

CHAPTER 339

ELECTIONS

SENATE BILL 00-172

BY SENATORS Evans, Blickensderfer, and Lamborn;
also REPRESENTATIVE Kaufman.

AN ACT

CONCERNING THE TITLE SETTING PROCESS FOR STATE-WIDE INITIATIVES, AND, IN CONNECTION THEREWITH, ELIMINATING THE SUMMARY OF THE MEASURE, AND ADDRESSING MOTIONS FOR BALLOT TITLE BOARD HEARINGS.

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

SECTION 1. 1-40-106 (3), Colorado Revised Statutes, is amended to read:

1-40-106. Title board - meetings - titles and submission clause. (3) (a) ~~The title 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 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 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

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

fairly express the true intent and meaning thereof, together with the ballot title AND 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.

SECTION 2. 1-40-107 (1), (2), and (4), Colorado Revised Statutes, are amended to read:

1-40-107. Rehearing - appeal - fees - signing. (1) Any person presenting an initiative petition or any registered elector WHO IS NOT SATISFIED WITH A DECISION OF THE TITLE BOARD WITH RESPECT TO WHETHER A PETITION CONTAINS MORE THAN A SINGLE SUBJECT PURSUANT TO SECTION 1-40-106.5, OR who is not satisfied with the titles AND 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 DECISION IS MADE OR THE titles and ~~summary~~ SUBMISSION CLAUSE 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~~ SUBMISSION CLAUSE protested were set at the last meeting in May, the motion shall be heard within forty-eight hours after the motion is filed.

(2) If any person PRESENTING AN INITIATIVE PETITION FOR WHICH A MOTION FOR A REHEARING IS FILED, ANY REGISTERED ELECTOR who filed a motion for a rehearing pursuant to subsection (1) of this section, OR ANY OTHER REGISTERED ELECTOR WHO APPEARED BEFORE THE TITLE BOARD IN SUPPORT OF OR IN OPPOSITION TO A MOTION FOR REHEARING is ~~overruled by~~ NOT SATISFIED WITH THE RULING OF the title board UPON THE MOTION, then the secretary of state shall furnish such person, upon request, a certified copy of the petition with the titles AND submission clause ~~and summary~~ of the proposed law or constitutional amendment, together with a certified copy of the motion for rehearing and of the ruling thereon. If filed with the clerk of the supreme court within five days thereafter, the matter shall be disposed of promptly, consistent with the rights of the parties, either affirming the action of the title board or reversing it, in which latter case the court shall remand it with instructions, pointing out where the title board is in error.

(4) 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 AND submission clause ~~and summary~~ have been fixed and determined as provided in section 1-40-106 and this section.

SECTION 3. 1-40-102 (6) and (9), Colorado Revised Statutes, are amended to read:

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

(6) "Section" means a bound compilation of initiative forms approved by the secretary of state, which shall include pages that contain the warning required by section 1-40-110 (1), the ballot title, ~~and summary~~; and a copy of the proposed measure; succeeding pages that contain the warning, the ballot 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.

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

SECTION 4. 1-40-105 (4), Colorado Revised Statutes, is amended to read:

1-40-105. Filing procedure - review and comment - amendments - filing with secretary of state. (4) After the conference provided in subsections (1) and (2) of this section, 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 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 the proposed law or constitutional amendment.

SECTION 5. 1-40-107 (6), Colorado Revised Statutes, as amended by House Bill 00-1304, enacted at the Second Regular Session of the Sixty-second General Assembly, is amended to read:

1-40-107. Rehearing - appeal - fees - signing. (6) ~~The summary of any proposed initiated law or constitutional amendment shall be included in the publication of measures by the director of research of the legislative council pursuant to section 1-40-124.5.~~

SECTION 6. 1-40-108 (1), Colorado Revised Statutes, is amended to read:

1-40-108. Petition - time of filing. (1) No petition for any ballot issue shall be of any effect unless filed with the secretary of state within six months from the date that the titles AND 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 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.

SECTION 7. 1-40-110 (1), Colorado Revised Statutes, 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 secretary of state, 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 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.~~ BEFORE SIGNING THIS PETITION, YOU ARE ENCOURAGED TO READ THE TEXT OR THE TITLE OF THE PROPOSED INITIATIVE OR REFERRED MEASURE."

SECTION 8. 1-40-124.5 (1), Colorado Revised Statutes, is amended to read:

1-40-124.5. Ballot information booklet. (1) The director of research of the legislative council of the general assembly shall prepare a ballot information booklet in accordance with section 1 (7.5) of article V of the state constitution. IF IT APPEARS THAT ANY MEASURE HAS A SIGNIFICANT FISCAL IMPACT ON THE STATE OR ANY OF ITS POLITICAL SUBDIVISIONS, THE BOOKLET SHALL INCLUDE AN ESTIMATE OF THE FISCAL IMPACT OF SUCH MEASURE, TAKING INTO CONSIDERATION FISCAL IMPACT INFORMATION SUBMITTED BY THE OFFICE OF STATE PLANNING AND BUDGETING, THE DEPARTMENT OF LOCAL AFFAIRS, ANY PROPONENT, OR OTHER INTERESTED PERSON. Prior to completion of the booklet, a draft shall be reviewed by the legislative council at a public hearing held after notice. At the hearing, any proponent or other interested person shall be allowed to comment on the accuracy or fairness of the analysis of any measure addressed by the booklet.

SECTION 9. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: June 1, 2000