

Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0201.01 Ed DeCecco

HOUSE BILL 10-1047

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HOUSE SPONSORSHIP

Court and Murray,

SENATE SPONSORSHIP

White,

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House Committees  
State, Veterans, & Military Affairs

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE FORM OF A STATEWIDE BALLOT TITLE.

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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>.)*

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)".

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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           **SECTION 6.** 1-40-115 (2) (a), Colorado Revised Statutes, is  
2 amended to read:

3           **1-40-115. Ballot - voting - publication.** (2) (a) (I) All ballot  
4 issues shall be printed on the official ballot in that order, together with  
5 their respective letters and numbers prefixed in bold-faced type. Each  
6 ballot shall have the following explanation printed one time at the  
7 beginning of such ballot issues: "Ballot issues referred by the general  
8 assembly or any political subdivision are listed by letter, and ballot issues  
9 initiated by the people are listed numerically. A ballot issue listed as an  
10 'amendment' proposes a change to the Colorado constitution, and a ballot  
11 issue listed as a 'proposition' proposes a change to the Colorado Revised  
12 Statutes. A 'yes' vote on any ballot issue is a vote in favor of changing  
13 current law or existing circumstances, and a 'no' vote on any ballot issue  
14 is a vote against changing current law or existing circumstances." Each  
15 ballot title shall appear on the official ballot but once. For each ballot  
16 title that is an amendment, the amendment number or letter shall be  
17 immediately followed by the description "(CONSTITUTIONAL)". For  
18 each ballot title that is a proposition, the proposition number or letters  
19 shall be immediately followed by the description "(STATUTORY)".  
20 PRIOR TO THE ODD-NUMBERED YEAR ELECTION HELD IN 2011, each ballot  
21 title shall be separated from the other ballot titles next to it by heavy black  
22 lines and shall be followed by the words "yes" and "no" with blank spaces  
23 to the right and opposite the same as follows:

24                                   **(HERE SHALL APPEAR THE**  
25                                   **BALLOT TITLE IN FULL)**

26                                   YES \_\_\_\_\_ NO \_\_\_\_\_

27           (II) BEGINNING WITH THE ODD-NUMBERED YEAR ELECTION HELD

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 THE (AMENDMENT/PROPOSITION)"  
4 AND "NO, AGAINST THE (AMENDMENT/PROPOSITION)" WITH BLANK SPACES  
5 TO THE RIGHT AND OPPOSITE THE SAME AS FOLLOWS:

6 **(HERE SHALL APPEAR THE**  
7 **BALLOT TITLE IN FULL)**

8 YES, FOR THE (AMENDMENT/PROPOSITION) \_\_\_\_\_

9 NO, AGAINST THE (AMENDMENT/PROPOSITION) \_\_\_\_\_

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

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