A BILL FOR AN ACT

CONCERNING THE DOCUMENTATION ASSEMBLED BY THE STAFF OF THE LEGISLATIVE COUNCIL DURING PREPARATION OF THE BALLOT INFORMATION BOOKLET.

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.)

Work product, which is generally defined as advisory or deliberative materials assembled for the benefit of elected officials to assist them in reaching a decision within the scope of their authority, is not subject to public inspection under the "Colorado Open Records Act".
The bill makes all documents prepared by or submitted to the legislative council staff in connection with the preparation of the ballot information booklet (blue book), including all written comments received from the public, work product, with the exception that all such documents and written comments become public records upon distribution of the blue book to electors in Colorado.

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

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

1-40-124.5. Ballot information booklet. (1.7) (a) After receiving written comments from the public in accordance with section 1 (7.5) (a) (II) of article V of the state constitution, but before the draft of the ballot information booklet is finalized, the director of research of the legislative council of the general assembly shall conduct a public meeting at which the director and other members of the legislative staff have the opportunity to ask questions that arise in response to the written comments. The director may modify the draft of the booklet in response to comments made at the hearing. The legislative council may modify the draft of the booklet upon the two-thirds affirmative vote of the members of the legislative council.

(b) All of the written comments received from the public described in paragraph (a) of this subsection (1.7) shall be considered work product as defined in section 24-72-202 (6.5) (b) (V), C.R.S.

SECTION 2. 2-3-304 (1), Colorado Revised Statutes, is amended to read:

2-3-304. Director of research - assistants. (1) The council shall interview persons applying for the position of director of research as to
qualifications and ability and shall make recommendations thereon to the executive committee, which shall appoint the director of research as provided in section 2-3-303 (3) (d). The director of research shall be responsible to the council for the collection and assembling of all data and for the preparation of reports, recommendations, and bills. Documents prepared or assembled by the director or employees of the director shall be considered work product, as defined in section 24-72-202 (6.5), C.R.S., including but not limited to all documents prepared by or submitted to the staff of the legislative council in connection with the preparation of the ballot information booklet pursuant to section 1 (7.5) (a) of article V of the state constitution, except as otherwise provided in section 24-72-202 (6.5) (b) (V), C.R.S. The director shall, subject to the general policies of the council, have administrative direction over the activities of the council. The director shall be paid a salary determined by the executive committee in accordance with section 2-3-303 (3) (a). The director shall be an employee of the general assembly and shall not be subject to the state personnel system laws. The director shall be appointed without reference to affiliation and solely on the basis of such director's ability to perform the duties of the position.

SECTION 3. 24-72-202 (6.5) (b), Colorado Revised Statutes, is amended by the addition of a new subparagraph to read:

24-72-202. Definitions. As used in this part 2, unless the context otherwise requires:

(6.5) (b) "Work product" also includes:

(V) All documents prepared by or submitted to the staff of the legislative council in connection with the preparation of
THE BALLOT INFORMATION BOOKLET, INCLUDING ALL WRITTEN COMMENTS RECEIVED FROM THE PUBLIC IN ACCORDANCE WITH SECTION 1 (7.5) (a) (II) OF ARTICLE V OF THE STATE CONSTITUTION; EXCEPT THAT ALL SUCH DOCUMENTS AND WRITTEN COMMENTS SHALL BECOME PUBLIC RECORDS UPON DISTRIBUTION OF THE BALLOT INFORMATION BOOKLET TO ACTIVE REGISTERED ELECTORS IN THE STATE PURSUANT TO SECTION 1-40-124.5 (2), C.R.S.

SECTION 4. 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.