A BILL FOR AN ACT

CONCERNING INITIATIVE POWERS GRANTED TO THE REGISTERED ELECTORS OF COUNTY GOVERNMENTS.

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 makes the powers of a county subject to the rights of the registered electors of county governments to exercise the power of initiative granted to them by the bill.

Section 2 of the bill grants to the registered electors of every county of the state, including the residents of any unincorporated portion of such county, initiative powers similar to those reserved by the people...
of the state under the state constitution with respect to all countywide legislation of every character in and for their respective counties. The initiative powers granted by the bill also extend to the registered electors of any special taxing district created by a county with respect to all legislation of every character in and for such district.

In order to exercise the right of initiative granted by the bill, the registered electors of a county acting as the petitioners of the proposed initiative may submit a proposed ordinance or other form of legislation (proposed ordinance) to the board of county commissioners of the county (county board) by filing written notice of the proposed ordinance with the county clerk and recorder. Within 180 days after the notice, the petitioners are required to file with the county clerk and recorder an initiative petition signed by at least 5% of the registered electors of the entire county voting in the last general election. However, if the proposed ordinance affects only a geographic portion of the entire county, the number of signatures required is equal to 5% of the registered electors in only the affected geographic portion of the county.

Section 2 of the bill also specifies duties placed upon the county clerk and recorder in determining whether the signature requirement has been met, certifying the text of the proposed ordinance, and determining whether only a geographic portion of the county is affected by the proposed ordinance.

The proposed ordinance may be adopted without alteration by the county board within 20 days following the final determination that the petition is legally sufficient. If the county board fails to adopt the proposed ordinance, the bill requires the legislative body to publish the proposed ordinance in the same manner as other ordinances or forms of legislation are published and to refer the proposed ordinance to the registered electors of the county for their approval or rejection at a regular or special election held not less than 60 days and not more than 150 days after final determination of the sufficiency of the petition. If the proposed ordinance affects only a geographic portion of the county, the proposed ordinance must be referred to only those registered electors residing within the affected geographic portion of the county.

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

SECTION 1. In Colorado Revised Statutes, amend 30-11-103 as follows:

30-11-103. Commissioners to exercise powers of county. The powers of a county as a body politic and corporate shall be exercised by
a board of county commissioners therefor SUBJECT TO THE RIGHTS OF THE
REGISTERED ELECTORS OF COUNTY GOVERNMENTS TO EXERCISE THE
POWER OF INITIATIVE GRANTED TO THEM BY SECTION 30-11-103.5.

SECTION 2. In Colorado Revised Statutes, amend 30-11-103.5 as follows:

30-11-103.5. Right of initiative of county residents - how exercised - petitions and referred measures. (1) (a) The registered
electors of every county of the state, including the residents of
any unincorporated portion of such county, possess initiative
powers similar to those reserved by the people by section 1 of
article V of the state constitution with respect to all
countywide legislation of every character in and for their
respective counties. The initiative powers granted by this
subsection (1) also extend to the registered electors of any
special taxing district created by a county with respect to all
legislation of every character in and for such district.

(b) In order to exercise the right of initiative granted by
paragraph (a) of this subsection (1), the registered electors of a
county acting as the petitioners of the proposed initiative may
submit a proposed ordinance or other form of legislation to the
board of county commissioners of the county by filing written
notice of the proposed ordinance or other legislation with the
clerk and recorder of the county. The notice must also advise
the clerk if the proposed ordinance or other legislation affects
all of the county or only a geographic portion of the county
and, if the latter, the notice must identify the geographic
portion of the county that the petitioners believe is affected by

(c) THE PROPOSED ORDINANCE OR OTHER FORM OF LEGISLATION MAY BE ADOPTED WITHOUT ALTERATION BY THE BOARD OF COUNTY COMMISSIONERS WITHIN TWENTY DAYS FOLLOWING THE FINAL DETERMINATION THAT THE PETITION SATISFIES THE REQUIREMENTS OF
PARAGRAPH (b) OF THIS SUBSECTION (1). IF THE BOARD OF COUNTY
COMMISSIONERS FAILS TO ADOPT THE PROPOSED ORDINANCE OR OTHER
FORM OF LEGISLATION, THE LEGISLATIVE BODY SHALL PUBLISH THE
PROPOSED ORDINANCE OR OTHER FORM OF LEGISLATION IN THE SAME
MANNER AS OTHER ORDINANCES OR FORMS OF LEGISLATION ARE
PUBLISHED AND SHALL REFER THE PROPOSED ORDINANCE OR OTHER FORM
OF LEGISLATION IN THE FORM SPECIFIED IN THE PETITION TO THE
REGISTERED ELECTORS OF THE COUNTY FOR THEIR APPROVAL OR
REJECTION AT A REGULAR OR SPECIAL ELECTION HELD NOT LESS THAN
SIXTY DAYS AND NOT MORE THAN ONE HUNDRED FIFTY DAYS AFTER FINAL
DETERMINATION OF THE SUFFICIENCY OF THE PETITION. IF THE PROPOSED
ORDINANCE OR OTHER FORM OF LEGISLATION AFFECTS ONLY A
GEOGRAPHIC PORTION OF THE COUNTY, THE PROPOSED ORDINANCE OR
OTHER FORM OF LEGISLATION MUST BE REFERRED TO ONLY THOSE
REGISTERED ELECTORS RESIDING WITHIN THE GEOGRAPHIC PORTION OF
THE COUNTY AFFECTED BY THE PROPOSED ORDINANCE OR OTHER FORM OF
LEGISLATION AS CERTIFIED BY THE COUNTY CLERK AND RECORDER.

(d) The proposed ordinance or other form of legislation
takes effect if a majority of the registered electors voting on
the measure at the election vote in favor of the proposed
ordinance or other form of legislation. Alternative ordinances
or other forms of legislation may be submitted at the same
election, and if two or more conflicting ordinances or other
forms of legislation are approved by the electors, the one that
receives the greatest number of affirmative votes must be
adopted concerning any matter as to which there is a conflict
between or among the proposed ordinances or other forms of
LEGISLATION.

(2) The procedures for placing an issue or question on the ballot by a petition of the electors of a county that is pursuant to statute or the state constitution or that a board of county commissioners may refer to a vote of the electors pursuant to statute or the state constitution shall, to the extent no such procedures are prescribed by statute, charter, or the state constitution, follow as nearly as practicable the procedures for municipal initiatives and referred measures under part 1 of article 11 of title 31, C.R.S. The county clerk and recorder shall resolve any questions about the applicability of the procedures in part 1 of article 11 of title 31, C.R.S.

SECTION 3. Effective date. This act takes effect July 1, 2016. 

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.