

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 11-0233.02 Ed DeCecco

HOUSE BILL 11-1304

HOUSE SPONSORSHIP

Szabo, Court, Acree, Baumgardner, Becker, Beezley, Bradford, Brown, Casso, Coram, DelGrosso, Fields, Gardner D., Hamner, Kerr A., Kerr J., Lee, Levy, Liston, Looper, McNulty, Miklosi, Peniston, Priola, Ryden, Schafer S., Scott, Solano, Soper, Swerdfeger, Todd, Williams A., Wilson

SENATE SPONSORSHIP

Cadman, Johnston, Grantham

House Committees
State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT THE BALLOT TITLE OF A**
102 **STATEWIDE MEASURE BE WRITTEN IN PLAIN LANGUAGE.**

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>.)

Section 1 of the bill requires the title board, when setting a title for a proposed initiated law or constitutional amendment, to write the title, to the extent possible, in plain, nontechnical language and in a clear and coherent manner using words with common and everyday meaning that are understandable to the average reader. **Section 2** requires the same

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.

HOUSE
Amended 2nd Reading
May 5, 2011

standard for the ballot title of a statewide referred measure.

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

2 **SECTION 1.** 1-40-106 (3) (b), Colorado Revised Statutes, is
3 amended, and the said 1-40-106 is further amended BY THE ADDITION
4 OF THE FOLLOWING NEW SUBSECTIONS, to read:

5 **1-40-106. Title board - meetings - titles and submission clause.**

6 (3) (b) In setting a title, the title board shall consider the public confusion
7 that might be caused by misleading titles and shall, whenever practicable,
8 avoid titles for which the general understanding of the effect of a "yes"
9 or "no" vote will be unclear. The title for the proposed law or
10 constitutional amendment, which shall, TO THE EXTENT POSSIBLE, BE
11 WRITTEN IN PLAIN, NONTECHNICAL LANGUAGE AND IN A CLEAR AND
12 COHERENT MANNER USING WORDS WITH COMMON AND EVERYDAY
13 MEANING THAT ARE UNDERSTANDABLE TO THE AVERAGE READER AND
14 WHICH SHALL correctly and fairly express the true intent and meaning
15 thereof, together with the ballot title and submission clause, shall be
16 completed within two weeks after the first meeting of the title board.
17 Immediately upon completion, the secretary of state shall deliver the same
18 with the original to the parties presenting it, keeping the copy with a
19 record of the action taken thereon. Ballot titles shall be brief, shall not
20 conflict with those selected for any petition previously filed for the same
21 election, and shall be in the form of a question which may be answered
22 "yes" (to vote in favor of the proposed law or constitutional amendment)
23 or "no" (to vote against the proposed law or constitutional amendment)
24 and which shall unambiguously state the principle of the provision sought
25 to be added, amended, or repealed.

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

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

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

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

25 (b) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION (4),
26 THE WORD "CONCERNING" MAY BE OMITTED FROM A BALLOT TITLE IF THE
27 SINGLE SUBJECT MAY BE EXPRESSED WITHOUT IT.

1 (5) (a) THE LANGUAGE REQUIRED BY SUBSECTION (4) OF THIS
2 SECTION SHALL BE IMMEDIATELY FOLLOWED BY A CLEAR AND CONCISE
3 LIST OF THE CENTRAL FEATURES OF THE PROPOSED LAW OR
4 CONSTITUTIONAL AMENDMENT. EACH ITEM IN THE LIST SHALL BEGIN WITH
5 A SINGULAR, PRESENT-TENSE VERB AND EACH ITEM SHALL END WITH A
6 SEMICOLON; EXCEPT THAT THE PENULTIMATE ITEM SHALL END WITH A
7 SEMICOLON FOLLOWED BY THE APPROPRIATE CONJUNCTION, AND THE LAST
8 ITEM SHALL END WITH A QUESTION MARK.

9 (b) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION (5)
10 AND PARAGRAPH (a) OF SUBSECTION (4) OF THIS SECTION, IF THE SINGLE
11 SUBJECT EXPRESSED IN THE BALLOT TITLE IS ITSELF A DESCRIPTION OF THE
12 CENTRAL FEATURES OF A PROPOSED LAW OR CONSTITUTIONAL
13 AMENDMENT, THE WORD "THAT" AND THE FOLLOWING COLON SHALL BE
14 OMITTED, AND THE BALLOT TITLE SHALL END WITH A QUESTION MARK
15 AFTER THE SINGLE SUBJECT.

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

18 **1-40-115. Ballot - voting - publication.** (2) (a) (I) All ballot
19 issues shall be printed on the official ballot in that order, together with
20 their respective letters and numbers prefixed in bold-faced type. Each
21 ballot shall have the following explanation printed one time at the
22 beginning of such ballot issues: "Ballot issues referred by the general
23 assembly or any political subdivision are listed by letter, and ballot issues
24 initiated by the people are listed numerically. A ballot issue listed as an
25 'amendment' proposes a change to the Colorado constitution, and a ballot
26 issue listed as a 'proposition' proposes a change to the Colorado Revised
27 Statutes. A 'yes' vote on any ballot issue is a vote in favor of changing

1 current law or existing circumstances, and a 'no' vote on any ballot issue
2 is a vote against changing current law or existing circumstances." Each
3 ballot title shall appear on the official ballot but once. For each ballot
4 title that is an amendment, the amendment number or letter shall be
5 immediately followed by the description "(CONSTITUTIONAL)". For
6 each ballot title that is a proposition, the proposition number or letters
7 shall be immediately followed by the description "(STATUTORY)".
8 PRIOR TO THE GENERAL ELECTION HELD IN 2012, each ballot title shall be
9 separated from the other ballot titles next to it by heavy black lines and
10 shall be followed by the words "yes" and "no" with blank spaces to the
11 right and opposite the same as follows:

12 **(HERE SHALL APPEAR THE**
13 **BALLOT TITLE IN FULL)**

14 YES _____ NO _____

15 (II) BEGINNING WITH THE GENERAL ELECTION HELD IN 2012, EACH
16 BALLOT TITLE SHALL BE FOLLOWED BY THE WORDS "YES/FOR" AND
17 "NO/AGAINST", ALONG WITH A PLACE FOR THE ELIGIBLE ELECTOR TO
18 DESIGNATE HIS OR HER CHOICE BY A MARK AS INSTRUCTED.

19 **SECTION 3.** Part 8 of article 2 of title 2, Colorado Revised
20 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
21 read:

22 **2-2-801.5. Plain language requirement - referred measure -**
23 **ballot title.** ANY PERSON, INCLUDING MEMBERS OF THE GENERAL
24 ASSEMBLY AND THE OFFICE OF LEGISLATIVE LEGAL SERVICES, WHO
25 PREPARES OR PROPOSES A BALLOT TITLE OF A STATEWIDE REFERRED
26 MEASURE, OR AN AMENDMENT TO THE BALLOT TITLE, SHALL ENSURE THAT,
27 TO THE EXTENT POSSIBLE, THE BALLOT TITLE IS WRITTEN IN PLAIN,

1 NONTECHNICAL LANGUAGE AND IN A CLEAR AND COHERENT MANNER
2 USING WORDS WITH COMMON AND EVERYDAY MEANING THAT ARE
3 UNDERSTANDABLE TO THE AVERAGE READER. A BALLOT TITLE OF A
4 STATEWIDE REFERRED MEASURE SHALL BE IN THE SAME FORM AS A
5 BALLOT TITLE FOR AN INITIATIVE AS REQUIRED PURSUANT TO SECTION
6 1-40-106 (4) AND (5), C.R.S. ADOPTION BY THE GENERAL ASSEMBLY OF
7 THE STATEWIDE REFERRED MEASURE SHALL CREATE A PRESUMPTION THAT
8 THE BALLOT TITLE INCLUDED THEREIN CONFORMS TO THIS SECTION.

9 **SECTION 4. Act subject to petition - effective date.** This act
10 shall take effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly (August
12 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
13 referendum petition is filed pursuant to section 1 (3) of article V of the
14 state constitution against this act or an item, section, or part of this act
15 within such period, then the act, item, section, or part shall not take effect
16 unless approved by the people at the general election to be held in
17 November 2012 and shall take effect on the date of the official
18 declaration of the vote thereon by the governor.