

First Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 09-0260.01 Jason Gelender

HOUSE BILL 09-1140

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A BILL FOR AN ACT

101 CONCERNING CLARIFICATION OF THE PROCESS OF DIRECT  
102 DEMOCRACY.

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Bill Summary

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

Clarifies the process of direct democracy by:

- ! Requiring the top of each page of an initiative petition to include a statement that a signature indicates support for the placement of the measure on the ballot as a change to either the state constitution or the Colorado Revised Statutes, as applicable, and that, if a sufficient number of registered electors sign the petition, the measure will

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.*

- appear on the ballot.
- ! Commencing with either the 2009 odd-year November election, if such an election is held, or the 2010 general election, requiring the election ballot:
    - ! To identify each ballot issue to change the state constitution as an "amendment" and each ballot issue to change the Colorado Revised Statutes as a "proposition"; and
    - ! To state once at the beginning of the ballot issues section that a ballot issue listed as an "amendment" proposes a change to the state constitution and a ballot issue listed as a "proposition" proposes a change to the Colorado Revised Statutes.
  - ! Requiring each ballot title appearing on the ballot to be preceded by a brief statement indicating that the ballot issue proposes a change to either the state constitution or the Colorado Revised Statutes and that it addresses its specified subject as identified by the short title used to summarize the ballot issue in the ballot information booklet prepared by the legislative council staff (blue book).
  - ! Requiring the director of research of the legislative council (director) to finalize the short title of each ballot issue before the rest of the blue book is finalized and to provide a list of finalized short titles to the secretary of state in order to allow the inclusion of the short titles on the ballot, and prohibiting either the director or the legislative council from modifying a short title after the provision of the list.
  - ! To prevent ballot issues that have been withdrawn by initiative proponents from being included on the ballot, changing the deadline for withdrawing initiative petitions so that a petition may only be withdrawn prior to the certification of the ballot.

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

2           **SECTION 1.** 1-5-407 (5), Colorado Revised Statutes, is amended  
 3 to read:

4           **1-5-407. Form of ballots.** (5) (a) Whenever the approval of a  
 5 ballot issue or ballot question is submitted to the vote of the people, the  
 6 ballot issue or question shall be printed upon the ballot following the lists  
 7 of candidates. Constitutional issues shall be printed first, followed by

1 statewide issues and questions, county issues and questions, municipal  
2 issues and questions, school district issues and questions, ballot issues and  
3 questions for other political subdivisions which are in more than one  
4 county, and then ballot issues and questions for other political  
5 subdivisions which are wholly within a county. The measures in each  
6 category shall be placed in the following order: Measures to increase  
7 taxes; measures to retain revenues in excess of a district's fiscal year  
8 spending limit; measures to increase debt; citizen petitions; and referred  
9 measures.

10 (b) BEGINNING WITH EITHER THE 2009 ODD-YEAR NOVEMBER  
11 ELECTION, IF SUCH AN ELECTION IS HELD, OR THE 2010 GENERAL  
12 ELECTION:

13 (I) EACH PROPOSED CHANGE TO THE STATE CONSTITUTION,  
14 WHETHER INITIATED BY THE PEOPLE OR REFERRED TO THE PEOPLE BY THE  
15 GENERAL ASSEMBLY, SHALL BE IDENTIFIED ON THE BALLOT AS AN  
16 "AMENDMENT"; AND

17 (II) EACH PROPOSED CHANGE TO THE COLORADO REVISED  
18 STATUTES, WHETHER INITIATED BY THE PEOPLE OR REFERRED TO THE  
19 PEOPLE BY THE GENERAL ASSEMBLY, SHALL BE IDENTIFIED ON THE BALLOT  
20 AS A "PROPOSITION".

21 **SECTION 2.** 1-40-110 (1), Colorado Revised Statutes, is  
22 amended to read:

23 **1-40-110. Warning - ballot title.** (1) At the top of each page of  
24 every initiative or referendum petition section shall be printed, in a form  
25 as prescribed by the secretary of state, the following:

26 **"WARNING:**  
27 **IT IS AGAINST THE LAW:**

1           **For anyone to sign any initiative or referendum petition**  
2           **with any name other than his or her own or to**  
3           **knowingly sign his or her name more than once for the**  
4           **same measure or to knowingly sign a petition when not**  
5           **a registered elector who is eligible to vote on the**  
6           **measure.**

7           **DO NOT SIGN THIS PETITION UNLESS YOU ARE**  
8           **A REGISTERED ELECTOR AND ELIGIBLE TO**  
9           **VOTE ON THIS MEASURE. TO BE A**  
10          **REGISTERED ELECTOR, YOU MUST BE A**  
11          **CITIZEN OF COLORADO AND REGISTERED TO**  
12          **VOTE.**

13          **Before signing this petition, you are encouraged to read**  
14          **the text or the title of the proposed initiative or referred**  
15          **measure.**

16          **BY SIGNING THIS PETITION, YOU ARE INDICATING THAT**  
17          **YOU WANT THIS MEASURE TO BE INCLUDED ON THE**  
18          **BALLOT AS A PROPOSED CHANGE TO THE (COLORADO**  
19          **CONSTITUTION/COLORADO REVISED STATUTES). IF A**  
20          **SUFFICIENT NUMBER OF REGISTERED ELECTORS SIGN**  
21          **THIS PETITION, THIS MEASURE WILL APPEAR ON THE**  
22          **BALLOT AT THE NOVEMBER (YEAR) ELECTION."**

23          **SECTION 3.** 1-40-115 (1) and (2), Colorado Revised Statutes,  
24          are amended to read:

25               **1-40-115. Ballot - voting - publication.** (1) EXCEPT AS  
26          OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION, measures shall  
27          appear upon the official ballot by ballot title only. The measures shall be

1 placed on the ballot in the order in which they were certified to the ballot  
2 and as provided in section 1-5-407 (5).

3 (2) (a) All ballot issues shall be printed on the official ballot in  
4 that order, together with their respective letters and numbers prefixed in  
5 bold-faced type. Each ballot shall have the following explanation printed  
6 one time at the beginning of such ballot issues: "Ballot issues referred by  
7 the general assembly or any political subdivision are listed by letter, and  
8 ballot issues initiated by the people are listed numerically. A BALLOT  
9 ISSUE LISTED AS AN 'AMENDMENT' PROPOSES A CHANGE TO THE COLORADO  
10 CONSTITUTION, AND A BALLOT ISSUE LISTED AS A 'PROPOSITION' PROPOSES  
11 A CHANGE TO THE COLORADO REVISED STATUTES. A 'yes' vote on any  
12 ballot issue is a vote in favor of changing current law or existing  
13 circumstances, and a 'no' vote on any ballot issue is a vote against  
14 changing current law or existing circumstances." Each ballot title shall  
15 appear on the official ballot but once and SHALL BE PRECEDED BY THE  
16 FOLLOWING STATEMENT IN BOLD-FACE TYPE:

17 **"THE FOLLOWING BALLOT ISSUE PROPOSES A CHANGE TO**  
18 **THE (COLORADO CONSTITUTION/COLORADO REVISED**  
19 **STATUTES). IT ADDRESSES (SHORT TITLE USED TO**  
20 **SUMMARIZE THE BALLOT ISSUE IN THE BALLOT**  
21 **INFORMATION BOOKLET PREPARED PURSUANT TO**  
22 **SECTION 1-40-124.5, COLORADO REVISED STATUTES)."**

23 EACH BALLOT TITLE AND ITS PRECEDING STATEMENT shall be separated  
24 from the other ballot titles AND THEIR PRECEDING STATEMENTS next to it  
25 by heavy black lines and shall be followed by the words "yes" and "no"  
26 with blank spaces to the right and opposite the same as follows:

27 **(HERE SHALL APPEAR THE**

1 **BALLOT TITLE IN FULL)**

2 YES \_\_\_\_\_ NO \_\_\_\_\_

3 (b) FOR PURPOSES OF THIS SUBSECTION (2), THE SHORT TITLE USED  
4 TO SUMMARIZE A BALLOT ISSUE IN THE BALLOT INFORMATION BOOKLET IS  
5 THE SHORT TITLE THAT HAS BEEN FINALIZED PURSUANT TO SECTION  
6 1-40-124.5 (1.7) (b).

7 **SECTION 4.** 1-40-124.5 (1.7), Colorado Revised Statutes, is  
8 amended to read:

9 **1-40-124.5. Ballot information booklet.** (1.7) (a) After  
10 receiving written comments from the public in accordance with section  
11 1 (7.5) (a) (II) of article V of the state constitution, but before the draft of  
12 the ballot information booklet is finalized, the director of research of the  
13 legislative council of the general assembly shall conduct a public meeting  
14 at which the director and other members of the legislative staff have the  
15 opportunity to ask questions that arise in response to the written  
16 comments. EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS  
17 SUBSECTION (1.7), the director may modify the draft of the booklet in  
18 response to comments made at the hearing, AND the legislative council  
19 may modify the draft of the booklet upon the two-thirds affirmative vote  
20 of the members of the legislative council.

21 (b) IN ORDER TO ALLOW THE SECRETARY OF STATE SUFFICIENT  
22 TIME TO INCLUDE IN THE STATEMENT PRECEDING EACH BALLOT ISSUE ON  
23 THE BALLOT THE SHORT TITLE USED TO SUMMARIZE THE BALLOT ISSUE IN  
24 THE BALLOT INFORMATION BOOKLET, AS REQUIRED BY SECTION 1-40-115  
25 (2), THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL SHALL  
26 FINALIZE AND PROVIDE TO THE SECRETARY OF STATE EACH SHORT TITLE  
27 SIXTY DAYS BEFORE THE ELECTION AT WHICH THE BALLOT ISSUE WILL

1 APPEAR ON THE BALLOT. IN ACCORDANCE WITH SECTION 1 (7.5) (a) (II) OF  
2 ARTICLE V OF THE STATE CONSTITUTION, THE DIRECTOR SHALL ALLOW  
3 ANY PERSON A REASONABLE OPPORTUNITY TO FILE WRITTEN COMMENTS  
4 REGARDING A SHORT TITLE BEFORE FINALIZING THE SHORT TITLE.  
5 NEITHER THE DIRECTOR NOR THE LEGISLATIVE COUNCIL MAY MODIFY A  
6 SHORT TITLE AFTER THE DIRECTOR HAS FINALIZED IT AND PROVIDED IT TO  
7 THE SECRETARY OF STATE.

8 **SECTION 5.** 1-40-134, Colorado Revised Statutes, is amended  
9 to read:

10 **1-40-134. Withdrawal of initiative petition.** The designated  
11 representatives of the proponents of an initiative petition may withdraw  
12 the petition from consideration as a ballot issue by filing a letter with the  
13 secretary of state requesting that the petition not be placed on the ballot.  
14 The letter shall be signed and acknowledged by both designated  
15 representatives before an officer authorized to take acknowledgments and  
16 shall be filed no later than ~~thirty-three~~ SIXTY days prior to the election at  
17 which the initiative is to be voted upon.

18 **SECTION 6. Safety clause.** The general assembly hereby finds,  
19 determines, and declares that this act is necessary for the immediate  
20 preservation of the public peace, health, and safety.