

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

INTRODUCED

LLS NO. 01-0560.01 Bob Lackner

HOUSE BILL 01-1121

HOUSE SPONSORSHIP

Hodge

SENATE SPONSORSHIP

(None)

House Committees
Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING COUNTYWIDE BALLOT ISSUES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Grants county electors initiative and referendum powers with respect to countywide issues. With respect to such powers:

- Requires notice of a proposed county ordinance to be filed with the board of county commissioners;
- Requires an initiative petition signed by the registered electors of the county in an amount equal to at least 5% of the total number of votes cast for the clerk and recorder of the county at the previous general election to be filed with the board of county commissioners within a specified

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.*

- number of days after the filing of such notice;
- States the procedures for determining the sufficiency of such a petition;
- Requires the board of county commissioners to adopt a proposed ordinance within a specified number of days after the final determination of a petition's sufficiency or submit the proposed ordinance to the registered electors of the county at an election held during a specified period after the final determination of petition sufficiency;
- States that, if conflicting ordinances are approved by the registered electors of the county, the ordinance receiving the most affirmative votes shall be adopted in all particulars in which there is a conflict;
- States that a referendum petition protesting a county ordinance or portion thereof signed by the registered electors of a county in an amount equal to at least 5% of the total number of votes cast for the clerk and recorder of the county at the previous general election may be filed with the county clerk and recorder within a specified number of days after the final publication of the ordinance;
- Requires the board of county commissioners to reconsider such ordinance within a specified number of days after the final determination of a referendum petition's sufficiency or submit the ordinance to the registered electors of the county at an election held during a specified period after the final determination of petition sufficiency;
- Prescribes the form of initiative and referendum petitions and the signatures to be attached thereto;
- Requires a person circulating a petition to personally circulate the petition and to be a registered elector of at least 18 years of age;
- States procedures for petition signature verification;
- States procedures for protesting petitions and resolving such protests;
- States that county initiative and referendum petitions are not election materials and therefore need only be printed in English;
- Requires the proponents of a petition to file a report with the county clerk and recorder disclosing the amount per signature and the total amount paid to each circulator of a petition;
- Makes certain activities unlawful in connection with circulating, gathering signatures on, and filing of initiative and referendum petitions; and prescribes procedures for enforcement and penalties for engaging in such unlawful

1 APPLY TO:

2 (a) COUNTYWIDE INITIATIVES, REFERENDA, AND REFERRED
3 MEASURES;

4 (b) THOSE ISSUES OR QUESTIONS THAT MAY BE PLACED ON THE
5 BALLOT BY PETITION OF THE ELECTORS PURSUANT TO STATUTE TO THE
6 EXTENT NO PROCEDURE IS PRESCRIBED BY STATUTE.

7 (2) THIS ARTICLE SHALL NOT APPLY TO A COUNTYWIDE INITIATIVE,
8 REFERENDUM, OR REFERRED MEASURE IF PROCEDURES FOR THE EXERCISE
9 OF THE INITIATIVE OR REFERENDUM POWERS RELATED TO SUCH INITIATIVE,
10 REFERENDUM, OR REFERRED MEASURE ARE SET FORTH IN A STATUTE OR
11 CONSTITUTIONAL PROVISION OUTSIDE OF THIS ARTICLE.

12 **30-9-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
13 CONTEXT OTHERWISE REQUIRES:

14 (1) "BALLOT TITLE" MEANS THE LANGUAGE THAT IS PRINTED ON
15 THE BALLOT THAT IS COMPRISED OF THE SUBMISSION CLAUSE AND THE
16 TITLE.

17 (2) "CLERK" MEANS THE COUNTY CLERK AND RECORDER OF THE
18 COUNTY IN WHICH AN INITIATIVE OR REFERENDUM PETITION IS FILED OR A
19 REFERRED MEASURE IS REFERRED TO THE ELECTORS.

20 (3) "FINAL DETERMINATION OF PETITION SUFFICIENCY" MEANS THE
21 DATE FOLLOWING PASSAGE OF THE PERIOD WITHIN WHICH A PROTEST MUST
22 BE FILED PURSUANT TO SECTION 30-9-111 OR THE DATE ON WHICH ANY
23 PROTEST FILED PURSUANT TO SECTION 30-9-111 RESULTS IN A FINDING OF
24 SUFFICIENCY, WHICHEVER IS LATER.

25 (4) "PETITION SECTION" MEANS THE STAPLED OR OTHERWISE
26 BOUND PACKAGE OF DOCUMENTS DESCRIBED IN SECTION 30-9-107.

27 (5) "SUBMISSION CLAUSE" MEANS THE LANGUAGE THAT IS

1 ATTACHED TO THE TITLE TO FORM A QUESTION THAT CAN BE ANSWERED BY
2 "YES" OR "NO".

3 (6) "TITLE" MEANS A BRIEF STATEMENT THAT FAIRLY AND
4 ACCURATELY REPRESENTS THE TRUE INTENT AND MEANING OF THE
5 PROPOSED INITIATIVE, REFERENDUM, OR REFERRED MEASURE.

6 **30-9-104. Grant of initiative and referendum power.** INITIATIVE
7 AND REFERENDUM POWERS SIMILAR TO THOSE RESERVED TO THE PEOPLE BY
8 SECTION 1 OF ARTICLE V OF THE STATE CONSTITUTION ARE HEREBY
9 GRANTED TO THE REGISTERED ELECTORS OF EVERY COUNTY OF THE STATE
10 AS TO ALL COUNTYWIDE LEGISLATION OF EVERY CHARACTER IN OR FOR
11 THEIR RESPECTIVE COUNTIES. THE MANNER OF EXERCISING SAID POWERS
12 SHALL BE PRESCRIBED BY GENERAL LAWS AS PROVIDED IN THIS ARTICLE.

13 **30-9-105. Ordinances - initiative - conflicting measures.**

14 (1) ANY PROPOSED ORDINANCE MAY BE SUBMITTED TO THE BOARD OF
15 COUNTY COMMISSIONERS OF ANY COUNTY BY FILING WRITTEN NOTICE OF
16 THE PROPOSED ORDINANCE WITH THE CLERK AND, WITHIN ONE HUNDRED
17 EIGHTY DAYS AFTER THE NOTICE, BY FILING AN INITIATIVE PETITION SIGNED
18 BY THE REGISTERED ELECTORS OF THE COUNTY IN AN AMOUNT EQUAL TO
19 AT LEAST FIVE PERCENT OF THE NUMBER OF VOTES CAST FOR THE CLERK
20 AND RECORDER OF THE COUNTY AT THE PREVIOUS GENERAL ELECTION.
21 THE PROPOSED ORDINANCE MAY BE ADOPTED WITHOUT ALTERATION BY
22 THE BOARD WITHIN TWENTY DAYS FOLLOWING THE FINAL DETERMINATION
23 OF PETITION SUFFICIENCY. IF THE PROPOSED ORDINANCE IS NOT ADOPTED
24 BY THE BOARD, THE BOARD SHALL FORTHWITH PUBLISH THE PROPOSED
25 ORDINANCE AS OTHER ORDINANCES ARE PUBLISHED AND SHALL REFER THE
26 PROPOSED ORDINANCE, IN THE FORM PETITIONED FOR, TO THE REGISTERED
27 ELECTORS OF THE COUNTY AT A REGULAR OR SPECIAL ELECTION HELD NOT

1 LESS THAN SIXTY DAYS AND NOT MORE THAN ONE HUNDRED FIFTY DAYS
2 AFTER THE FINAL DETERMINATION OF PETITION SUFFICIENCY UNLESS
3 OTHERWISE REQUIRED BY THE STATE CONSTITUTION. THE ORDINANCE
4 SHALL NOT TAKE EFFECT UNLESS A MAJORITY OF THE REGISTERED
5 ELECTORS VOTING ON THE MEASURE AT THE ELECTION VOTE IN FAVOR OF
6 THE MEASURE.

7 (2) ALTERNATIVE ORDINANCES MAY BE SUBMITTED AT THE SAME
8 ELECTION, AND, IF TWO OR MORE CONFLICTING MEASURES ARE APPROVED
9 BY THE REGISTERED ELECTORS OF THE COUNTY, THE ONE THAT RECEIVES
10 THE GREATEST NUMBER OF AFFIRMATIVE VOTES SHALL BE ADOPTED IN ALL
11 PARTICULARS AS TO WHICH THERE IS A CONFLICT.

12 **30-9-106. Ordinances - when effective - referendum.** (1) NO
13 ORDINANCE PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF ANY
14 COUNTY SHALL TAKE EFFECT BEFORE THIRTY DAYS AFTER ITS FINAL
15 PASSAGE AND PUBLICATION, EXCEPT AN ORDINANCE CALLING FOR A
16 SPECIAL ELECTION OR NECESSARY TO THE IMMEDIATE PRESERVATION OF
17 THE PUBLIC PEACE, HEALTH, OR SAFETY, AND NOT THEN UNLESS THE
18 ORDINANCE STATES IN A SEPARATE SECTION THE REASONS WHY IT IS
19 NECESSARY AND UNLESS IT RECEIVES THE AFFIRMATIVE VOTE OF TWO
20 MEMBERS OF A THREE-MEMBER BOARD OF COUNTY COMMISSIONERS OR
21 FOUR MEMBERS OF A FIVE-MEMBER BOARD OF COUNTY COMMISSIONERS,
22 WHICHEVER IS APPLICABLE, TAKEN BY AYES AND NOES.

23 (2) WITHIN THIRTY DAYS AFTER FINAL PUBLICATION OF THE
24 ORDINANCE, A REFERENDUM PETITION PROTESTING AGAINST THE EFFECT OF
25 THE ORDINANCE OR ANY PART THEREOF MAY BE FILED WITH THE CLERK.
26 THE PETITION MUST BE SIGNED DURING THE THIRTY-DAY PERIOD BY THE
27 REGISTERED ELECTORS OF THE COUNTY IN AN AMOUNT EQUAL TO AT LEAST

1 FIVE PERCENT OF THE TOTAL NUMBER OF VOTES CAST FOR THE CLERK AND
2 RECORDER OF THE COUNTY AT THE PREVIOUS GENERAL ELECTION.

3 (3) IF A REFERENDUM PETITION IS FILED, THE ORDINANCE OR PART
4 THEREOF PROTESTED AGAINST SHALL NOT TAKE EFFECT, AND, UPON A FINAL
5 DETERMINATION OF PETITION SUFFICIENCY, THE BOARD OF COUNTY
6 COMMISSIONERS SHALL PROMPTLY RECONSIDER THE ORDINANCE. IF THE
7 PETITION IS DECLARED NOT SUFFICIENT BY THE CLERK OR FOUND NOT
8 SUFFICIENT IN A PROTEST, THE ORDINANCE SHALL FORTHWITH TAKE EFFECT
9 UNLESS OTHERWISE PROVIDED THEREIN.

10 (4) IF, UPON RECONSIDERATION, THE ORDINANCE OR PART THEREOF
11 PROTESTED IS NOT REPEALED, THE BOARD OF COUNTY COMMISSIONERS
12 SHALL SUBMIT IT TO A VOTE OF THE REGISTERED ELECTORS OF THE COUNTY
13 AT A REGULAR OR SPECIAL ELECTION HELD NOT LESS THAN SIXTY DAYS AND
14 NOT MORE THAN ONE HUNDRED FIFTY DAYS AFTER THE FINAL
15 DETERMINATION OF PETITION SUFFICIENCY UNLESS OTHERWISE REQUIRED
16 BY THE STATE CONSTITUTION. THE ORDINANCE OR PART THEREOF SHALL
17 NOT TAKE EFFECT UNLESS A MAJORITY OF THE REGISTERED ELECTORS
18 VOTING ON IT AT THE ELECTION VOTE IN FAVOR OF IT.

19 **30-9-107. Form of petition sections.** (1) EACH INITIATIVE OR
20 REFERENDUM PETITION SECTION SHALL BE PRINTED IN A FORM CONSISTENT
21 WITH THE REQUIREMENTS OF THIS ARTICLE. NO PETITION SECTION SHALL
22 BE PRINTED OR CIRCULATED UNLESS THE FORM AND THE FIRST PRINTER'S
23 PROOF OF THE PETITION SECTION HAVE FIRST BEEN APPROVED BY THE
24 CLERK. THE CLERK SHALL ENSURE THAT THE PETITION SECTION CONTAINS
25 ONLY THOSE ELEMENTS REQUIRED BY THIS ARTICLE.

26 (2) EACH INITIATIVE OR REFERENDUM PETITION SECTION SHALL
27 DESIGNATE BY NAME AND MAILING ADDRESS TWO PERSONS WHO SHALL

1 REPRESENT THE PROPONENTS THEREOF IN ALL MATTERS AFFECTING THE
2 PETITION AND TO WHOM ALL NOTICES OR INFORMATION CONCERNING THE
3 PETITION SHALL BE MAILED.

4 (3) (a) AT THE TOP OF EACH PAGE OF EVERY INITIATIVE OR
5 REFERENDUM PETITION SECTION, THE FOLLOWING SHALL BE PRINTED IN A
6 FORM AS PRESCRIBED BY THE CLERK:

7 **"WARNING:**
8 **IT IS AGAINST THE LAW:**

9 FOR ANYONE TO SIGN ANY INITIATIVE OR REFERENDUM
10 PETITION WITH ANY NAME OTHER THAN HIS OR HER OWN OR
11 TO KNOWINGLY SIGN HIS OR HER NAME MORE THAN ONCE
12 FOR THE SAME MEASURE OR TO KNOWINGLY SIGN A PETITION
13 WHEN NOT A REGISTERED ELECTOR WHO IS ELIGIBLE TO VOTE
14 ON THE MEASURE.

15 **DO NOT SIGN THIS PETITION UNLESS YOU ARE A**
16 **REGISTERED ELECTOR**
17 **AND ELIGIBLE TO VOTE ON THIS MEASURE.**
18 **TO BE A REGISTERED ELECTOR,**
19 **YOU MUST BE A CITIZEN OF COLORADO**
20 **AND REGISTERED TO VOTE IN (NAME OF) COUNTY.**

21 DO NOT SIGN THIS PETITION UNLESS YOU HAVE READ OR
22 HAVE HAD READ TO YOU THE PROPOSED INITIATIVE OR
23 REFERRED MEASURE OR THE SUMMARY IN ITS ENTIRETY AND

1 UNDERSTAND ITS MEANING."

2 (b) A SUMMARY OF THE PROPOSED INITIATED MEASURE OR
3 ORDINANCE THAT IS THE SUBJECT OF AN INITIATIVE OR REFERENDUM
4 PETITION SHALL BE PRINTED FOLLOWING THE WARNING ON EACH PAGE OF
5 A PETITION SECTION. THE SUMMARY SHALL BE TRUE AND IMPARTIAL AND
6 SHALL NOT BE AN ARGUMENT, OR LIKELY TO CREATE PREJUDICE, EITHER
7 FOR OR AGAINST THE MEASURE. THE SUMMARY SHALL BE PREPARED BY
8 THE CLERK.

9 (c) THE FULL TEXT OF THE PROPOSED INITIATED MEASURE OR
10 ORDINANCE THAT IS THE SUBJECT OF AN INITIATIVE OR REFERENDUM
11 PETITION SHALL BE PRINTED FOLLOWING THE SUMMARY ON THE FIRST PAGE
12 OR PAGES OF THE PETITION SECTION THAT PRECEDE THE SIGNATURE PAGE.
13 NOTWITHSTANDING THE REQUIREMENT OF PARAGRAPH (a) OF THIS
14 SUBSECTION (3), IF THE TEXT OF THE PROPOSED INITIATED MEASURE OR
15 ORDINANCE REQUIRES MORE THAN ONE PAGE OF A PETITION SECTION, THE
16 WARNING AND SUMMARY NEED NOT APPEAR AT THE TOP OF ANY PAGE
17 OTHER THAN THE INITIAL TEXT PAGE.

18 (d) THE SIGNATURE PAGES SHALL CONSIST OF THE WARNING AND
19 THE SUMMARY, FOLLOWED BY RULED LINES NUMBERED CONSECUTIVELY
20 FOR SIGNATURES OF REGISTERED ELECTORS WHO ARE ELIGIBLE TO VOTE ON
21 THE PROPOSED INITIATED MEASURE OR ORDINANCE. IF A PETITION SECTION
22 CONTAINS MULTIPLE SIGNATURE PAGES, ALL SIGNATURE LINES SHALL BE
23 NUMBERED CONSECUTIVELY, FROM THE FIRST SIGNATURE PAGE THROUGH
24 THE LAST. THE SIGNATURE PAGES SHALL FOLLOW THE PAGE OR PAGES ON
25 WHICH THE FULL TEXT OF THE PROPOSED INITIATED MEASURE OR
26 ORDINANCE THAT IS THE SUBJECT OF THE INITIATIVE OR REFERENDUM

1 PETITION IS PRINTED.

2 (e) (I) FOLLOWING THE SIGNATURE PAGES OF EACH PETITION
3 SECTION, THERE SHALL BE ATTACHED A SIGNED, NOTARIZED, AND DATED
4 AFFIDAVIT EXECUTED BY THE REGISTERED ELECTOR WHO CIRCULATED THE
5 PETITION SECTION, WHICH SHALL INCLUDE THE FOLLOWING:

6 (A) THE CIRCULATOR'S PRINTED NAME, THE ADDRESS AT WHICH HE
7 OR SHE RESIDES, INCLUDING THE STREET NAME AND NUMBER, THE
8 MUNICIPALITY, THE COUNTY, AND THE DATE HE OR SHE SIGNED THE
9 AFFIDAVIT;

10 (B) THAT THE CIRCULATOR HAS READ AND UNDERSTANDS THE
11 LAWS GOVERNING THE CIRCULATION OF PETITIONS;

12 (C) THAT THE CIRCULATOR CIRCULATED THE SECTION OF THE
13 PETITION;

14 (D) THAT EACH SIGNATURE THEREON WAS AFFIXED IN THE
15 CIRCULATOR'S PRESENCE;

16 (E) THAT EACH SIGNATURE THEREON IS THE SIGNATURE OF THE
17 PERSON WHOSE NAME IT PURPORTS TO BE;

18 (F) THAT, TO THE BEST OF THE CIRCULATOR'S KNOWLEDGE AND
19 BELIEF, EACH OF THE PERSONS SIGNING THE PETITION SECTION WAS, AT THE
20 TIME OF SIGNING, A REGISTERED ELECTOR WHO WAS ELIGIBLE TO VOTE ON
21 THE MEASURE; AND

22 (G) THAT THE CIRCULATOR HAS NOT PAID OR WILL NOT IN THE
23 FUTURE PAY AND THAT HE OR SHE BELIEVES THAT NO OTHER PERSON HAS
24 PAID OR WILL PAY, DIRECTLY OR INDIRECTLY, ANY MONEY OR OTHER THING
25 OF VALUE TO ANY SIGNER FOR THE PURPOSE OF INDUCING OR CAUSING
26 SUCH SIGNER TO AFFIX HIS OR HER SIGNATURE TO THE PETITION.

27 (II) THE CLERK SHALL NOT ACCEPT FOR FILING ANY SECTION OF A

1 PETITION THAT DOES NOT HAVE ATTACHED THERETO THE NOTARIZED
2 AFFIDAVIT REQUIRED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH (e). ANY
3 DISASSEMBLY OF A SECTION OF THE PETITION THAT HAS THE EFFECT OF
4 SEPARATING THE AFFIDAVIT FROM THE SIGNATURE PAGE OR PAGES SHALL
5 RENDER THAT SECTION OF THE PETITION INVALID.

6 (III) ANY SIGNATURE ADDED TO A SECTION OF A PETITION AFTER
7 THE AFFIDAVIT HAS BEEN EXECUTED SHALL BE INVALID.

8 (4) ALL SECTIONS OF ANY INITIATIVE OR REFERENDUM PETITION
9 SHALL BE PRENUMBERED SERIALLY.

10 (5) ANY INITIATIVE OR REFERENDUM PETITION SECTION THAT FAILS
11 TO CONFORM TO THE REQUIREMENTS OF THIS ARTICLE OR THAT IS
12 CIRCULATED IN A MANNER OTHER THAN THAT PERMITTED BY THIS ARTICLE
13 SHALL BE INVALID.

14 **30-9-108. Circulators - requirements.** THE CIRCULATION OF ANY
15 INITIATIVE OR REFERENDUM PETITION SECTION OTHER THAN PERSONALLY
16 BY A CIRCULATOR IS PROHIBITED. NO SECTION OF A PETITION FOR ANY
17 INITIATIVE OR REFERENDUM MEASURE SHALL BE CIRCULATED BY ANY
18 PERSON WHO IS NOT AT LEAST EIGHTEEN YEARS OF AGE AT THE TIME THE
19 SECTION IS CIRCULATED.

20 **30-9-109. Signatures.** ANY INITIATIVE OR REFERENDUM PETITION
21 SHALL BE SIGNED ONLY BY REGISTERED ELECTORS WHO ARE ELIGIBLE TO
22 VOTE ON THE MEASURE. EACH REGISTERED ELECTOR SHALL SIGN HIS OR
23 HER OWN SIGNATURE AND SHALL PRINT HIS OR HER NAME, THE ADDRESS AT
24 WHICH HE OR SHE RESIDES, INCLUDING THE STREET NAME AND NUMBER,
25 THE CITY OR TOWN AND THE COUNTY, AND THE DATE OF SIGNING. EACH
26 REGISTERED ELECTOR SIGNING A PETITION SHALL BE ENCOURAGED BY THE
27 CIRCULATOR OF THE PETITION TO SIGN THE PETITION IN INK. IN THE EVENT

1 A REGISTERED ELECTOR IS PHYSICALLY DISABLED OR IS ILLITERATE AND
2 WISHES TO SIGN THE PETITION, THE ELECTOR SHALL SIGN OR MAKE HIS OR
3 HER MARK IN THE SPACE SO PROVIDED. ANY PERSON OTHER THAN A
4 CIRCULATOR MAY ASSIST THE DISABLED OR ILLITERATE ELECTOR IN
5 COMPLETING THE REMAINING INFORMATION REQUIRED BY THIS SECTION.
6 THE PERSON PROVIDING ASSISTANCE SHALL SIGN HIS OR HER NAME AND
7 ADDRESS AND SHALL STATE THAT SUCH ASSISTANCE WAS GIVEN TO THE
8 DISABLED OR ILLITERATE ELECTOR.

9 **30-9-110. Signature verification - statement of sufficiency.**

10 (1) THE CLERK SHALL INSPECT TIMELY FILED INITIATIVE OR REFERENDUM
11 PETITIONS AND THE ATTACHED AFFIDAVITS, AND MAY DO SO BY EXAMINING
12 THE INFORMATION ON SIGNATURE LINES FOR PATENT DEFECTS, BY
13 COMPARING THE INFORMATION ON SIGNATURE LINES AGAINST THE LIST OF
14 REGISTERED ELECTORS MAINTAINED BY THE CLERK, OR BY OTHER
15 REASONABLE MEANS.

16 (2) AFTER EXAMINING THE INITIATIVE OR REFERENDUM PETITION,
17 THE CLERK SHALL ISSUE A STATEMENT AS TO WHETHER A SUFFICIENT
18 NUMBER OF VALID SIGNATURES HAVE BEEN SUBMITTED. A COPY OF THE
19 STATEMENT SHALL BE MAILED TO THE PERSONS DESIGNATED AS
20 REPRESENTING THE PETITION PROPONENTS PURSUANT TO SECTION 30-9-107
21 (2).

22 (3) THE STATEMENT OF SUFFICIENCY OR INSUFFICIENCY SHALL BE
23 ISSUED NO LATER THAN THIRTY CALENDAR DAYS AFTER THE INITIATIVE OR
24 REFERENDUM PETITION HAS BEEN FILED. IF THE CLERK FAILS TO ISSUE A
25 STATEMENT WITHIN THIRTY CALENDAR DAYS, THE PETITION SHALL BE
26 DEEMED SUFFICIENT.

27 **30-9-111. Protest.** (1) WITHIN THIRTY DAYS AFTER AN INITIATIVE

1 OR REFERENDUM PETITION IS FILED, OR WITHIN TEN DAYS AFTER A
2 STATEMENT OF SUFFICIENCY HAS BEEN ISSUED, A PROTEST IN WRITING
3 UNDER OATH MAY BE FILED IN THE OFFICE OF THE CLERK BY ANY
4 REGISTERED ELECTOR WHO RESIDES IN THE COUNTY SETTING FORTH
5 SPECIFICALLY THE GROUNDS FOR SUCH PROTEST. THE GROUNDS FOR
6 PROTEST MAY INCLUDE, BUT SHALL NOT BE LIMITED TO, THE FAILURE OF
7 ANY PORTION OF A PETITION OR CIRCULATOR AFFIDAVIT TO MEET THE
8 REQUIREMENTS OF THIS ARTICLE. NO SIGNATURE MAY BE CHALLENGED
9 THAT IS NOT IDENTIFIED IN THE PROTEST BY SECTION AND LINE NUMBER.
10 THE CLERK SHALL FORTHWITH MAIL A COPY OF SUCH PROTEST TO THE
11 PERSONS DESIGNATED AS REPRESENTING THE PETITION PROPONENTS
12 PURSUANT TO SECTION 30-9-107 (2) AND TO THE PROTESTER TOGETHER
13 WITH A NOTICE FIXING A TIME FOR HEARING THE PROTEST THAT IS NOT LESS
14 THAN FIVE OR MORE THAN TEN DAYS AFTER THE NOTICE IS MAILED.

15 (2) THE CLERK SHALL FURNISH A REQUESTING PROTESTER WITH A
16 LIST OF THE REGISTERED ELECTORS IN THE COUNTY AND SHALL CHARGE A
17 FEE TO COVER THE COST OF FURNISHING THE LIST.

18 (3) EVERY HEARING SHALL BE HELD BEFORE THE CLERK WITH
19 WHOM THE PROTEST IS FILED. THE CLERK SHALL SERVE AS HEARING
20 OFFICER UNLESS SOME OTHER PERSON IS DESIGNATED BY THE BOARD OF
21 COUNTY COMMISSIONERS AS THE HEARING OFFICER, AND THE TESTIMONY
22 IN EVERY SUCH HEARING SHALL BE UNDER OATH. THE HEARING OFFICER
23 SHALL HAVE THE POWER TO ISSUE SUBPOENAS AND COMPEL THE
24 ATTENDANCE OF WITNESSES. THE HEARING SHALL BE SUMMARY AND NOT
25 SUBJECT TO DELAY AND SHALL BE CONCLUDED WITHIN SIXTY DAYS AFTER
26 THE INITIATIVE OR REFERENDUM PETITION IS FILED. NO LATER THAN FIVE
27 DAYS AFTER THE CONCLUSION OF THE HEARING, THE HEARING OFFICER

1 SHALL ISSUE A WRITTEN DETERMINATION OF WHETHER THE PETITION IS
2 SUFFICIENT OR NOT SUFFICIENT. IF THE HEARING OFFICER DETERMINES
3 THAT A PETITION IS NOT SUFFICIENT, THE OFFICER SHALL IDENTIFY THOSE
4 PORTIONS OF THE PETITION THAT ARE NOT SUFFICIENT AND THE REASONS
5 THEREFOR. THE RESULT OF THE HEARING SHALL BE FORTHWITH CERTIFIED
6 TO THE PROTESTER AND TO THE PERSONS DESIGNATED AS REPRESENTING
7 THE PETITION PROPONENTS PURSUANT TO SECTION 30-9-107 (2). THE
8 DETERMINATION AS TO PETITION SUFFICIENCY MAY BE REVIEWED BY THE
9 DISTRICT COURT FOR THE COUNTY IN WHICH THE PETITION WAS FILED UPON
10 APPLICATION OF THE PROTESTER, THE PERSONS DESIGNATED AS
11 REPRESENTING THE PETITION PROPONENTS PURSUANT TO SECTION 30-9-107
12 (2), OR THE COUNTY, BUT SUCH REVIEW SHALL BE HAD AND DETERMINED
13 FORTHWITH.

14 **30-9-112. Initiatives, referenda, and referred measures - ballot**
15 **titles.** (1) AFTER AN ELECTION HAS BEEN ORDERED PURSUANT TO SECTION
16 30-9-105 OR 30-9-106, THE BOARD OF COUNTY COMMISSIONERS OR ITS
17 DESIGNEE SHALL PROMPTLY FIX A BALLOT TITLE FOR EACH INITIATED
18 MEASURE OR ORDINANCE THAT IS THE SUBJECT OF AN INITIATIVE OR
19 REFERENDUM PETITION.

20 (2) THE BOARD OF COUNTY COMMISSIONERS OF ANY COUNTY MAY,
21 WITHOUT RECEIPT OF ANY PETITION, SUBMIT ANY PROPOSED OR ADOPTED
22 ORDINANCE OR RESOLUTION OR ANY QUESTION TO A VOTE OF THE
23 REGISTERED ELECTORS OF THE COUNTY. THE BOARD OF COUNTY
24 COMMISSIONERS OR ITS DESIGNEE SHALL FIX A BALLOT TITLE FOR THE
25 REFERRED MEASURE.

26 (3) IN FIXING THE BALLOT TITLE, THE BOARD OF COUNTY
27 COMMISSIONERS OR ITS DESIGNEE SHALL CONSIDER THE PUBLIC CONFUSION

1 THAT MIGHT BE CAUSED BY MISLEADING TITLES AND SHALL, WHENEVER
2 PRACTICABLE, AVOID TITLES FOR WHICH THE GENERAL UNDERSTANDING OF
3 THE EFFECT OF A "YES" OR "NO" VOTE WOULD BE UNCLEAR. THE BALLOT
4 TITLE SHALL NOT CONFLICT WITH THOSE TITLES SELECTED FOR ANY OTHER
5 MEASURE THAT WILL APPEAR ON THE COUNTY BALLOT IN THE SAME
6 ELECTION. THE BALLOT TITLE SHALL CORRECTLY AND FAIRLY EXPRESS THE
7 TRUE INTENT AND MEANING OF THE MEASURE.

8 (4) ANY PROTEST CONCERNING A BALLOT TITLE SHALL BE
9 CONDUCTED AS PROVIDED BY COUNTY CHARTER, ORDINANCE, OR
10 RESOLUTION.

11 **30-9-113. Petitions - not election materials - no bilingual**
12 **requirement.** THE GENERAL ASSEMBLY HEREBY DETERMINES THAT
13 INITIATIVE AND REFERENDUM PETITIONS ARE NOT ELECTION MATERIALS OR
14 INFORMATION COVERED BY THE FEDERAL "VOTING RIGHTS ACT OF 1965",
15 42 U.S.C. SEC. 1973 ET SEQ., AND ARE THEREFORE NOT REQUIRED TO BE
16 PRINTED IN ANY LANGUAGE OTHER THAN ENGLISH IN ORDER TO BE
17 CIRCULATED IN ANY COUNTY IN COLORADO.

18 **30-9-114. Receiving money to circulate petitions - filing.** THE
19 PROPONENTS OF AN INITIATIVE OR REFERENDUM PETITION SHALL FILE WITH
20 THE CLERK A REPORT DISCLOSING THE AMOUNT PAID PER SIGNATURE AND
21 THE TOTAL AMOUNT PAID TO EACH CIRCULATOR. THE FILING SHALL BE
22 MADE AT THE SAME TIME THE PETITION IS FILED WITH THE CLERK. ANY
23 PAYMENT MADE TO CIRCULATORS IS AN EXPENDITURE UNDER ARTICLE 45
24 OF TITLE 1, C.R.S.

25 **30-9-115. Unlawful acts - penalty.** (1) IT IS UNLAWFUL:
26 (a) FOR ANY PERSON WILLFULLY AND KNOWINGLY TO CIRCULATE
27 OR CAUSE TO BE CIRCULATED OR SIGN OR PROCURE TO BE SIGNED ANY

1 INITIATIVE OR REFERENDUM PETITION BEARING THE NAME, DEVICE, OR
2 MOTTO OF ANY PERSON, ORGANIZATION, ASSOCIATION, LEAGUE, OR
3 POLITICAL PARTY, OR PURPORTING IN ANY WAY TO BE ENDORSED,
4 APPROVED, OR SUBMITTED BY ANY PERSON, ORGANIZATION, ASSOCIATION,
5 LEAGUE, OR POLITICAL PARTY, WITHOUT THE WRITTEN CONSENT,
6 APPROVAL, AND AUTHORIZATION OF THE PERSON, ORGANIZATION,
7 ASSOCIATION, LEAGUE, OR POLITICAL PARTY;

8 (b) FOR ANY PERSON TO SIGN ANY NAME OTHER THAN HIS OR HER
9 OWN NAME TO ANY PETITION OR KNOWINGLY TO SIGN HIS OR HER NAME
10 MORE THAN ONCE FOR THE SAME MEASURE AT ONE ELECTION;

11 (c) FOR ANY PERSON KNOWINGLY TO SIGN ANY PETITION IN A
12 COUNTY WHO IS NOT A REGISTERED ELECTOR OF THAT COUNTY AT THE TIME
13 OF SIGNING THE PETITION;

14 (d) FOR ANY PERSON TO SIGN ANY AFFIDAVIT AS CIRCULATOR
15 WITHOUT KNOWING OR REASONABLY BELIEVING THE STATEMENTS MADE
16 IN THE AFFIDAVIT TO BE TRUE;

17 (e) FOR ANY PERSON TO CERTIFY THAT AN AFFIDAVIT ATTACHED TO
18 A PETITION WAS SUBSCRIBED OR SWORN TO BEFORE HIM OR HER UNLESS IT
19 WAS SO SUBSCRIBED AND SWORN TO BEFORE HIM OR HER AND UNLESS THE
20 PERSON SO CERTIFYING IS DULY QUALIFIED UNDER THE LAWS OF THIS STATE
21 TO ADMINISTER AN OATH;

22 (f) FOR ANY OFFICER OR PERSON TO DO WILLFULLY, OR WITH
23 ANOTHER OR OTHERS CONSPIRE OR AGREE, OR CONFEDERATE TO DO ANY
24 ACT THAT HINDERS, DELAYS, OR IN ANY WAY INTERFERES WITH THE
25 CALLING, HOLDING, OR CONDUCTING OF ANY ELECTION PERMITTED UNDER
26 THE INITIATIVE AND REFERENDUM POWERS GRANTED BY THIS ARTICLE OR
27 WITH THE REGISTERING OF ELECTORS THEREFOR;

1 (g) FOR ANY OFFICER OR PERSON TO DO WILLFULLY ANY ACT THAT
2 SHALL CONFUSE OR TEND TO CONFUSE THE ISSUES SUBMITTED OR PROPOSED
3 TO BE SUBMITTED AT ANY ELECTION OR REFUSE TO SUBMIT ANY PETITION
4 IN THE FORM PRESENTED FOR SUBMISSION AT ANY ELECTION; OR

5 (h) FOR ANY OFFICER OR PERSON TO VIOLATE WILLFULLY ANY
6 PROVISION OF THIS ARTICLE.

7 (2) ANY PERSON, UPON CONVICTION OF A VIOLATION OF ANY
8 PROVISION OF THIS SECTION, IS GUILTY OF A MISDEMEANOR AND SHALL BE
9 PUNISHED BY A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS, OR BY
10 IMPRISONMENT IN THE COUNTY JAIL FOR NOT MORE THAN ONE YEAR, OR BY
11 BOTH SUCH FINE AND IMPRISONMENT.

12 **30-9-116. Tampering with initiative or referendum petition.**

13 (1) ANY PERSON COMMITS A CLASS 2 MISDEMEANOR WHO:

14 (a) WILLFULLY DESTROYS, DEFACTS, MUTILATES, OR SUPPRESSES
15 ANY INITIATIVE OR REFERENDUM PETITION;

16 (b) WILLFULLY NEGLECTS TO FILE OR DELAYS THE DELIVERY OF
17 ANY INITIATIVE OR REFERENDUM PETITION;

18 (c) CONCEALS OR REMOVES ANY INITIATIVE OR REFERENDUM
19 PETITION FROM THE POSSESSION OF THE PERSON AUTHORIZED BY LAW TO
20 HAVE CUSTODY OF THE PETITION;

21 (d) ADDS, AMENDS, ALTERS, OR IN ANY WAY CHANGES THE
22 INFORMATION ON ANY INITIATIVE OR REFERENDUM PETITION AS PROVIDED
23 BY THE ELECTOR; OR

24 (e) AIDS, COUNSELS, PROCURES, OR ASSISTS ANY PERSON IN DOING
25 ANY OF SUCH ACTS.

26 (2) ANY PERSON CONVICTED OF COMMITTING A CLASS 2
27 MISDEMEANOR UNDER THIS SECTION SHALL BE PUNISHED AS PROVIDED IN

1 SECTION 18-1-106 (1), C.R.S.

2 (3) THIS SECTION SHALL NOT PRECLUDE A CIRCULATOR FROM
3 STRIKING A COMPLETE LINE ON ANY INITIATIVE OR REFERENDUM PETITION
4 IF THE CIRCULATOR BELIEVES THE LINE TO BE INVALID.

5 **30-9-117. Enforcement.** (1) ANY PERSON MAY FILE WITH THE
6 DISTRICT ATTORNEY AN AFFIDAVIT STATING THE NAME OF ANY PERSON
7 WHO HAS VIOLATED ANY OF THE PROVISIONS OF THIS ARTICLE AND STATING
8 THE FACTS THAT CONSTITUTE THE ALLEGED OFFENSE. UPON THE FILING OF
9 AN AFFIDAVIT, THE DISTRICT ATTORNEY SHALL INVESTIGATE, AND, IF
10 REASONABLE GROUNDS APPEAR THEREFOR, THE DISTRICT ATTORNEY SHALL
11 PROSECUTE THE SAME.

12 (2) THE ATTORNEY GENERAL OF THE STATE SHALL HAVE EQUAL
13 POWER WITH DISTRICT ATTORNEYS TO FILE INFORMATION OR COMPLAINTS
14 AGAINST ANY PERSON FOR VIOLATING ANY PROVISION OF THIS ARTICLE.

15 **30-9-118. Retention of petitions.** AFTER A PERIOD OF THREE
16 YEARS FROM THE TIME OF SUBMISSION OF ANY INITIATIVE OR REFERENDUM
17 PETITION TO THE CLERK, IF IT IS DETERMINED THAT THE RETENTION OF THE
18 PETITION IS NO LONGER NECESSARY, THE CLERK MAY DESTROY THE
19 PETITION.

20 **SECTION 2.** 1-40-103 (3), Colorado Revised Statutes, is
21 amended to read:

22 **1-40-103. Applicability of article.** (3) The laws pertaining to
23 county petitions and referred measures are governed by the provisions of
24 ~~section 30-11-103.5~~ ARTICLE 9 OF TITLE 30, C.R.S.

25 **SECTION 3.** 1-41-103 (1) (b) and (1) (c), Colorado Revised
26 Statutes, are amended to read:

27 **1-41-103. Local ballot issue elections in odd-numbered years.**

1 (1) At the local election to be held on the first Tuesday of November in
2 1993, and in each odd-numbered year thereafter, the following issues shall
3 appear on the ballot if they concern local government matters arising
4 under section 20 of article X of the state constitution and if they are
5 submitted in accordance with applicable law:

6 (b) Ordinances, resolutions, or franchises proposed in accordance
7 with EITHER section 1 of article V of the state constitution and section
8 31-11-104, C.R.S., OR SECTION 30-9-105, C.R.S.;

9 (c) Measures referred to the people pursuant to petitions filed
10 against an ordinance, resolution, or franchise passed by the legislative
11 body of any local government in accordance with EITHER section 1 of
12 article V of the state constitution and section 31-11-105, C.R.S., OR
13 SECTION 30-9-106, C.R.S.;

14 **SECTION 4.** 1-45-117 (1) (a) (I) (B), Colorado Revised Statutes,
15 is amended to read:

16 **1-45-117. State and political subdivisions - limitations on**
17 **contributions.** (1) (a) (I) No agency, department, board, division,
18 bureau, commission, or council of the state or any political subdivision
19 thereof shall make any contribution in campaigns involving the
20 nomination, retention, or election of any person to any public office, nor
21 shall any such entity expend any public moneys from any source, or make
22 any contributions, to urge electors to vote in favor of or against any:

23 (B) Local ballot issue that has been submitted for the purpose of
24 having a title fixed pursuant to ~~section 31-11-111~~ SECTION 30-9-112 OR
25 31-11-111, C.R.S., or that has had a title fixed pursuant to ~~that section~~
26 EITHER OF THOSE SECTIONS;

27 **SECTION 5. Repeal.** 30-11-103.5, Colorado Revised Statutes,

1 is repealed as follows:

2 **30-11-103.5. County petitions and referred measures.** The
3 ~~procedures for placing an issue or question on the ballot by a petition of~~
4 ~~the electors of a county that is pursuant to statute or the state constitution~~
5 ~~or that a board of county commissioners may refer to a vote of the electors~~
6 ~~pursuant to statute or the state constitution shall, to the extent no such~~
7 ~~procedures are prescribed by statute, charter, or the state constitution,~~
8 ~~follow as nearly as practicable the procedures for municipal initiatives and~~
9 ~~referred measures under part 1 of article 11 of title 31, C.R.S. The county~~
10 ~~clerk and recorder shall resolve any questions about the applicability of~~
11 ~~the procedures in part 1 of article 11 of title 31, C.R.S.~~

12 **SECTION 6.** 32-7-110 (9), Colorado Revised Statutes, is
13 amended to read:

14 **32-7-110. Board of directors.** (9) Any resolution may be
15 referred to or initiated by the eligible electors in accordance with the
16 provisions and subject to the conditions of sections 31-11-104 and
17 31-11-105, C.R.S., OR SECTIONS 30-9-105 AND 30-9-106, C.R.S.,
18 WHICHEVER ARE APPLICABLE.

19 **SECTION 7. Effective date - applicability.** (1) This act shall
20 take effect September 1, 2001, unless a referendum petition is filed during
21 the ninety-day period after final adjournment of the general assembly that
22 is allowed for submitting a referendum petition pursuant to article V,
23 section 1 (3) of the state constitution. If such a referendum petition is
24 filed against this act or an item, section, or part of this act within such
25 period, then the act, item, section, or part, if approved by the people, shall
26 take effect on the date of the official declaration of the vote thereon by
27 proclamation of the governor.

1 (2) The provisions of this act shall apply to proposed county
2 ordinances submitted to a board of county commissioners on or after the
3 applicable effective date of this act.