

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 10-1108.01 Ed DeCecco

HOUSE BILL 10-1423

HOUSE SPONSORSHIP

Court,

SENATE SPONSORSHIP

Heath,

House Committees
State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ELIMINATION OF THE REQUIREMENT THAT AN**
102 **INITIATIVE PETITION CIRCULATOR BE A RESIDENT OF THE STATE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Currently, an initiative petition circulator must be a resident of the state. The bill eliminates this requirement and changes the notarized petition affidavit to reflect that residency is no longer required.

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.

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

2 **SECTION 1.** 1-40-111 (2) (a) and (2) (b) (I) (C), Colorado
3 Revised Statutes, are amended to read:

4 **1-40-111. Signatures - affidavits - notarization - list of**
5 **circulators and notaries.** (2) (a) To each petition section shall be
6 attached a signed, notarized, and dated affidavit executed by the person
7 who circulated the petition section, which shall include his or her printed
8 name, the address at which he or she resides, including the street name
9 and number, the city or town, the county, and the date he or she signed the
10 affidavit; that he or she has read and understands the laws governing the
11 circulation of petitions; that he or she was ~~a resident of the state~~, a citizen
12 of the United States and at least eighteen years of age at the time the
13 section of the petition was circulated and signed by the listed electors;
14 that he or she circulated the section of the petition; that each signature
15 thereon was affixed in the circulator's presence; that each signature
16 thereon is the signature of the person whose name it purports to be; that
17 to the best of the circulator's knowledge and belief each of the persons
18 signing the petition section was, at the time of signing, a registered
19 elector; that he or she has not paid or will not in the future pay and that
20 he or she believes that no other person has paid or will pay, directly or
21 indirectly, any money or other thing of value to any signer for the purpose
22 of inducing or causing such signer to affix his or her signature to the
23 petition; that he or she understands that he or she can be prosecuted for
24 violating the laws governing the circulation of petitions, including the
25 requirement that a circulator truthfully completed the affidavit and that
26 each signature thereon was affixed in the circulator's presence; and that
27 he or she understands that failing to make himself or herself available to

1 be deposited and to provide testimony in the event of a protest shall
2 invalidate the petition section if it is challenged on the grounds of
3 circulator fraud.

4 (b) (I) A notary public shall not notarize an affidavit required
5 pursuant to paragraph (a) of this subsection (2), unless:

6 (C) ~~The circulator presents a form of identification, as such term~~
7 ~~is defined in section 1-1-104 (19.5). A notary public shall specify the~~
8 ~~form of identification presented to him or her~~ THE NOTARY PUBLIC
9 SPECIFIES THE MANNER OF COMPLIANCE WITH SECTION 12-55-110 (4) (b),
10 C.R.S., on a blank line, which shall be part of the affidavit form.

11 **SECTION 2.** 1-40-112 (1), Colorado Revised Statutes, is
12 amended to read:

13 **1-40-112. Circulators - requirements - training.** (1) No person
14 shall circulate a petition for an initiative or referendum measure unless
15 the person is ~~a resident of the state~~, a citizen of the United States and at
16 least eighteen years of age at the time the petition is circulated.

17 **SECTION 3. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, and safety.