

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

**PREAMENDED**

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

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**

**Roberts**,

---

**House Committees**

State, Veterans, & Military Affairs  
Appropriations

**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 11-1090, 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.** (3.5) FOR ANY ODD- OR EVEN-NUMBERED YEAR ELECTION  
5 BEGINNING WITH THE GENERAL ELECTION HELD IN 2012 IN WHICH A STATE  
6 BALLOT ISSUE OR STATE BALLOT QUESTION IS ON THE BALLOT OF A  
7 PARTICULAR COUNTY, THE STATE SHALL REIMBURSE SUCH COUNTY AT A  
8 RATE OF TWO CENTS PER BALLOT ISSUE OR BALLOT QUESTION FOR EACH  
9 ACTIVE REGISTERED ELECTOR AS OF THE TIME OF THE ELECTION.

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

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

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

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

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

22           **1-40-106.3. Ballot title - form - requirements.** (1) BEGINNING  
23 WITH THE GENERAL ELECTION HELD IN 2012, THE BALLOT TITLE FOR ANY  
24 BALLOT ISSUE SHALL BE CONSISTENT WITH THE REQUIREMENTS SET FORTH  
25 IN THIS SECTION.

26           (2) (a) (I) FOR A PROPOSED LAW THAT IS NOT SUBJECT TO THE  
27 REQUIREMENTS SET FORTH IN SECTION 20 (3) (c) OF ARTICLE X OF THE

1 STATE CONSTITUTION, THE BALLOT TITLE SHALL BEGIN AS FOLLOWS:  
2 "SHALL THERE BE A CHANGE TO THE COLORADO REVISED STATUTES  
3 CONCERNING (THE SINGLE SUBJECT OF THE MEASURE) THAT:".

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

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

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

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

27 (3) (a) THE LANGUAGE REQUIRED BY SUBSECTION (2) OF THIS

1 SECTION SHALL BE IMMEDIATELY FOLLOWED BY A CLEAR AND CONCISE  
2 LIST OF THE CENTRAL FEATURES OF THE PROPOSED LAW OR  
3 CONSTITUTIONAL AMENDMENT. FOR AN INITIATED MEASURE, THE  
4 CENTRAL FEATURES SHALL BE THOSE ITEMS INCLUDED IN THE TITLE. THE  
5 LIST OF THE CENTRAL FEATURES SHALL BE PRESENTED IN THE FOLLOWING  
6 FORMAT:

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

9 (II) EACH ITEM SHALL BEGIN ON A SEPARATE LINE AND SHALL BE  
10 PRECEDED BY A BULLET, WHICH SHALL BE SET AT THE BEGINNING OF THE  
11 LEFT MARGIN;

12 (III) AFTER EACH BULLET THERE SHALL BE A HARD LEFT INDENT  
13 THAT IS THREE CHARACTERS FROM THE LEFT MARGIN;

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

18 (V) THERE SHALL BE AT LEAST ONE-HALF OF ONE LINE OF SPACING  
19 BETWEEN SEPARATE ITEMS IN THE LIST.

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

27 **SECTION 6.** 1-40-115 (2) (a), Colorado Revised Statutes, is

1 amended to read:

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

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

25                                   YES \_\_\_\_\_ NO \_\_\_\_\_

26           (II) BEGINNING WITH THE GENERAL ELECTION HELD IN 2012, EACH  
27 BALLOT TITLE SHALL BE SEPARATED FROM THE OTHER BALLOT TITLES

1 NEXT TO IT BY HEAVY BLACK LINES AND SHALL BE FOLLOWED BY THE  
2 WORDS "YES/FOR" AND "NO/AGAINST" WITH BLANK SPACES TO THE RIGHT  
3 AND OPPOSITE THE SAME AS FOLLOWS:

4 **(HERE SHALL APPEAR THE**  
5 **BALLOT TITLE IN FULL)**

6 YES/FOR \_\_\_\_\_

7 NO/AGAINST \_\_\_\_\_

8 **SECTION 7. 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.