

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

**INTRODUCED**

LLS NO. 10-1124.01 Dan Cartin

**HOUSE BILL 10-1432**

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**HOUSE SPONSORSHIP**

**Carroll T. and May,**

**SENATE SPONSORSHIP**

**Shaffer B. and Penry,**

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**House Committees**

Agriculture, Livestock, & Natural Resources

**Senate Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING THE DOCUMENTATION ASSEMBLED BY THE STAFF OF THE**  
102             **LEGISLATIVE COUNCIL DURING PREPARATION OF THE BALLOT**  
103             **INFORMATION BOOKLET.**

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**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".

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.*

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.

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

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

4           **1-40-124.5. Ballot information booklet.** (1.7) (a) After  
5 receiving written comments from the public in accordance with section  
6 1 (7.5) (a) (II) of article V of the state constitution, but before the draft of  
7 the ballot information booklet is finalized, the director of research of the  
8 legislative council of the general assembly shall conduct a public meeting  
9 at which the director and other members of the legislative staff have the  
10 opportunity to ask questions that arise in response to the written  
11 comments. The director may modify the draft of the booklet in response  
12 to comments made at the hearing. The legislative council may modify the  
13 draft of the booklet upon the two-thirds affirmative vote of the members  
14 of the legislative council.

15           (b) ALL OF THE WRITTEN COMMENTS RECEIVED FROM THE PUBLIC  
16 DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1.7) SHALL BE  
17 CONSIDERED WORK PRODUCT AS DEFINED IN SECTION 24-72-202 (6.5) (b)  
18 (V), C.R.S.

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

21           **2-3-304. Director of research - assistants.** (1) The council shall  
22 interview persons applying for the position of director of research as to

1 qualifications and ability and shall make recommendations thereon to the  
2 executive committee, which shall appoint the director of research as  
3 provided in section 2-3-303 (3) (d). The director of research shall be  
4 responsible to the council for the collection and assembling of all data  
5 and for the preparation of reports, recommendations, and bills.  
6 Documents prepared or assembled by the director or employees of the  
7 director shall be considered work product, as defined in section  
8 24-72-202 (6.5), C.R.S., INCLUDING BUT NOT LIMITED TO ALL DOCUMENTS  
9 PREPARED BY OR SUBMITTED TO THE STAFF OF THE LEGISLATIVE COUNCIL  
10 IN CONNECTION WITH THE PREPARATION OF THE BALLOT INFORMATION  
11 BOOKLET PURSUANT TO SECTION 1 (7.5) (a) OF ARTICLE V OF THE STATE  
12 CONSTITUTION, EXCEPT AS OTHERWISE PROVIDED IN SECTION 24-72-202  
13 (6.5) (b) (V), C.R.S. The director shall, subject to the general policies of  
14 the council, have administrative direction over the activities of the  
15 council. The director shall be paid a salary determined by the executive  
16 committee in accordance with section 2-3-303 (3) (a). The director shall  
17 be an employee of the general assembly and shall not be subject to the  
18 state personnel system laws. The director shall be appointed without  
19 reference to affiliation and solely on the basis of such director's ability to  
20 perform the duties of the position.

21 **SECTION 3.** 24-72-202 (6.5) (b), Colorado Revised Statutes, is  
22 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

23 **24-72-202. Definitions.** As used in this part 2, unless the context  
24 otherwise requires:

25 (6.5) (b) "Work product" also includes:

26 (V) ALL DOCUMENTS PREPARED BY OR SUBMITTED TO THE STAFF  
27 OF THE LEGISLATIVE COUNCIL IN CONNECTION WITH THE PREPARATION OF

1 THE BALLOT INFORMATION BOOKLET, INCLUDING ALL WRITTEN COMMENTS  
2 RECEIVED FROM THE PUBLIC IN ACCORDANCE WITH SECTION 1 (7.5) (a) (II)  
3 OF ARTICLE V OF THE STATE CONSTITUTION; EXCEPT THAT ALL SUCH  
4 DOCUMENTS AND WRITTEN COMMENTS SHALL BECOME PUBLIC RECORDS  
5 UPON DISTRIBUTION OF THE BALLOT INFORMATION BOOKLET TO ACTIVE  
6 REGISTERED ELECTORS IN THE STATE PURSUANT TO SECTION 1-40-124.5  
7 (2), C.R.S.

8 **SECTION 4. Safety clause.** The general assembly hereby finds,  
9 determines, and declares that this act is necessary for the immediate  
10 preservation of the public peace, health, and safety.