

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 12-0707.01 Ed DeCecco x4216

HOUSE BILL 12-1313

HOUSE SPONSORSHIP

Szabo,

SENATE SPONSORSHIP

Bacon,

House Committees
State, Veterans, & Military Affairs

Senate Committees
State, Veterans & Military Affairs

SENATE
3rd Reading Unam ended
April 13, 2012

SENATE
2nd Reading Unam ended
April 12, 2012

A BILL FOR AN ACT

101 **CONCERNING PROCEDURES RELATED TO THE STATEWIDE INITIATIVE**
102 **TITLE BOARD.**

HOUSE
3rd Reading Unam ended
March 21, 2012

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>.)

The bill makes the following changes related to the statewide initiative title board:

- ! Clarifies the authority of the secretary of state and attorney general to designate a representative to serve on the title board;

HOUSE
2nd Reading Unam ended
March 20, 2012

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.

- ! Requires a person who submits a motion for rehearing to the title board to specify the grounds for the rehearing and requires the motion to be typewritten;
- ! Specifies that after the title board takes action on a motion for rehearing, no further motions for rehearing may be heard; and
- ! Codifies case law that appeals of title board decisions must be filed with the Colorado supreme court within 5 business days.

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

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

4 **1-40-106. Title board - meetings - titles and submission clause.**

5 (1) For ballot issues, beginning with the first submission of a draft after
6 an election, the secretary of state shall convene a title board consisting of
7 the secretary of state, the attorney general, and the director of the office
8 of legislative legal services or ~~the director's designee~~ THEIR DESIGNEES.
9 The title board, by majority vote, shall proceed to designate and fix a
10 proper fair title for each proposed law or constitutional amendment,
11 together with a submission clause, at public meetings to be held at the
12 hour determined by the title board on the first and third Wednesdays of
13 each month in which a draft or a motion for reconsideration has been
14 submitted to the secretary of state. To be considered at such meeting, a
15 draft shall be submitted to the secretary of state no later than 3 p.m. on the
16 twelfth day before the meeting at which the draft is to be considered by
17 the title board, and the designated representatives of the proponents must
18 comply with the requirements of subsection (4) of this section. The first
19 meeting of the title board shall be held no sooner than the first
20 Wednesday in December after an election, and the last meeting shall be

1 held no later than the third Wednesday in April in the year in which the
2 measure is to be voted on.

3 (3) (b) In setting a title, the title board shall consider the public
4 confusion that might be caused by misleading titles and shall, whenever
5 practicable, avoid titles for which the general understanding of the effect
6 of a "yes" or "no" vote will be unclear. The title for the proposed law or
7 constitutional amendment, which shall correctly and fairly express the
8 true intent and meaning thereof, together with the ballot title and
9 submission clause, shall be completed, EXCEPT AS OTHERWISE REQUIRED
10 BY SECTION 1-40-107, within two weeks after the first meeting of the title
11 board. Immediately upon completion, the secretary of state shall deliver
12 the same with the original to the designated representatives of the
13 proponents, keeping the copy with a record of the action taken thereon.
14 Ballot titles shall be brief, shall not conflict with those selected for any
15 petition previously filed for the same election, and shall be in the form of
16 a question which may be answered "yes" (to vote in favor of the proposed
17 law or constitutional amendment) or "no" (to vote against the proposed
18 law or constitutional amendment) and which shall unambiguously state
19 the principle of the provision sought to be added, amended, or repealed.

20 **SECTION 2.** In Colorado Revised Statutes, 1-40-107, **amend** (1)
21 and (2) as follows:

22 **1-40-107. Rehearing - appeal - fees - signing.** (1) (a) Any
23 person presenting an initiative petition or any registered elector who is not
24 satisfied with a decision of the title board with respect to whether a
25 petition contains more than a single subject pursuant to section
26 1-40-106.5, or who is not satisfied with the titles and submission clause
27 provided by the title board and who claims that they are unfair or that they

1 do not fairly express the true meaning and intent of the proposed state law
2 or constitutional amendment may file a motion for a rehearing with the
3 secretary of state within seven days after the decision is made or the titles
4 and submission clause are set.

5 (b) A MOTION FOR REHEARING MUST BE TYPEWRITTEN AND SET
6 FORTH WITH PARTICULARITY THE GROUNDS FOR REHEARING. IF THE
7 MOTION CLAIMS THAT THE PETITION CONTAINS MORE THAN A SINGLE
8 SUBJECT, THEN THE MOTION MUST, AT A MINIMUM, INCLUDE A SHORT AND
9 PLAIN STATEMENT OF THE REASONS FOR THE CLAIM. IF THE MOTION
10 CLAIMS THAT THE TITLE AND SUBMISSION CLAUSE SET BY THE TITLE
11 BOARD ARE UNFAIR OR THAT THEY DO NOT FAIRLY EXPRESS THE TRUE
12 MEANING AND INTENT OF THE PROPOSED STATE LAW OR CONSTITUTIONAL
13 AMENDMENT, THEN THE MOTION MUST IDENTIFY THE SPECIFIC WORDING
14 THAT IS CHALLENGED.

15 (c) The motion for rehearing shall be heard at the next regularly
16 scheduled meeting of the title board; except that, if the title board is
17 unable to complete action on all matters scheduled for that day,
18 consideration of any motion for rehearing may be continued to the next
19 available day, and except that, if the titles and submission clause protested
20 were set at the last meeting in April, the motion shall be heard within
21 forty-eight hours after the expiration of the seven-day period for the filing
22 of such motions. THE DECISION OF THE TITLE BOARD ON ANY MOTION FOR
23 REHEARING SHALL BE FINAL, EXCEPT AS PROVIDED IN SUBSECTION (2) OF
24 THIS SECTION, AND NO FURTHER MOTION FOR REHEARING MAY BE FILED OR
25 CONSIDERED BY THE TITLE BOARD.

26 (2) If any person presenting an initiative petition for which a
27 motion for a rehearing is filed, any registered elector who filed a motion

1 for a rehearing pursuant to subsection (1) of this section, or any other
2 registered elector who appeared before the title board in support of or in
3 opposition to a motion for rehearing is not satisfied with the ruling of the
4 title board upon the motion, then the secretary of state shall furnish such
5 person, upon request, a certified copy of the petition with the titles and
6 submission clause of the proposed law or constitutional amendment,
7 together with a certified copy of the motion for rehearing and of the
8 ruling thereon. If filed with the clerk of the supreme court within five
9 BUSINESS days thereafter, the matter shall be disposed of promptly,
10 consistent with the rights of the parties, either affirming the action of the
11 title board or reversing it, in which latter case the court shall remand it
12 with instructions, pointing out where the title board is in error.

13 **SECTION 3. 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.