

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 10-0201.01 Ed DeCecco

HOUSE BILL 10-1047

HOUSE SPONSORSHIP

Court and Murray,

SENATE SPONSORSHIP

White,

House Committees
State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE FORM OF A STATEWIDE BALLOT TITLE.**

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>.)

Beginning with the 2011 statewide election, the bill establishes a uniform style for statewide ballot titles for initiated and referred measures. These changes include:

- ! Replacing the phrase "and, in connection therewith," with the word "that:";
- ! Presenting the central features of the ballot issue in a list rather than in paragraph style; and

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.*

! Using indented bullets at the beginning of each item in the list.

The bill also expands the simple "yes" or "no" response to a ballot title that is currently used on the ballot to be either:

! "YES, FOR THE (AMENDMENT/PROPOSITION)"; or

! "NO, AGAINST THE (AMENDMENT/PROPOSITION)".

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

2 **SECTION 1.** 1-5-407, Colorado Revised Statutes, is amended BY
3 THE ADDITION OF A NEW SUBSECTION to read:

4 **1-5-407. Form of ballots.** (10) BEGINNING WITH THE
5 ODD-NUMBERED YEAR ELECTION HELD IN 2011, THE FORMAT OF A
6 STATEWIDE BALLOT ISSUE OR BALLOT QUESTION AS IT APPEARS ON A
7 BALLOT SHALL BE CONSISTENT WITH THE REQUIREMENTS SET FORTH IN
8 SECTION 1-40-106.3.

9 **SECTION 2.** 1-40-102 (2), Colorado Revised Statutes, is
10 amended, and the said 1-40-102 is further amended BY THE ADDITION
11 OF A NEW SUBSECTION, to read:

12 **1-40-102. Definitions.** As used in this article, unless the context
13 otherwise requires:

14 (2) "Ballot title" means the language ~~which~~ THAT is printed on the
15 ballot. ~~which~~ FOR AN INITIATED MEASURE, A BALLOT TITLE is comprised
16 of the submission clause and the title.

17 (2.7) "BULLET" MEANS A HEAVY DOT FOR CALLING ATTENTION TO
18 OR ITEMIZING PARTICULAR SECTIONS OF TEXT.

19 **SECTION 3.** 1-40-106 (3) (b), Colorado Revised Statutes, is
20 amended to read:

21 **1-40-106. Title board - meetings - titles and submission clause.**

22 (3) (b) In setting a title, the title board shall consider the public confusion

1 that might be caused by misleading titles and shall, whenever practicable,
2 avoid titles for which the general understanding of the effect of a "yes"
3 or "no" vote will be unclear. The title for the proposed law or
4 constitutional amendment, which shall correctly and fairly express the
5 true intent and meaning thereof, together with the ballot title and
6 submission clause, shall be completed within two weeks after the first
7 meeting of the title board. Immediately upon completion, the secretary
8 of state shall deliver the same with the original to the parties presenting
9 it, keeping the copy with a record of the action taken thereon. Ballot titles
10 shall be brief, shall not conflict with those selected for any petition
11 previously filed for the same election, ~~and shall be in the form of a~~
12 ~~question which may be answered "yes" (to vote in favor of the proposed~~
13 ~~law or constitutional amendment) or "no" (to vote against the proposed~~
14 ~~law or constitutional amendment) and which shall unambiguously state~~
15 the principle of the provision sought to be added, amended, or repealed,
16 AND SHALL BE IN THE FORM REQUIRED BY SECTION 1-40-106.3.

17 **SECTION 4.** Article 40 of title 1, Colorado Revised Statutes, is
18 amended BY THE ADDITION OF A NEW SECTION to read:

19 **1-40-106.3. Ballot title - form - requirements.** (1) BEGINNING
20 WITH THE ODD-NUMBERED YEAR ELECTION HELD IN 2011, THE BALLOT
21 TITLE FOR ANY BALLOT ISSUE SHALL BE CONSISTENT WITH THE
22 REQUIREMENTS SET FORTH IN THIS SECTION.

23 (2) (a) (I) FOR A PROPOSED LAW THAT IS NOT SUBJECT TO THE
24 REQUIREMENTS SET FORTH IN SECTION 20 (3) (c) OF ARTICLE X OF THE
25 STATE CONSTITUTION, THE BALLOT TITLE SHALL BEGIN AS FOLLOWS:
26 "SHALL THERE BE A CHANGE TO THE COLORADO REVISED STATUTES
27 CONCERNING (THE SINGLE SUBJECT OF THE MEASURE) THAT:".

1 (II) FOR A PROPOSED CONSTITUTIONAL AMENDMENT THAT IS NOT
2 SUBJECT TO THE REQUIREMENTS SET FORTH IN SECTION 20 (3) (c) OF
3 ARTICLE X OF THE STATE CONSTITUTION, THE BALLOT TITLE SHALL BEGIN
4 AS FOLLOWS: "SHALL THERE BE AN AMENDMENT TO THE COLORADO
5 CONSTITUTION CONCERNING (THE SINGLE SUBJECT OF THE MEASURE)
6 THAT:".

7 (III) FOR A PROPOSED LAW THAT IS SUBJECT TO THE
8 REQUIREMENTS SET FORTH IN SECTION 20 (3) (c) OF ARTICLE X OF THE
9 STATE CONSTITUTION, THE BALLOT TITLE SHALL BEGIN WITH THE
10 CONSTITUTIONALLY REQUIRED LANGUAGE FOLLOWED BY THE PHRASE:
11 "BY A CHANGE TO THE COLORADO REVISED STATUTES
12 CONCERNING (THE SINGLE SUBJECT OF THE MEASURE) THAT:".

13 (IV) FOR A PROPOSED CONSTITUTIONAL AMENDMENT THAT IS
14 SUBJECT TO THE REQUIREMENTS SET FORTH IN SECTION 20 (3) (c) OF
15 ARTICLE X OF THE STATE CONSTITUTION, THE BALLOT TITLE SHALL BEGIN
16 WITH THE CONSTITUTIONALLY REQUIRED LANGUAGE FOLLOWED BY THE
17 PHRASE: "BY AN AMENDMENT TO THE COLORADO
18 CONSTITUTION CONCERNING (THE SINGLE SUBJECT OF THE
19 MEASURE) THAT:".

20 (b) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION (2),
21 THE WORD "CONCERNING" MAY BE OMITTED FROM A BALLOT TITLE IF THE
22 SINGLE SUBJECT MAY BE EXPRESSED WITHOUT IT.

23 (3) (a) THE LANGUAGE REQUIRED BY SUBSECTION (2) OF THIS
24 SECTION SHALL BE IMMEDIATELY FOLLOWED BY A CLEAR AND CONCISE
25 LIST OF THE CENTRAL FEATURES OF THE PROPOSED LAW OR
26 CONSTITUTIONAL AMENDMENT. FOR AN INITIATED MEASURE, THE
27 CENTRAL FEATURES SHALL BE THOSE ITEMS INCLUDED IN THE TITLE. THE

1 LIST OF THE CENTRAL FEATURES SHALL BE PRESENTED IN THE FOLLOWING
2 FORMAT:

3 (I) EACH ITEM IN THE LIST SHALL BE BEGIN WITH A SINGULAR,
4 PRESENT-TENSE VERB;

5 (II) EACH ITEM SHALL BEGIN ON A SEPARATE LINE AND SHALL BE
6 PRECEDED BY A BULLET; AND

7 (III) EACH ITEM SHALL END WITH A SEMICOLON; EXCEPT THAT THE
8 PENULTIMATE ITEM SHALL END WITH A SEMICOLON FOLLOWED BY THE
9 APPROPRIATE CONJUNCTION, AND THE LAST ITEM SHALL END WITH A
10 QUESTION MARK.

11 (b) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION (3)
12 AND PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION, IF THE SINGLE
13 SUBJECT EXPRESSED IN THE BALLOT TITLE IS ITSELF A DESCRIPTION OF THE
14 CENTRAL FEATURES OF A PROPOSED LAW OR CONSTITUTIONAL
15 AMENDMENT, THE WORD "THAT" AND THE FOLLOWING COLON SHALL BE
16 OMITTED, AND THE BALLOT TITLE SHALL END WITH A QUESTION MARK
17 AFTER THE SINGLE SUBJECT.

18 **SECTION 5.** 1-40-106.5 (3), Colorado Revised Statutes, is
19 amended to read:

20 **1-40-106.5. Single-subject requirements for initiated measures**
21 **and referred constitutional amendments - legislative declaration.**

22 (3) It is further the intent of the general assembly that, in setting titles
23 pursuant to section 1 (5.5) of article V, the initiative title setting review
24 board created in section 1-40-106 should apply judicial decisions
25 construing the constitutional single-subject requirement for bills. ~~and~~
26 ~~should follow the same rules employed by the general assembly in~~
27 ~~considering titles for bills.~~

1 IN 2011, EACH BALLOT TITLE SHALL BE SEPARATED FROM THE OTHER
2 BALLOT TITLES NEXT TO IT BY HEAVY BLACK LINES AND SHALL BE
3 FOLLOWED BY THE WORDS "YES/FOR" AND "NO/AGAINST" WITH BLANK
4 SPACES TO THE RIGHT AND OPPOSITE THE SAME AS FOLLOWS:

5 (HERE SHALL APPEAR THE
6 BALLOT TITLE IN FULL)

7 YES/FOR _____

8 NO/AGAINST _____

9 **SECTION 7. Specified effective date.** This act shall take effect
10 upon passage; except that sections 3 and 5 of this act shall take effect on
11 May 1, 2010.

12 **SECTION 8. Safety clause.** The general assembly hereby finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, and safety.