

**First Regular Session
Sixty-third General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 01-0238.01 Jason Gelender

HOUSE BILL 01-1198

HOUSE SPONSORSHIP

Dean,

SENATE SPONSORSHIP

Dyer (Durango),

House Committees
State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CIRCULATION OF A PETITION IN CONNECTION WITH**
102 **AN ELECTION, AND, IN CONNECTION THEREWITH, MAKING IT**
103 **UNLAWFUL FOR A PERSON TO EMPLOY ANOTHER PERSON TO**
104 **CIRCULATE A PETITION ON EITHER A PAID OR VOLUNTEER BASIS**
105 **WITHOUT KNOWING OR REASONABLY BELIEVING THAT THE**
106 **CIRCULATOR IS LEGALLY QUALIFIED TO VOTE IN A POLITICAL**
107 **SUBDIVISION IN WHICH THE PETITION IS BEING CIRCULATED,**
108 **ELIMINATING THE REQUIREMENTS THAT CERTAIN PETITION**
109 **CIRCULATORS BE REGISTERED ELECTORS AND THAT THE**
110 **IDENTIFYING BADGE WORN BY A CIRCULATOR OF A STATEWIDE**
111 **INITIATIVE AND REFERENDUM PETITION LIST THE NAME OF THE**
112 **CIRCULATOR, AND MODIFYING THE INFORMATION THAT MUST BE**
113 **PROVIDED IN REPORTS ON THE PAYMENT OF STATEWIDE**

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
3rd Reading Unamended
February 13, 2001

HOUSE
Amended 2nd Reading
February 12, 2001

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

With respect to statewide initiative and referendum petitions circulated on or after November 15, 2001:

- Eliminates the requirements that a petition circulator be a registered elector and that a circulator wear a name badge while circulating a petition;
- Requires any person who employs another person to circulate a petition on either a paid or voluntary basis to require the circulator to verify the circulator's Colorado residency before circulating the petition by providing documentation that a reasonable person would believe establishes the circulator's Colorado residency.
- Makes it unlawful for a person to employ another person to circulate a petition on either a paid or volunteer basis without knowing or reasonably believing that the circulator is legally qualified to vote in Colorado;
- Eliminates the requirement that petition proponents provide specific information regarding individual paid circulators when filing initial and monthly reports regarding the payment of petition circulators and requires petition proponents instead to provide information regarding the total amount of money paid to circulators and the amount paid for each signature; and
- Specifies that, if a notarized affidavit attached to a petition section is determined to contain false information, any signature on the petition section to which the affidavit is attached shall be invalid.

With respect to municipal initiative and referendum petitions and any petitions related to political offices circulated on or after November 15, 2001:

- Eliminates any existing requirement that a petition circulator be a registered elector, but requires a circulator to be an elector who resides in the municipality, political subdivision, or district in which a petition is being circulated;
- Requires any person who employs another person to circulate a petition on either a paid or voluntary basis to require the circulator to verify the circulator's residency in

the municipality, political subdivision, or district in which a petition is being circulated before circulating the petition by providing documentation that a reasonable person would believe establishes the circulator's residency in the municipality, political subdivision, or district;

- Makes it unlawful for a person to employ another person to circulate a petition on either a paid or volunteer basis without knowing or reasonably believing that the circulator is an elector who is a resident of the municipality, political subdivision, or district; and
- Specifies that, if a notarized affidavit attached to a petition section is determined to contain false information, any signature on the petition section to which the affidavit is attached shall be invalid.

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

2 **SECTION 1.** 1-4-905, Colorado Revised Statutes, is amended to
3 read:

4 **1-4-905. Circulators.** (1) No ~~eligible elector~~ INDIVIDUAL shall be
5 eligible to circulate any petition unless the ~~elector is eligible to vote in the~~
6 ~~political subdivision in~~ INDIVIDUAL IS AT LEAST EIGHTEEN YEARS OF AGE,
7 IS A UNITED STATES CITIZEN, RESIDES IN THE VOTING DISTRICT FOR THE
8 OFFICE FOR which the petition is being circulated and, for partisan
9 candidates, is A REGISTERED ELECTOR WHO IS affiliated with the political
10 party mentioned in the petition at the time the petition is circulated, as
11 shown by the registration books of the county clerk and recorder. ANY
12 PERSON WHO EMPLOYS ANOTHER PERSON TO CIRCULATE A PETITION ON
13 EITHER A PAID OR VOLUNTARY BASIS SHALL REQUIRE THE CIRCULATOR TO
14 VERIFY THE CIRCULATOR'S AGE AND RESIDENCY WITHIN THE VOTING
15 DISTRICT FOR THE OFFICE FOR WHICH THE PETITION IS BEING CIRCULATED
16 BEFORE CIRCULATING THE PETITION BY PROVIDING A COLORADO DRIVERS'
17 LICENSE OR COLORADO STATE IDENTIFICATION CARD ISSUED PURSUANT TO

1 ARTICLE 2 OF TITLE 42, C.R.S., OR OTHER DOCUMENTATION THAT A
2 REASONABLE PERSON WOULD BELIEVE ESTABLISHES THE CIRCULATOR'S AGE
3 AND RESIDENCY. THE PERSON EMPLOYING THE CIRCULATOR SHALL KEEP
4 A PHOTOCOPY OR OTHER RECORD OF THE DOCUMENTATION OBTAINED FOR
5 AT LEAST THREE YEARS.

6 (2) To each petition section shall be attached a signed, notarized,
7 and dated affidavit executed by the ~~eligible~~ elector who circulated the
8 petition section, which shall include: The affiant's printed name, the
9 address at which the affiant resides, including the street name and number,
10 the city or town, the county, and the date of signature; a statement that the
11 affiant was, ~~an eligible elector~~ at the time the section of the petition was
12 circulated and signed by the listed electors, AT LEAST EIGHTEEN YEARS OF
13 AGE, A UNITED STATES CITIZEN, AND A RESIDENT OF THE VOTING DISTRICT
14 FOR THE OFFICE FOR WHICH THE SECTION WAS CIRCULATED; a statement that
15 the affiant circulated the section of the petition; a statement that each
16 signature on the petition section is the signature of the person whose name
17 it purports to be; a statement that to the best of the affiant's knowledge and
18 belief each of the persons signing the petition section was, at the time of
19 signing, an eligible elector; and a statement that the affiant has not paid or
20 will not in the future pay and that the affiant believes that no other person
21 has paid or will pay, directly or indirectly, any money or other thing of
22 value to any signer for the purpose of inducing or causing the signer to sign
23 the petition.

24 (3) The designated election official shall not accept for filing any
25 section of a petition ~~which~~ THAT does not have attached to it the notarized
26 affidavit required by this section. IF A NOTARIZED AFFIDAVIT IS
27 DETERMINED TO CONTAIN FALSE INFORMATION, INCLUDING BUT NOT

1 LIMITED TO ANY FALSE RESIDENTIAL ADDRESS SUPPLIED BY THE
2 CIRCULATOR WHO SIGNED THE AFFIDAVIT, ANY SIGNATURE ON THE
3 PETITION SECTION TO WHICH THE AFFIDAVIT IS ATTACHED SHALL BE
4 INVALID. Any signature added to a section of a petition after the affidavit
5 has been executed is invalid.

6 **SECTION 2.** The introductory portion to 1-4-1302 (3) and
7 1-4-1302 (3) (b), Colorado Revised Statutes, are amended, and the said
8 1-4-1302 is further amended BY THE ADDITION OF A NEW
9 SUBSECTION, to read:

10 **1-4-1302. Petition to allow minor political party to nominate**
11 **candidates.** (3) Each registered elector signing a petition pursuant to this
12 section shall print the elector's name and address, including the street and
13 number, if any. There shall be attached to each petition an affidavit of a
14 ~~registered~~ AN elector who circulated the petition stating:

15 (b) That the elector is ~~a registered elector~~ EIGHTEEN YEARS OF AGE
16 OR OLDER, A UNITED STATES CITIZEN, AND A RESIDENT OF COLORADO.

17 (3.5) (a) ANY PERSON WHO EMPLOYS ANOTHER PERSON TO
18 CIRCULATE A PETITION ON EITHER A PAID OR VOLUNTARY BASIS SHALL
19 REQUIRE THE CIRCULATOR TO VERIFY THE CIRCULATOR'S COLORADO
20 RESIDENCY BEFORE CIRCULATING THE PETITION BY PROVIDING A
21 COLORADO DRIVERS' LICENSE OR COLORADO STATE IDENTIFICATION CARD
22 ISSUED PURSUANT TO ARTICLE 2 OF TITLE 42, C.R.S., OR OTHER
23 DOCUMENTATION THAT A REASONABLE PERSON WOULD BELIEVE
24 ESTABLISHES THE CIRCULATOR'S COLORADO RESIDENCY. THE PERSON
25 EMPLOYING THE CIRCULATOR SHALL KEEP A PHOTOCOPY OR OTHER RECORD
26 OF THE DOCUMENTATION OBTAINED FOR AT LEAST THREE YEARS.

27 (b) IF AN AFFIDAVIT OF A CIRCULATOR THAT IS ATTACHED TO A

1 PETITION PURSUANT TO SUBSECTION (3) OF THIS SECTION IS DETERMINED
2 TO CONTAIN FALSE INFORMATION, INCLUDING BUT NOT LIMITED TO ANY
3 FALSE RESIDENTIAL ADDRESS SUPPLIED BY THE CIRCULATOR WHO SIGNED
4 THE AFFIDAVIT, ANY SIGNATURE ON THE PETITION TO WHICH THE AFFIDAVIT
5 IS ATTACHED SHALL BE INVALID.

6 **SECTION 3.** 1-12-108 (6), Colorado Revised Statutes, is
7 amended to read:

8 **1-12-108. Petition requirements.** (6) (a) Only an ~~eligible elector~~
9 INDIVIDUAL WHO IS AT LEAST EIGHTEEN YEARS OF AGE, A UNITED STATES
10 CITIZEN, AND A RESIDENT OF THE VOTING DISTRICT FOR THE OFFICE
11 OCCUPIED BY THE INDIVIDUAL WITH RESPECT TO WHOM A RECALL PETITION
12 IS BEING CIRCULATED may circulate a recall petition. ANY PERSON WHO
13 EMPLOYS ANOTHER PERSON TO CIRCULATE A RECALL PETITION ON EITHER
14 A PAID OR VOLUNTARY BASIS SHALL REQUIRE THE CIRCULATOR TO VERIFY
15 THE CIRCULATOR'S RESIDENCY IN THE VOTING DISTRICT FOR THE OFFICE
16 OCCUPIED BY THE INDIVIDUAL WITH RESPECT TO WHOM A RECALL PETITION
17 IS BEING CIRCULATED BEFORE CIRCULATING THE PETITION BY PROVIDING
18 A COLORADO DRIVERS' LICENSE OR COLORADO STATE IDENTIFICATION
19 CARD ISSUED PURSUANT TO ARTICLE 2 OF TITLE 42, C.R.S., OR OTHER
20 DOCUMENTATION THAT A REASONABLE PERSON WOULD BELIEVE
21 ESTABLISHES THE CIRCULATOR'S RESIDENCY. THE PERSON EMPLOYING THE
22 CIRCULATOR SHALL KEEP A PHOTOCOPY OR OTHER RECORD OF THE
23 DOCUMENTATION OBTAINED FOR AT LEAST THREE YEARS.

24 (b) To each petition section shall be attached a signed, notarized,
25 and dated affidavit executed by the ~~eligible~~ elector who circulated the
26 petition section, which shall include: The affiant's printed name, the
27 address at which the affiant resides, including the street name and number,

1 the city or town, the county, and the date of signature; a statement that the
2 affiant was, ~~an eligible elector~~ at the time the section of the petition was
3 circulated and signed by the listed electors, AT LEAST EIGHTEEN YEARS OF
4 AGE, A UNITED STATES CITIZEN, AND A RESIDENT OF THE VOTING DISTRICT
5 FOR THE OFFICE OCCUPIED BY THE INDIVIDUAL WITH RESPECT TO WHOM
6 THE SECTION WAS CIRCULATED; a statement that the affiant circulated the
7 section of the petition; a statement that each signature on the petition
8 section is the signature of the person whose name it purports to be; a
9 statement that to the best of the affiant's knowledge and belief each of the
10 persons signing the petition section was, at the time of signing, an eligible
11 elector; and a statement that the affiant has not paid or will not in the
12 future pay and that the affiant believes that no other person has paid or
13 will pay, directly or indirectly, any money or other thing of value to any
14 signer for the purpose of inducing or causing the signer to sign the
15 petition.

16 (c) The designated election official shall not accept for filing any
17 section of a petition that does not have attached to it the notarized
18 affidavit required by this section. IF A NOTARIZED AFFIDAVIT IS
19 DETERMINED TO CONTAIN FALSE INFORMATION, INCLUDING BUT NOT
20 LIMITED TO ANY FALSE RESIDENTIAL ADDRESS SUPPLIED BY THE
21 CIRCULATOR WHO SIGNED THE AFFIDAVIT, ANY SIGNATURE ON THE
22 PETITION SECTION TO WHICH THE AFFIDAVIT IS ATTACHED SHALL BE
23 INVALID. Any signature added to a section of a petition after the affidavit
24 has been executed is invalid.

25 **SECTION 4.** 1-40-111 (2), Colorado Revised Statutes, is
26 amended to read:

27 **1-40-111. Signatures - affidavits.** (2) To each petition section

1 shall be attached a signed, notarized, and dated affidavit executed by the
2 ~~registered~~ elector who circulated the petition section, which shall include
3 his or her printed name, the address at which he or she resides, including
4 the street name and number, the city or town, the county, and the date he
5 or she signed the affidavit; that he or she has read and understands the
6 laws governing the circulation of petitions; that he or she was, a ~~registered~~
7 ~~elector~~ at the time the section of the petition was circulated and signed by
8 the listed electors, AT LEAST EIGHTEEN YEARS OF AGE, A UNITED STATES
9 CITIZEN, AND A RESIDENT OF THE STATE OF COLORADO; that he or she
10 circulated the section of the petition; that each signature thereon was
11 affixed in the circulator's presence; that each signature thereon is the
12 signature of the person whose name it purports to be; that to the best of
13 the circulator's knowledge and belief each of the persons signing the
14 petition section was, at the time of signing, a registered elector; and that
15 he or she has not paid or will not in the future pay and that he or she
16 believes that no other person has paid or will pay, directly or indirectly,
17 any money or other thing of value to any signer for the purpose of
18 inducing or causing such signer to affix his or her signature to the petition.
19 The secretary of state shall not accept for filing any section of a petition
20 that does not have attached thereto the notarized affidavit required by this
21 section. IF A NOTARIZED AFFIDAVIT IS DETERMINED TO CONTAIN FALSE
22 INFORMATION, INCLUDING BUT NOT LIMITED TO ANY FALSE RESIDENTIAL
23 ADDRESS SUPPLIED BY THE CIRCULATOR WHO SIGNED THE AFFIDAVIT, ANY
24 SIGNATURE ON THE PETITION SECTION TO WHICH THE AFFIDAVIT IS
25 ATTACHED SHALL BE INVALID. Any signature added to a section of a
26 petition after the affidavit has been executed shall be invalid.

27 **SECTION 5.** 1-40-112, Colorado Revised Statutes, is amended

1 to read:

2 **1-40-112. Circulators - requirements.** (1) No section of a
3 petition for any initiative or referendum measure shall be circulated by
4 any person who is not a registered elector and at least eighteen years of
5 age, A UNITED STATES CITIZEN, AND A RESIDENT OF THE STATE OF
6 COLORADO at the time the section is circulated. ANY PERSON WHO
7 EMPLOYS ANOTHER PERSON TO CIRCULATE A PETITION ON EITHER A PAID OR
8 VOLUNTARY BASIS SHALL REQUIRE THE CIRCULATOR TO VERIFY THE
9 CIRCULATOR'S AGE AND COLORADO RESIDENCY BEFORE CIRCULATING THE
10 PETITION BY PROVIDING A COLORADO DRIVERS' LICENSE OR COLORADO
11 STATE IDENTIFICATION CARD ISSUED PURSUANT TO ARTICLE 2 OF TITLE 42,
12 C.R.S., OR OTHER DOCUMENTATION THAT A REASONABLE PERSON WOULD
13 BELIEVE ESTABLISHES THE CIRCULATOR'S COLORADO RESIDENCY. THE
14 PERSON EMPLOYING THE CIRCULATOR OR THE DESIGNATED
15 REPRESENTATIVES NAMED PURSUANT TO SECTION 1-40-104 SHALL KEEP A
16 PHOTOCOPY OR OTHER RECORD OF THE DOCUMENTATION OBTAINED FOR AT
17 LEAST THREE YEARS.

18 (2) (a) All circulators who are not to be paid for circulating
19 petitions concerning ballot issues shall display an identification badge that
20 includes the words "VOLUNTEER CIRCULATOR" in bold-faced type
21 ~~which~~ THAT is clearly legible. ~~and the circulator's name.~~

22 (b) All circulators who are to be paid for circulating petitions
23 concerning ballot issues shall display an identification badge that includes
24 the words "PAID CIRCULATOR" in bold-faced type ~~which~~ THAT is
25 clearly legible ~~the circulator's name~~, and the name and telephone number
26 of the individual employing the circulator.

27 **SECTION 6.** 1-40-116 (1), Colorado Revised Statutes, is

1 amended to read:

2 **1-40-116. Verification - ballot issues - random sampling.**

3 (1) For ballot issues, each section of a petition to which there is attached
4 an affidavit of the ~~registered~~ elector who circulated the petition that each
5 signature thereon is the signature of the person whose name it purports to
6 be and that to the best of the knowledge and belief of the affiant each of
7 the persons signing the petition was at the time of signing a registered
8 elector shall be prima facie evidence that the signatures are genuine and
9 true, that the petitions were circulated in accordance with the provisions
10 of this article, and that the form of the petition is in accordance with this
11 article.

12 **SECTION 7.** 1-40-121, Colorado Revised Statutes, is amended
13 to read:

14 **1-40-121. Receiving money to circulate petitions - filing.**

15 (1) The proponents of the petition shall file with the official who receives
16 filings under the "Fair Campaign Practices Act", article 45 of this title, for
17 the election ~~the name, address, and county of voter registration of~~ A
18 STATEMENT SETTING FORTH THE TOTAL AMOUNT PAID TO all circulators
19 who were paid to circulate any section of the petition AND the amount
20 paid per signature. ~~and the total amount paid to each circulator.~~ The filing
21 shall be made at the same time the petition is filed with the secretary of
22 state. Any payment made to circulators is an expenditure under article 45
23 of this title.

24 (2) The proponents of the petition shall sign and file monthly
25 reports with the secretary of state, due ten days after the last day of each
26 month in which petitions are circulated on behalf of the proponents by
27 paid circulators. Monthly reports shall set forth the following:

- 1 (a) The names of the proponents;
- 2 (b) ~~The name and the residential and business addresses of each~~
3 ~~of the paid circulators;~~
- 4 (c) The name of the proposed ballot measure for which petitions
5 are being circulated by paid circulators; and
- 6 (d) The TOTAL amount of money paid and owed to ~~each~~ paid
7 ~~circulator~~ CIRCULATORS for petition circulation during the month in
8 question.

9 **SECTION 8.** 1-40-130 (1), Colorado Revised Statutes, is
10 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

11 **1-40-130. Unlawful acts - penalty.** (1) It is unlawful:

12 (i) FOR ANY PERSON TO EMPLOY ANOTHER PERSON TO CIRCULATE
13 A PETITION ON EITHER A PAID OR VOLUNTEER BASIS WITHOUT KNOWING OR
14 REASONABLY BELIEVING THAT THE CIRCULATOR MEETS THE REQUIREMENTS
15 OF SECTION 1-4-905 (1), 1-4-1302 (3), 1-12-108 (6) (a), OR 1-40-112 (1),
16 WHICHEVER IS APPLICABLE. ABSENTEVIDENCE OF ACTUAL KNOWLEDGETO
17 THE CONTRARY, IT SHALL BE PRESUMED THAT A PERSON WHO OBTAINS
18 DOCUMENTATION ESTABLISHING PROOF OF COLORADO RESIDENCY FROM
19 A CIRCULATOR AS REQUIRED BY SECTION 1-4-905 (1), 1-4-1302 (3.5) (a),
20 1-12-108 (6) (a), OR 1-40-112 (1), WHICHEVER IS APPLICABLE, BEFORE
21 EMPLOYING THE CIRCULATOR REASONABLY BELIEVES THAT THE
22 CIRCULATOR MEETS SAID REQUIREMENTS.

23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

26 **SECTION 9. Effective date - applicability.** (1) This act shall
27 take effect November 15, 2001, unless a referendum petition is filed

1 during the ninety-day period after final adjournment of the general
2 assembly that is allowed for submitting a referendum petition pursuant to
3 article V, section 1 (3) of the state constitution. If such a referendum
4 petition is filed against this act or an item, section, or part of this act
5 within such period, then the act, item, section, or part, if approved by the
6 people, shall take effect on the date of the official declaration of the vote
7 thereon by proclamation of the governor.

8 (2) The provisions of this act shall apply to the circulation of
9 petitions on or after the applicable effective date of this act.