

An Act

HOUSE BILL 12-1089

BY REPRESENTATIVE(S) Court, Duran, Fields, Fischer, Kerr J., Labuda, Murray, Singer, Todd, Wilson;
also SENATOR(S) Steadman, Aguilar, Boyd, Giron, Guzman, Heath, Hodge, Newell, Spence, Tochtrop, White.

CONCERNING THE SPECIFIC WORDING RELATED TO A STATEWIDE BALLOT
TITLE.

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

SECTION 1. 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 every constitutional amendment or law proposed by initiative and every constitutional amendment referred by the general assembly to be limited to a single subject, which must be clearly expressed in its title;

(b) Colorado courts have frequently interpreted this constitutional single-subject requirement; and

(c) Nothing in this act changes any constitutional requirement

related to a ballot title or any court interpretation of the requirement.

SECTION 2. In Colorado Revised Statutes, 1-40-106, **amend** (3) (b); and **add** (3) (c) and (3) (d) as follows:

1-40-106. Title board - meetings - ballot title - initiative and referendum. (3) (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" "YES/FOR" or "no" "NO/AGAINST" 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 and submission clause, 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 designated representatives of the proponents, 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" "YES/FOR" (to vote in favor of the proposed law or constitutional amendment) or "no" "NO/AGAINST" (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amendment) and which shall unambiguously state the principle of the provision sought to be added, amended, or repealed.

(c) IN ORDER TO AVOID CONFUSION BETWEEN A PROPOSITION AND AN AMENDMENT, AS SUCH TERMS ARE USED IN SECTION 1-5-407 (5) (b), THE TITLE BOARD SHALL DESCRIBE A PROPOSITION IN A BALLOT TITLE AS A "CHANGE TO THE COLORADO REVISED STATUTES" AND AN AMENDMENT AS AN "AMENDMENT TO THE COLORADO CONSTITUTION".

(d) A BALLOT TITLE FOR A STATEWIDE REFERRED MEASURE MUST BE IN THE SAME FORM AS A BALLOT TITLE FOR AN INITIATIVE AS REQUIRED BY PARAGRAPH (c) OF THIS SUBSECTION (3).

SECTION 3. In Colorado Revised Statutes, 1-40-115, **amend** (2) (a) and (3) as follows:

1-40-115. Ballot - voting - publication. (2) (a) All ballot issues shall be printed on the official ballot in that order, together with their respective letters and numbers prefixed in bold-faced type. Each ballot shall

have the following explanation printed one time at the beginning of such ballot issues: "Ballot issues referred by the general assembly or any political subdivision are listed by letter, and ballot issues initiated by the people are listed numerically. A ballot issue listed as an 'amendment' proposes a change to the Colorado constitution, and a ballot issue listed as a 'proposition' proposes a change to the Colorado Revised Statutes. A 'yes' 'YES/FOR' vote on any ballot issue is a vote in favor of changing current law or existing circumstances, and a 'no' 'NO/AGAINST' vote on any ballot issue is a vote against changing current law or existing circumstances." Each ballot title shall appear on the official ballot but once. For each ballot title that is an amendment, the amendment number or letter shall be immediately followed by the description "(CONSTITUTIONAL)". For each ballot title that is a proposition, the proposition number or letters shall be immediately followed by the description "(STATUTORY)". Each ballot title 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:

~~(HERE SHALL APPEAR THE
BALLOT TITLE IN FULL)~~

YES _____ NO _____

"YES/FOR" AND "NO/AGAINST", ALONG WITH A PLACE FOR AN ELIGIBLE ELECTOR TO DESIGNATE HIS OR HER CHOICE BY A MARK AS INSTRUCTED.

(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"~~ DESIGNATE HIS OR HER CHOICE BY A MARK IN THE PLACE FOR "YES/FOR"; 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"~~ DESIGNATE HIS OR HER CHOICE BY A MARK IN THE PLACE FOR "NO/AGAINST"; and the votes 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.

SECTION 4. In Colorado Revised Statutes, **amend** 1-40-126 as follows:

1-40-126. Explanation of effect of "yes/for" or "no/against" vote included in notices provided by mailing or publication. In any notice to

electors provided by the director of research of the legislative council, whether by mailing pursuant to section 1-40-124.5 or publication pursuant to section 1-40-124, there shall be included the following explanation preceding any information about individual ballot issues: "A '~~yes~~' 'YES/FOR' vote on any ballot issue is a vote in favor of changing current law or existing circumstances, and a '~~no~~' 'NO/AGAINST' vote on any ballot issue is a vote against changing current law or existing circumstances."

SECTION 5. Effective date. This act takes effect May 1, 2012; except that section 1-40-106 (3) (b), Colorado Revised Statutes, as amended in section 2 of this act, and sections 3 and 4 of this act take effect January 1, 2013.

SECTION 6. 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.

Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO