

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 11-0147.01 Ed DeCecco

HOUSE BILL 11-1090

HOUSE SPONSORSHIP

Court, Todd, Acree, Beezley, Casso, Fields, Hamner, Kerr A., Kerr J., Labuda, Lee, Looper, Massey, Murray, Ryden, Szabo, Vigil

SENATE SPONSORSHIP

(None),

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 2012 general 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;

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; and
- ! Requiring at least one line of spacing between separate items in the list.

For the 2012 general election, the department of state is permitted to reimburse a county for all or part of the incurred costs that are directly attributable to the new format for statewide ballot issues.

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"; or
- ! "NO/AGAINST".

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds, determines, and declares that:

4 (a) Section 1 (5.5) of article V and section 2 (3) of article XIX of
5 the state constitution require that every constitutional amendment or law
6 proposed by initiative and every constitutional amendment proposed by
7 the general assembly be limited to a single subject, which shall be clearly
8 expressed in its title;

9 (b) Colorado courts have frequently interpreted these
10 constitutional requirements;

11 (c) Nothing in House Bill 11-____, enacted in 2011, should be
12 construed as in any way changing the constitutional requirements related
13 to a ballot title nor any court interpretation thereof.

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

16 **1-5-407. Form of ballots.** (10) BEGINNING WITH THE GENERAL
17 ELECTION HELD IN 2012, THE FORMAT OF A STATEWIDE BALLOT ISSUE OR
18 BALLOT QUESTION AS IT APPEARS ON A BALLOT SHALL BE CONSISTENT
19 WITH THE REQUIREMENTS SET FORTH IN SECTION 1-40-106.3.

1 **SECTION 3.** 1-5-505.5, Colorado Revised Statutes, is amended
2 BY THE ADDITION OF A NEW SUBSECTION to read:

3 **1-5-505.5. State reimbursement to counties for ballot measure**
4 **elections - repeal.** (3.5) (a) FOR THE GENERAL ELECTION HELD IN 2012,
5 THE STATE MAY REIMBURSE A COUNTY FOR ALL OR PART OF THE COSTS
6 INCURRED THAT ARE SHOWN BY THE COUNTY TO BE DIRECTLY
7 ATTRIBUTABLE TO COMPLIANCE WITH SECTION 1-40-106.3. THE
8 REIMBURSEMENT AUTHORIZED PURSUANT TO THIS PARAGRAPH (a) SHALL
9 BE IN ADDITION TO ANY OTHER REIMBURSEMENT REQUIRED PURSUANT TO
10 THIS SECTION.

11 (b) THIS SUBSECTION (3.5) IS REPEALED, EFFECTIVE JANUARY 1,
12 2014.

13 **SECTION 4.** 1-40-102 (2), Colorado Revised Statutes, is
14 amended, and the said 1-40-102 is further amended BY THE ADDITION
15 OF A NEW SUBSECTION, to read:

16 **1-40-102. Definitions.** As used in this article, unless the context
17 otherwise requires:

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

21 (2.7) "BULLET" MEANS A HEAVY DOT FOR CALLING ATTENTION TO
22 OR ITEMIZING PARTICULAR SECTIONS OF TEXT.

23 **SECTION 5.** Article 40 of title 1, Colorado Revised Statutes, is
24 amended BY THE ADDITION OF A NEW SECTION to read:

25 **1-40-106.3. Ballot title - form - requirements.** (1) BEGINNING
26 WITH THE GENERAL ELECTION HELD IN 2012, THE BALLOT TITLE FOR ANY
27 BALLOT ISSUE SHALL BE CONSISTENT WITH THE REQUIREMENTS SET FORTH

1 IN THIS SECTION.

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

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

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

20 (IV) FOR A PROPOSED CONSTITUTIONAL AMENDMENT THAT IS
21 SUBJECT TO THE REQUIREMENTS SET FORTH IN SECTION 20 (3) (c) OF
22 ARTICLE X OF THE STATE CONSTITUTION, THE BALLOT TITLE SHALL BEGIN
23 WITH THE CONSTITUTIONALLY REQUIRED LANGUAGE FOLLOWED BY THE
24 PHRASE: "BY AN AMENDMENT TO THE COLORADO
25 CONSTITUTION CONCERNING (THE SINGLE SUBJECT OF THE
26 MEASURE) THAT:".

27 (b) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION (2),

1 THE WORD "CONCERNING" MAY BE OMITTED FROM A BALLOT TITLE IF THE
2 SINGLE SUBJECT MAY BE EXPRESSED WITHOUT IT.

3 (3) (a) THE LANGUAGE REQUIRED BY SUBSECTION (2) OF THIS
4 SECTION SHALL BE IMMEDIATELY FOLLOWED BY A CLEAR AND CONCISE
5 LIST OF THE CENTRAL FEATURES OF THE PROPOSED LAW OR
6 CONSTITUTIONAL AMENDMENT. FOR AN INITIATED MEASURE, THE
7 CENTRAL FEATURES SHALL BE THOSE ITEMS INCLUDED IN THE TITLE. THE
8 LIST OF THE CENTRAL FEATURES SHALL BE PRESENTED IN THE FOLLOWING
9 FORMAT:

10 (I) EACH ITEM IN THE LIST SHALL BEGIN WITH A SINGULAR,
11 PRESENT-TENSE VERB;

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

14 (III) EACH BULLET SHALL BE INDENTED AT LEAST ONE-HALF INCH
15 FROM THE LEFT MARGIN;

16 (IV) EACH ITEM SHALL END WITH A SEMICOLON; EXCEPT THAT THE
17 PENULTIMATE ITEM SHALL END WITH A SEMICOLON FOLLOWED BY THE
18 APPROPRIATE CONJUNCTION, AND THE LAST ITEM SHALL END WITH A
19 QUESTION MARK; AND

20 (V) THERE SHALL BE AT LEAST ONE LINE OF SPACING BETWEEN
21 SEPARATE ITEMS IN THE LIST.

22 (b) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION (3)
23 AND PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION, IF THE SINGLE
24 SUBJECT EXPRESSED IN THE BALLOT TITLE IS ITSELF A DESCRIPTION OF THE
25 CENTRAL FEATURES OF A PROPOSED LAW OR CONSTITUTIONAL
26 AMENDMENT, THE WORD "THAT" AND THE FOLLOWING COLON SHALL BE
27 OMITTED, AND THE BALLOT TITLE SHALL END WITH A QUESTION MARK

1 AFTER THE SINGLE SUBJECT.

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

4 **1-40-115. Ballot - voting - publication.** (2) (a) (I) All ballot
5 issues shall be printed on the official ballot in that order, together with
6 their respective letters and numbers prefixed in bold-faced type. Each
7 ballot shall have the following explanation printed one time at the
8 beginning of such ballot issues: "Ballot issues referred by the general
9 assembly or any political subdivision are listed by letter, and ballot issues
10 initiated by the people are listed numerically. A ballot issue listed as an
11 'amendment' proposes a change to the Colorado constitution, and a ballot
12 issue listed as a 'proposition' proposes a change to the Colorado Revised
13 Statutes. A 'yes' vote on any ballot issue is a vote in favor of changing
14 current law or existing circumstances, and a 'no' vote on any ballot issue
15 is a vote against changing current law or existing circumstances." Each
16 ballot title shall appear on the official ballot but once. For each ballot
17 title that is an amendment, the amendment number or letter shall be
18 immediately followed by the description "(CONSTITUTIONAL)". For
19 each ballot title that is a proposition, the proposition number or letters
20 shall be immediately followed by the description "(STATUTORY)".
21 PRIOR TO THE GENERAL ELECTION HELD IN 2012, each ballot title shall be
22 separated from the other ballot titles next to it by heavy black lines and
23 shall be followed by the words "yes" and "no" with blank spaces to the
24 right and opposite the same as follows:

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

27 YES _____ NO _____

1 (II) BEGINNING WITH THE GENERAL ELECTION HELD IN 2012, EACH
2 BALLOT TITLE SHALL BE SEPARATED FROM THE OTHER BALLOT TITLES
3 NEXT TO IT BY HEAVY BLACK LINES AND SHALL BE FOLLOWED BY THE
4 WORDS "YES/FOR" AND "NO/AGAINST" WITH BLANK SPACES TO THE RIGHT
5 AND OPPOSITE THE SAME AS FOLLOWS:

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

8 YES/FOR _____

9 NO/AGAINST _____

10 **SECTION 7. Safety clause.** The general assembly hereby finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, and safety.