

SENATE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

March 10, 2010  
Date

Committee on State, Veterans & Military Affairs.

After consideration on the merits, the Committee recommends the following:

SB10-070 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 4, strike lines 10 and 11 and substitute  
2 "ELECTION. THE WORDING OF THE BALLOT QUESTION SHALL BE  
3 SUBSTANTIALLY IDENTICAL IN EACH COUNTY SITUATED WITHIN THE  
4 JUDICIAL DISTRICT."

5 Page 4, strike lines 16 and 17 and substitute "THE JUDICIAL DISTRICT AT  
6 THE SAME ELECTION OR IF THE WORDING OF THE MEASURE WAS NOT  
7 SUBSTANTIALLY IDENTICAL IN EACH COUNTY SITUATED WITHIN THE  
8 JUDICIAL DISTRICT,".

9 Page 4, line 24, strike "ONCE".

10 Page 4, line 25, strike "SEPARATED" and substitute "A SEPARATE  
11 QUESTION".

12 Page 5, strike lines 14 through 19 and substitute:

13 "(2) UPON RECEIPT OF THE CERTIFICATIONS TRANSMITTED  
14 PURSUANT TO PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION, THE  
15 SECRETARY OF STATE SHALL COMPILE THE RESULTS RECEIVED FROM EACH  
16 COUNTY SITUATED WITHIN THE JUDICIAL DISTRICT AND DETERMINE  
17 WHETHER THE MEASURE WAS APPROVED BY THE ELIGIBLE ELECTORS OF  
18 THE JUDICIAL DISTRICT AS A WHOLE. THE SECRETARY SHALL CERTIFY THE  
19 RESULTS IN THE MANNER PROVIDED BY LAW.

20 **1-4-1407. Initiative - petition.** (1) (a) NOTWITHSTANDING ANY  
21 OTHER PROVISION OF LAW, THE REGISTERED ELECTORS OF A COUNTY MAY  
22 SUBMIT TO THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY A

1 PROPOSED BALLOT QUESTION REGARDING LENGTHENING, SHORTENING, OR  
2 ELIMINATING OF THE LIMITATION ON TERMS OF OFFICE FOR THE DISTRICT  
3 ATTORNEY OF THE JUDICIAL DISTRICT IMPOSED BY SECTION 11 OF ARTICLE  
4 XVIII OF THE STATE CONSTITUTION. THE REGISTERED ELECTORS MAY  
5 COMMENCE THE INITIATIVE PROCESS BY FILING WRITTEN NOTICE OF THE  
6 PROPOSED BALLOT QUESTION WITH THE COUNTY CLERK AND RECORDER  
7 AND SUBSEQUENTLY, WITHIN ONE HUNDRED EIGHTY DAYS AFTER  
8 APPROVAL OF THE PETITION PURSUANT TO SUBSECTION (2) OF THIS  
9 SECTION BUT NO LESS THAN ONE HUNDRED FORTY DAYS PRIOR TO THE  
10 NEXT SCHEDULED COORDINATED OR GENERAL ELECTION, BY FILING A  
11 PETITION SIGNED BY REGISTERED ELECTORS OF THE COUNTY IN AN  
12 AMOUNT EQUAL TO AT LEAST FIVE PERCENT OF THE TOTAL NUMBER OF  
13 VOTES CAST IN THE COUNTY FOR ALL CANDIDATES FOR THE OFFICE OF  
14 DISTRICT ATTORNEY AT THE PREVIOUS GENERAL ELECTION.

15 (b) UPON THE RECEIPT AND VERIFICATION OF THE INITIATIVE  
16 PETITION PURSUANT TO THIS SECTION, THE BOARD OF COUNTY  
17 COMMISSIONERS SHALL REFER THE PROPOSED BALLOT QUESTION, IN THE  
18 FORM PETITIONED FOR, TO THE REGISTERED ELECTORS OF THE COUNTY AT  
19 THE NEXT SCHEDULED COORDINATED OR GENERAL ELECTION, WHICHEVER  
20 OCCURS FIRST.

21 (2)(a) EACH INITIATIVE PETITION FILED PURSUANT TO SUBSECTION  
22 (1) OF THIS SECTION SHALL BE PRINTED IN A FORM CONSISTENT WITH THIS  
23 SUBSECTION (2). NO PETITION SHALL BE PRINTED OR CIRCULATED UNLESS  
24 THE FORM AND THE FIRST PRINTER'S PROOF OF THE PETITION SECTION HAVE  
25 FIRST BEEN SUBMITTED TO THE COUNTY CLERK AND RECORDER APPROVED  
26 BY THE COUNTY CLERK AND RECORDER. THE COUNTY CLERK AND  
27 RECORDER SHALL APPROVE OR REJECT THE FORM AND THE FIRST PRINTER'S  
28 PROOF OF THE PETITION NO LATER THAN FIVE BUSINESS DAYS FOLLOWING  
29 THE DATE ON WHICH THE COUNTY CLERK AND RECORDER RECEIVED SUCH  
30 MATERIAL. THE COUNTY CLERK AND RECORDER SHALL ASSURE THAT THE  
31 PETITION SECTION CONTAINS ONLY THOSE ELEMENTS REQUIRED BY THIS  
32 SECTION AND CONTAINS NO EXTRANEOUS MATERIAL.

33 (b) EACH PETITION SECTION SHALL DESIGNATE BY NAME AND  
34 MAILING ADDRESS TWO PERSONS WHO SHALL REPRESENT THE PROPONENTS  
35 THEREOF ON ALL MATTERS AFFECTING THE INITIATIVE PETITION AND TO  
36 WHOM ALL NOTICES OR INFORMATION CONCERNING THE PETITION SHALL  
37 BE MAILED.

1 (c) (I) AT THE TOP OF EACH PAGE OF EVERY INITIATIVE PETITION  
2 SECTION, THE FOLLOWING SHALL BE PRINTED, IN A FORM AS PRESCRIBED  
3 BY THE COUNTY CLERK AND RECORDER:

4 **"WARNING:**  
5 **IT IS AGAINST THE LAW:**

6 FOR ANYONE TO SIGN ANY INITIATIVE PETITION WITH ANY NAME OTHER  
7 THAN HIS OR HER OWN, OR TO KNOWINGLY SIGN HIS OR HER NAME MORE  
8 THAN ONCE FOR THE SAME MEASURE, OR TO KNOWINGLY SIGN A PETITION  
9 WHEN NOT A REGISTERED ELECTOR WHO IS ELIGIBLE TO VOTE ON THE  
10 MEASURE.

11 **DO NOT SIGN THIS PETITION UNLESS YOU ARE A**  
12 **REGISTERED ELECTOR AND ELIGIBLE TO VOTE ON**  
13 **THIS MEASURE. TO BE A REGISTERED ELECTOR,**  
14 **YOU MUST BE A CITIZEN OF COLORADO AND**  
15 **REGISTERED TO VOTE.**

16 DO NOT SIGN THIS PETITION UNLESS YOU HAVE READ OR HAVE HAD READ  
17 TO YOU THE PROPOSED INITIATIVE OR THE SUMMARY IN ITS ENTIRETY AND  
18 UNDERSTAND ITS MEANING."

19 (II) A SUMMARY OF THE PROPOSED BALLOT QUESTION THAT IS THE  
20 SUBJECT OF AN INITIATIVE PETITION SHALL BE PRINTED FOLLOWING THE  
21 WARNING ON EACH PAGE OF A PETITION SECTION. THE SUMMARY SHALL  
22 BE TRUE AND IMPARTIAL AND SHALL NOT BE AN ARGUMENT, OR LIKELY TO  
23 CREATE PREJUDICE, EITHER FOR OR AGAINST THE MEASURE. THE  
24 SUMMARY SHALL BE PREPARED BY THE COUNTY CLERK AND RECORDER.

25 (III) THE FULL TEXT OF THE PROPOSED BALLOT QUESTION THAT IS  
26 THE SUBJECT OF AN INITIATIVE PETITION SHALL BE PRINTED FOLLOWING  
27 THE SUMMARY ON THE FIRST PAGE OR PAGES OF THE PETITION SECTION  
28 THAT PRECEDE THE SIGNATURE PAGE. NOTWITHSTANDING THE  
29 REQUIREMENT OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (c), IF THE TEXT  
30 OF THE PROPOSED BALLOT QUESTION REQUIRES MORE THAN ONE PAGE OF  
31 A PETITION SECTION, THE WARNING AND SUMMARY NEED NOT APPEAR AT  
32 THE TOP OF ANY PAGE OTHER THAN THE INITIAL TEXT PAGE.

33 (IV) THE SIGNATURE PAGES SHALL CONSIST OF THE WARNING AND  
34 THE SUMMARY, FOLLOWED BY RULED LINES NUMBERED CONSECUTIVELY  
35 FOR REGISTERED ELECTORS' SIGNATURES. IF A PETITION SECTION

1 CONTAINS MULTIPLE SIGNATURE PAGES, ALL SIGNATURE LINES SHALL BE  
2 NUMBERED CONSECUTIVELY, FROM THE FIRST SIGNATURE PAGE THROUGH  
3 THE LAST. THE SIGNATURE PAGES SHALL FOLLOW THE PAGE OR PAGES ON  
4 WHICH THE FULL TEXT OF THE PROPOSED BALLOT QUESTION THAT IS THE  
5 SUBJECT OF THE INITIATIVE PETITION IS PRINTED.

6 (3) (a) FOLLOWING THE SIGNATURE PAGES OF EACH PETITION  
7 SECTION, THERE SHALL BE ATTACHED A SIGNED, NOTARIZED, AND DATED  
8 AFFIDAVIT EXECUTED BY THE PERSON WHO CIRCULATED THE PETITION  
9 SECTION, WHICH SHALL INCLUDE THE FOLLOWING:

10 (I) THE AFFIANT'S PRINTED NAME, THE ADDRESS AT WHICH THE  
11 AFFIANT RESIDES, INCLUDING THE AFFIANT'S STREET NAME AND NUMBER,  
12 MUNICIPALITY, AND COUNTY, AND THE DATE THE AFFIANT SIGNED THE  
13 AFFIDAVIT;

14 (II) THAT THE AFFIANT HAS READ AND UNDERSTANDS THE LAWS  
15 GOVERNING THE CIRCULATION OF INITIATIVE PETITIONS;

16 (III) THAT THE AFFIANT WAS EIGHTEEN YEARS OF AGE OR OLDER  
17 AT THE TIME THE PETITION SECTION WAS CIRCULATED AND SIGNED BY THE  
18 LISTED ELECTORS;

19 (IV) THAT THE AFFIANT CIRCULATED THE PETITION SECTION;

20 (V) THAT EACH SIGNATURE THEREON WAS AFFIXED IN THE  
21 AFFIANT'S PRESENCE;

22 (VI) THAT EACH SIGNATURE THEREON IS THE SIGNATURE OF THE  
23 PERSON WHOSE NAME IT PURPORTS TO BE;

24 (VII) THAT, TO THE BEST OF THE AFFIANT'S KNOWLEDGE AND  
25 BELIEF, EACH OF THE PERSONS SIGNING THE INITIATIVE PETITION SECTION  
26 WAS, AT THE TIME OF SIGNING, A REGISTERED ELECTOR; AND

27 (VIII) THAT THE AFFIANT HAS NOT PAID OR WILL NOT IN THE  
28 FUTURE PAY AND THAT THE AFFIANT BELIEVES THAT NO OTHER PERSON  
29 HAS PAID OR WILL PAY, DIRECTLY OR INDIRECTLY, ANY MONEY OR OTHER  
30 THING OF VALUE TO ANY SIGNER FOR THE PURPOSE OF INDUCING OR  
31 CAUSING SUCH SIGNER TO AFFIX THE SIGNER'S SIGNATURE TO THE  
32 INITIATIVE PETITION.

1 (b) THE COUNTY CLERK AND RECORDER SHALL NOT ACCEPT FOR  
2 FILING ANY PETITION SECTION THAT DOES NOT HAVE ATTACHED THERETO  
3 THE NOTARIZED AFFIDAVIT REQUIRED BY PARAGRAPH (a) OF THIS  
4 SUBSECTION (3). ANY DISASSEMBLY OF A PETITION SECTION THAT HAS  
5 THE EFFECT OF SEPARATING THE AFFIDAVIT FROM THE SIGNATURE PAGE OR  
6 PAGES SHALL RENDER THAT PETITION SECTION INVALID AND OF NO FORCE  
7 AND EFFECT.

8 (c) ANY SIGNATURE ADDED TO A PETITION SECTION AFTER THE  
9 AFFIDAVIT HAS BEEN EXECUTED SHALL BE INVALID.

10 (d) ALL PETITION SECTIONS SHALL BE PRENUMBERED SERIALLY.

11 (e) ANY PETITION SECTION THAT FAILS TO CONFORM TO THE  
12 REQUIREMENTS OF THIS SECTION OR THAT IS CIRCULATED IN A MANNER  
13 OTHER THAN THAT PERMITTED BY THIS SECTION SHALL BE INVALID.

14 (4) THE CIRCULATION OF ANY PETITION SECTION OTHER THAN  
15 PERSONALLY BY A CIRCULATOR IS PROHIBITED. NO PETITION SECTION  
16 SHALL BE CIRCULATED BY ANY PERSON WHO IS NOT EIGHTEEN YEARS OF  
17 AGE OR OLDER AT THE TIME THE PETITION SECTION IS CIRCULATED.

18 (5) ANY INITIATIVE PETITION SHALL BE SIGNED ONLY BY  
19 REGISTERED ELECTORS WHO ARE ELIGIBLE TO VOTE ON THE MEASURE.  
20 EACH REGISTERED ELECTOR SHALL SIGN HIS OR HER OWN SIGNATURE AND  
21 SHALL PRINT HIS OR HER NAME, THE ADDRESS AT WHICH HE OR SHE  
22 RESIDES, INCLUDING THE STREET NUMBER AND NAME, THE CITY OR TOWN,  
23 AND THE COUNTY, AND THE DATE OF SIGNING. EACH REGISTERED  
24 ELECTOR SIGNING A PETITION SHALL BE ENCOURAGED BY THE CIRCULATOR  
25 OF THE PETITION TO SIGN THE PETITION IN INK. IN THE EVENT A  
26 REGISTERED ELECTOR IS PHYSICALLY UNABLE TO SIGN THE PETITION OR IS  
27 ILLITERATE AND WISHES TO SIGN THE PETITION, THE ELECTOR SHALL SIGN  
28 AND MAKE HIS OR HER MARK IN THE SPACE SO PROVIDED. ANY PERSON,  
29 BUT NOT A CIRCULATOR, MAY ASSIST THE DISABLED OR ILLITERATE  
30 ELECTOR IN COMPLETING THE REMAINING INFORMATION REQUIRED BY THIS  
31 SECTION. THE PERSON PROVIDING ASSISTANCE SHALL SIGN HIS OR HER  
32 NAME AND ADDRESS AND SHALL STATE THAT SUCH ASSISTANCE WAS  
33 GIVEN TO THE SIGNOR.

34 (6) (a) THE COUNTY CLERK AND RECORDER SHALL INSPECT TIMELY  
35 FILED INITIATIVE PETITIONS AND THE ATTACHED AFFIDAVITS, AND MAY DO  
36 SO BY EXAMINING THE INFORMATION ON SIGNATURE LINES FOR PATENT

1 DEFECTS, BY COMPARING THE INFORMATION ON SIGNATURE LINES AGAINST  
2 A LIST OF REGISTERED ELECTORS OF THE COUNTY.

3 (b) AFTER EXAMINING THE INITIATIVE PETITION, THE COUNTY  
4 CLERK AND RECORDER SHALL ISSUE A STATEMENT AS TO WHETHER A  
5 SUFFICIENT NUMBER OF VALID SIGNATURES HAVE BEEN SUBMITTED. A  
6 COPY OF THE STATEMENT SHALL BE MAILED TO THE PERSONS DESIGNATED  
7 AS REPRESENTING THE PETITION PROPONENTS PURSUANT TO PARAGRAPH  
8 (b) OF SUBSECTION (2) OF THIS SECTION.

9 (c) THE STATEMENT OF SUFFICIENCY OR INSUFFICIENCY SHALL BE  
10 ISSUED NO LATER THAN THIRTY CALENDAR DAYS AFTER THE INITIATIVE  
11 PETITION HAS BEEN FILED. IF THE COUNTY CLERK AND RECORDER FAILS TO  
12 ISSUE A STATEMENT WITHIN THIRTY CALENDAR DAYS, THE PETITION SHALL  
13 BE DEEMED SUFFICIENT.

14 (7) (a) WITHIN FORTY DAYS AFTER AN INITIATIVE PETITION IS  
15 FILED, A PROTEST IN WRITING UNDER OATH MAY BE FILED IN THE OFFICE OF  
16 THE COUNTY CLERK AND RECORDER BY ANY REGISTERED ELECTOR WHO  
17 RESIDES IN THE COUNTY, SETTING FORTH SPECIFICALLY THE GROUNDS FOR  
18 SUCH PROTEST. THE GROUNDS FOR PROTEST MAY INCLUDE, BUT SHALL  
19 NOT BE LIMITED TO, THE FAILURE OF ANY PORTION OF A PETITION OR  
20 CIRCULATOR AFFIDAVIT TO MEET THE REQUIREMENTS OF THIS SECTION.  
21 NO SIGNATURE MAY BE CHALLENGED THAT IS NOT IDENTIFIED IN THE  
22 PROTEST BY SECTION AND LINE NUMBER. THE COUNTY CLERK AND  
23 RECORDER SHALL FORTHWITH MAIL A COPY OF SUCH PROTEST TO THE  
24 PERSONS DESIGNATED AS REPRESENTING THE PETITION PROPONENTS  
25 PURSUANT TO PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION AND TO  
26 THE PROTESTER, TOGETHER WITH A NOTICE FIXING A TIME FOR HEARING  
27 SUCH PROTEST THAT IS NOT LESS THAN FIVE OR MORE THAN TEN DAYS  
28 AFTER SUCH NOTICE IS MAILED.

29 (b) THE COUNTY CLERK AND RECORDER SHALL FURNISH A  
30 REQUESTING PROTESTER WITH A LIST OF THE REGISTERED ELECTORS IN THE  
31 COUNTY AND SHALL CHARGE A FEE TO COVER THE COST OF FURNISHING  
32 THE LIST.

33 (c) EVERY HEARING SHALL BE HELD BEFORE THE COUNTY CLERK  
34 AND RECORDER WITH WHOM SUCH PROTEST IS FILED. THE COUNTY CLERK  
35 AND RECORDER SHALL SERVE AS HEARING OFFICER UNLESS SOME OTHER  
36 PERSON IS DESIGNATED BY THE BOARD OF COUNTY COMMISSIONERS AS THE  
37 HEARING OFFICER, AND THE TESTIMONY IN EVERY SUCH HEARING SHALL

1 BE UNDER OATH. THE HEARING OFFICER SHALL HAVE THE POWER TO ISSUE  
2 SUBPOENAS AND COMPEL THE ATTENDANCE OF WITNESSES. THE HEARING  
3 SHALL BE SUMMARY AND NOT SUBJECT TO DELAY AND SHALL BE  
4 CONCLUDED WITHIN SIXTY DAYS AFTER THE PETITION IS FILED. NO LATER  
5 THAN FIVE DAYS AFTER THE CONCLUSION OF THE HEARING, THE HEARING  
6 OFFICER SHALL ISSUE A WRITTEN DETERMINATION OF WHETHER THE  
7 PETITION IS SUFFICIENT OR NOT SUFFICIENT. IF THE HEARING OFFICER  
8 DETERMINES THAT A PETITION IS NOT SUFFICIENT, THE OFFICER SHALL  
9 IDENTIFY THOSE PORTIONS OF THE PETITION THAT ARE NOT SUFFICIENT  
10 AND THE REASONS THEREFOR. THE RESULT OF THE HEARING SHALL BE  
11 FORTHWITH CERTIFIED TO THE PROTESTER AND TO THE PERSONS  
12 DESIGNATED AS REPRESENTING THE PETITION PROPONENTS PURSUANT TO  
13 PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION. THE  
14 DETERMINATION AS TO PETITION SUFFICIENCY MAY BE REVIEWED BY THE  
15 DISTRICT COURT FOR THE COUNTY UPON APPLICATION OF THE PROTESTER,  
16 THE PERSONS DESIGNATED AS REPRESENTING THE PETITION PROPONENTS,  
17 OR THE COUNTY, BUT SUCH REVIEW SHALL BE HAD AND DETERMINED  
18 FORTHWITH.

19 (8) THE GENERAL ASSEMBLY FINDS THE PROVISIONS OF THIS  
20 SECTION ARE A MATTER OF STATEWIDE CONCERN AND SHALL APPLY TO  
21 ALL COUNTIES, INCLUDING HOME RULE COUNTIES, AND TO THE CITY AND  
22 COUNTY OF DENVER AND THE CITY AND COUNTY OF BROOMFIELD.

23 **1-4-1408. Prior actions not affected.** DISTRICT ATTORNEY TERM  
24 LIMIT BALLOT QUESTIONS APPROVED BY THE VOTERS OF ANY JUDICIAL  
25 DISTRICT PRIOR TO THE EFFECTIVE DATE OF THIS PART 14 ARE NOT  
26 AFFECTED BY THE ENACTMENT OF THIS PART 14 AND SHALL REMAIN  
27 VALID.

28 **SECTION 2. Effective date - applicability.** This act shall take  
29 effect upon passage and shall apply to district attorney term limit ballot  
30 questions referred to voters on or after the effective date of this act."

31 Renumber succeeding section accordingly.

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