESS THE FORM AND THE FIRST PRINTER'S PROOF OF THE PETITION SECTION HAVE FIRST BEEN APPROVED BY THE CLERK. THE CLERK SHALL ASSURE THAT THE PETITION SECTION CONTAINS ONLY THOSE ELEMENTS REQUIRED BY THIS ARTICLE AND CONTAINS NO EXTRANEOUS MATERIAL.

(2) EACH PETITION SECTION SHALL DESIGNATE BY NAME AND MAILING ADDRESS TWO PERSONS WHO SHALL REPRESENT THE PROPONENTS THEREOF IN ALL MATTERS AFFECTING THE PETITION AND TO WHOM ALL NOTICES OR INFORMATION CONCERNING THE PETITION SHALL BE MAILED.

(3) (a) AT THE TOP OF EACH PAGE OF EVERY INITIATIVE OR REFERENDUM PETITION SECTION, THE FOLLOWING SHALL BE PRINTED, IN A FORM AS PRESCRIBED BY THE CLERK:

**"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 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 IN ITS ENTIRETY AND UNDERSTAND ITS MEANING."

(b) A SUMMARY OF THE PROPOSED INITIATIVE OR ORDINANCE THAT IS THE SUBJECT OF A REFERENDUM PETITION SHALL BE PRINTED FOLLOWING THE WARNING ON EACH PAGE OF A PETITION SECTION. THE SUMMARY SHALL BE TRUE AND IMPARTIAL AND SHALL NOT BE AN ARGUMENT, OR LIKELY TO CREATE PREJUDICE, EITHER FOR OR AGAINST THE MEASURE. THE SUMMARY SHALL BE PREPARED BY THE CLERK.

(c) THE FULL TEXT OF THE PROPOSED INITIATED MEASURE OR ORDINANCE THAT IS THE SUBJECT OF A REFERENDUM PETITION SHALL BE PRINTED FOLLOWING THE SUMMARY ON THE FIRST PAGE OR PAGES OF THE PETITION SECTION THAT PRECEDE THE SIGNATURE PAGE. NOTWITHSTANDING THE REQUIREMENT OF PARAGRAPH (a) OF THIS SUBSECTION (3), IF THE TEXT OF THE PROPOSED INITIATED MEASURE OR ORDINANCE REQUIRES MORE THAN ONE PAGE OF A PETITION SECTION, THE WARNING AND SUMMARY NEED NOT APPEAR AT THE TOP OF OTHER THAN THE INITIAL TEXT PAGE.

(d) THE SIGNATURE PAGES SHALL CONSIST OF THE WARNING AND THE SUMMARY, FOLLOWED BY RULED LINES NUMBERED CONSECUTIVELY FOR REGISTERED ELECTORS' SIGNATURES. IF A PETITION SECTION CONTAINS MULTIPLE SIGNATURE PAGES, ALL SIGNATURE LINES SHALL BE NUMBERED CONSECUTIVELY, FROM THE FIRST SIGNATURE PAGE THROUGH THE LAST. THE SIGNATURE PAGES SHALL FOLLOW THE PAGE OR PAGES ON WHICH THE FULL TEXT OF THE PROPOSED INITIATED MEASURE OR ORDINANCE THAT IS THE SUBJECT OF THE REFERENDUM PETITION IS PRINTED.

(e) (I) FOLLOWING THE SIGNATURE PAGES OF EACH PETITION SECTION, THERE SHALL BE ATTACHED A SIGNED, NOTARIZED, AND DATED AFFIDAVIT EXECUTED BY THE REGISTERED ELECTOR WHO CIRCULATED THE PETITION SECTION, WHICH SHALL INCLUDE THE FOLLOWING:

(A) THE ELECTOR'S PRINTED NAME, THE ADDRESS AT WHICH HE OR SHE RESIDES, INCLUDING THE STREET NAME AND NUMBER, THE MUNICIPALITY, THE COUNTY, AND THE DATE HE OR SHE SIGNED THE AFFIDAVIT;

(B) THAT HE OR SHE HAS READ AND UNDERSTANDS THE LAWS GOVERNING THE CIRCULATION OF PETITION;

(C) THAT HE OR SHE WAS A REGISTERED ELECTOR AT THE TIME THE SECTION OF THE PETITION WAS CIRCULATED AND SIGNED BY THE LISTED ELECTORS;

(D) THAT HE OR SHE CIRCULATED THE SECTION OF THE PETITION;

(E) THAT EACH SIGNATURE THEREON WAS AFFIXED IN THE CIRCULATOR'S PRESENCE;

(F) THAT EACH SIGNATURE THEREON IS THE SIGNATURE OF THE PERSON WHOSE NAME IT PURPORTS TO BE;

(G) THAT TO THE BEST OF THE CIRCULATOR'S KNOWLEDGE AND BELIEF, EACH OF THE PERSONS SIGNING THE PETITION SECTION WAS, AT THE TIME OF SIGNING, A REGISTERED ELECTOR; AND

(H) 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 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 THE PETITION.

(II) THE CLERK SHALL NOT ACCEPT FOR FILING ANY SECTION OF A PETITION THAT DOES NOT HAVE ATTACHED THERETO THE NOTARIZED AFFIDAVIT REQUIRED BY SUBPARAGRAPH (I) OF PARAGRAPH (e) OF THIS SUBSECTION (3). ANY DISASSEMBLY OF A SECTION OF THE PETITION THAT HAS THE EFFECT OF SEPARATING THE AFFIDAVIT FROM THE SIGNATURE PAGE OR PAGES SHALL RENDER THAT SECTION OF THE PETITION INVALID AND OF NO FORCE AND EFFECT.

(III) ANY SIGNATURE ADDED TO A SECTION OF A PETITION AFTER THE AFFIDAVIT HAS BEEN EXECUTED SHALL BE INVALID.

(4) ALL SECTIONS OF ANY PETITION SHALL BE PRENUMBERED SERIALLY.

(5) ANY PETITION SECTION THAT FAILS TO CONFORM TO THE REQUIREMENTS OF THIS ARTICLE OR THAT IS CIRCULATED IN A MANNER OTHER THAN THAT PERMITTED BY THIS ARTICLE SHALL BE INVALID.

31-11-107. Circulators - requirements. THE CIRCULATION OF ANY PETITION SECTION OTHER THAN PERSONALLY BY A CIRCULATOR IS PROHIBITED. 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 THE SECTION IS CIRCULATED.

31-11-108. Signatures. 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 OR TOWN, THE COUNTY, AND THE DATE OF SIGNING. EACH REGISTERED ELECTOR SIGNING A PETITION SHALL BE ENCOURAGED BY THE CIRCULATOR OF THE PETITION TO SIGN THE PETITION IN INK. IN THE EVENT A REGISTERED ELECTOR IS PHYSICALLY DISABLED OR IS ILLITERATE AND WISHES TO SIGN THE PETITION, 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 SECTION. THE PERSON PROVIDING ASSISTANCE SHALL SIGN HIS OR HER NAME AND ADDRESS AND SHALL STATE THAT SUCH ASSISTANCE WAS GIVEN TO

THE DISABLED OR ILLITERATE ELECTOR.

31-11-109. Signature verification - statement of sufficiency. (1) THE CLERK SHALL INSPECT TIMELY FILED INITIATIVE OR REFERENDUM PETITIONS AND THE ATTACHED AFFIDAVITS, AND MAY DO SO BY EXAMINING THE INFORMATION ON SIGNATURE LINES FOR PATENT DEFECTS, BY COMPARING THE INFORMATION ON SIGNATURE LINES AGAINST A LIST OF REGISTERED ELECTORS PROVIDED BY THE COUNTY, OR BY OTHER REASONABLE MEANS.

(2) AFTER EXAMINING THE PETITION, THE CLERK SHALL ISSUE A STATEMENT AS TO WHETHER A SUFFICIENT NUMBER OF VALID SIGNATURES HAVE BEEN SUBMITTED. A COPY OF THE STATEMENT SHALL BE MAILED TO THE PERSONS DESIGNATED AS REPRESENTING THE PETITION PROPONENTS PURSUANT TO SECTION 31-11-106 (2).

(3) THE STATEMENT OF SUFFICIENCY OR INSUFFICIENCY SHALL BE ISSUED NO LATER THAN THIRTY CALENDAR DAYS AFTER THE PETITION HAS BEEN FILED. IF THE CLERK FAILS TO ISSUE A STATEMENT WITHIN THIRTY CALENDAR DAYS, THE PETITION SHALL BE DEEMED SUFFICIENT.

31-11-110. Protest. (1) WITHIN THIRTY DAYS AFTER AN INITIATIVE OR REFERENDUM PETITION IS FILED, A PROTEST IN WRITING UNDER OATH MAY BE FILED IN THE OFFICE OF THE CLERK BY ANY REGISTERED ELECTOR WHO RESIDES IN THE MUNICIPALITY, SETTING FORTH SPECIFICALLY THE GROUNDS FOR SUCH PROTEST. THE GROUNDS FOR PROTEST MAY INCLUDE, BUT SHALL NOT BE LIMITED TO, THE FAILURE OF ANY PORTION OF A PETITION OR CIRCULATOR AFFIDAVIT TO MEET THE REQUIREMENTS OF THIS ARTICLE. NO SIGNATURE MAY BE CHALLENGED THAT IS NOT IDENTIFIED IN THE PROTEST BY SECTION AND LINE NUMBER. THE CLERK SHALL FORTHWITH MAIL A COPY OF SUCH PROTEST TO THE PERSONS DESIGNATED AS REPRESENTING THE PETITION PROPONENTS PURSUANT TO SECTION 31-11-106 (2) AND TO THE PROTESTER, TOGETHER WITH A NOTICE FIXING A TIME FOR HEARING SUCH PROTEST THAT IS NOT LESS THAN FIVE OR MORE THAN TEN DAYS AFTER SUCH NOTICE IS MAILED.

(2) THE COUNTY CLERK SHALL FURNISH A REQUESTING PROTESTER WITH A LIST OF THE REGISTERED ELECTORS IN THE MUNICIPALITY AND SHALL CHARGE A FEE TO COVER THE COST OF FURNISHING THE LIST.

(3) EVERY HEARING SHALL BE HELD BEFORE THE CLERK WITH WHOM SUCH PROTEST IS FILED. THE CLERK SHALL SERVE AS HEARING OFFICER UNLESS SOME OTHER PERSON IS DESIGNATED BY THE LEGISLATIVE BODY AS THE HEARING OFFICER, AND THE TESTIMONY IN EVERY SUCH HEARING SHALL BE UNDER OATH. THE HEARING OFFICER SHALL HAVE THE POWER TO ISSUE SUBPOENAS AND COMPEL THE ATTENDANCE OF WITNESSES. THE HEARING SHALL BE SUMMARY AND NOT SUBJECT TO DELAY AND SHALL BE CONCLUDED WITHIN SIXTY DAYS AFTER THE PETITION IS FILED. NO LATER THAN FIVE DAYS AFTER THE CONCLUSION OF THE HEARING, THE HEARING OFFICER SHALL ISSUE A WRITTEN DETERMINATION OF WHETHER THE PETITION IS SUFFICIENT OR NOT SUFFICIENT. IF THE HEARING OFFICER DETERMINES THAT A PETITION IS NOT SUFFICIENT, THE OFFICER SHALL IDENTIFY THOSE PORTIONS OF THE PETITION THAT ARE NOT SUFFICIENT AND THE REASONS THEREFOR. THE RESULT OF THE HEARING SHALL BE FORTHWITH CERTIFIED TO THE PROTESTER AND TO THE PERSONS DESIGNATED AS REPRESENTING THE PETITION PROPONENTS PURSUANT TO

SECTION 31-11-106 (2). THE DETERMINATION AS TO PETITION SUFFICIENCY MAY BE REVIEWED BY THE DISTRICT COURT FOR THE COUNTY IN WHICH SUCH MUNICIPALITY OR PORTION THEREOF IS LOCATED UPON APPLICATION OF THE PROTESTER, THE PERSONS DESIGNATED AS REPRESENTING THE PETITION PROPONENTS PURSUANT TO SECTION 31-11-106 (2), OR THE MUNICIPALITY, BUT SUCH REVIEW SHALL BE HAD AND DETERMINED FORTHWITH.

31-11-111. Initiatives, referenda, and referred measures - ballot titles.

(1) AFTER AN ELECTION HAS BEEN ORDERED PURSUANT TO SECTION 31-11-104 OR 31-11-105, THE LEGISLATIVE BODY OF THE MUNICIPALITY OR ITS DESIGNEE SHALL PROMPTLY FIX A BALLOT TITLE FOR EACH INITIATIVE OR REFERENDUM.

(2) THE LEGISLATIVE BODY OF ANY MUNICIPALITY MAY, WITHOUT RECEIPT OF ANY PETITION, SUBMIT ANY PROPOSED OR ADOPTED ORDINANCE OR RESOLUTION OR ANY QUESTION TO A VOTE OF THE REGISTERED ELECTORS OF THE MUNICIPALITY. THE LEGISLATIVE BODY OF THE MUNICIPALITY OR ITS DESIGNEE SHALL FIX A BALLOT TITLE FOR THE REFERRED MEASURE.

(3) IN FIXING THE BALLOT TITLE, THE LEGISLATIVE BODY OR ITS DESIGNEE 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 WOULD BE UNCLEAR. THE BALLOT TITLE SHALL NOT CONFLICT WITH THOSE TITLES SELECTED FOR ANY OTHER MEASURE THAT WILL APPEAR ON THE MUNICIPAL BALLOT IN THE SAME ELECTION. THE BALLOT TITLE SHALL CORRECTLY AND FAIRLY EXPRESS THE TRUE INTENT AND MEANING OF THE MEASURE.

(4) ANY PROTEST CONCERNING A BALLOT TITLE SHALL BE CONDUCTED AS PROVIDED BY LOCAL CHARTER, ORDINANCE, OR RESOLUTION.

31-11-112. Petitions - not election materials - no bilingual requirement. THE GENERAL ASSEMBLY HEREBY DETERMINES THAT INITIATIVE AND REFERENDUM PETITIONS ARE NOT ELECTION MATERIALS OR INFORMATION COVERED BY THE FEDERAL "VOTING RIGHTS ACT OF 1965", AND ARE THEREFORE NOT REQUIRED TO BE PRINTED IN ANY LANGUAGE OTHER THAN ENGLISH IN ORDER TO BE CIRCULATED IN ANY MUNICIPALITY IN COLORADO.

31-11-113. Receiving money to circulate petitions - filing. THE PROPONENTS OF THE PETITION SHALL FILE WITH THE CLERK A REPORT DISCLOSING THE AMOUNT PAID PER SIGNATURE AND THE TOTAL AMOUNT PAID TO EACH CIRCULATOR. THE FILING SHALL BE MADE AT THE SAME TIME THE PETITION IS FILED WITH THE CLERK. ANY PAYMENT MADE TO CIRCULATORS IS AN EXPENDITURE UNDER ARTICLE 45 OF TITLE 1, C.R.S.

31-11-114. Unlawful acts - penalty. (1) 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 THE PERSON, ORGANIZATION, ASSOCIATION, LEAGUE, OR POLITICAL PARTY;

(b) FOR ANY PERSON TO SIGN ANY NAME OTHER THAN HIS OR HER OWN NAME 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 KNOWINGLY TO SIGN ANY PETITION RELATING TO AN INITIATIVE OR REFERENDUM IN A MUNICIPALITY WHO IS NOT A REGISTERED ELECTOR OF THAT MUNICIPALITY AT THE TIME OF SIGNING THE PETITION;

(d) FOR ANY PERSON TO SIGN ANY AFFIDAVIT AS CIRCULATOR WITHOUT KNOWING OR REASONABLY BELIEVING THE STATEMENTS MADE IN 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 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 THAT 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 THAT 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.

(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.

31-11-115. Tampering with initiative or referendum petition. (1) ANY PERSON COMMITS A CLASS 2 MISDEMEANOR WHO:

(a) WILLFULLY DESTROYS, DEFACES, MUTILATES, OR SUPPRESSES ANY INITIATIVE OR REFERENDUM PETITION;

(b) WILLFULLY NEGLECTS TO FILE OR DELAYS THE DELIVERY OF THE INITIATIVE OR REFERENDUM PETITION;

(c) CONCEALS OR REMOVES ANY INITIATIVE OR REFERENDUM PETITION FROM THE POSSESSION OF THE PERSON AUTHORIZED BY LAW TO HAVE CUSTODY OF THE PETITION;

(d) ADDS, AMENDS, ALTERS, OR IN ANY WAY CHANGES THE INFORMATION ON THE PETITION AS PROVIDED BY THE ELECTOR; OR

(e) AIDS, COUNSELS, PROCURES, OR ASSISTS ANY PERSON IN DOING ANY OF SUCH ACTS.

(2) ANY PERSON CONVICTED OF COMMITTING SUCH A MISDEMEANOR SHALL BE PUNISHED BY A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS, OR BY IMPRISONMENT IN THE COUNTY JAIL FOR NOT MORE THAN ONE YEAR, OR BY BOTH SUCH FINE AND IMPRISONMENT.

(3) THIS SECTION SHALL NOT PRECLUDE A CIRCULATOR FROM STRIKING A COMPLETE LINE ON THE PETITION IF THE CIRCULATOR BELIEVES THE LINE TO BE INVALID.

31-11-116. Enforcement. (1) ANY PERSON MAY FILE WITH THE DISTRICT ATTORNEY AN AFFIDAVIT STATING THE NAME OF ANY PERSON WHO HAS VIOLATED ANY OF THE PROVISIONS OF THIS ARTICLE AND STATING THE FACTS THAT CONSTITUTE THE ALLEGED OFFENSE. UPON THE FILING OF SUCH AFFIDAVIT, THE DISTRICT ATTORNEY SHALL FORTHWITH INVESTIGATE, AND, IF REASONABLE GROUNDS APPEAR THEREFOR, THE DISTRICT ATTORNEY SHALL PROSECUTE THE SAME.

(2) THE ATTORNEY GENERAL OF THE STATE SHALL HAVE EQUAL POWER WITH DISTRICT ATTORNEYS TO FILE INFORMATION OR COMPLAINTS AGAINST ANY PERSON FOR VIOLATING ANY PROVISION OF THIS ARTICLE.

31-11-117. Retention of petitions. AFTER A PERIOD OF THREE YEARS FROM THE TIME OF SUBMISSION OF THE PETITIONS TO THE CLERK, IF IT IS DETERMINED THAT THE RETENTION OF THE PETITIONS IS NO LONGER NECESSARY, THE CLERK MAY DESTROY THE PETITIONS.

SECTION 2. 1-40-102 (3), (4), (5), (6), (7), and (9), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

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

(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.~~

(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 language concerning placement of the measure in the constitution OR statutes. ~~charter, or ordinances.~~

(5) ~~"Local ballot issue" means any ballot issue other than a statewide ballot issue.~~

(6) "Section" means a bound compilation of initiative forms approved by the ~~designated election official~~ SECRETARY OF STATE, which shall include pages that

contain the warning required by section 1-40-110 (1), the ~~title, the summary and the ballot title~~ **BALLOT TITLE AND SUMMARY**, ~~if the measure is for a statewide ballot issue~~; and a copy of the proposed measure; succeeding pages that contain 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 1-40-111 (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.~~

(9) "Summary" means a condensed statement as to the intent of the proposed law ~~ordinance, charter provision, or constitutional amendment.~~

SECTION 3. 1-40-103, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-40-103. Applicability of article. (1) This article shall apply to all STATE ballot issues that are authorized by the state constitution unless otherwise provided by statute, charter, or ordinance.

(2) ~~THE LAWS PERTAINING TO MUNICIPAL INITIATIVES, REFERENDA, AND REFERRED MEASURES ARE GOVERNED BY THE PROVISIONS OF ARTICLE 11 OF TITLE 31, C.R.S.~~

SECTION 4. 1-40-106 (1), (2), and (3) (a), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

1-40-106. Title board - meetings - summary, titles, and submission clause.
 (1) For ~~statewide~~ ballot issues, beginning with the first submission of a draft after an election, the secretary of state shall 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 title board, by majority vote, shall proceed to designate and fix a proper fair title for each 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 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, and the last meeting shall be held no later than the third Wednesday in May 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, the fiscal impact information shall be filed with the secretary of state by 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.

SECTION 5. 1-40-107 (1) and (7), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

1-40-107. Rehearing - appeal - fees - signing. (1) Any person presenting a ~~statewide~~ AN initiative petition or any registered elector who is not satisfied with the titles, submission clause, and summary provided by the title board and 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 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.

~~(7) Any hearing concerning the title of a local ballot issue shall be as provided by ordinance, resolution, or charter provision.~~

SECTION 6. 1-40-108, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-40-108. Petition - time of filing. (1) No petition for any ~~statewide~~ ballot issue 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 have been fixed and determined pursuant to the provisions of sections 1-40-106 and 1-40-107 and unless filed with the secretary of state within the time required by the state constitution before the election at which it is to be voted upon. A petition for a ~~statewide~~ ballot issue for the election to be held in November of odd-numbered years shall be filed with the secretary of state within the same time before such odd-year election as is required by the state constitution for issues to be voted on at the general election. 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.~~

SECTION 7. 1-40-109 (2) and (3), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

1-40-109. Signatures required. (2) ~~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 eight percent 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 ~~local~~ statewide ballot issue for which the elector is eligible to vote.

SECTION 8. The introductory portion to 1-40-110 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-40-110. Warning - ballot title. (1) At the top of each page of every initiative or referendum petition section shall be printed, in a form as prescribed by the ~~designated election official~~ SECRETARY OF STATE, the following:

SECTION 9. 1-40-111 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-40-111. Signatures - affidavits. (2) To each petition section shall be attached a signed, notarized, and dated affidavit executed by the registered elector who circulated 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, 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 section of the petition; that each signature thereon was affixed in 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 the circulator's knowledge and belief each of the persons signing 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 the petition. The ~~designated election official~~ SECRETARY OF STATE shall not accept for filing any section of a petition ~~which~~ THAT does not have attached thereto the notarized affidavit required by this section. Any signature added to a section of a petition after the affidavit has been executed shall be invalid.

SECTION 10. 1-40-113 (1) and (3), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

1-40-113. Form - representatives of signers. (1) Each section of a petition shall be printed on a form as prescribed by the ~~designated election official~~ SECRETARY OF STATE. No petition shall be printed, published, or otherwise circulated unless the form and the first printer's proof of the petition have been approved by the ~~designated election official~~ SECRETARY OF STATE. Each petition section shall designate by name

and mailing address two persons who shall represent the signers thereof in all matters affecting the same. The ~~designated election official~~ SECRETARY OF STATE shall assure that the petition contains only the matters required by this article and contains no extraneous material. All sections of any petition shall be prenumbered serially, and the circulation of any petition section described by this article other than personally by a circulator is prohibited. Any petition section ~~which~~ THAT 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.

(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 1-40-111 (2), together with the sheets containing the signatures accompanying the same. These bound volumes shall be filed with the ~~designated election official~~ SECRETARY OF STATE.

SECTION 11. 1-40-115 (3), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-40-115. Ballot - voting - publication. (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 the amendment, ordinance, or measure approved by the people of any municipality or other political subdivision shall be published as ordinances are published.~~

SECTION 12. 1-40-116 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-40-116. Verification - ballot issues - random sampling. (1) 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 the petition was at the time of signing a registered elector shall be prima facie evidence that the signatures 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.

SECTION 13. 1-40-118 (1), (2), and (3), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

1-40-118. Protest. (1) A protest in writing, under oath, together with three copies

thereof, may be filed in the district court for the county in which the petition has been filed by some registered elector, within thirty days after the ~~designated election official~~ SECRETARY OF STATE issues a statement as to whether the petition has a sufficient number of valid signatures, which statement shall be issued no later than thirty calendar days after the petition has been filed. If the ~~designated election official~~ SECRETARY OF STATE fails to issue a statement within thirty calendar days, the petition shall be deemed sufficient. During the period a petition is being examined by the ~~designated election official~~ SECRETARY OF STATE for sufficiency, the petition shall not be available to the public; except that such period shall not exceed thirty calendar days.

(2) If the ~~designated election official~~ SECRETARY OF STATE 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~~ SECRETARY OF STATE in the verification of the petition or the grounds for challenging individual signatures. If the ~~designated election official~~ SECRETARY OF STATE verified each name on the petition sections, the protest shall set forth with particularity the grounds of the protest and the signatures protested. No signature may be challenged ~~which~~ THAT is not identified in the protest by section number, line number, name, and reason why the ~~designated election official~~ SECRETARY OF STATE is in error. If any party is protesting the finding of the ~~designated election official~~ SECRETARY OF STATE 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.

(3) ~~Each designated election official shall furnish a requesting protestor with a list of the registered electors in the political subdivision and shall charge a fee to cover the cost of furnishing the list.~~

SECTION 14. 1-40-119, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-40-119. Procedure for hearings. At any hearing held under this article, the party protesting the finding of the ~~designated election official~~ SECRETARY OF STATE concerning the sufficiency of signatures shall have the burden of proof. Hearings shall be had as soon as is conveniently possible and 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 the petition. The hearing shall be subject to the provisions of the Colorado rules of civil procedure. Upon application, the decision of the court shall be reviewed by the Colorado supreme court.

SECTION 15. 1-40-121 (1) and the introductory portion to 1-40-121 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

1-40-121. Receiving money to circulate petitions - filing. (1) The proponents of the petition shall file with the official who receives filings under the "Campaign Reform Act of 1974", ARTICLE 45 OF THIS TITLE, for the election the name, 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 shall be made at the same time the petition is filed with the ~~designated election official~~ SECRETARY OF STATE. 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~~ SECRETARY OF STATE, 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:

SECTION 16. 1-40-122 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is repealed as follows:

1-40-122. Certification of ballot titles. (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.~~

SECTION 17. 1-40-123, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-40-123. 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~~ THAT receives the greatest number of affirmative votes shall prevail in all particulars as to which there is a conflict.

SECTION 18. 1-40-124, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-40-124. Publication. (1) ~~For statewide issues,~~ In accordance with section 1 (7.3) of article V of the state constitution, the director of research of the legislative council of the general assembly shall cause to be published at least one time in every legal newspaper, as defined in sections 24-70-102 and 24-70-103 (1), C.R.S., compactly and without unnecessary spacing, in not less than eight-point standard type, 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 publication shall be at the newspaper's then effective current lowest bulk comparable or general rate charged. The director of research 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 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. The 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 the form 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 political subdivision in which the initiative or referendum vote is to be taken.

SECTION 19. 1-40-127, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is repealed as follows:

1-40-127. 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 the legislative body taken by ayes and noes. If within thirty days after final publication of the ordinance a petition is filed with the designated election official, signed by at least five percent of the registered electors of the city or town registered on the date the form of the petition is approved by the designated election official protesting against the ordinance or any part thereof taking effect, the ordinance or part thereof protested against shall not take effect, and the legislative body shall immediately reconsider the ordinance. The designated election official shall grant a fifteen-day extension to the petitioners to secure the necessary signatures if within the thirty days the organizers of the petition effort file with the designated election official the following:~~

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

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

~~(c) A statement of intent, signed by the 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 measure as other ordinances are published if no publication has theretofore been made and shall submit the 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 on the measure at the election vote in favor of the measure.~~

SECTION 20. 1-40-128, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is repealed as follows:

1-40-128. Ordinances, how proposed - conflicting measures. Any proposed ordinance may be submitted to the legislative body of any city or town by filing

~~notice of the proposed ordinance with the designated election official and, within one hundred eighty days after the notice, filing a petition signed by at least five percent of the registered electors of the city or town on the date the form of the petition is approved by the designated election official. The proposed ordinance shall be adopted without alteration by the legislative body within twenty days after the petition is filed and, if vetoed by the mayor, shall be passed over the mayor's veto within ten days after the veto; or the legislative body shall refer the proposed ordinance, in the form petitioned for, to the registered electors of the city or town.~~

SECTION 21. 1-40-129, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is repealed as follows:

~~**1-40-129. Voting on ordinances.** (1) The vote by the registered electors on any ordinance proposed pursuant to 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 the election is filed, unless otherwise required by the state constitution.~~

~~(2) The legislative body shall cause the proposed ordinance, as well as those referred to a vote under section 1-40-127, to be published as provided in 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.~~

SECTION 22. 1-40-132, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-40-132. 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 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 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.

SECTION 23. 1-40-133, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

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~~ SECRETARY OF STATE, if it is determined that the retention of the petitions is no longer necessary, the ~~designated election official~~ SECRETARY OF STATE may destroy the petitions.

SECTION 24. 1-41-103 (1) (b) and (1) (c), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

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:

(b) Ordinances, resolutions, or franchises proposed in accordance with section 1 of article V of the state constitution and ~~section 1-40-128~~ SECTION 31-11-104, C.R.S.;

(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 1-40-127~~ SECTION 31-11-105, C.R.S.;

SECTION 25. 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, by ordinance in accordance with the provisions of this article, but only if the ordinance provides for the submission of the tax proposal to an election by the registered electors of 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 regular municipal election will be held within ninety days after the adoption of the ordinance. 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 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 the town or city is located until after the date of the election on the county proposal. Nothing in this article shall preclude the initiation of such a proposal by the registered electors of any incorporated town or city pursuant to ~~sections 1-40-128 and 1-40-129~~ SECTION 31-11-104, 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 26. 31-4-107 (3), Colorado Revised Statutes, 1986 Repl. Vol., as amended, 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~~ COUNCIL MEMBERS. 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 the referendum is brought pursuant to ~~section 1-40-127, C.R.S.~~, SECTION 31-11-105 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 27. 31-4-205 (3), Colorado Revised Statutes, 1986 Repl. Vol., as amended, 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 1-40-127, C.R.S.~~, SECTION 31-11-105 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~~ COUNCIL MEMBERS pursuant to section 31-4-107 (3), ~~councilmen~~ COUNCIL MEMBERS 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~~ COUNCIL MEMBER for which a four-year term is in effect pursuant to this subsection (3), 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 the office is held at the time at which it would have been held if no vacancy had occurred.

SECTION 28. 31-4-301 (5), Colorado Revised Statutes, 1986 Repl. Vol., as amended, 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. 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 the referendum is brought pursuant to ~~section 1-40-127, C.R.S.~~ SECTION 31-11-105 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 the office is held at the time at which it would have been held if no vacancy had occurred.

SECTION 29. 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 1-40-127, 1-40-128, and 1-40-129~~ SECTIONS 31-11-104 AND 31-11-105, C.R.S.

SECTION 30. 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: May 8, 1995