

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

REREVISED

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

LLS NO. 01-0747.01 John Hershey

SENATE BILL 01-178

SENATE SPONSORSHIP

Nichol,

HOUSE SPONSORSHIP

Sinclair,

Senate Committees

Govt, Veterans & Military Relations, & Trans

House Committees

State, Veterans, & Military Affairs

A BILL FOR AN ACT

101 **CONCERNING PREPARATION FOR ELECTIONS.**

Bill Summary

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

Permits the partial cancellation of uncontested nonpartisan elections. Provides that when an election for any nonpartisan office is cancelled, the names of the candidates for that office do not appear on the ballot.

Changes the deadline for election officials to order voter registration records for nonpartisan elections from 40 to 60 days before the election. Changes the date on which the list of registered electors is provided to election officials in nonpartisan elections from 30 to 45 days before the election.

 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
3rd Reading Unamended
March 30, 2001

HOUSE
Amended 2nd Reading
March 29, 2001

SENATE
3rd Reading Unamended
February 27, 2001

SENATE
Amended 2nd Reading
February 26, 2001

Changes the deadline for requesting absentee ballots from the Friday immediately preceding the election to the Tuesday immediately preceding the election.

Requires that the election for the creation of a special district be held at least 60 days after the court orders the election.

Makes conforming amendments.

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

2 **SECTION 1.** 1-4-905, Colorado Revised Statutes, is amended to
3 read:

4 **1-4-905. Circulators.** (1) ~~No eligible elector~~ INDIVIDUAL shall be
5 eligible to circulate any petition unless the ~~elector is eligible to vote in the~~
6 ~~political subdivision in~~ INDIVIDUAL IS AT LEAST EIGHTEEN YEARS OF AGE,
7 IS A UNITED STATES CITIZEN, RESIDES IN THE VOTING DISTRICT FOR THE
8 OFFICE FOR which the petition is being circulated and, for partisan
9 candidates, is A REGISTERED ELECTOR WHO IS affiliated with the political
10 party mentioned in the petition at the time the petition is circulated, as
11 shown by the registration books of the county clerk and recorder. ANY
12 PERSON WHO EMPLOYS ANOTHER PERSON TO CIRCULATE A PETITION ON
13 EITHER A PAID OR VOLUNTARY BASIS SHALL REQUIRE THE CIRCULATOR TO
14 VERIFY THE CIRCULATOR'S AGE AND RESIDENCY WITHIN THE VOTING
15 DISTRICT FOR THE OFFICE FOR WHICH THE PETITION IS BEING CIRCULATED
16 BEFORE CIRCULATING THE PETITION BY PROVIDING A COLORADO DRIVERS'
17 LICENSE OR COLORADO STATE IDENTIFICATION CARD ISSUED PURSUANT TO
18 ARTICLE 2 OF TITLE 42, C.R.S., OR OTHER DOCUMENTATION THAT A
19 REASONABLE PERSON WOULD BELIEVE ESTABLISHES THE CIRCULATOR'S AGE
20 AND RESIDENCY. THE PERSON EMPLOYING THE CIRCULATOR SHALL KEEP
21 A PHOTOCOPY OR OTHER RECORD OF THE DOCUMENTATION OBTAINED FOR
22 AT LEAST THREE YEARS.

1 (2) To each petition section shall be attached a signed, notarized,
2 and dated affidavit executed by the ~~eligible~~ elector who circulated the
3 petition section, which shall include: The affiant's printed name, the
4 address at which the affiant resides, including the street name and number,
5 the city or town, the county, and the date of signature; a statement that the
6 affiant was, ~~an eligible elector~~ at the time the section of the petition was
7 circulated and signed by the listed electors, AT LEAST EIGHTEEN YEARS OF
8 AGE, A UNITED STATES CITIZEN, AND A RESIDENT OF THE VOTING DISTRICT
9 FOR THE OFFICE FOR WHICH THE SECTION WAS CIRCULATED; a statement
10 that the affiant circulated the section of the petition; a statement that each
11 signature on the petition section is the signature of the person whose name
12 it purports to be; a statement that to the best of the affiant's knowledge and
13 belief each of the persons signing the petition section was, at the time of
14 signing, an eligible elector; and a statement that the affiant has not paid
15 or will not in the future pay and that the affiant believes that no other
16 person has paid or will pay, directly or indirectly, any money or other
17 thing of value to any signer for the purpose of inducing or causing the
18 signer to sign the petition.

19 (3) The designated election official shall not accept for filing any
20 section of a petition ~~which~~ THAT does not have attached to it the notarized
21 affidavit required by this section. IF A NOTARIZED AFFIDAVIT IS
22 DETERMINED TO CONTAIN FALSE INFORMATION, INCLUDING BUT NOT
23 LIMITED TO ANY FALSE RESIDENTIAL ADDRESS SUPPLIED BY THE
24 CIRCULATOR WHO SIGNED THE AFFIDAVIT, ANY SIGNATURE ON THE
25 PETITION SECTION TO WHICH THE AFFIDAVIT IS ATTACHED SHALL BE
26 INVALID. Any signature added to a section of a petition after the affidavit
27 has been executed is invalid.

1 **SECTION 2.** The introductory portion to 1-4-1302 (3) and
2 1-4-1302 (3) (b), Colorado Revised Statutes, are amended, and the said
3 1-4-1302 is further amended BY THE ADDITION OF A NEW
4 SUBSECTION, to read:

5 **1-4-1302. Petition to allow minor political party to nominate**
6 **candidates.** (3) Each registered elector signing a petition pursuant to this
7 section shall print the elector's name and address, including the street and
8 number, if any. There shall be attached to each petition an affidavit of a
9 ~~registered~~ AN elector who circulated the petition stating:

10 (b) That the elector is a ~~registered elector~~ EIGHTEEN YEARS OF AGE
11 OR OLDER, A UNITED STATES CITIZEN, AND A RESIDENT OF COLORADO.

12 (3.5) (a) ANY PERSON WHO EMPLOYS ANOTHER PERSON TO
13 CIRCULATE A PETITION ON EITHER A PAID OR VOLUNTARY BASIS SHALL
14 REQUIRE THE CIRCULATOR TO VERIFY THE CIRCULATOR'S COLORADO
15 RESIDENCY BEFORE CIRCULATING THE PETITION BY PROVIDING A
16 COLORADO DRIVERS' LICENSE OR COLORADO STATE IDENTIFICATION CARD
17 ISSUED PURSUANT TO ARTICLE 2 OF TITLE 42, C.R.S., OR OTHER
18 DOCUMENTATION THAT A REASONABLE PERSON WOULD BELIEVE
19 ESTABLISHES THE CIRCULATOR'S COLORADO RESIDENCY. THE PERSON
20 EMPLOYING THE CIRCULATOR SHALL KEEP A PHOTOCOPY OR OTHER RECORD
21 OF THE DOCUMENTATION OBTAINED FOR AT LEAST THREE YEARS.

22 (b) IF AN AFFIDAVIT OF A CIRCULATOR THAT IS ATTACHED TO A
23 PETITION PURSUANT TO SUBSECTION (3) OF THIS SECTION IS DETERMINED
24 TO CONTAIN FALSE INFORMATION, INCLUDING BUT NOT LIMITED TO ANY
25 FALSE RESIDENTIAL ADDRESS SUPPLIED BY THE CIRCULATOR WHO SIGNED
26 THE AFFIDAVIT, ANY SIGNATURE ON THE PETITION TO WHICH THE AFFIDAVIT
27 IS ATTACHED SHALL BE INVALID.

1 **SECTION 3.** 1-12-108 (6), Colorado Revised Statutes, is
2 amended to read:

3 **1-12-108. Petition requirements.** (6) (a) Only an ~~eligible elector~~
4 INDIVIDUAL WHO IS AT LEAST EIGHTEEN YEARS OF AGE, A UNITED STATES
5 CITIZEN, AND A RESIDENT OF THE VOTING DISTRICT FOR THE OFFICE
6 OCCUPIED BY THE INDIVIDUAL WITH RESPECT TO WHOM A RECALL PETITION
7 IS BEING CIRCULATED may circulate a recall petition. ANY PERSON WHO
8 EMPLOYS ANOTHER PERSON TO CIRCULATE A RECALL PETITION ON EITHER
9 A PAID OR VOLUNTARY BASIS SHALL REQUIRE THE CIRCULATOR TO VERIFY
10 THE CIRCULATOR'S RESIDENCY IN THE VOTING DISTRICT FOR THE OFFICE
11 OCCUPIED BY THE INDIVIDUAL WITH RESPECT TO WHOM A RECALL PETITION
12 IS BEING CIRCULATED BEFORE CIRCULATING THE PETITION BY PROVIDING
13 A COLORADO DRIVERS' LICENSE OR COLORADO STATE IDENTIFICATION
14 CARD ISSUED PURSUANT TO ARTICLE 2 OF TITLE 42, C.R.S., OR OTHER
15 DOCUMENTATION THAT A REASONABLE PERSON WOULD BELIEVE
16 ESTABLISHES THE CIRCULATOR'S RESIDENCY. THE PERSON EMPLOYING THE
17 CIRCULATOR SHALL KEEP A PHOTOCOPY OR OTHER RECORD OF THE
18 DOCUMENTATION OBTAINED FOR AT LEAST THREE YEARS.

19 (b) To each petition section shall be attached a signed, notarized,
20 and dated affidavit executed by the ~~eligible~~ elector who circulated the
21 petition section, which shall include: The affiant's printed name, the
22 address at which the affiant resides, including the street name and number,
23 the city or town, the county, and the date of signature; a statement that the
24 affiant was, an ~~eligible elector~~ at the time the section of the petition was
25 circulated and signed by the listed electors, AT LEAST EIGHTEEN YEARS OF
26 AGE, A UNITED STATES CITIZEN, AND A RESIDENT OF THE VOTING DISTRICT
27 FOR THE OFFICE OCCUPIED BY THE INDIVIDUAL WITH RESPECT TO WHOM

1 THE SECTION WAS CIRCULATED; a statement that the affiant circulated the
2 section of the petition; a statement that each signature on the petition
3 section is the signature of the person whose name it purports to be; a
4 statement that to the best of the affiant's knowledge and belief each of the
5 persons signing the petition section was, at the time of signing, an eligible
6 elector; and a statement that the affiant has not paid or will not in the
7 future pay and that the affiant believes that no other person has paid or
8 will pay, directly or indirectly, any money or other thing of value to any
9 signer for the purpose of inducing or causing the signer to sign the
10 petition.

11 (c) The designated election official shall not accept for filing any
12 section of a petition that does not have attached to it the notarized
13 affidavit required by this section. IF A NOTARIZED AFFIDAVIT IS
14 DETERMINED TO CONTAIN FALSE INFORMATION, INCLUDING BUT NOT
15 LIMITED TO ANY FALSE RESIDENTIAL ADDRESS SUPPLIED BY THE
16 CIRCULATOR WHO SIGNED THE AFFIDAVIT, ANY SIGNATURE ON THE
17 PETITION SECTION TO WHICH THE AFFIDAVIT IS ATTACHED SHALL BE
18 INVALID. Any signature added to a section of a petition after the affidavit
19 has been executed is invalid.

20 **SECTION 4.** 1-40-111 (2), Colorado Revised Statutes, is
21 amended to read:

22 **1-40-111. Signatures - affidavits.** (2) To each petition section
23 shall be attached a signed, notarized, and dated affidavit executed by the
24 ~~registered~~ elector who circulated the petition section, which shall include
25 his or her printed name, the address at which he or she resides, including
26 the street name and number, the city or town, the county, and the date he
27 or she signed the affidavit; that he or she has read and understands the

1 laws governing the circulation of petitions; that he or she was, a registered
2 elector at the time the section of the petition was circulated and signed by
3 the listed electors, AT LEAST EIGHTEEN YEARS OF AGE, A UNITED STATES
4 CITIZEN, AND A RESIDENT OF THE STATE OF COLORADO; that he or she
5 circulated the section of the petition; that each signature thereon was
6 affixed in the circulator's presence; that each signature thereon is the
7 signature of the person whose name it purports to be; that to the best of
8 the circulator's knowledge and belief each of the persons signing the
9 petition section was, at the time of signing, a registered elector; and that
10 he or she has not paid or will not in the future pay and that he or she
11 believes that no other person has paid or will pay, directly or indirectly,
12 any money or other thing of value to any signer for the purpose of
13 inducing or causing such signer to affix his or her signature to the petition.
14 The secretary of state shall not accept for filing any section of a petition
15 that does not have attached thereto the notarized affidavit required by this
16 section. IF A NOTARIZED AFFIDAVIT IS DETERMINED TO CONTAIN FALSE
17 INFORMATION, INCLUDING BUT NOT LIMITED TO ANY FALSE RESIDENTIAL
18 ADDRESS SUPPLIED BY THE CIRCULATOR WHO SIGNED THE AFFIDAVIT, ANY
19 SIGNATURE ON THE PETITION SECTION TO WHICH THE AFFIDAVIT IS
20 ATTACHED SHALL BE INVALID. Any signature added to a section of a
21 petition after the affidavit has been executed shall be invalid.

22 **SECTION 5.** 1-40-112, Colorado Revised Statutes, is amended
23 to read:

24 **1-40-112. Circulators - requirements.** (1) No section of a
25 petition for any initiative or referendum measure shall be circulated by
26 any person who is not a registered elector and at least eighteen years of
27 age, A UNITED STATES CITIZEN, AND A RESIDENT OF THE STATE OF

1 COLORADO at the time the section is circulated. ANY PERSON WHO
2 EMPLOYS ANOTHER PERSON TO CIRCULATE A PETITION ON EITHER A PAID OR
3 VOLUNTARY BASIS SHALL REQUIRE THE CIRCULATOR TO VERIFY THE
4 CIRCULATOR'S AGE AND COLORADO RESIDENCY BEFORE CIRCULATING THE
5 PETITION BY PROVIDING A COLORADO DRIVERS' LICENSE OR COLORADO
6 STATE IDENTIFICATION CARD ISSUED PURSUANT TO ARTICLE 2 OF TITLE 42,
7 C.R.S., OR OTHER DOCUMENTATION THAT A REASONABLE PERSON WOULD
8 BELIEVE ESTABLISHES THE CIRCULATOR'S COLORADO RESIDENCY. THE
9 PERSON EMPLOYING THE CIRCULATOR OR THE DESIGNATED
10 REPRESENTATIVES NAMED PURSUANT TO SECTION 1-40-104 SHALL KEEP A
11 PHOTOCOPY OR OTHER RECORD OF THE DOCUMENTATION OBTAINED FOR AT
12 LEAST THREE YEARS.

13 (2) (a) All circulators who are not to be paid for circulating
14 petitions concerning ballot issues shall display an identification badge that
15 includes the words "VOLUNTEER CIRCULATOR" in bold-faced type
16 ~~which THAT is clearly legible. and the circulator's name.~~

17 (b) All circulators who are to be paid for circulating petitions
18 concerning ballot issues shall display an identification badge that includes
19 the words "PAID CIRCULATOR" in bold-faced type ~~which THAT is~~
20 clearly legible ~~the circulator's name,~~ and the name and telephone number
21 of the individual employing the circulator.

22 **SECTION 6.** 1-40-116 (1), Colorado Revised Statutes, is
23 amended to read:

24 **1-40-116. Verification - ballot issues - random sampling.**

25 (1) For ballot issues, each section of a petition to which there is attached
26 an affidavit of the ~~registered~~ elector who circulated the petition that each
27 signature thereon is the signature of the person whose name it purports to

1 be and that to the best of the knowledge and belief of the affiant each of
2 the persons signing the petition was at the time of signing a registered
3 elector shall be prima facie evidence that the signatures are genuine and
4 true, that the petitions were circulated in accordance with the provisions
5 of this article, and that the form of the petition is in accordance with this
6 article.

7 **SECTION 7.** 1-40-121, Colorado Revised Statutes, is amended
8 to read:

9 **1-40-121. Receiving money to circulate petitions - filing.**

10 (1) The proponents of the petition shall file with the official who receives
11 filings under the "Fair Campaign Practices Act", article 45 of this title, for
12 the election ~~the name, address, and county of voter registration of~~ A
13 STATEMENT SETTING FORTH THE TOTAL AMOUNT PAID TO all circulators
14 who were paid to circulate any section of the petition AND the amount
15 paid per signature. ~~and the total amount paid to each circulator.~~ The filing
16 shall be made at the same time the petition is filed with the secretary of
17 state. Any payment made to circulators is an expenditure under article 45
18 of this title.

19 (2) The proponents of the petition shall sign and file monthly
20 reports with the secretary of state, due ten days after the last day of each
21 month in which petitions are circulated on behalf of the proponents by
22 paid circulators. Monthly reports shall set forth the following:

23 (a) The names of the proponents;

24 (b) ~~The name and the residential and business addresses of each~~
25 ~~of the paid circulators;~~

26 (c) The name of the proposed ballot measure for which petitions
27 are being circulated by paid circulators; and

1 (d) The TOTAL amount of money paid and owed to each paid
2 circulator CIRCULATORS for petition circulation during the month in
3 question.

4 **SECTION 8.** 1-40-130 (1), Colorado Revised Statutes, is
5 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

6 **1-40-130. Unlawful acts - penalty.** (1) It is unlawful:

7 (i) FOR ANY PERSON TO EMPLOY ANOTHER PERSON TO CIRCULATE
8 A PETITION ON EITHER A PAID OR VOLUNTEER BASIS WITHOUT KNOWING OR
9 REASONABLY BELIEVING THAT THE CIRCULATOR MEETS THE REQUIREMENTS
10 OF SECTION 1-4-905 (1), 1-4-1302 (3), 1-12-108 (6) (a), OR 1-40-112 (1),
11 WHICHEVER IS APPLICABLE. ABSENT EVIDENCE OF ACTUAL KNOWLEDGE TO
12 THE CONTRARY, IT SHALL BE PRESUMED THAT A PERSON WHO OBTAINS
13 DOCUMENTATION ESTABLISHING PROOF OF COLORADO RESIDENCY FROM
14 A CIRCULATOR AS REQUIRED BY SECTION 1-4-905 (1), 1-4-1302 (3.5) (a),
15 1-12-108 (6) (a), OR 1-40-112 (1), WHICHEVER IS APPLICABLE, BEFORE
16 EMPLOYING THE CIRCULATOR REASONABLY BELIEVES THAT THE
17 CIRCULATOR MEETS SAID REQUIREMENTS.

18 **SECTION 9. Effective date - applicability.** (1) This act shall
19 take effect November 15, 2001, unless a referendum petition is filed
20 during the ninety-day period after final adjournment of the general
21 assembly that is allowed for submitting a referendum petition pursuant to
22 article V, section 1 (3) of the state constitution. If such a referendum
23 petition is filed against this act or an item, section, or part of this act
24 within such period, then the act, item, section, or part, if approved by the
25 people, shall take effect on the date of the official declaration of the vote
26 thereon by proclamation of the governor.

1 (2) The provisions of this act shall apply to the circulation of
2 petitions on or after the applicable effective date of this act.