

Second 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. 12-0016.01 Ed DeCecco x4216

HOUSE BILL 12-1089

HOUSE SPONSORSHIP

Court,

SENATE SPONSORSHIP

Steadman,

House Committees
State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE SPECIFIC WORDING RELATED TO A STATEWIDE
102 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>.)

For a statewide ballot title for an initiated or referred measure that, after the statement of the single subject, specifies the central features, **section 2** of the bill replaces the introductory phrase "and, in connection therewith" with the term "that". Section 2 also requires a proposition to be described in a ballot title as a "change to the Colorado Revised

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
2nd Reading Unamended
February 10, 2012

Statutes" and an amendment as an "amendment to the Colorado constitution".

Section 3 of the bill expands the "yes" and "no" responses to a ballot title that are currently used on the ballot to "YES/FOR" and "NO/AGAINST". Sections 2, 3, and 4 of the bill include conforming amendments related to these response changes.

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

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

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

(b) Colorado courts have frequently interpreted this constitutional single-subject requirement; and

(c) Nothing in this act changes any constitutional requirement related to a ballot title or any court interpretation of the requirement.

SECTION 2. In Colorado Revised Statutes, 1-40-106, **amend** (3) (b); and **add** (3) (c) and (3) (d) as follows:

1-40-106. Title board - meetings - ballot title - initiative and referendum. (3) (b) In setting a title, the title board shall consider the public confusion that might be caused by misleading titles and shall, whenever practicable, avoid titles for which the general understanding of the effect of a "yes" "YES/FOR" or "no" "NO/AGAINST" vote will be unclear. The title for the proposed law or constitutional amendment, which shall correctly and fairly express the true intent and meaning thereof, together with the ballot title and submission clause, shall be

1 completed within two weeks after the first meeting of the title board.
2 Immediately upon completion, the secretary of state shall deliver the same
3 with the original to the designated representatives of the proponents,
4 keeping the copy with a record of the action taken thereon. Ballot titles
5 shall be brief, shall not conflict with those selected for any petition
6 previously filed for the same election, and, shall be in the form of a
7 question which may be answered "~~yes~~" "YES/FOR" (to vote in favor of the
8 proposed law or constitutional amendment) or "~~no~~" "NO/AGAINST" (to
9 vote against the proposed law or constitutional amendment) and which
10 shall unambiguously state the principle of the provision sought to be
11 added, amended, or repealed.

12 (c) (I) IF, AFTER THE STATEMENT OF THE SINGLE SUBJECT, A
13 BALLOT TITLE SPECIFIES THE CENTRAL FEATURES OF A PROPOSED LAW OR
14 CONSTITUTIONAL AMENDMENT, THE TITLE BOARD SHALL INTRODUCE THE
15 CENTRAL FEATURES WITH THE TERM "THAT" AND NOT USE THE PHRASE
16 "AND, IN CONNECTION THEREWITH,".

17 (II) IN ORDER TO AVOID CONFUSION BETWEEN A PROPOSITION AND
18 AN AMENDMENT, AS SUCH TERMS ARE USED IN SECTION 1-5-407 (5) (b),
19 THE TITLE BOARD SHALL DESCRIBE A PROPOSITION IN A BALLOT TITLE AS
20 A "CHANGE TO THE COLORADO REVISED STATUTES" AND AN AMENDMENT
21 AS AN "AMENDMENT TO THE COLORADO CONSTITUTION".

22 (d) A BALLOT TITLE FOR A STATEWIDE REFERRED MEASURE MUST
23 BE IN THE SAME FORM AS A BALLOT TITLE FOR AN INITIATIVE AS REQUIRED
24 BY PARAGRAPH (c) OF THIS SUBSECTION (3).

25 **SECTION 3.** In Colorado Revised Statutes, 1-40-115, **amend** (2)
26 (a) and (3) as follows:

27 **1-40-115. Ballot - voting - publication.** (2) (a) All ballot issues

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

21 ~~(HERE SHALL APPEAR THE~~
22 ~~BALLOT TITLE IN FULL)~~

23 YES _____ NO _____

24 "YES/FOR" AND "NO/AGAINST", ALONG WITH A PLACE FOR AN
25 ELIGIBLE ELECTOR TO DESIGNATE HIS OR HER CHOICE BY A MARK AS
26 INSTRUCTED.

27 (3) A voter desiring to vote for the measure shall ~~make a cross~~

1 ~~mark (X) in the blank space to the right and opposite the word "yes"~~
2 DESIGNATE HIS OR HER CHOICE BY A MARK IN THE PLACE FOR "YES/FOR";
3 a voter desiring to vote against the measure shall ~~make a cross mark (X)~~
4 ~~in the blank space to the right and opposite the word "no"~~ DESIGNATE HIS
5 OR HER CHOICE BY A MARK IN THE PLACE FOR "NO/AGAINST"; and the votes
6 marked shall be counted accordingly. Any measure approved by the
7 people of the state shall be printed with the acts of the next general
8 assembly.

9 **SECTION 4.** In Colorado Revised Statutes, **amend** 1-40-126 as
10 follows:

11 **1-40-126. Explanation of effect of "yes/for" or "no/against"**
12 **vote included in notices provided by mailing or publication.** In any
13 notice to electors provided by the director of research of the legislative
14 council, whether by mailing pursuant to section 1-40-124.5 or publication
15 pursuant to section 1-40-124, there shall be included the following
16 explanation preceding any information about individual ballot issues: "A
17 ~~'yes'~~ 'YES/FOR' vote on any ballot issue is a vote in favor of changing
18 current law or existing circumstances, and a ~~'no'~~ 'NO/AGAINST' vote on any
19 ballot issue is a vote against changing current law or existing
20 circumstances."

21 **SECTION 5. Effective date.** This act takes effect May 1, 2012;
22 except that section 1-40-106 (3) (b), Colorado Revised Statutes, as
23 amended in section 2 of this act, and sections 3 and 4 of this act take
24 effect January 1, 2013.

25 **SECTION 6. Safety clause.** The general assembly hereby finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, and safety.