

CHAPTER 268

**ELECTIONS**

**HOUSE BILL 04-1425**

BY REPRESENTATIVE(S) King, and Hoppe;  
also SENATOR(S) Hillman, Andrews, and May R.

**AN ACT**

**CONCERNING THE LEGAL PUBLICATION OF STATE BALLOT MEASURES.**

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

**SECTION 1.** 1-40-124 (1), Colorado Revised Statutes, is amended to read:

**1-40-124. Publication.** (1) (a) 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.~~ AT LEAST ONE LEGAL PUBLICATION OF GENERAL CIRCULATION IN EACH COUNTY OF THE STATE, compactly and without unnecessary spacing, in not less than eight-point standard type, a true copy of:

(I) 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; and

(II) The text of each referred or initiated question arising under section 20 of article X of the state constitution, as defined in section 1-41-102 (3), to be submitted to the people with the number and form in which such question will be printed in the official ballot.

(b) THE PUBLICATION MAY BE IN THE FORM OF A NOTICE PRINTED IN A LEGAL NEWSPAPER, AS DEFINED IN SECTIONS 24-70-102 AND 24-70-103 (1), C.R.S., OR IN THE FORM OF A PUBLICATION THAT IS PRINTED SEPARATELY AND DELIVERED AS AN INSERT IN SUCH A NEWSPAPER. THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL MAY DETERMINE WHICH FORM THE PUBLICATION WILL TAKE IN EACH LEGAL NEWSPAPER. THE DIRECTOR MAY NEGOTIATE AGREEMENTS WITH ONE OR MORE

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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.*

LEGAL NEWSPAPERS, OR WITH ANY ORGANIZATION THAT REPRESENTS SUCH NEWSPAPERS, TO AUTHORIZE THE PRINTING OF A SEPARATE INSERT BY ONE OR MORE LEGAL NEWSPAPERS TO BE DELIVERED BY ALL OF THE LEGAL NEWSPAPERS PARTICIPATING IN THE AGREEMENT.

(c) WHERE MORE THAN ONE LEGAL NEWSPAPER IS CIRCULATED IN A COUNTY, THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL SHALL SELECT THE NEWSPAPER OR NEWSPAPERS THAT WILL MAKE THE PUBLICATION. IN MAKING SUCH SELECTION, THE DIRECTOR SHALL CONSIDER THE NEWSPAPERS' CIRCULATION AND CHARGES.

~~(b)~~ (d) The ~~charge~~ AMOUNT PAID for publication shall be ~~at~~ DETERMINED BY THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL AND SHALL BE BASED ON AVAILABLE APPROPRIATIONS. IN DETERMINING THE AMOUNT, THE EXECUTIVE COMMITTEE MAY CONSIDER the newspaper's then effective current lowest bulk comparable or general rate charged AND THE RATE SPECIFIED FOR LEGAL NEWSPAPERS IN SECTION 24-70-107, C.R.S. The director of research OF THE LEGISLATIVE COUNCIL shall provide ~~all of~~ the legal newspapers SELECTED TO PERFORM PRINTING IN ACCORDANCE WITH THIS SUBSECTION (1) 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, and of the text of a referred or initiated question arising under section 20 of article X of the state constitution, as defined in section 1-41-102 (3), at least one week before the publication date.

(e) IF NO LEGAL NEWSPAPER IS WILLING OR ABLE TO PRINT OR DISTRIBUTE THE PUBLICATION IN A PARTICULAR COUNTY IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBSECTION (1), THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL SHALL ASSURE COMPLIANCE WITH THE PUBLICATION REQUIREMENTS OF SECTION 1 (7.3) OF ARTICLE V OF THE STATE CONSTITUTION BY CAUSING THE PRINTING OF ADDITIONAL INSERTS OR LEGAL NOTICES IN SUCH MANNER AND FORM AS DEEMED NECESSARY AND BY PROVIDING FOR THEIR SEPARATE CIRCULATION IN THE COUNTY AS WIDELY AS MAY BE PRACTICABLE. SUCH CIRCULATION MAY INCLUDE MAKING THE PUBLICATIONS AVAILABLE AT GOVERNMENT OFFICES AND OTHER PUBLIC FACILITIES OR PRIVATE BUSINESSES. IF SUFFICIENT FUNDS ARE AVAILABLE FOR SUCH PURPOSES, THE DIRECTOR MAY ALSO CONTRACT FOR ALTERNATIVE METHODS OF CIRCULATION OR MAY CAUSE CIRCULATION BY MAILING THE PUBLICATION TO COUNTY RESIDENTS. ANY PRINTING AND CIRCULATION MADE IN ACCORDANCE WITH THIS PARAGRAPH (e) SHALL BE DEEMED TO BE A LEGAL PUBLICATION OF GENERAL CIRCULATION FOR PURPOSES OF SECTION 1 (7.3) OF ARTICLE V OF THE STATE CONSTITUTION.

**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: May 21, 2004