



Colorado Department of State

INITIATIVE AND REFERENDUM PROCEDURES AND GUIDELINES

2009 – 2010



BERNIE BUESCHER, SECRETARY OF STATE
DENVER, COLORADO

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If you need more information or further assistance, please contact:

**Secretary of State's Office
J. Wayne Munster, Acting Director of Elections
1700 Broadway, Suite 270
Denver, CO 80290
(303) 894-2200, press "3"
Fax (303) 869-4861**

GUIDELINES FOR INITIATIVE AND REFERENDUM PROCESS

The initiative process is complex and lengthy, but can be accomplished within a reasonable period of time if particular attention is paid to the requirements of each applicable statute and the Colorado Constitution. There are several sections of the law that demand careful attention while planning to place a statewide initiative on the ballot.

This document outlines the various steps in the initiative process. For more detailed information please look to Article V, Section 1 of the Colorado Constitution and Title 1, Articles 40 and 41 of the Colorado Revised Statutes.

A. REVIEW AND COMMENT MEETING (Colorado Constitution, Article V, Section 1(5); CRS 1-40-104; CRS 1-40-105)

Any person interested in placing a constitutional amendment or law on the statewide ballot must begin by creating the initial language of their measure. As outlined in statute, the proposal should be written in plain, non-technical language, using words with common and everyday meaning understandable to the average reader. When the proponents of the measure have completed their typewritten draft, the text is then submitted to the Legislative Council Staff so that a review and comment meeting may be scheduled. Proposals may be submitted in person, by mail, by fax, or by e-mail to:

Mike Mauer, Director
Colorado Legislative Council Staff
Room 029
State Capitol Building
Denver, Colorado 80203
Phone: 303-866-3521
Fax: 303-866-3855
E-mail: lcs.ga@state.co.us

Proposals must include the names and addresses of two people who will act as proponents for the measure. Telephone numbers, fax numbers, and/or e-mail addresses are also appreciated.

Upon receipt of the draft language of the petition, the Legislative Council Staff will number the proposed initiative and schedule a public meeting two weeks from the date of filing. The purpose of the review and comment meeting is to review the language of the initiative to ensure that the measure accomplishes the proponents' intent and to give public notice that a proposal is under consideration. The Office of Legislative Legal Services and Legislative Council Staff prepare written comments of each proposal that are discussed at the meeting.

After the public meeting, but before submission to the Secretary of State, proponents may amend the proposed initiative based on some or all of the comments made by the directors of the Legislative Council Staff and Office of Legislative Legal Services. If substantial amendments to the draft are made, other than amendments in direct response to the comments of the directors, proponents must resubmit a new draft of the measure to the Legislative Council Staff for another review and comment hearing.

The Legislative Council Staff provides more detailed information concerning the review and comment process. Please consult the General Assembly's web page (accessible from the State's web page at www.colorado.gov) or contact the Legislative Council Staff at 303-866-3521.

**B. FILING THE TEXT WITH THE SECRETARY OF STATE
(CRS 1-40-104 and 1-40-105(4))**

Proponents may file with the Secretary of State if changes were made in direct response to the comments of the directors at the review and comment meeting. The following documents must be submitted to the Secretary of State: (1) the original typewritten draft submitted for a review and comment hearing, (2) the amended draft with changes highlighted, and (3) the original typewritten draft which has the final language for printing of the proposed initiative. If no changes were made to the text after the review and comment hearing, proponents must submit the text along with a letter from the Legislative Council Staff stating that an additional review and comment meeting is not necessary. Proposals are filed with:

Bernie Buescher
Secretary of State
1700 Broadway, Suite 270
Denver, Colorado 80290
Phone: 393-894-2200, press 3

At the time of filing, proponents must designate the names and addresses of at least two persons to whom all notices or information concerning the initiative are to be mailed. Phone numbers, fax numbers and e-mail addresses for the designated representatives are necessary so that the proponents may be contacted on all matters related to the proposed initiative.

**C. TITLE BOARD HEARING
(Colorado Constitution, Article V, Section 1(5.5); CRS 1-40-106; CRS1-40-106.5)**

The Title Board will hold public hearings on the first and third Wednesdays of each month. The first hearing of the Title Board is scheduled for the 1st Wednesday in December after the election and the last hearing of the Title Board will be no later than the third Wednesday in May in the year in which the measure is to be placed on the ballot. For the draft to be considered at such hearings, **it must be filed by 3:00 p.m. on the 12th day prior to the hearing** at which the draft is to be considered by the Title Board.

The Title Board will first determine if the measure satisfies the single-subject requirements of Article V, Section 1(5.5) of the Colorado Constitution and C.R.S. 1-40-106.5. If it does, the Title Board will then set a title, ballot title, and submission clause.

In setting a title, the Title Board considers public confusion that might be caused by any misleading titles and, whenever possible, avoids titles for which the general understanding of the effect of a "yes" or "no" vote will be unclear. Additionally, the Title Board must set a title that correctly and fairly expresses the true intent and meaning of the measure, and that clearly expresses a single subject.

To facilitate the creation of the ballot title, the Title Board may use a staff draft created by Legislative Legal Services. The staff draft is distributed by the Secretary of State's Office before the meeting so that interested parties have a chance to review it.

After the titles have been set, the Secretary of State will deliver the final results for the proposed law or constitutional amendment to the designated contacts.

D. MOTION FOR REHEARING (CRS 1-40-107)

The proponents or any registered elector who is not satisfied with the titles and submission clause provided by the Title Board may file a motion for rehearing with the Secretary of State within 7 days of the setting of the titles. The motion for rehearing will be held at the next regularly scheduled meeting of the Title Board. However, if the titles and summary were set at the last meeting in May, the rehearing must be held within forty-eight hours of the expiration of the 7-day period to file motions. The motion must specifically outline the problems with the titles and submission clause and/or the rulings of the Title Board.

E. FILING WITH THE SUPREME COURT (CRS 1-40-107(2))

Any person who has filed a motion for rehearing and is not satisfied with the rulings of the Title Board may file an appeal with the Colorado Supreme Court. The Secretary of State will furnish such person, upon request, a certified copy of the initiative with the titles and submission clause of the proposed law or constitutional amendment, and a certified copy of the motion for rehearing and the ruling thereon.

The first certified copies required by the Supreme Court will be provided to the protestor at no charge. If filed with the clerk of the Supreme Court within 5 days thereafter, the matter will be docketed and placed at the head of the calendar and disposed of summarily, either affirming the action of the Title Board or reversing it. If the decision of the Title Board is reversed, the court will remand it with instructions to the Title Board.

F. PREPARATION OF PETITION SECTIONS FOR CIRCULATION (CRS 1-40-110; CRS 1-40-113)

No petition is to be printed, published or otherwise circulated unless the form and the first printer's proof of the petition have been approved by the Secretary of State. No petition format will receive final approval by the Secretary of State's Office until after the 7 days to file a motion for rehearing with the Title Board have passed. At that point, if no motion for rehearing is filed, the Secretary of State will approve or disapprove the petition format within forty-eight hours. If a motion for rehearing is filed, then the petition format will not receive final approval by the Secretary of State's Office until after the final decision of the Title Board.

Each petition section must be pre-numbered serially prior to circulation. A petition section must include the following:

- The WARNING at the top of each page
- The names and mailing addresses of two persons who represent the signers
- The title, ballot title, submission clause, and the proposed measure
- Succeeding pages must contain the warning, ballot title and submission clause, as well as ruled lines numbered consecutively for the registered elector's signature
- An affidavit page signed by the petition circulator

Each registered elector signature page must include the following:

- The WARNING at the top of each page
- The ballot title and submission clause below the warning
- Spaces for the signature and printed name of each signer
- Spaces for the signer's residence address (including number and street) and city or town
- Spaces for the signer's county
- Spaces for the specific date and year of signing for each signer

**G. CIRCULATION OF PETITION - GATHERING SIGNATURES
(CRS 1-1-104 (35); CRS 1-40-111; CRS 12-55-110 (2))**

All signatures on a petition must be those of registered electors, in accordance with CRS 1-1-104 (35) and 1-40-111 (1). In addition, a notarized affidavit shall be attached to each petition section as outlined in CRS 1-40-111 (2). Any person who has signed the petition section cannot act as the notary public for the circulator affidavit (CRS 12-55-110 (2)).

PETITION REPRESENTATIVES AND CIRCULATORS SHOULD REVIEW TITLE 1, ARTICLE 40 OF THE COLORADO REVISED STATUTES AND THE INSTRUCTIONS OUTLINED IN THIS MANUAL.

Any disassembly of a section of the petition, which has the effect of separating the affidavit from the signatures, will render that section of the petition invalid. Additionally, any signature added to a section of a petition after the affidavit has been executed will be invalid.

If a registered elector is physically disabled or illiterate and wishes to sign the petition, the elector may do so by signing his or her name or making his or her mark in the signature area; any person except the circulator may assist the elector by completing the remaining information required.

The person providing assistance must sign his or her name and address and must state that such assistance was given to the disabled or illiterate elector.

H. REQUIREMENTS RELATING TO PETITION CIRCULATORS

In order to circulate an initiative or referendum petition a person must be a resident of the state, a citizen of the United States, and at least eighteen years old at the time that the petition is circulated. Additional requirements and information about receiving money to circulate petitions is included below:

1-40-112. Circulators - requirements. (1) No person shall circulate a petition for an initiative or referendum measure unless the person is a resident of the state, a citizen of the United States, and at least eighteen years of age at the time the petition is circulated.

(2) (a) A circulator who is not to be paid for circulating a petition concerning a ballot issue shall display an identification badge that includes the words "VOLUNTEER CIRCULATOR" in bold-faced type that is clearly legible.

(b) A circulator who is to be paid for circulating a petition concerning a ballot issue shall display an identification badge that includes the words "PAID CIRCULATOR" in bold-faced type that is clearly legible and the name and telephone number of the individual employing the circulator.

1-40-121. Receiving money to circulate petitions - filing. (1) The proponents of the petition shall file with the official who receives filings under the "Fair Campaign Practices Act", article 45 of this title, for the election a report stating the total amount paid to all persons who were paid to circulate a section of the petition. The filing shall be made at the same time the petition is filed with the secretary of state. A payment made to a circulator is an expenditure under article 45 of this title.

(2) (Deleted by amendment, L. 2007, p. 1983, § 36, effective August 3, 2007.)

I. FILING THE PETITION FOR VERIFICATION OF SIGNATURES (CRS 1-40-107; CRS 1-40-108(1))

To be placed on the ballot, a petition must receive five percent of the total votes cast for all candidates for the Office of Secretary of State at the previous general election.

Initiative petitions must be filed with the Secretary of State within 6 months from the date of the final language set by the Title Board as stated in CRS 1-40-107, except that no petition may be filed less than 3 months before the election. ALL INITIATIVE PETITIONS MUST BE FILED BY 3 P.M. ON THE DAY OF FILING.

If the initiative language is appealed to the Colorado Supreme Court, signatures may be collected during the appeal process; HOWEVER, if the court decision includes changes in the wording of the initiative titles, the signatures collected during the appeal process are not admissible.

J. STATEMENT OF SUFFICIENCY OR INSUFFICIENCY (CRS 1-40-117)

The Secretary of State will issue a statement of sufficiency or insufficiency no later than thirty calendar days after the petition has been filed.

If the Secretary of State issues a statement of insufficiency, the representatives designated by the proponents pursuant to CRS 1-40-104 may cure the insufficiency by filing an addendum to the original petition for the purpose of offering an additional number of signatures to cure the insufficiency.

The addendum must be filed with the Secretary of State within a fifteen-day period after the insufficiency is declared and within the time required by the state constitution (at least 3 months prior to the election). All signatures must be affixed during such fifteen-day period. ALL FILINGS MUST BE SUBMITTED BY 3:00 P.M. ON THE DAY OF FILING.

After examining the addendum and within ten calendar days of receipt, the Secretary of State will issue a statement of sufficiency or insufficiency depending on if the addendum cured the insufficiency found in the original petition.

**K. PUBLIC ACCESS TO FILED PETITIONS
(CRS 1-40-116(2))**

Petitions are not available for immediate public inspection. After the Secretary of State has issued a statement of sufficiency or insufficiency, the public may have access to a specific petition. The same rules apply to addenda filed to cure insufficiencies.

**L. PROTESTING THE SECRETARY OF STATE'S DETERMINATION
(CRS 1-40-118)**

Any registered elector may appeal the Secretary of State's determination of sufficiency by filing a protest with the Denver District Court. The protest must be filed with the Court within thirty days of the statement of sufficiency or insufficiency.

M. PLACEMENT ON THE BALLOT

A proposal that is found sufficient is then numbered and placed on the ballot. Each proposal is numbered according to the order in which the statement of sufficiency was issued.

INITIATIVE PETITION PROCEDURAL CHECKLIST

STATEWIDE PETITION PROCESS	WHAT TO FILE	WHERE TO FILE OR MEET	WHEN TO FILE OR MEET	GENERAL INFORMATION
Proponents prepare the wording of the proposed law or constitutional amendment.				The language of the measure must comply with the single subject requirement. Colo. Const. Art. V, Sec. 1(5.5); CRS 1-40-106.5. Drafts should be written in plain non-technical language and in a clear and coherent manner using words with common and everyday meaning. CRS 1-40-105(1)
Proponents submit draft language of the proposed initiative.	A typewritten amended draft of the proposed law or constitutional amendment. CRS 1-40-105(2) Do not present draft indicating a “yes” or “no” vote. CRS 1-40-105(3)	Directors of Legislative Council and Legislative Legal Services State Capitol #029 Denver, CO 80203 303-866-3521		
Review and Comment Meeting			A public meeting will be set no later than two weeks after receipt of draft. CRS 1-40-105(1)	Comments will be given to the proponents by Legislative Council and Legislative Legal Services. CRS 1-40-105(1)
Proponents may amend a proposed initiative after the Review and Comment Meeting.		Directors of Legislative Council and Legislative Legal Services State Capitol #029 303-866-3521	After the public meeting but before submission to the Secretary of State for a setting of the Title. CRS 1-40-105(2)	If substantial changes are made, then the measure must be resubmitted to Legislative Council Staff for a Review and Comment Meeting. If changes are made only in response to suggestions by the Legislative Council or Legislative Legal Services Staff, then the proponents may skip this step and submit the measure to the Secretary of State. CRS 1-40-105(2)

STATEWIDE PETITION PROCESS	WHAT TO FILE	WHERE TO FILE OR MEET	WHEN TO FILE OR MEET	GENERAL INFORMATION
Filing the Text with the Secretary of State	<ul style="list-style-type: none"> • One copy of the original typewritten draft submitted for review and comment hearing • One copy of the amended draft with changes highlighted (if applicable) • One original final draft of the typewritten text without any title, ballot title, or submission clause CRS 1-40-105(4)	Bernie Buescher Secretary of State 1700 Broadway #270 Denver, CO 80290 303-894-2200, press "3"	After the review and comment hearing, a draft to be considered for the next Title Board hearing must be filed by 3 p.m. on the 12 th day prior to the next meeting of the Title Board. CRS 1-40-106(1)	Upon filing the text with the Secretary of State, the location and time of the Title Board hearing will be determined by the Secretary of State.
Title Board Hearing	Bring all the copies sent to the proponents that may affect the setting of the title, ballot title and submission clause. CRS 1-40-105(4)	Secretary of State's Office determines location of hearing.	The Title Board meets on the first and third Wednesdays of each month. The Secretary of State's Office determines the time of hearing. CRS 1-40-105(4)	The Title Board is comprised of the Secretary of State, Attorney General and Director of Legislative Legal Services, or their representatives. CRS 1-40-106(1)
Resubmission to Legislative Council Staff to comply with single subject requirements if title setting was denied per Article V, section 1(5.5)		Directors of Legislative Council and Legislative Legal Services State Capitol #029 303-866-3521		
Motion for Rehearing	Outline specifically what problems are seen with the titles and submission clause as set by the Title Board.	Bernie Buescher Secretary of State 1700 Broadway #270 Denver, CO 80290 303-894-2200, press "3"	A Motion for Rehearing must be filed with the Secretary of State within 7 days of the first Title Board hearing in which a decision was made. The motion for rehearing will be heard at the next regularly scheduled meeting of the Title Board. If the title was set at the last Title Board meeting in May, the motion shall be heard within forty-eight hours of the deadline to file motions for rehearing. CRS 1-40-107(1)	A proponent or any registered elector who is not satisfied with the title and submission clause provided by the Title Board may file a motion for rehearing.

STATEWIDE PETITION PROCESS	WHAT TO FILE	WHERE TO FILE OR MEET	WHEN TO FILE OR MEET	GENERAL INFORMATION
Filing with the Supreme Court	As provided by the Secretary of State, a certified copy of the petition with the title and submission clause of the proposed law or constitutional amendment, together with a certified copy of the motion for rehearing and the ruling thereon. CRS 1-40-107(2)	Clerk of the Supreme Court Colorado Judicial Building 2 East Fourteenth Avenue Denver, CO 80203 303-861-1111	If filed within five days thereafter, the matter will be docketed and shall be placed at the head of the calendar and disposed of summarily either affirming the board or reversing it. CRS 1-40-107(2)	If any person who filed a motion for rehearing is overruled by the Title Board, they may file with the Supreme Court. CRS 1-40-107(2)
Approval of Petition Format	Each section of a petition must be printed on a form as prescribed by the Secretary of State. No petition shall be circulated unless the Secretary of State has approved the form.	Bernie Buescher Secretary of State 1700 Broadway #270 Denver, CO 80290 303-894-2200, press "3"	Submit petition exactly as it will be presented to electors for signatures.	
Preparation of Petition Sections for Circulation/ Gathering Signatures				No petition will be submitted to the voters unless the number of electors required by the state constitution signs the petition. CRS 1-40-109(1) Any person who is a registered elector may sign for any ballot issue for which the elector is eligible to vote. CRS 1-40-109(3)
Filing the Petition for Verification of Signatures	Petition sections should be bundled in groups of 100. A statement of disclosure must be filed at this time. It should include the total amount paid to all circulators.	Bernie Buescher Secretary of State 1700 Broadway #270 Denver, CO 80290 303-894-2200, press "3"	The petition must be filed within 6 months from when the final language was set by the Title Board and no later than 3 months before a statewide election. The petition must be submitted no later than 3 p.m. on the due date. CRS 1-40-108	

STATEWIDE PETITION PROCESS	WHAT TO FILE	WHERE TO FILE OR MEET	WHEN TO FILE OR MEET	GENERAL INFORMATION
Verification Process			The petition will be available to the public no later than thirty calendar days after it was submitted.	<p>The Secretary of State will verify that the information contained in the petition is in accordance with the law. CRS 1-40-116(2)</p> <p>No signature will be counted unless the signer is a registered elector and eligible to vote on the measure. CRS 1-40-116(3)</p> <p>The Secretary of State shall verify the signatures on the petition by use of random sampling. CRS 1-40-116(4)</p>
Statement of Sufficiency or Insufficiency				The Secretary of State will issue the statement of sufficiency or insufficiency no later than thirty calendar days from the filing of the petition sections. CRS 1-40-117(3);1-40-117(3)(b)
Cure	File an addendum to the original petition for the purpose of offering an additional number of signatures as will cure the insufficiency.	Bernie Buescher Secretary of State 1700 Broadway #270 Denver, CO 80290 303-894-2200, press "3"	Within fifteen days after insufficiency is declared, by 3:00 p.m. on the day of filing, but no later than 3 months prior to the election. CRS 1-40-117(3)(b)	In the event the Secretary of State issues a statement declaring that a petition, having first been submitted with the required number of signatures, appears not to have sufficient number of valid signatures, the representatives designated by the proponents may cure the insufficiency. CRS 1-40-117(3)(b)

STATEWIDE PETITION PROCESS	WHAT TO FILE	WHERE TO FILE OR MEET	WHEN TO FILE OR MEET	GENERAL INFORMATION
Verification process for additional signatures to cure insufficiencies				<p>The Secretary of State will order the examination and verification of each signature on the addendum.</p> <p>The Secretary of State will, within ten calendar days, issue a statement as to whether the addendum cures the insufficiency found in the original petition. CRS 1-40-117(3)(b)</p>
Protesting the Secretary of State's Determination	File 3 copies of the protest in writing and under oath. CRS 1-40-118(1)	Clerk of the District Court for the county in which a registered elector has filed the petition. CRS 1-40-118(1)	Within thirty days after the Secretary of State issues a statement as to whether the petition has a sufficient number of valid signatures. CRS 1-40-118(1)	May be filed by a registered elector that is protesting the finding of the Secretary of State.

<u>NOVEMBER, 2008</u>		
Friday, November 21	3:00 p.m. – Any measure to be considered for December 3, 2008 hearing is due (commencement of 2009-2010 initiative cycle)	1-40-105(4) 1-40-106(1)
Friday, November 28 or Monday, December 1	Staff drafts of Titles will be delivered or transmitted by the Office of Legislative Legal Services, then initiative materials are publicly distributed	
<u>DECEMBER, 2008</u>		
Wednesday, December 3	Title Board Hearing (first hearing of 2009-2010 initiative cycle)	1-40-106(1)
Friday, December 5	3:00 p.m. – Any measure to be considered for December 17, 2008 hearing is due Results of December 3, 2008 hearing processed	1-40-105(4) 1-40-106(1) 1-40-106(3)(b)
Wednesday, December 10	5:00 p.m. – Motions for Rehearing due	1-40-107(1)
Friday, December 12 or Monday, December 15	Staff drafts of Titles will be delivered or transmitted by the Office of Legislative Legal Services, then initiative materials are publicly distributed	
Wednesday, December 17	Title Board Hearing	1-40-106(1)
Friday, December 19	Results of December 17, 2008 hearing processed	1-40-106(3)(b)
Wednesday, December 24	5:00 p.m. – Motions for Rehearing due	1-40-107(1)
Friday, December 26	3:00 p.m. – Any measure to be considered for January 7, 2009 hearing is due	1-40-106(3)(b)
<u>JANUARY, 2009</u>		
Friday, January 2 or Monday, January 5	Staff drafts of Titles will be delivered or transmitted by the Office of Legislative Legal Services, then initiative materials are publicly distributed	
Wednesday, January 7	Title Board Hearing	1-40-106(1)
Friday, January 9	3:00 p.m. – Any measure to be considered for January 21, 2009 hearing is due Results of January 7, 2009 hearing processed	1-40-105(4) 1-40-106(1) 1-40-106(3)(b)
Wednesday, January 14	5:00 p.m. – Motions for Rehearing due	1-40-107(1)
Friday, January 16 or Tuesday, January 20*	Staff drafts of Titles will be delivered or transmitted by the Office of Legislative Legal Services, then initiative materials are publicly distributed	
Wednesday, January 21	Title Board Hearing	1-40-106(1)
Friday, January 23	3:00 p.m. – Any measure to be considered for February 4, 2009 hearing is due Results of January 21, 2009 hearing processed	1-40-105(4) 1-40-106(1) 1-40-106(3)(b)
Wednesday, January 28	5:00 p.m. – Motions for Rehearing due	1-40-107(1)
Friday, January 30 or Monday, February 2	Staff drafts of Titles will be delivered or transmitted by the Office of Legislative Legal Services, then initiative materials are publicly distributed	
<u>FEBRUARY, 2009</u>		
Wednesday, February 4	Title Board Hearing	1-40-106(1)
Friday, February 6	3:00 p.m. – Any measure to be considered for February 18, 2009 hearing is due Results of February 4, 2009 hearing processed	1-40-105(4) 1-40-106(1) 1-40-106(3)(b)

Wednesday, February 11	5:00 p.m. – Motions for Rehearing due	1-40-107(1)
Friday, February 13 or Tuesday, February 17*	Staff drafts of Titles will be delivered or transmitted by the Office of Legislative Legal Services, then initiative materials are publicly distributed	
Wednesday, February 18	Title Board Hearing	1-40-106(1)
Friday, February 20	3:00 p.m. – Any measure to be considered for March 4, 2009 hearing is due Results of February 18, 2009 hearing processed	1-40-105(4) 1-40-106(1) 1-40-106(3)(b)
Wednesday, February 25	5:00 p.m. – Motions for Rehearing due	1-40-107(1)
Friday, February 27 or Monday, March 2	Staff drafts of Titles will be delivered or transmitted by the Office of Legislative Legal Services, then initiative materials are publicly distributed	
MARCH, 2009		
Wednesday, March 4	Title Board Hearing	1-40-106(1)
Friday, March 6	3:00 p.m. – Any measure to be considered for March 18, 2009 hearing is due Results of March 4, 2009 hearing processed	1-40-105(4) 1-40-106(1) 1-40-106(3)(b)
Wednesday, March 11	5:00 p.m. – Motions for Rehearing due	1-40-107(1)
Friday, March 13 or Monday, March 16	Staff drafts of Titles will be delivered or transmitted by the Office of Legislative Legal Services, then initiative materials are publicly distributed	
Wednesday, March 18	Title Board Hearing	1-40-106(1)
Friday, March 20	3:00 p.m. – Any measure to be considered for April 1, 2009 hearing is due Results of March 18, 2009 hearing processed	1-40-105(4) 1-40-106(1) 1-40-106(3)(b)
Wednesday, March 25	5:00 p.m. – Motions for Rehearing due	1-40-107(1)
Friday, March 27 or Monday, March 30	Staff drafts of Titles will be delivered or transmitted by the Office of Legislative Legal Services, then initiative materials are publicly distributed	
APRIL, 2009		
Wednesday, April 1	Title Board Hearing	1-40-106(1)
Friday, April 3	3:00 p.m. – Any measure to be considered for April 15, 2009 hearing is due Results of April 1, 2009 hearing processed	1-40-105(4) 1-40-106(1) 1-40-106(3)(b)
Wednesday, April 8	5:00 p.m. – Motions for Rehearing due	1-40-107(1)
Friday, April 10 or Monday April 13	Staff drafts of Titles will be delivered or transmitted by the Office of Legislative Legal Services, then initiative materials are publicly distributed	
Wednesday, April 15	Title Board Hearing	1-40-106(1)
Friday, April 17	Results of April 15, 2009 hearing processed	1-40-106(3)(b)
Wednesday, April 22	5:00 p.m. – Motions for Rehearing due	1-40-107(1)
Friday, April 24	3:00 p.m. – Any measure to be considered for May 6, 2009 hearing is due	1-40-105(4) 1-40-106(1)
MAY, 2009		
Friday, May 1 or Monday, May 4	Staff drafts of Titles will be delivered or transmitted by the Office of Legislative Legal Services, then initiative materials are publicly distributed	
Wednesday, May 6	Title Board Hearing	1-40-106(1)

Friday, May 8	3:00 p.m. – Any measure to be considered for May 20, 2009 hearing is due (Last day to file for TABOR measures that will appear on November 2009 Coordinated Election ballot) Results of May 6, 2009 hearing processed	1-40-105(4) 1-40-106(1) 1-41-102(1) 1-40-106(3)(b)
Wednesday, May 13	5:00 p.m. – Motions for Rehearing due	1-40-107(1)
Friday, May 15 or Monday, May 18	Staff drafts of Titles will be delivered or transmitted by the Office of Legislative Legal Services, then initiative materials are publicly distributed	
Wednesday, May 20	Title Board Hearing – Last meeting for TABOR measures that will appear on the November 3, 2009 Coordinated Election Ballot	1-40-106(1)
Friday, May 22	3:00 p.m. – Any measure to be considered for June 3, 2009 hearing is due Results of May 20, 2009 hearing processed	1-40-105(4) 1-40-106(1) 1-40-106(3)(b)
Wednesday, May 27	5:00 p.m. – Motions for Rehearing due	1-40-107(1)
Thursday May 28 to Friday, May 29	Motion for Rehearing shall be heard within 48 hours after the expiration of the 7 day period for filing motions for rehearing (measures for November 3, 2009 Coordinated Election only)	1-40-107(1)
Friday, May 29 or Monday, June 1	Staff drafts of Titles will be delivered or transmitted by the Office of Legislative Legal Services, then initiative materials are publicly distributed	
JUNE, 2009		
Wednesday, June 3	Title Board Hearing	1-40-106(1)
Friday, June 5	3:00 p.m. – Any measure to be considered for June 17, 2009 hearing is due Results of June 3, 2009 hearing processed	1-40-105(4) 1-40-106(1) 1-40-106(3)(b)
Wednesday, June 10	5:00 p.m. – Motions for Rehearing due	1-40-107(1)
Friday, June 12, or Monday, June 15	Staff drafts of Titles will be delivered or transmitted by the Office of Legislative Legal Services, then initiative materials are publicly distributed	
Wednesday, June 17	Title Board Hearing	1-40-106(1)
Friday, June 19	3:00 p.m. – Any measure to be considered for July 1, 2009 hearing is due Results of June 17, 2009 hearing processed	1-40-105(4) 1-40-106(1) 1-40-106(3)(b)
Wednesday, June 24	5:00 p.m. – Motions for Rehearing due	1-40-107(1)
Friday, June 26 or Monday, June 29	Staff drafts of Titles will be delivered or transmitted by the Office of Legislative Legal Services, then initiative materials are publicly distributed	
JULY, 2009		
Wednesday, July 1	Title Board Hearing	1-40-106(1)
Monday, July 6*	3:00 p.m. – Any measure to be considered for July 15, 2009 hearing is due Results of July 1, 2009 hearing processed	1-40-105(4) 1-40-106(1) 1-40-106(3)(b) 1-1-106(4)
Wednesday, July 8	5:00 p.m. – Motions for Rehearing due	1-40-107(1)

Friday, July 10 or Monday, July 13	Staff drafts of Titles will be delivered or transmitted by the Office of Legislative Legal Services, then initiative materials are publicly distributed	
Wednesday, July 15	Title Board Hearing	1-40-106(1)
Friday, July 17	Results of July 15, 2009 hearing processed	1-40-106(3)(b)
Wednesday, July 22	5:00 p.m. – Motions for Rehearing due	1-40-107(1)
Friday, July 24	3:00 p.m. – Any measure to be considered for August 5, 2009 hearing is due	1-40-105(4) 1-40-106(1)
Friday, July 31 or Monday, August 3	Staff drafts of Titles will be delivered or transmitted by the Office of Legislative Legal Services, then initiative materials are publicly distributed	
<u>AUGUST, 2009</u>		
Monday, August 3	3:00 p.m. – Last day to file an initiative petition with the Secretary of State for the November 2009 Odd-Year Election ballot (At least 3 months before the Coordinated Election)	1-40-108 1-40-107(5) Art. V, Sec 1(2)
Wednesday, August 5	Title Board Hearing	1-40-106(1)
Friday, August 7	3:00 p.m. – Any measure to be considered for August 19, 2009 hearing is due Results of August 5, 2009 hearing processed	1-40-105(4) 1-40-106(1) 1-40-106(3)(b)
Wednesday, August 12	5:00 p.m. – Motions for Rehearing due	1-40-107(1)
Friday, August 14 or Monday, August 17	Staff drafts of Titles will be delivered or transmitted by the Office of Legislative Legal Services, then initiative materials are publicly distributed	
Wednesday, August 19	Title Board Hearing	1-40-106(1)
Friday, August 21	3:00 p.m. – Any measure to be considered for September 2, 2009 hearing is due Results of August 19, 2009 hearing processed	1-40-105(4) 1-40-106(1) 1-40-106(3)(b)
Wednesday, August 26	5:00 p.m. – Motions for Rehearing due	1-40-107(1)
Friday, August 28 or Monday, August 31	Staff drafts of Titles will be delivered or transmitted by the Office of Legislative Legal Services, then initiative materials are publicly distributed	
<u>SEPTEMBER, 2009</u>		
Wednesday, September 2	Title Board Hearing	1-40-106(1)
Friday, September 4	3:00 p.m. – Any measure to be considered for September 16, 2009 hearing is due Results of September 2, 2009 hearing processed	1-40-105(4) 1-40-106(1) 1-40-106(3)(b)
Wednesday, September 9	5:00 p.m. – Motions for Rehearing due	1-40-107(1)
Friday, September 11 or Monday, September 14	Staff drafts of Titles will be delivered or transmitted by the Office of Legislative Legal Services, then initiative materials are publicly distributed	
Wednesday, September 16	Title Board Hearing	1-40-106(1)
Friday, September 18	Results of September 16, 2009 hearing processed	1-40-106(3)(b)
Wednesday, September 23	5:00 p.m. – Motions for Rehearing due	1-40-107(1)
Friday, September 25	3:00 p.m. – Any measure to be considered for October 7, 2009 hearing is due	1-40-105(4) 1-40-106(1)

OCTOBER, 2009		
Friday, October 2 or Monday, October 5	Staff drafts of Titles will be delivered or transmitted by the Office of Legislative Legal Services, then initiative materials are publicly distributed	
Wednesday, October 7	Title Board Hearing	1-40-106(1)
Friday, October 9	3:00 p.m. – Any measure to be considered for October 21, 2009 hearing is due Results of October 7, 2009 hearing processed	1-40-105(4) 1-40-106(1) 1-40-106(3)(b)
Wednesday, October 14	5:00 p.m. – Motions for Rehearing due	1-40-107(1)
Friday, October 16 or Monday, October 19	Staff drafts of Titles will be delivered or transmitted by the Office of Legislative Legal Services, then initiative materials are publicly distributed	
Wednesday, October 21	Title Board Hearing	1-40-106(1)
Friday, October 23	3:00 p.m. – Any measure to be considered for November 4, 2009 hearing is due Results of October 21, 2009 hearing processed	1-40-105(4) 1-40-106(1) 1-40-106(3)(b)
Friday, October 30 or Monday, November 2	Staff drafts of Titles will be delivered or transmitted by the Office of Legislative Legal Services, then initiative materials are publicly distributed	
NOVEMBER, 2009		
Tuesday, November 3	COORDINATED ELECTION (Polls open 7:00 a.m. to 7:00 p.m.)	1-41-102(1) 1-7-101 Art X, Sec 20 (3)(a)
Wednesday, November 4	Title Board Hearing	1-40-106(1)
Friday, November 6	3:00 p.m. – Any measure to be considered for November 18, 2009 hearing is due Results of November 4, 2009 hearing processed	1-40-105(4) 1-40-106(1) 1-40-106(3)(b)
Thursday, November 12*	5:00 p.m. – Motions for Rehearing due	1-40-107(1) 1-1-106(4)
Friday, November 13 or Monday, November 16	Staff drafts of Titles will be delivered or transmitted by the Office of Legislative Legal Services, then initiative materials are publicly distributed	
Wednesday, November 18	Title Board Hearing	1-40-106(1)
Friday, November 20	3:00 p.m. – Any measure to be considered for December 2, 2009 hearing is due Results of November 18, 2009 hearing processed	1-40-105(4) 1-40-106(1) 1-40-106(3)(b)
Wednesday, November 25	5:00 p.m. – Motions for Rehearing due	1-40-107(1)
Friday, November 27 or Monday, November 30	Staff drafts of Titles will be delivered or transmitted by the Office of Legislative Legal Services, then initiative materials are publicly distributed	
DECEMBER, 2009		
Wednesday, December 2	Title Board Hearing	1-40-106(1)
Friday, December 4	3:00 p.m. – Any measure to be considered for December 16, 2009 hearing is due Results of December 2, 2009 hearing processed	1-40-105(4) 1-40-106(1) 1-40-106(3)(b)
Wednesday, December 9	5:00 p.m. – Motions for Rehearing due	1-40-107(1)

Friday, December 11 or Monday, December 14	Staff drafts of Titles will be delivered or transmitted by the Office of Legislative Legal Services, then initiative materials are publicly distributed	
Wednesday, December 16	Title Board Hearing	1-40-106(1)
Friday, December 18	Results of December 16, 2009 hearing processed	1-40-106(3)(b)
Wednesday, December 23	5:00 p.m. – Motions for Rehearing due	1-40-107(1)
Monday, December 28*	3:00 p.m. – Any measure to be considered for January 6, 2010 hearing is due	1-40-105(4) 1-40-106(1) 1-1-106(4)
Thursday, December 31 or Monday, January 4*	Staff drafts of Titles will be delivered or transmitted by the Office of Legislative Legal Services, then initiative materials are publicly distributed	
<u>JANUARY, 2010</u>		
Wednesday, January 6	Title Board Hearing	1-40-106(1)
Friday, January 8	3:00 p.m. – Any measure to be considered for January 20, 2010 hearing is due Results of January 6, 2010 hearing processed	1-40-105(4) 1-40-106(1) 1-40-106(3)(b)
Wednesday, January 13	5:00 p.m. – Motions for Rehearing due	1-40-107(1)
Friday, January 15 or Tuesday, January 19*	Staff drafts of Titles will be delivered or transmitted by the Office of Legislative Legal Services, then initiative materials are publicly distributed	
Wednesday, January 20	Title Board Hearing	1-40-106(1)
Friday, January 22	3:00 p.m. – Any measure to be considered for February 3, 2010 hearing is due Results of January 20, 2010 hearing processed	1-40-105(4) 1-40-106(1) 1-40-106(3)(b)
Wednesday, January 27	5:00 p.m. – Motions for Rehearing due	1-40-107(1)
Friday, January 29 or Monday, February 1	Staff drafts of Titles will be delivered or transmitted by the Office of Legislative Legal Services, then initiative materials are publicly distributed	
<u>FEBRUARY, 2010</u>		
Wednesday, February 3	Title Board Hearing	1-40-106(1)
Friday, February 5	3:00 p.m. – Any measure to be considered for February 17, 2010 hearing is due Results of February 3, 2010 hearing processed	1-40-105(4) 1-40-106(1) 1-40-106(3)(b)
Wednesday, February 10	5:00 p.m. – Motions for Rehearing due	1-40-107(1)
Friday, February 12 or Tuesday, February 16*	Staff drafts of Titles will be delivered or transmitted by the Office of Legislative Legal Services, then initiative materials are publicly distributed	
Wednesday, February 17	Title Board Hearing	1-40-106(1)
Friday, February 19	3:00 p.m. – Any measure to be considered for March 3, 2010 hearing is due Results of February 17, 2010 hearing processed	1-40-105(4) 1-40-106(1) 1-40-106(3)(b)
Wednesday, February 24	5:00 p.m. – Motions for Rehearing due	1-40-107(1)
Friday, February 26 or Monday, March 1	Staff drafts of Titles will be delivered or transmitted by the Office of Legislative Legal Services, then initiative materials are publicly distributed	
<u>MARCH, 2010</u>		
Wednesday, March 3	Title Board Hearing	1-40-106(1)

Friday, March 5	3:00 p.m. – Any measure to be considered for March 17, 2010 hearing is due Results of March 3, 2010 hearing processed	1-40-105(4) 1-40-106(1) 1-40-106(3)(b)
Wednesday, March 10	5:00 p.m. – Motions for Rehearing due	1-40-107(1)
Friday, March 12 or Monday, March 15	Staff drafts of Titles will be delivered or transmitted by the Office of Legislative Legal Services, then initiative materials are publicly distributed	
Wednesday, March 17	Title Board Hearing	1-40-106(1)
Friday, March 19	Results of March 17, 2010 hearing processed	1-40-106(3)(b)
Wednesday, March 24	5:00 p.m. – Motions for Rehearing due	1-40-107(1)
Friday, March 26	3:00 p.m. – Any measure to be considered for April 7, 2010 hearing is due	1-40-105(4) 1-40-106(1)
APRIL, 2010		
Friday, April 2 or Monday, April 5	Staff drafts of Titles will be delivered or transmitted by the Office of Legislative Legal Services, then initiative materials are publicly distributed	
Wednesday, April 7	Title Board Hearing	1-40-106(1)
Friday, April 9	3:00 p.m. – Any measure to be considered for April 21, 2010 hearing is due Results of April 7, 2010 hearing processed	1-40-105(4) 1-40-106(1) 1-40-106(3)(b)
Wednesday, April 14	5:00 p.m. – Motions for Rehearing due	1-40-107(1)
Friday, April 16 or Monday, April 19	Staff drafts of Titles will be delivered or transmitted by the Office of Legislative Legal Services, then initiative materials are publicly distributed	
Wednesday, April 21	Title Board Hearing	1-40-106(1)
Friday, April 23	3:00 p.m. – Any measure to be considered for May 5, 2010 hearing is due Results of April 21, 2010 hearing processed	1-40-105(4) 1-40-106(1) 1-40-106(3)(b)
Wednesday, April 28	5:00 p.m. – Motions for Rehearing due	1-40-107(1)
Friday, April 30 or Monday, May 3	Staff drafts of Titles will be delivered or transmitted by the Office of Legislative Legal Services, then initiative materials are publicly distributed	
MAY, 2010		
Wednesday, May 5	Title Board Hearing	1-40-106(1)
Friday, May 7	3:00 p.m. – Any measure to be considered for May 19, 2010 hearing is due (Last day to file for measures that will appear on November 2010 General Election ballot) Results of May 5, 2010 hearing processed	1-40-105(4) 1-40-106(1) 1-40-106(3)(b)
Wednesday, May 12	5:00 p.m. – Motions for Rehearing due	1-40-107(1)
Friday, May 14 or Monday, May 17	Staff drafts of Titles will be delivered or transmitted by the Office of Legislative Legal Services, then initiative materials are publicly distributed	
Wednesday, May 19	Title Board Hearing – Last meeting for measures that will appear on November 2, 2010 General Election ballot	1-40-106(1)

Friday, May 21	3:00 p.m. – Any measure to be considered for June 2, 2010 hearing is due (2011 initiatives only) Results of May 19, 2010 hearing processed	1-40-105(4) 1-40-106(1) 1-40-106(3)(b)
Wednesday, May 26	5:00 p.m. – Motions for Rehearing due	1-40-107(1)
Thursday, May 27 to Friday, May 28	Motion for Rehearing shall be heard within 48 hours after the expiration of the 7 day period for filing motions for rehearing (measures for November 2, 2009 Election only)	1-40-107(1)
<u>AUGUST, 2010</u>		
Monday, August 2	3:00 p.m. – Last day to file an initiative petition with the Secretary of State for the November 2010 General Election ballot (At least 3 months before the General Election)	1-40-108 1-40-107(5) Art. V Sec. 1(2)
<u>NOVEMBER, 2010</u>		
Tuesday, November 2	GENERAL ELECTION (Polls open 7 a.m. to 7 p.m.)	1-1-104(17)

PETITION FORMATTING

Each petition must include the details described below. The content of each detail category is for illustration purposes only. Consult with your attorney for exact information to include in your petition section.

A. Section Number

All sections of each petition must be pre-numbered serially. For example,

NO: 0350

NO: 0351

NO: 0352

B. Warning to appear at the top of each page

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

For anyone to sign any initiative or referendum petition with any name other than his or her own or to knowingly sign his or her name more than once for the same measure or to knowingly sign a petition when not a registered elector who is eligible to vote on the measure.

**DO NOT SIGN THIS PETITION UNLESS YOU ARE A REGISTERED ELECTOR AND ELIGIBLE TO VOTE ON THIS MEASURE.
TO BE A REGISTERED ELECTOR, YOU MUST BE A CITIZEN OF COLORADO AND REGISTERED TO VOTE.**

Before signing this petition, you are encouraged to read the text or the title of the proposed initiative or referred measure."
C.R.S. 1-40-110

C. Ballot title and submission clause to appear on each page, directly below the warning

*Insert Ballot Title (Ballot Question)
Should be formatted exactly as it was approved by the Board*

*C.R.S. 1-40-102(2) "Ballot title" means the language which is printed on
the ballot which is comprised of the submission clause and the title.
Ballot titles for tax or bonded debt increases shall be typed in an all upper case typeface*

D. Instructions for petition signers and circulators to appear on the first page, below the ballot title and submission clause

1. TO SIGN A PETITION

- A. Read the warning at the top of the page.
- B. To sign a petition you must be a registered voter in Colorado.
- C. No person may sign for another.
- D. The petition circulator may not assist a signer.
- E. If a signer is disabled and needs assistance, a third party should provide that assistance. The third party providing assistance shall sign his or her name and address and state that (s)he rendered assistance to the disabled elector.

2. HOW TO SIGN THE PETITION

- A. Print clearly.
- B. The petition form has two lines, both of which must be fully completed.
- C. Use black ink. Do not use ditto marks to provide information on a signature line.
- D. A signer must use the residence address where he or she is registered to vote.
- E. Do not use a post office box. Street name and number must be provided.
- F. For county abbreviations use the first four letters, except for Montezuma (MONZ) and Montrose (MONT).
- G. The signer must complete all portions of a signature line.
- H. A signer must not place a zip code or birth date under "Signing Date".
- I. Corrections: If a small correction is made, the signer should initial the change. If a larger correction is required, the signer should **completely** cross out the incorrect information and proceed to use the next two blank lines.

3. TO CIRCULATE A PETITION

- A. Read the warning at the top of each page.
- B. There can only be one circulator for each petition section.
- C. A petition section may not be left on a table unattended or passed among potential signers if the circulator is not accompanying the petition section. The circulator must witness every signature as it is written.
- D. Do not take the petition section apart. If the original staples are removed the petition section will not count.
- E. Do not sign your own petition section.
- F. Make sure that all the required information is complete before a signer leaves your presence.

4. WHAT TO DO WHEN THE CIRCULATOR HAS FINISHED COLLECTING SIGNATURES

- A. Every valid signature counts. Signatures on partially completed petition sections may count.
- B. A petition section must be properly notarized. Take the petition to a notary public, who will then notarize the affidavit. Do not sign or date your affidavit before you appear before the notary.
- C. No additional signatures may be collected after the affidavit has been notarized.
- D. The notarized petition section should then be immediately returned in person or by mail to:

Print the name and mailing address (and the phone number if applicable) of a proponent or the name and mailing address of someone designated to represent the proponents.

E. Name and mailing name and mailing address of represent the proponents

address of proponents or someone designated to

F. Petition to Initiate

PETITION TO INITIATE

To: The Honorable Mike Coffman, Secretary of State of Colorado

We, the undersigned registered voters of the state of Colorado, do hereby respectfully order and demand that the following proposed amendment to the (*specify one of the following*) Colorado Constitution/Colorado Revised Statutes shall be submitted to the legal voters of the state for their adoption or rejection at the polls at the general election to be held on Tuesday, November __, 20__.

Each of the signers hereto says:

I sign this petition in my own proper person only. I am a registered voter of the state of Colorado. My residence address and the date of my signing this petition are correctly written immediately after my printed name. I hereby designate the following persons to represent me in all matters affecting this petition:

Names and addresses of two proponents printed here pursuant to 1-40-113. Form - representatives of signers.

(1) ... Each petition section shall designate by name and mailing address two persons who shall represent the signers thereof in all matters affecting the same.

G. The full text of the proposed measure

The full text of the proposed measure should appear here and may be printed on as many pages as necessary

Colorado Constitution, Article V, Section 1(2)The first power hereby reserved by the people is the initiative, and signatures by registered electors in an amount equal to at least five percent of the total number of votes cast for all candidates for the office of secretary of state at the previous general election shall be required to propose any measure by petition, and every such petition shall include the full text of the measure so proposed.

H. Signature page

1	Signature	Residence Address (Street & Number)	County
	Printed Name	City/Town	Date of Signing
2	Signature	Residence Address (Street & Number)	County
	Printed Name	City/Town	Date of Signing

I. Affidavit of circulator

AFFIDAVIT OF CIRCULATOR

I, _____, swear that I reside at: _____
Circulator - PRINTED NAME Street name and number of RESIDENCE

City/Town County State Zip Code

and do further swear that I have read and understand the laws governing the circulation of petitions; that I was at least 18 years of age, a citizen of the United States, and a resident of Colorado at the time this section of the petition was circulated and signed by the listed electors; that I circulated this section of the petition; that each signature thereon was affixed in my presence; that each signature thereon is the signature of the person whose name it purports to be; that to the best of my knowledge and belief each of the persons signing this petition section was, at the time of signing, a registered elector of the State of Colorado; and that I have not paid or will not in the future pay and that I believe that no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix his or her signature to the petition.

Signature of Circulator Date of Signing

STATE OF COLORADO, COUNTY OF _____

Subscribed and sworn to before me this _____ day of _____, 20 _____

(SEAL)

*NOTE: Affidavit of
Circulator should
appear on a
signature line page*

Signature (and Title) of Official Administering Oath

My Commission Expires: _____

PROCEDURES REGARDING PETITION FORMAT APPROVAL

Statewide Initiatives

Applicable Statutory/Rule Citations:

C.R.S. 1-40-113(1). *Form – representatives of signers.* (1) Each section of a petition shall be printed on a form as prescribed by the secretary of state. No petition shall be printed, published, or otherwise circulated unless the form and the first printer's proof of the petition have been approved by the secretary of state. Each petition section shall designate by name and mailing address two persons who shall represent the signers thereof in all matters affecting the same. The secretary of state shall assure that the petition contains only the matters required by this article and contains no extraneous material. All sections of any petition shall be prenumbered serially, and the circulation of any petition section described by this article other than personally by a circulator is prohibited. Any petition section that fails to conform to the requirements of this article or is circulated in a manner other than that permitted in this article shall be invalid.

Rule 15.3. *Rules Concerning Preparation and Filing of Statewide Initiative Petitions.* Proponents may begin circulating a petition for signatures at any time after the final decision of the title board, including disposition of any motion for rehearing or the expiration of the time for filing a motion for rehearing, and after the Secretary of State has approved the format of the petition as provided in section 1-40-113(1) C.R.S., whether or not an appeal is filed with the Supreme Court pursuant to section 1-40-107(2). The six-month period specified in section 1-40-108(1) shall begin on the date that the first signature is affixed to the petition or, in the case of an appeal to the Supreme Court, on the date that the decision of the Supreme Court becomes final, whichever date occurs first. Signatures shall be counted only if affixed to the petition during the period provided in this rule.

- The Secretary of State's Office encourages petition representatives to work with the staff of the Elections Division in receiving secretary of state instruction and direction in the submission of petition format approval.
- The staff of the Elections Division will continue to work closely with petition representatives in an informal manner in providing instruction and direction in the submission of the proposed petition format approval.
- No petition format will receive final approval by the Secretary of State's Office until after the 7 days has passed to file a motion for rehearing with the title board. C.R.S. 1-40-107(1).
- If, after 7 days, no motion for re-hearing has been filed, and the petition format has been submitted for approval, then the Secretary of State's Office will review the petition format and approve or disapprove within 48 hours after the 7th day.
- If, after 7 days, no motion for re-hearing has been filed, and the petition format has not been submitted for approval, then the Secretary of State's Office will review the petition format and approve or disapprove within 48 hours after the submittal of the format.
- If a motion for re-hearing is filed within 7 days, then the petition format will not receive final approval by the Secretary of State's Office until after the final decision of the Title Board.

- If a motion for re-hearing is filed within 7 days and is withdrawn prior to the re-hearing, and the petition format has not been submitted, then the Secretary of State's Office shall have 48 hours after submittal of the petition format to issue final approval or disapproval of the petition format.
- If a motion for re-hearing is filed within 7 days and is withdrawn prior to the re-hearing, and the petition format has been submitted to the Secretary of State's Office, the Secretary of State's Office shall have 48 hours from the date of withdrawal of the motion to issue final approval or disapproval of the petition format.
- The Secretary of State's Office shall have 48 hours to issue final approval or disapproval to all submitted initiative petition formats. No petition shall be circulated until after final approval of the Secretary of State's Office.

COLORADO CONSTITUTION, ARTICLE V, SECTION 1

Legislative Department

Section 1. General assembly - initiative and referendum.

(1) The legislative power of the state shall be vested in the general assembly consisting of a senate and house of representatives, both to be elected by the people, but the people reserve to themselves the power to propose laws and amendments to the constitution and to enact or reject the same at the polls independent of the general assembly and also reserve power at their own option to approve or reject at the polls any act or item, section, or part of any act of the general assembly.

(2) The first power hereby reserved by the people is the initiative, and signatures by registered electors in an amount equal to a least five percent of the total number of votes cast for all candidates for the office of secretary of state at the previous general election shall be required to propose any measure by petition, and every such petition shall include the full text of the measure so proposed. Initiative petitions for state legislation and amendments to the constitution, in such form as may be prescribed pursuant to law, shall be addressed to and filed with the secretary of state at least three months before the general election at which they are to be voted upon.

(3) The second power hereby reserved is the referendum, and it may be ordered, except as to laws necessary for the immediate preservation of the public peace, health, or safety, and appropriations for the support and maintenance of the departments of state and state institutions, against any act or item, section, or part of any act of the general assembly, either by a petition signed by registered electors in an amount equal to at least five percent of the total number of votes cast for all candidates for the office of the secretary of state at the previous general election or by the general assembly. Referendum petitions, in such form as may be prescribed pursuant to law, shall be addressed to and filed with the secretary of state not more than ninety days after the final adjournment of the session of the general assembly that passed the bill on which the referendum is demanded. The filing of a referendum petition against any item, section, or part of any act shall not delay the remainder of the act from becoming operative.

(4) The veto power of the governor shall not extend to measures initiated by or referred to the people. All elections on measures initiated by or referred to the people of that state shall be held at the biennial regular general election, and all such measures shall become the law or a part of the constitution, when approved by a majority of the votes cast thereon, and not otherwise, and shall take effect from and after the date of the official declaration of the vote thereon by proclamation of the governor, but not later than thirty days after the vote has been canvassed. The section shall not be construed to deprive the general assembly of the power to enact any measure.

(5) The original draft of the text of proposed initiated constitutional amendments and initiated laws shall be submitted to the legislative research and drafting offices of the general assembly for review and comment. No later than two weeks after submission of the original draft, unless withdrawn by the proponents, the legislative research and drafting offices of the general assembly shall render their comments to the proponents of the proposed measure at a meeting open to the public, which shall be held only after full and timely notice to the public. Such meeting shall be held prior to the fixing of a ballot title. Neither the general assembly nor its committees or agencies shall have any power to require the amendment, modification, or other alteration of the text of any such proposed measure or to establish deadlines for the submission of the original draft of the text of any proposed measure.

(5.5) No measure shall be proposed by petition containing more than one subject, which shall be clearly expressed in its title; but if any subject shall be embraced in any measure which shall not be expressed in the title, such measure shall be void only as to so much thereof as shall not be so expressed. If a measure contains more than one subject, such that a ballot title cannot be fixed that clearly expresses a single subject, no title shall be set and the measure shall not be submitted to the people for adoption or rejection at the polls. In such circumstance, however, the measure may be revised and resubmitted for the fixing of a proper title without the necessity of review and comment on the revised measure in accordance with subsection (5) of this section, unless the revisions involve more than the elimination of provisions to achieve a single subject, or unless the official or officials responsible for the fixing of a title determine that the revisions are so substantial that such review and comment is in the public interest. The revision and resubmission of a measure in accordance with this subsection (5.5) shall not operate to alter or extend any filing deadline applicable to the measure.

(6) The petition shall consist of sheets having such general form printed or written at the top thereof as shall be designated or prescribed by the secretary of state; such petition shall be signed by registered electors in their own proper persons only, to which shall be attached the residence address of such person and the date of signing the same. To each of such petitions, which may consist of one or more sheets, shall be attached an affidavit of some registered elector that each signature thereon is the signature of the person whose name it purports to be and that, to the best of the knowledge and belief of the affiant, each of the persons signing said petition was, at the time of signing, a registered elector. Such petition so verified shall be prima facie evidence that the signatures thereon are genuine and true and that the persons signing the same are registered electors.

(7) The secretary of state shall submit all measures initiated by or referred to the people for adoption or rejection at the polls, in compliance with this section. In submitting the same and in all matters pertaining to the form of all petitions, the secretary of state and all other officers shall be guided by the general laws.

(7.3) Before any election at which the voters of the entire state will vote on any initiated or referred constitutional amendment or legislation, the nonpartisan research staff of the general assembly shall cause to be published the text and title of every such measure. Such publication shall be made at least one time in at least one legal publication of general circulation in each county of the state and shall be made at least fifteen days prior to the final date of voter registration for the election. The form and manner of publication shall be as prescribed by law and shall ensure a reasonable opportunity for the voters statewide to become informed about the text and title of each measure.

(7.5) (a) Before any election at which the voters of the entire state will vote on any initiated or referred constitutional amendment or legislation, the nonpartisan research staff of the general assembly shall prepare and make available to the public the following information in the form of a ballot information booklet:

(I) The text and title of each measure to be voted on;

(II) A fair and impartial analysis of each measure, which shall include a summary and the major arguments both for and against the measure, and which may include any other information that would assist understanding the purpose and effect of the measure. Any person may file written comments for consideration by the research staff during the preparation of such analysis.

(b) At least thirty days before the election, the research staff shall cause the ballot information booklet to be distributed to active registered voters statewide.

(c) If any measure to be voted on by the voters of the entire state includes matters arising under section 20 of article X of this constitution, the ballot information booklet shall include the information and the titled notice required by section 20 (3) (b) of article X, and the mailing of such information pursuant to section 20 (3) (b) of article X is not required.

(d) The general assembly shall provide sufficient appropriations for the preparation and distribution of the ballot information booklet pursuant to this subsection (7.5) at no charge to recipients.

(8) The style of all laws adopted by the people through the initiative shall be, "Be it Enacted by the People of the State of Colorado".

(9) The initiative and referendum powers reserved to the people by this section are hereby further reserved to the registered electors of every city, town, and municipality as to all local, special, and municipal legislation of every character in or for their respective municipalities. The manner of exercising said powers shall be prescribed by general laws; except that cities, towns, and municipalities may provide for the manner of exercising the initiative and referendum powers as to their municipal legislation. Not more than ten percent of the registered electors may be required to order the referendum, nor more than fifteen per cent to propose any measure by the initiative in any city, town, or municipality.

(10) This section of the constitution shall be in all respects self-executing; except that the form of the initiative or referendum petition may be prescribed pursuant to law.

As amended November 8, 1910. (See Laws 1910 (Ex. Sess.), p. 11.); as amended November 4, 1980--Effective upon proclamation of the Governor, December 19, 1980. (See L. 79, p. 1672.); as amended November 8, 1994--Effective upon proclamation of the Governor, January 19, 1995. (See L. 93, p. 2152, and L.95, p.1427.)

COLORADO REVISED STATUTES, TITLE 1, ARTICLE 40

Initiative and Referendum

Editor's note: This entire article was amended by chapter 183, Session Laws of Colorado 1993, resulting in the relocation of provisions. The former C.R.S. number of each section and the C.R.S. number for sections that have been relocated are shown in an editor's note following each section. A comparative table showing the relocations is contained in the back of the index. For prior history of sections that have been relocated, consult the red book table distributed with the session laws; the 1980 replacement volume and the original volume of C.R.S. 1973 and annual supplements to these volumes prior to 1993; the comparative tables located in the back of the index; and article 1 of chapter 70 in C.R.S. 1963. Former C.R.S. section numbers for sections that were relocated as a part of the repeal and reenactment are shown in editor's notes following each section.

Cross references: For amendments to the state constitution by the general assembly, see art. XIX, Colo. Const.

Law reviews: For article, "Structuring the Ballot Initiative: Procedures that Do and Don't Work", see 66 U. Colo. L. Rev. 47 (1995); for comment, "Buckley v. American Constitutional Law Foundation, Inc.: The Struggle to Establish a Consistent Standard of Review in Ballot Access Cases Continues", see 77 Den. U. L. Rev. 197 (1999).

1-40-101.	Legislative declaration.	1-40-118.	Protest.
1-40-102.	Definitions.	1-40-119.	Procedure for hearings.
1-40-103.	Applicability of article.	1-40-120.	Filing in federal court.
1-40-104.	Designated representatives.	1-40-121.	Receiving money to circulate petitions - filing.
1-40-105.	Filing procedure - review and comment - amendments - filing with secretary of state.	1-40-122.	Certification of ballot titles.
1-40-106.	Title board - meetings - titles and submission clause.	1-40-123.	Counting of votes - effective date - conflicting provisions.
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1-40-107.	Rehearing - appeal - fees - signing.	1-40-124.5.	Ballot information booklet.
1-40-108.	Petition - time of filing.	1-40-125.	Mailing to electors.
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1-40-110.	Warning - ballot title.	1-40-127.	Ordinances - effective, when - referendum. (Repealed)
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1-40-112.	Circulators - requirements.	1-40-129.	Voting on ordinances. (Repealed)
1-40-113.	Form - representatives of signers.	1-40-130.	Unlawful acts - penalty.
1-40-114.	Petitions - not election materials - no bilingual language requirement.	1-40-131.	Tampering with initiative or referendum petition.
1-40-115.	Ballot - voting - publication.	1-40-132.	Enforcement.
1-40-116.	Verification - ballot issues - random sampling.	1-40-133.	Retention of petitions.
1-40-117.	Statement of sufficiency - statewide issues.	1-40-134.	Withdrawal of initiative petition.

1-40-101. Legislative declaration. It is not the intention of this article to limit or abridge in any manner the powers reserved to the people in the initiative and referendum, but rather to properly safeguard, protect, and preserve inviolate for them these modern instrumentalities of democratic government.

Source: L. 93: Entire article amended with relocations, p. 676, § 1, effective May 4.

Editor's note: This section was formerly numbered as section 1-40-111. The former section 1-40-101 (1) was relocated to section 1-40-105 (1) and (2), section 1-40-101 (2), which was further amended by HB 93-1155, was relocated to section 1-40-105 (4) and section 1-40-106 (1) and (3), section 1-40-101 (3) was relocated to section 1-40-107 (1) and (2), and section 1-40-101 (4) was relocated to section 1-40-107 (6).

1-40-102. Definitions. As used in this article, unless the context otherwise requires:

(1) "Ballot issue" means a nonrecall, citizen-initiated petition or legislatively-referred measure which is authorized by the state constitution, including a question as defined in sections 1-41-102 (3) and 1-41-103 (3), enacted in Senate Bill 93-98.

(2) "Ballot title" means the language which is printed on the ballot which is comprised of the submission clause and the title.

(3) (Deleted by amendment, L. 95, p. 430, § 2, effective May 8, 1995.)

(4) "Draft" means the typewritten proposed text of the initiative which, if passed, becomes the actual language of the constitution or statute, together with language concerning placement of the measure in the constitution or statutes.

(5) (Deleted by amendment, L. 95, p. 430, § 2, effective May 8, 1995.)

(6) "Section" means a bound compilation of initiative forms approved by the secretary of state, which shall include pages that contain the warning required by section 1-40-110 (1), the ballot title, and a copy of the proposed measure; succeeding pages that contain the warning, the ballot title, and ruled lines numbered consecutively for registered electors' signatures; and a final page that contains the affidavit required by section 1-40-111 (2). Each section shall be consecutively prenumbered by the petitioner prior to circulation.

(7) (Deleted by amendment, L. 95, p. 430, § 2, effective May 8, 1995.)

(8) "Submission clause" means the language which is attached to the title to form a question which can be answered by "yes" or "no".

(9) (Deleted by amendment, L. 2000, p. 1621, § 3, effective August 2, 2000.)

(10) "Title" means a brief statement that fairly and accurately represents the true intent and meaning of the proposed text of the initiative.

Source: L. 93: Entire article amended with relocations, p. 676, § 1, effective May 4; (1) amended, p. 1436, § 126, effective July 1. **L. 95:** (3) to (7) and (9) amended, p. 430, § 2, effective May 8. **L. 2000:** (6) and (9) amended, p. 1621, § 3, effective August 2.

Editor's note: Subsection (1) is new, subsection (2) was formerly numbered as section 1-40-100.3 (1), subsection (3) is new, subsection (4) was formerly numbered as section 1-40-100.3 (2), subsection (5) is new, subsection (6) was formerly numbered as section 1-40-100.3 (3), subsection (7) is new, subsection (8) was formerly numbered as section 1-40-100.3 (4), subsection (9) was formerly numbered as section 1-40-100.3 (5), subsection (10) was formerly numbered as section 1-40-100.3 (6). The former section 1-40-102 (1), (2), and (3)(a) were deleted by amendment and section 1-40-102 (3)(b) was relocated to section 1-40-107 (5).

1-40-103. Applicability of article. (1) This article shall apply to all state ballot issues that are authorized by the state constitution unless otherwise provided by statute, charter, or ordinance.

(2) The laws pertaining to municipal initiatives, referenda, and referred measures are governed by the provisions of article 11 of title 31, C.R.S.

(3) The laws pertaining to county petitions and referred measures are governed by the provisions of section 30-11-103.5, C.R.S.

(4) The laws pertaining to school district petitions and referred measures are governed by the provisions of section 22-30-104 (4), C.R.S.

Source: L. 93: Entire article amended with relocations, p. 677, § 1, effective May 4. L. 95: Entire section amended, p. 431, § 3, effective May 8. L. 96: (3) and (4) added, p. 1765, § 53, effective July 1.

Editor's note: This section is new. The former section 1-40-103 (1) was relocated to section 1-40-107 (3), and section 1-40-103 (2) was relocated to section 1-40-107 (4).

1-40-104. Designated representatives. At the time of any filing of a draft as provided in this article, the proponents shall designate the names and mailing addresses of two persons who shall represent the proponents in all matters affecting the petition and to whom all notices or information concerning the petition shall be mailed.

Source: L. 93: Entire article amended with relocations, p. 677, § 1, effective May 4.

Editor's note: This section is new. The former section 1-40-104 was relocated to section 1-40-108 (1).

1-40-105. Filing procedure - review and comment - amendments - filing with secretary of state. (1) The original typewritten draft of every initiative petition for a proposed law or amendment to the state constitution to be enacted by the people, before it is signed by any elector, shall be submitted by the proponents of the petition to the directors of the legislative council and the office of legislative legal services for review and comment. Proponents are encouraged to write such drafts in plain, nontechnical language and in a clear and coherent manner using words with common and everyday meaning which are understandable to the average reader. Upon request, any agency in the executive department shall assist in reviewing and preparing comments on the petition. No later than two weeks after the date of submission of the original draft, unless it is withdrawn by the proponents, the directors of the legislative council and the office of legislative legal services, or their designees, shall render their comments to the proponents of the petition concerning the format or contents of the petition at a meeting open to the public. Where appropriate, such comments shall also contain suggested editorial changes to promote compliance with the plain language provisions of this section. Except with the permission of the proponents, the comments shall not be disclosed to any person other than the proponents prior to the public meeting with the proponents of the petition.

(2) After the public meeting but before submission to the secretary of state for title setting, the proponents may amend the petition in response to some or all of the comments of the directors of the legislative council and the office of legislative legal services, or their designees. If any substantial amendment is made to the petition, other than an amendment in direct response to the comments of the directors of the legislative council and the office of legislative legal services, the amended petition shall be resubmitted to the directors for comment in accordance with subsection (1) of this section prior to submittal to the secretary of state as provided in subsection (4) of this section. If the directors have no additional comments concerning the amended petition, they may so notify the proponents in writing, and, in such case, a hearing on the amended petition pursuant to subsection (1) of this section is not required.

(3) To the extent possible, drafts shall be worded with simplicity and clarity and so that the effect of the measure will not be misleading or likely to cause confusion among voters. The draft shall not present the issue to be decided in such manner that a vote for the measure would be a vote against the proposition or viewpoint that the voter believes that he or she is casting a vote for or, conversely, that a vote against the measure would be a vote for a proposition or viewpoint that the voter is against.

(4) After the conference provided in subsections (1) and (2) of this section, a copy of the original typewritten draft submitted to the directors of the legislative council and the office of legislative legal services, a copy of the amended draft with changes highlighted or otherwise indicated, if any amendments

were made following the last conference conducted pursuant to subsections (1) and (2) of this section, and an original final draft which gives the final language for printing shall be submitted to the secretary of state without any title, submission clause, or ballot title providing the designation by which the voters shall express their choice for or against the proposed law or constitutional amendment.

Source: **L. 93:** Entire article amended with relocations, p. 677, § 1, effective May 4; (1) amended, p. 994, § 1, effective June 2. **L. 2000:** (4) amended, p. 1622, § 4, effective August 2.

Editor's note: Subsections (1) and (2) were formerly numbered as section 1-40-101 (1), subsection (3) was formerly numbered as section 1-40-101 (1.5) in HB 93-1155, which further amended this section, and subsection (4) was formerly numbered as section 1-40-101 (2), which was further amended by HB 93-1155. The former section 1-40-105 was relocated to section 1-40-109 (1) and (2).

Cross references: For the general assembly, powers, and initiative and referendum reserved to the people, see also § 1 of art. V, Colo. Const.; for recall from office, see art. XXI, Colo. Const.

1-40-106. Title board - meetings - titles and submission clause. (1) For ballot issues, beginning with the first submission of a draft after an election, the secretary of state shall convene a title board consisting of the secretary of state, the attorney general, and the director of the office of legislative legal services or the director's designee. The title board, by majority vote, shall proceed to designate and fix a proper fair title for each proposed law or constitutional amendment, together with a submission clause, at public meetings to be held at the hour determined by the title board on the first and third Wednesdays of each month in which a draft or a motion for reconsideration has been submitted to the secretary of state. To be considered at such meeting, a draft shall be submitted to the secretary of state no later than 3 p.m. on the twelfth day before the meeting at which the draft is to be considered by the title board. The first meeting of the title board shall be held no sooner than the first Wednesday in December after an election, and the last meeting shall be held no later than the third Wednesday in May in the year in which the measure is to be voted on.

(2) (Deleted by amendment, L. 95, p. 431, § 4, effective May 8, 1995.)

(3) (a) (Deleted by amendment, L. 2000, p. 1620, § 1, effective August 2, 2000.)

(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" or "no" 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 completed within two weeks after the first meeting of the title board. Immediately upon completion, the secretary of state shall deliver the same with the original to the parties presenting it, keeping the copy with a record of the action taken thereon. Ballot titles shall be brief, shall not conflict with those selected for any petition previously filed for the same election, and shall be in the form of a question which may be answered "yes" (to vote in favor of the proposed law or constitutional amendment) or "no" (to vote against the proposed law or constitutional amendment) and which shall unambiguously state the principle of the provision sought to be added, amended, or repealed.

Source: **L. 93:** Entire article amended with relocations, p. 679, § 1, effective May 4. **L. 95:** (1), (2), and (3)(a) amended, p. 431, § 4, effective May 8. **L. 2000:** (3) amended, p. 1620, § 1, effective August 2. **L. 2004:** (1) amended, p. 756, § 1, effective May 12.

Editor's note: Subsections (1) and (3) were formerly numbered as section 1-40-101 (2), which was further amended by HB 93-1155, and subsection (2) is new. The former section 1-40-106 (1)(a) was relocated to section 1-40-110 (1), section 1-40-106 (1)(b) was relocated to section 1-40-110 (2), section 1-40-106 (2)(a) was relocated to section 1-40-111 (1), and section 1-40-106 (2)(b) was relocated to section 1-40-111 (2).

Cross references: For the general assembly, powers, and initiative and referendum reserved to the people, see also § 1 of art. V, Colo. Const.; for recall from office, see art. XXI, Colo. Const.

1-40-106.5. Single-subject requirements for initiated measures and referred constitutional amendments - 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 that every constitutional amendment or law proposed by initiative and every constitutional amendment proposed by the general assembly be limited to a single subject, which shall be clearly expressed in its title;

(b) Such provisions were referred by the general assembly to the people for their approval at the 1994 general election pursuant to Senate Concurrent Resolution 93-4;

(c) The language of such provisions was drawn from section 21 of article V of the state constitution, which requires that every bill, except general appropriation bills, shall be limited to a single subject, which shall be clearly expressed in its title;

(d) The Colorado supreme court has held that the constitutional single-subject requirement for bills was designed to prevent or inhibit various inappropriate or misleading practices that might otherwise occur, and the intent of the general assembly in referring to the people section 1 (5.5) of article V and section 2 (3) of article XIX was to protect initiated measures and referred constitutional amendments from similar practices;

(e) The practices intended by the general assembly to be inhibited by section 1 (5.5) of article V and section 2 (3) of article XIX are as follows:

(I) To forbid the treatment of incongruous subjects in the same measure, especially the practice of putting together in one measure subjects having no necessary or proper connection, for the purpose of enlisting in support of the measure the advocates of each measure, and thus securing the enactment of measures that could not be carried upon their merits;

(II) To prevent surreptitious measures and apprise the people of the subject of each measure by the title, that is, to prevent surprise and fraud from being practiced upon voters.

(2) It is the intent of the general assembly that section 1 (5.5) of article V and section 2 (3) of article XIX be liberally construed, so as to avert the practices against which they are aimed and, at the same time, to preserve and protect the right of initiative and referendum.

(3) It is further the intent of the general assembly that, in setting titles pursuant to section 1 (5.5) of article V, the initiative title setting review board created in section 1-40-106 should apply judicial decisions construing the constitutional single-subject requirement for bills and should follow the same rules employed by the general assembly in considering titles for bills.

Source: L. 94: Entire section added, p. 73, § 1, effective January 19, 1995.

Editor's note: Section 2 of chapter 22, Session Laws of Colorado 1994, provided that the act enacting this section was effective on the date of the proclamation of the Governor announcing the approval, by the registered electors of the state, of SCR 93-004, enacted at the First Regular Session of the Fifty-ninth General Assembly. The date of the proclamation of the Governor announcing the approval of SCR 93-004 was January 19, 1995.

1-40-107. Rehearing - appeal - fees - signing. (1) Any person presenting an initiative petition or any registered elector who is not satisfied with a decision of the title board with respect to whether a petition contains more than a single subject pursuant to section 1-40-106.5, or who is not satisfied with the titles and submission clause provided by the title board and who claims that they are unfair or that they do not fairly express the true meaning and intent of the proposed state law or constitutional amendment may file a motion for a rehearing with the secretary of state within seven days after the decision is made or the titles and submission clause are set. The motion for rehearing shall be heard at the next regularly scheduled meeting of the title board; except that, if the title board is unable to complete action on all matters scheduled for that day, consideration of any motion for rehearing may be continued to the next available day, and except that, if the titles and submission clause protested were set at the last

meeting in May, the motion shall be heard within forty-eight hours after the expiration of the seven-day period for the filing of such motions.

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

(3) The secretary of state shall be allowed a fee which shall be determined and collected pursuant to section 24-21-104 (3), C.R.S., for certifying a record of any proceedings before the title board. The clerk of the supreme court shall receive one-half the ordinary docket fee for docketing any such cause, all of which shall be paid by the parties desiring a review of such proceedings.

(4) No petition for any initiative measure shall be circulated nor any signature thereto have any force or effect which has been signed before the titles and submission clause have been fixed and determined as provided in section 1-40-106 and this section.

(5) In the event a motion for rehearing is filed in accordance with this section, the period for filing a petition in accordance with section 1-40-108 shall not begin until a final decision concerning the motion is rendered by the title board or the Colorado supreme court; except that under no circumstances shall the period for filing a petition be extended beyond three months prior to the election at which the petition is to be voted upon.

(6) (Deleted by amendment, L. 2000, p. 1622, § 5, effective August 2, 2000.)

(7) (Deleted by amendment, L. 95, p. 432, § 5, effective May 8, 1995.)

Source: L. 93: Entire article amended with relocations, p. 680, § 1, effective May 4. L. 95: (1) and (7) amended, p. 432, § 5, effective May 8. L. 98: (2) amended, p. 635, § 9, effective May 6. L. 2000: (1), (2), (4), and (6) amended, pp. 1621, 1622, §§ 2, 5, effective August 2; (6) amended, p. 297, § 1, effective August 2. L. 2004: (1) amended, p. 756, § 2, effective May 12.

Editor's note: Subsections (1) and (2) were formerly numbered as section 1-40-101 (3), subsection (3) was formerly numbered as section 1-40-103 (1), subsection (4) was formerly numbered as section 1-40-103 (2), subsection (5) was formerly numbered as section 1-40-102 (3)(b), subsection (6) was formerly numbered as section 1-40-101 (4), and subsection (7) is new. The former section 1-40-107 was relocated to section 1-40-113.

Cross references: For the general assembly, powers, and initiative and referendum reserved to the people, see also § 1 of art. V, Colo. Const.; for recall from office, see art. XXI, Colo. Const.

1-40-108. Petition - time of filing. (1) No petition for any ballot issue shall be of any effect unless filed with the secretary of state within six months from the date that the titles and submission clause have been fixed and determined pursuant to the provisions of sections 1-40-106 and 1-40-107 and unless filed with the secretary of state within the time required by the state constitution before the election at which it is to be voted upon. A petition for a ballot issue for the election to be held in November of odd-numbered years shall be filed with the secretary of state within the same time before such odd-year election as is required by the state constitution for issues to be voted on at the general election. All filings under this section must be made by 3 p.m. on the day of filing.

(2) (Deleted by amendment, L. 95, p. 433, § 6, effective May 8, 1995.)

Source: L. 93: Entire article amended with relocations, p. 682, § 1, effective May 4; (1) amended, p. 1437, § 127, effective July 1. L. 95: Entire section amended, p. 433, § 6, effective May 8. L. 2000: (1) amended, p. 1622, § 6, effective August 2.

Editor's note: Subsection (1) was formerly numbered as section 1-40-104 and subsection (2) is new. The former section 1-40-108 (1), which was further amended by HB 93-1155, was relocated to section 1-40-115 (1) and (2), and section 1-40-108 (2) was relocated to section 1-40-115 (3).

Cross references: For computation of time under the "Uniform Election Code of 1992", articles 1 to 13 of this title, see § 1-1-106; for computation of time under the statutes generally, see § 2-4-108.

1-40-109. Signatures required. (1) No petition for any initiated law or amendment to the state constitution shall be of any force or effect, nor shall the proposed law or amendment to the state constitution be submitted to the people of the state of Colorado for adoption or rejection at the polls, as is by law provided for, unless the petition for the submission of the initiated law or amendment to the state constitution is signed by the number of electors required by the state constitution.

(2) (Deleted by amendment, L. 95, p. 433, § 7, effective May 8, 1995.)

(3) Any person who is a registered elector may sign a petition for any ballot issue for which the elector is eligible to vote.

Source: L. 93: Entire article amended with relocations, p. 682, § 1, effective May 4. L. 94: (2) amended, p. 1180, § 73, effective July 1. L. 95: (2) and (3) amended, p. 433, § 7, effective May 8.

Editor's note: Subsections (1) and (2) were formerly numbered as section 1-40-105, and subsection (3) is new. The former section 1-40-109 (1)(a) was relocated to section 1-40-116 (1), section 1-40-109 (1)(b)(I) was relocated to section 1-40-116 (2) and (3) and section 1-40-117 (1), section 1-40-109 (1)(b)(II)(A) was relocated to section 1-40-117 (3)(a), section 1-40-109 (1)(b)(II)(B) was relocated to section 1-40-117 (3)(b), section 1-40-109 (1)(c) was relocated to section 1-40-118 (1) and (2), section 1-40-109 (1.6)(a) was relocated to section 1-40-118 (3), section 1-40-109 (1.6)(b) was relocated to section 1-40-118 (4), section 1-40-109 (1.6)(c) was deleted by amendment, section 1-40-109 (2)(a) was relocated to section 1-40-119, section 1-40-109 (2)(b) was relocated to section 1-40-120, and section 1-40-109 (3) was deleted by amendment.

1-40-110. Warning - ballot title. (1) At the top of each page of every initiative or referendum petition section shall be printed, in a form as prescribed by the secretary of state, the following:

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

For anyone to sign any initiative or referendum petition with any name other than his or her own or to knowingly sign his or her name more than once for the same measure or to knowingly sign a petition when not a registered elector who is eligible to vote on the measure.

DO NOT SIGN THIS PETITION UNLESS YOU ARE A REGISTERED ELECTOR AND ELIGIBLE TO VOTE ON THIS MEASURE. TO BE A REGISTERED ELECTOR, YOU MUST BE A CITIZEN OF COLORADO AND REGISTERED TO VOTE.

Before signing this petition, you are encouraged to read the text or the title of the proposed initiative or referred measure."

(2) The ballot title for the measure shall then be printed on each page following the warning.

Source: L. 93: Entire article amended with relocations, p. 682, § 1, effective May 4. L. 95: IP(1) amended, p. 433, § 8, effective May 8. L. 2000: (1) amended, p. 1622, § 7, effective August 2.

Editor's note: Subsection (1) was formerly numbered as section 1-40-106 (1)(a), and subsection (2) was formerly numbered as section 1-40-106 (1)(b). The former section 1-40-110 was relocated to section 1-40-121 (1).

1-40-111. Signatures - affidavits. (1) Any initiative or referendum petition shall be signed only by registered electors who are eligible to vote on the measure. Each registered elector shall sign his or her own signature and shall print his or her name, the address at which he or she resides, including the street number and name, the city and town, the county, and the date of signing. Each registered elector signing a petition shall be encouraged by the circulator of the petition to sign the petition in ink. In the event a registered elector is physically disabled or is illiterate and wishes to sign the petition, the elector shall sign or make his or her mark in the space so provided. Any person, but not a circulator, may assist the disabled or illiterate elector in completing the remaining information required by this subsection (1). The person providing assistance shall sign his or her name and address and shall state that such assistance was given to the disabled or illiterate elector.

(2) To each petition section shall be attached a signed, notarized, and dated affidavit executed by the person who circulated the petition section, which shall include his or her printed name, the address at which he or she resides, including the street name and number, the city or town, the county, and the date he or she signed the affidavit; that he or she has read and understands the laws governing the circulation of petitions; that he or she was a resident of the state, a citizen of the United States, and at least eighteen years of age at the time the section of the petition was circulated and signed by the listed electors; that he or she circulated the section of the petition; that each signature thereon was affixed in the circulator's presence; that each signature thereon is the signature of the person whose name it purports to be; that to the best of the circulator's knowledge and belief each of the persons signing the petition section was, at the time of signing, a registered elector; and that he or she has not paid or will not in the future pay and that he or she believes that no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix his or her signature to the petition. The secretary of state shall not accept for filing any section of a petition that does not have attached thereto the notarized affidavit required by this section. Any signature added to a section of a petition after the affidavit has been executed shall be invalid.

Source: L. 93: Entire article amended with relocations, p. 683, § 1, effective May 4; (2)(a) amended, p. 2049, § 1, effective July 1. L. 95: (2) amended, p. 433, § 9, effective May 8. L. 2007: (2) amended, p. 1982, § 34, effective August 3.

Editor's note: Subsection (1) was formerly numbered as § 1-40-106 (2)(a), and subsection (2) was formerly numbered as § 1-40-106 (2)(b). The former § 1-40-111 was relocated to § 1-40-101. Section 1-40-106 (2)(a) was amended by Senate Bill 93-229, and the amendment to it has been harmonized with subsection (1) of this section.

1-40-112. Circulators - requirements. (1) No person shall circulate a petition for an initiative or referendum measure unless the person is a resident of the state, a citizen of the United States, and at least eighteen years of age at the time the petition is circulated.

(2) (a) A circulator who is not to be paid for circulating a petition concerning a ballot issue shall display an identification badge that includes the words "VOLUNTEER CIRCULATOR" in bold-faced type that is clearly legible.

(b) A circulator who is to be paid for circulating a petition concerning a ballot issue shall display an identification badge that includes the words "PAID CIRCULATOR" in bold-faced type that is clearly legible and the name and telephone number of the individual employing the circulator.

Source: L. 93: Entire article amended with relocations, p. 684, § 1, effective May 4. L. 2007: Entire section amended, p. 1982, § 35, effective August 3.

Editor's note: Subsection (1) was formerly numbered as § 1-40-106 (3), and subsection (2) is new. The former § 1-40-112 was relocated to section 1-40-122 (1).

1-40-113. Form - representatives of signers. (1) Each section of a petition shall be printed on a form as prescribed by the secretary of state. No petition shall be printed, published, or otherwise circulated unless the form and the first printer's proof of the petition have been approved by the secretary of state. Each petition section shall designate by name and mailing address two persons who shall

represent the signers thereof in all matters affecting the same. The secretary of state shall assure that the petition contains only the matters required by this article and contains no extraneous material. All sections of any petition shall be prenumbered serially, and the circulation of any petition section described by this article other than personally by a circulator is prohibited. Any petition section that fails to conform to the requirements of this article or is circulated in a manner other than that permitted in this article shall be invalid.

(2) Any disassembly of a section of the petition which has the effect of separating the affidavits from the signatures shall render that section of the petition invalid and of no force and effect.

(3) Prior to the time of filing, the persons designated in the petition to represent the signers shall bind the sections of the petition in convenient volumes consisting of one hundred sections of the petition if one hundred or more sections are available or, if less than one hundred sections are available to make a volume, consisting of all sections that are available. Each volume consisting of less than one hundred sections shall be marked on the first page of the volume. However, any volume that contains more or less than one hundred sections, due only to the oversight of the designated representatives of the signers or their staff, shall not result in a finding of insufficiency of signatures therein. Each section of each volume shall include the affidavits required by section 1-40-111 (2), together with the sheets containing the signatures accompanying the same. These bound volumes shall be filed with the secretary of state.

Source: L. 93: Entire article amended with relocations, p. 684, § 1, effective May 4. **L. 95:** (1) and (3) amended, p. 434, § 10, effective May 8.

Editor's note: This section was formerly numbered as section 1-40-107. The former section 1-40-113 was relocated to section 1-40-123.

1-40-114. Petitions - not election materials - no bilingual language requirement. The general assembly hereby determines that initiative petitions are not election materials or information covered by the federal "Voting Rights Act of 1965", and therefore are not required to be printed in any language other than English to be circulated in any county in Colorado.

Source: L. 93: Entire article amended with relocations, p. 685, § 1, effective May 4.

Editor's note: This section was formerly numbered as section 1-40-107.5. The former section 1-40-114 (1) and (2) was relocated to section 1-40-124, and subsection (3), which was added by House Bill 93-1155, was relocated to section 1-40-126.

1-40-115. Ballot - voting - publication. (1) Measures shall appear upon the official ballot by ballot title only. The measures shall be placed on the ballot in the order in which they were certified to the ballot and as provided in section 1-5-407 (5).

(2) All ballot issues shall be printed on the official ballot in that order, together with their respective letters and numbers prefixed in bold-faced type. Each ballot shall have the following explanation printed one time at the beginning of such ballot issues: "Ballot issues referred by the general assembly or any political subdivision are listed by letter, and ballot issues initiated by the people are listed numerically. A 'yes' vote on any ballot issue is a vote in favor of changing current law or existing circumstances, and a 'no' vote on any ballot issue is a vote against changing current law or existing circumstances." Each ballot title shall appear on the official ballot but once and shall be separated from the other ballot titles next to it by heavy black lines and shall be followed by the words "yes" and "no" with blank spaces to the right and opposite the same as follows:

**(HERE SHALL APPEAR THE
BALLOT TITLE IN FULL)**

YES _____ NO _____

(3) A voter desiring to vote for the measure shall make a cross mark (X) in the blank space to the right and opposite the word "yes"; a voter desiring to vote against the measure shall make a cross mark (X) in the blank space to the right and opposite the word "no"; and the votes marked shall be counted accordingly. Any measure approved by the people of the state shall be printed with the acts of the next general assembly.

Source: **L. 93:** Entire article amended with relocations, p. 685, § 1, effective May 4. **L. 94:** (1) amended, p. 1180, § 74, effective July 1. **L. 95:** (3) amended, p. 434, § 11, effective May 8. **L. 97:** (2) amended, p. 189, § 17, effective August 6. **L. 2000:** (2) amended, p. 297, § 2, effective August 2.

Editor's note: Subsections (1) and (2) were formerly numbered as section 1-40-108 (1), which was further amended by HB 93-1155, and subsection (3) was formerly numbered as section 1-40-108 (2). The former section 1-40-115 was relocated to section 1-40-127.

Cross references: For printing of session laws, see § 24-70-223.

1-40-116. Verification - ballot issues - random sampling. (1) For ballot issues, each section of a petition to which there is attached an affidavit of the registered elector who circulated the petition that each signature thereon is the signature of the person whose name it purports to be and that to the best of the knowledge and belief of the affiant each of the persons signing the petition was at the time of signing a registered elector shall be prima facie evidence that the signatures are genuine and true, that the petitions were circulated in accordance with the provisions of this article, and that the form of the petition is in accordance with this article.

(2) Upon submission of the petition, the secretary of state shall examine each name and signature on the petition. The petition shall not be available to the public for a period of no more than thirty calendar days for the examination. The secretary shall assure that the information required by sections 1-40-110 and 1-40-111 is complete, that the information on each signature line was written by the person making the signature, and that no signatures have been added to any sections of the petition after the affidavit required by section 1-40-111 (2) has been executed.

(3) No signature shall be counted unless the signer is a registered elector and eligible to vote on the measure. A person shall be deemed a registered elector if the person's name and address appear on the master voting list kept by the secretary of state at the time of signing the section of the petition. In addition, the secretary of state shall not count the signature of any person whose information is not complete or was not completed by the elector or a person qualified to assist the elector. The secretary of state may adopt rules consistent with this subsection (3) for the examination and verification of signatures.

(4) The secretary of state shall verify the signatures on the petition by use of random sampling. The random sample of signatures to be verified shall be drawn so that every signature filed with the secretary of state shall be given an equal opportunity to be included in the sample. The secretary of state is authorized to engage in rule-making to establish the appropriate methodology for conducting such random sample. The random sampling shall include an examination of no less than five percent of the signatures, but in no event less than four thousand signatures. If the random sample verification establishes that the number of valid signatures is ninety percent or less of the number of registered eligible electors needed to find the petition sufficient, the petition shall be deemed to be not sufficient. If the random sample verification establishes that the number of valid signatures totals one hundred ten percent or more of the number of required signatures of registered eligible electors, the petition shall be deemed sufficient. If the random sampling shows the number of valid signatures to be more than ninety percent but less than one hundred ten percent of the number of signatures of registered eligible electors needed to declare the petition sufficient, the secretary of state shall order the examination and verification of each signature filed.

Source: L. 93: Entire article amended with relocations, p. 686, § 1, effective May 4. **L. 95:** (1) amended, p. 435, § 12, effective May 8.

Editor's note: Subsection (1) was formerly numbered as section 1-40-109 (1)(a), subsections (2) and (3) were formerly numbered as section 1-40-109 (1)(b)(I), and subsection (4) is new. The former section 1-40-116 (1) was relocated to section 1-40-128, section 1-40-116 (2) was relocated to section 1-40-129 (1), and section 1-40-116 (3) was relocated to section 1-40-129 (2).

1-40-117. Statement of sufficiency - statewide issues. (1) After examining the petition, the secretary of state shall issue a statement as to whether a sufficient number of valid signatures appears to have been submitted to certify the petition to the ballot.

(2) If the petition was verified by random sample, the statement shall contain the total number of signatures submitted and whether the number of signatures presumed valid was ninety percent of the required total or less or one hundred ten percent of the required total or more.

(3) (a) If the secretary declares that the petition appears not to have a sufficient number of valid signatures, the statement issued by the secretary shall specify the number of sufficient and insufficient signatures. The secretary shall identify by section number and line number within the section those signatures found to be insufficient and the grounds for the insufficiency. Such information shall be kept on file for public inspection in accordance with section 1-40-118.

(b) In the event the secretary of state issues a statement declaring that a petition, having first been submitted with the required number of signatures, appears not to have a sufficient number of valid signatures, the representatives designated by the proponents pursuant to section 1-40-104 may cure the insufficiency by filing an addendum to the original petition for the purpose of offering such number of additional signatures as will cure the insufficiency. No addendum offered as a cure shall be considered unless the addendum conforms to requirements for petitions outlined in sections 1-40-110, 1-40-111, and 1-40-113, and unless the addendum is filed with the secretary of state within the fifteen-day period after the insufficiency is declared and unless filed with the secretary of state within the time required by the state constitution before the election at which the initiative petition is to be voted on. All filings under this paragraph (b) shall be made by 3 p.m. on the day of filing. Upon submission of a timely filed addendum, the secretary of state shall order the examination and verification of each signature on the addendum. The addendum shall not be available to the public for a period of up to ten calendar days for such examination. After examining the petition, the secretary of state shall, within ten calendar days, issue a statement as to whether the addendum cures the insufficiency found in the original petition.

Source: L. 93: Entire article amended with relocations, p. 687, § 1, effective May 4.

Editor's note: Subsection (1) was formerly numbered as section 1-40-109 (1)(b)(I), subsection (2) is new, paragraph (a) of subsection (3) was formerly numbered as section 1-40-109 (1)(b)(II)(A), and paragraph (b) of subsection (3) was formerly numbered as section 1-40-109 (1)(b)(II)(B). The former section 1-40-117 was deleted by amendment.

1-40-118. Protest. (1) A protest in writing, under oath, together with three copies thereof, may be filed in the district court for the county in which the petition has been filed by some registered elector, within thirty days after the secretary of state issues a statement as to whether the petition has a sufficient number of valid signatures, which statement shall be issued no later than thirty calendar days after the petition has been filed. If the secretary of state fails to issue a statement within thirty calendar days, the petition shall be deemed sufficient. During the period a petition is being examined by the secretary of state for sufficiency, the petition shall not be available to the public; except that such period shall not exceed thirty calendar days.

(2) If the secretary of state conducted a random sample of the petitions and did not verify each signature, the protest shall specifically allege the defects in the procedure used by the secretary of state in the verification of the petition or the grounds for challenging individual signatures. If the secretary of state verified each name on the petition sections, the protest shall set forth with particularity the grounds of the protest and the signatures protested. No signature may be challenged that is not identified in the

protest by section number, line number, name, and reason why the secretary of state is in error. If any party is protesting the finding of the secretary of state regarding the registration of a signer, the protest shall be accompanied by an affidavit of the elector or a copy of the election record of the signer.

(3) (Deleted by amendment, L. 95, p. 435, § 13, effective May 8, 1995.)

(4) The secretary of state shall furnish a requesting protestor with a computer tape or microfiche listing of the names of all registered electors in the state and shall charge a fee which shall be determined and collected pursuant to section 24-21-104 (3), C.R.S., to cover the cost of furnishing the listing.

Source: L. 93: Entire article amended with relocations, p. 688, § 1, effective May 4. **L. 95:** (1) to (3) amended, p. 435, § 13, effective May 8.

Editor's note: Subsections (1) and (2) were formerly numbered as section 1-40-109 (1)(c), subsection (3) was formerly numbered as section 1-40-109 (1.6)(a), and subsection (4) was formerly numbered as section 1-40-109 (1.6)(b). The former section 1-40-118 (1) was deleted by amendment, section 1-40-118 (2) was relocated to section 1-40-130 (1), and section 1-40-118 (3) was relocated to section 1-40-130 (2).

1-40-119. Procedure for hearings. At any hearing held under this article, the party protesting the finding of the secretary of state concerning the sufficiency of signatures shall have the burden of proof. Hearings shall be had as soon as is conveniently possible and shall be concluded within thirty days after the commencement thereof, and the result of such hearings shall be forthwith certified to the designated representatives of the signers and to the protestors of the petition. The hearing shall be subject to the provisions of the Colorado rules of civil procedure. Upon application, the decision of the court shall be reviewed by the Colorado supreme court.

Source: L. 93: Entire article amended with relocations, p. 689, § 1, effective May 4. **L. 95:** Entire section amended, p. 436, § 14, effective May 8.

Editor's note: This section was formerly numbered as section 1-40-109 (2)(a). The former section 1-40-119 was relocated to section 1-40-132 (1).

1-40-120. Filing in federal court. In case a complaint has been filed with the federal district court on the grounds that a petition is insufficient due to failure to comply with any federal law, rule, or regulation, the petition may be withdrawn by the two persons designated pursuant to section 1-40-104 to represent the signers of the petition and, within fifteen days after the court has issued its order in the matter, may be amended and refiled as an original petition. Nothing in this section shall prohibit the timely filing of a protest to any original petition, including one that has been amended and refiled. No person shall be entitled, pursuant to this section, to amend an amended petition.

Source: L. 93: Entire article amended with relocations, p. 689, § 1, effective May 4.

Editor's note: This section was formerly numbered as section 1-40-109 (2)(b). The former section 1-40-120 was deleted by amendment.

1-40-121. Receiving money to circulate petitions - filing. (1) The proponents of the petition shall file with the official who receives filings under the "Fair Campaign Practices Act", article 45 of this title, for the election a report stating the total amount paid to all persons who were paid to circulate a section of the petition. The filing shall be made at the same time the petition is filed with the secretary of state. A payment made to a circulator is an expenditure under article 45 of this title.

(2) (Deleted by amendment, L. 2007, p. 1983, § 36, effective August 3, 2007.)

Source: L. 93: Entire article amended with relocations, p. 690, § 1, effective May 4. **L. 95:** (1) and IP(2) amended, p. 436, § 15, effective May 8. **L. 98:** (1) amended, p. 815, § 2, effective August 5. **L. 2007:** Entire section amended, p. 1983, § 36, effective August 3.

Editor's note: Subsection (1) was formerly numbered as § 1-40-110, and subsection (2) is new.

1-40-122. Certification of ballot titles. (1) The secretary of state, at the time the secretary of state certifies to the county clerk and recorder of each county the names of the candidates for state and district offices for general election, shall also certify to them the ballot titles and numbers of each initiated and referred measure filed in the office of the secretary of state to be voted upon at such election.

(2) Repealed.

Source: L. 93: Entire article amended with relocations, p. 690, § 1, effective May 4. L. 95: (2) repealed, p. 436, § 16, effective May 8.

Editor's note: Subsection (1) was formerly numbered as section 1-40-112, and subsection (2) is new.

1-40-123. Counting of votes - effective date - conflicting provisions. The votes on all measures submitted to the people shall be counted and properly entered after the votes for candidates for office cast at the same election are counted and shall be counted, canvassed, and returned and the result determined and certified in the manner provided by law concerning other elections. The secretary of state who has certified the election shall, without delay, make and transmit to the governor a certificate of election. The measure shall take effect from and after the date of the official declaration of the vote by proclamation of the governor, but not later than thirty days after the votes have been canvassed, as provided in section 1 of article V of the state constitution. A majority of the votes cast thereon shall adopt any measure submitted, and, in case of adoption of conflicting provisions, the one that receives the greatest number of affirmative votes shall prevail in all particulars as to which there is a conflict.

Source: L. 93: Entire article amended with relocations, p. 691, § 1, effective May 4. L. 95: Entire section amended, p. 436, § 17, effective May 8.

Editor's note: This section was formerly numbered as section 1-40-113.

1-40-124. Publication. (1) (a) In accordance with section 1 (7.3) of article V of the state constitution, the director of research of the legislative council of the general assembly shall cause to be published at least one time in at least one legal publication of general circulation in each county of the state, compactly and without unnecessary spacing, in not less than eight-point standard type, a true copy of:

(I) The title and text of each constitutional amendment, initiated or referred measure, or part of a measure, to be submitted to the people with the number and form in which the ballot title thereof will be printed in the official ballot; and

(II) The text of each referred or initiated question arising under section 20 of article X of the state constitution, as defined in section 1-41-102 (3), to be submitted to the people with the number and form in which such question will be printed in the official ballot.

(b) The publication may be in the form of a notice printed in a legal newspaper, as defined in sections 24-70-102 and 24-70-103 (1), C.R.S., or in the form of a publication that is printed separately and delivered as an insert in such a newspaper. The director of research of the legislative council may determine which form the publication will take in each legal newspaper. The director may negotiate agreements with one or more legal newspapers, or with any organization that represents such newspapers, to authorize the printing of a separate insert by one or more legal newspapers to be delivered by all of the legal newspapers participating in the agreement.

(c) Where more than one legal newspaper is circulated in a county, the director of research of the legislative council shall select the newspaper or newspapers that will make the publication. In making such selection, the director shall consider the newspapers' circulation and charges.

(d) The amount paid for publication shall be determined by the executive committee of the legislative council and shall be based on available appropriations. In determining the amount, the executive

committee may consider the newspaper's then effective current lowest bulk comparable or general rate charged and the rate specified for legal newspapers in section 24-70-107, C.R.S. The director of research of the legislative council shall provide the legal newspapers selected to perform printing in accordance with this subsection (1) either complete slick proofs or mats of the title and text of the proposed constitutional amendment, initiated or referred measure, or part of a measure, and of the text of a referred or initiated question arising under section 20 of article X of the state constitution, as defined in section 1-41-102 (3), at least one week before the publication date.

(e) If no legal newspaper is willing or able to print or distribute the publication in a particular county in accordance with the provisions of this subsection (1), the director of research of the legislative council shall assure compliance with the publication requirements of section 1 (7.3) of article V of the state constitution by causing the printing of additional inserts or legal notices in such manner and form as deemed necessary and by providing for their separate circulation in the county as widely as may be practicable. Such circulation may include making the publications available at government offices and other public facilities or private businesses. If sufficient funds are available for such purposes, the director may also contract for alternative methods of circulation or may cause circulation by mailing the publication to county residents. Any printing and circulation made in accordance with this paragraph (e) shall be deemed to be a legal publication of general circulation for purposes of section 1 (7.3) of article V of the state constitution.

(2) (Deleted by amendment, L. 95, p. 437, § 18, effective May 8, 1995.)

Source: L. 93: Entire article amended with relocations, p. 691, § 1, effective May 4. L. 94: (1) amended, p. 1688, § 1, effective January 19, 1995. L. 95: Entire section amended, p. 437, § 18, effective May 8. L. 2000: (1) amended, p. 298, § 3, effective August 2. L. 2004: (1) amended, p. 961, § 1, effective May 21.

Editor's note: (1) This section was formerly numbered as section 1-40-114 (1) and (2).

(2) Section 5 of chapter 284, Session Laws of Colorado 1994, provided that the act amending subsection (1) was effective on the date of the proclamation of the Governor announcing the approval, by the registered electors of the state, of SCR 94-005, enacted at the Second Regular Session of the Fifty-ninth General Assembly. The date of the proclamation of the Governor announcing the approval of SCR 94-005 was January 19, 1995.

1-40-124.5. Ballot information booklet. (1) (a) The director of research of the legislative council of the general assembly shall prepare a ballot information booklet for any initiated or referred constitutional amendment or legislation, including a question, as defined in section 1-41-102 (3), in accordance with section 1 (7.5) of article V of the state constitution.

(b) The director of research of the legislative council of the general assembly shall prepare a fiscal impact statement for every initiated or referred measure, taking into consideration fiscal impact information submitted by the office of state planning and budgeting, the department of local affairs or any other state agency, and any proponent or other interested person. The fiscal impact statement prepared for every measure shall be substantially similar in form and content to the fiscal notes provided by the legislative council of the general assembly for legislative measures pursuant to section 2-2-322, C.R.S. A complete copy of the fiscal impact statement for such measure shall be available through the legislative council of the general assembly. The ballot information booklet shall indicate whether there is a fiscal impact for each initiated or referred measure and shall abstract the fiscal impact statement for such measure. The abstract for every measure shall appear after the arguments for and against such measure in the analysis section of the ballot information booklet, and shall include, but shall not be limited to:

(I) An estimate of the effect the measure will have on state and local government revenues, expenditures, taxes, and fiscal liabilities if such measure is enacted;

(II) An estimate of the amount of any state and local government recurring expenditures or fiscal liabilities if such measure is enacted; and

(III) For any initiated or referred measure that modifies the state tax laws, an estimate of the impact to the average taxpayer, if feasible, if such measure is enacted.

(c) Repealed.

(1.5) The executive committee of the legislative council of the general assembly shall be responsible for providing the fiscal information on any ballot issue that must be included in the ballot information booklet pursuant to section 1 (7.5) (c) of article V of the state constitution.

(1.7) After receiving written comments from the public in accordance with section 1 (7.5) (a) (II) of article V of the state constitution, but before the draft of the ballot information booklet is finalized, the director of research of the legislative council of the general assembly shall conduct a public meeting at which the director and other members of the legislative staff have the opportunity to ask questions that arise in response to the written comments. The director may modify the draft of the booklet in response to comments made at the hearing. The legislative council may modify the draft of the booklet upon the two-thirds affirmative vote of the members of the legislative council.

(2) Following completion of the ballot information booklet, the director of research shall arrange for its distribution to every residence of one or more active registered electors in the state. Distribution may be accomplished by such means as the director of research deems appropriate to comply with section 1 (7.5) of article V of the state constitution, including, but not limited to, mailing the ballot information booklet to electors and insertion of the ballot information booklet in newspapers of general circulation in the state. The distribution shall be performed pursuant to a contract or contracts bid and entered into after employing standard competitive bidding practices including, but not limited to, the use of requests for information, requests for proposals, or any other standard vendor selection practices determined to be best suited to selecting an appropriate means of distribution and an appropriate contractor or contractors. The executive director of the department of personnel shall provide such technical advice and assistance regarding bidding procedures as deemed necessary by the director of research.

(3) (a) There is hereby established in the state treasury the ballot information publication and distribution revolving fund. Except as otherwise provided in paragraph (b) of this subsection (3), moneys shall be appropriated to the fund each year by the general assembly in the annual general appropriation act. All interest earned on the investment of moneys in the fund shall be credited to the fund. Moneys in the revolving fund are continuously appropriated to the legislative council of the general assembly to pay the costs of publishing the text and title of each constitutional amendment, each initiated or referred measure, or part of a measure, and the text of a referred or initiated question arising under section 20 of article X of the state constitution, as defined in section 1-41-102 (3), in at least one legal publication of general circulation in each county of the state, as required by section 1-40-124, and the costs of distributing the ballot information booklet, as required by subsection (2) of this section. Any moneys credited to the revolving fund and unexpended at the end of any given fiscal year shall remain in the fund and shall not revert to the general fund.

(b) Notwithstanding any law to the contrary, any moneys appropriated from the general fund to the legislative department of the state government for the fiscal year commencing on July 1, 2007, that are unexpended or not encumbered as of the close of the fiscal year shall not revert to the general fund and shall be transferred by the state treasurer and the controller to the ballot information publication and distribution revolving fund created in paragraph (a) of this subsection (3); except that the amount so transferred shall not exceed five hundred thousand dollars.

Source: L. 94: Entire section added, p. 1688, § 2, effective January 19, 1995. L. 96: (2) amended, p. 1511, § 35, effective July 1. L. 97: (3) added, p. 384, § 1, effective April 19. L. 2000: (1) and (3) amended and (1.5) added, p. 298, § 4, effective August 2; (1) amended, p. 1623, § 8, effective August 2. L. 2001: (1) amended, p. 223, § 1, effective August 8. L. 2004: (3) amended, p. 410, § 3, effective April 8. L. 2005: (3)(a) amended, p. 759, § 6, effective June 1; (1)(c) repealed and (1.7) added, p. 1371, §§ 2, 1, effective June 6. L. 2007: (3)(b) amended, p. 2124, § 2, effective April 11. L. 2008: (3)(b) amended, p. 2325, § 2, effective April 7.

Editor's note: (1) Section 5 of chapter 284, Session Laws of Colorado 1994, provided that the act enacting this section was effective on the date of the proclamation of the Governor announcing the approval, by the registered electors of the state, of SCR 94-005, enacted at the Second Regular Session of the Fifty-ninth General Assembly. The date of the proclamation of the Governor announcing the approval of SCR 94-005 was January 19, 1995.

(2) Amendments to subsection (1) by Senate Bill 00-172 and House Bill 00-1304 were harmonized.

1-40-125. Mailing to electors. (1) The requirements of this section shall apply to any ballot issue involving a local government matter arising under section 20 of article X of the state constitution, as defined in section 1-41-103 (4), for which notice is required to be mailed pursuant to section 20 (3) (b) of article X of the state constitution. A mailing is not required for a ballot issue that does not involve a local government matter arising under section 20 of article X of the state constitution, as defined in section 1-41-103 (4).

(2) Thirty days before a ballot issue election, political subdivisions shall mail at the least cost and as a package where districts with ballot issues overlap, a titled notice or set of notices addressed to "all registered voters" at each address of one or more active registered electors. Except for voter-approved additions, notices shall include only:

(a) The election date, hours, ballot title, text, and local election office address and telephone number;

(b) For proposed district tax or bonded debt increases, the estimated or actual total of district fiscal year spending for the current year and each of the past four years, and the overall percentage and dollar change;

(c) For the first full fiscal year of each proposed political subdivision tax increase, district estimates of the maximum dollar amount of each increase and of district fiscal year spending without the increase;

(d) For proposed district bonded debt, its principal amount and maximum annual and total district repayment cost, and the principal balance of total current district bonded debt and its maximum annual and remaining local district repayment cost;

(e) Two summaries, up to five hundred words each, one for and one against the proposal, of written comments filed with the election officer by thirty days before the election. No summary shall mention names of persons or private groups, nor any endorsements of or resolutions against the proposal. Petition representatives following these rules shall write this summary for their petition. The election officer shall maintain and accurately summarize all other relevant written comments.

(3) The provisions of this section shall not apply to a ballot issue that is subject to the provisions of section 1-40-124.5.

Source: L. 93: Entire article amended with relocations, p. 692, § 1, effective May 4; (1) amended, p. 1437, § 128, effective July 1. L. 2000: (1) and IP(2) amended and (3) added, p. 299, § 5, effective August 2.

1-40-126. Explanation of effect of "yes" or "no" vote included in notices provided by mailing or publication. In any notice to electors provided by the director of research of the legislative council, whether by mailing pursuant to section 1-40-124.5 or publication pursuant to section 1-40-124, there shall be included the following explanation preceding any information about individual ballot issues: "A 'yes' vote on any ballot issue is a vote in favor of changing current law or existing circumstances, and a 'no' vote on any ballot issue is a vote against changing current law or existing circumstances."

Source: L. 93: Entire article amended with relocations, p. 692, § 1, effective May 4. L. 2000: Entire section amended, p. 299, § 6, effective August 2.

Editor's note: This section was formerly numbered as section 1-40-114 (3), which was added by House Bill 93-1155.

1-40-127. Ordinances - effective, when - referendum. (Repealed)

Source: L. 93: Entire article amended with relocations, p. 692, § 1, effective May 4. L. 95: Entire section repealed, p. 437, § 19, effective May 8.

Editor's note: This section was formerly numbered as section 1-40-115.

Cross references: For current provisions relating to municipal government ordinances, their effective dates, and related referendums, see § 31-11-105.

1-40-128. Ordinances, how proposed - conflicting measures. (Repealed)

Source: L. 93: Entire article amended with relocations, p. 693, § 1, effective May 4. **L. 95:** Entire section repealed, p. 438, § 20, effective May 8.

Editor's note: This section was formerly numbered as section 1-40-116 (1).

Cross references: For current provisions relating to proposing municipal government ordinances and conflicting measures, see § 31-11-104.

1-40-129. Voting on ordinances. (Repealed)

Source: L. 93: Entire article amended with relocations, p. 694, § 1, effective May 4. **L. 95:** Entire section repealed, p. 438, § 21, effective May 8.

Editor's note: Subsection (1) was formerly numbered as section 1-40-116 (2), and subsection (2) was formerly numbered as section 1-40-116 (3).

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

(a) For any person willfully and knowingly to circulate or cause to be circulated or sign or procure to be signed any petition bearing the name, device, or motto of any person, organization, association, league, or political party, or purporting in any way to be endorsed, approved, or submitted by any person, organization, association, league, or political party, without the written consent, approval, and authorization of the person, organization, association, league, or political party;

(b) For any person to sign any name other than his or her own to any petition or knowingly to sign his or her name more than once for the same measure at one election;

(c) For any person to knowingly sign any petition who is not a registered elector at the time of signing the same;

(d) For any person to sign any affidavit as circulator without knowing or reasonably believing the statements made in the affidavit to be true;

(e) For any person to certify that an affidavit attached to a petition was subscribed or sworn to before him or her unless it was so subscribed and sworn to before him or her and unless the person so certifying is duly qualified under the laws of this state to administer an oath;

(f) For any officer or person to do willfully, or with another or others conspire, or agree, or confederate to do, any act which hinders, delays, or in any way interferes with the calling, holding, or conducting of any election permitted under the initiative and referendum powers reserved by the people in section 1 of article V of the state constitution or with the registering of electors therefor;

(g) For any officer to do willfully any act which shall confuse or tend to confuse the issues submitted or proposed to be submitted at any election, or refuse to submit any petition in the form presented for submission at any election;

(h) For any officer or person to violate willfully any provision of this article.

(2) Any person, upon conviction of a violation of any provision of this section, shall be punished by a fine of not more than five hundred dollars, or by imprisonment for not more than one year in the county jail, or by both such fine and imprisonment.

Source: L. 93: Entire article amended with relocations, p. 694, § 1, effective May 4.

Editor's note: Subsection (1) was formerly numbered as section 1-40-118 (2), and subsection (2) was formerly numbered as section 1-40-118 (3).

1-40-131. Tampering with initiative or referendum petition. Any person who willfully destroys, defaces, mutilates, or suppresses any initiative or referendum petition or who willfully neglects to file or delays the delivery of the initiative or referendum petition or who conceals or removes any initiative or referendum petition from the possession of the person authorized by law to have the custody thereof, or who adds, amends, alters, or in any way changes the information on the petition as provided by the elector, or who aids, counsels, procures, or assists any person in doing any of said acts commits a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111. The language in this section shall not preclude a circulator from striking a complete line on the petition if the circulator believes the line to be invalid.

Source: L. 93: Entire article amended with relocations, p. 695, § 1, effective May 4.

Editor's note: This section was formerly numbered as section 1-40-118.5.

1-40-132. Enforcement. (1) The secretary of state is charged with the administration and enforcement of the provisions of this article relating to initiated or referred measures and state constitutional amendments. The secretary of state shall have the authority to promulgate rules as may be necessary to administer and enforce any provision of this article that relates to initiated or referred measures and state constitutional amendments. The secretary of state may conduct a hearing, upon a written complaint by a registered elector, on any alleged violation of the provisions relating to the circulation of a petition, which may include but shall not be limited to the preparation or signing of an affidavit by a circulator. If the secretary of state, after the hearing, has reasonable cause to believe that there has been a violation of the provisions of this article relating to initiated or referred measures and state constitutional amendments, he or she shall notify the attorney general, who may institute a criminal prosecution. If a circulator is found to have violated any provision of this article or is otherwise shown to have made false or misleading statements relating to his or her section of the petition, such section of the petition shall be deemed void.

(2) (Deleted by amendment, L. 95, p. 439, § 22, effective May 8, 1995.)

Source: L. 93: Entire article amended with relocations, p. 695, § 1, effective May 4. L. 95: Entire section amended, p. 439, § 22, effective May 8.

Editor's note: Subsection (1) was formerly numbered as section 1-40-119.

1-40-133. Retention of petitions. After a period of three years from the time of submission of the petitions to the secretary of state, if it is determined that the retention of the petitions is no longer necessary, the secretary of state may destroy the petitions.

Source: L. 93: Entire article amended with relocations, p. 696, § 1, effective May 4. L. 95: Entire section amended, p. 439, § 23, effective May 8.

1-40-134. Withdrawal of initiative petition. The designated representatives of the proponents of an initiative petition may withdraw the petition from consideration as a ballot issue by filing a letter with the secretary of state requesting that the petition not be placed on the ballot. The letter shall be signed and acknowledged by both designated representatives before an officer authorized to take acknowledgments and shall be filed no later than thirty-three days prior to the election at which the initiative is to be voted upon.

Source: L. 98: Entire section added, p. 632, § 1, effective May 6.

COLORADO REVISED STATUTES, TITLE 1, ARTICLE 41

Odd-Year Elections

1-41-101.	Legislative declaration.	1-41-103.	Local ballot issue elections in odd-numbered years.
1-41-102.	State ballot issue elections in odd-numbered years.		

1-41-101. Legislative declaration. The general assembly hereby finds, determines, and declares that section 20 of article X of the state constitution requires that a ballot issue election be held on the first Tuesday in November of odd-numbered years; that the provisions of section 20 (2) and 20 (3) of said article X are unclear as to what issues can be submitted to a vote in the odd-year election; that section 20 of article X did not amend preexisting provisions of the state constitution on the initiative, the referendum, and the submission of constitutional amendments by the general assembly, and repeal or amendment of such provisions by implication is not presumed; that this legislation implements section 20 of article X of the state constitution, which article is entitled "Revenue" and concerns exclusively government revenue raising and appropriations; that section 20 of article X requires public votes on additional government taxes, spending, or debt; that the language of section 20 of article X evinces the public's desire to have more opportunity to vote on government tax, spending, and debt proposals; that a construction of section 20 of article X that limits local government electors' opportunities to vote on tax, spending, debt, or other proposals would be inconsistent with the ballot title of and the voters' intention in adopting said amendment; that state and local election officials need guidance as to how to administer the November 1993 election; and that, in view of the issues set out in this section, the general assembly should exercise its legislative power to resolve the ambiguities in section 20 of article X in a manner consistent with its terms.

Source: L. 93: Entire article added, p. 1993, § 1, effective June 8.

1-41-102. State ballot issue elections in odd-numbered years. (1) At the statewide election to be held on the first Tuesday of November in 1993, and in each odd-numbered year thereafter, the following issues shall appear on the ballot if they concern state matters arising under section 20 of article X of the state constitution and if they are submitted in accordance with applicable law:

(a) Amendments to the state constitution submitted by the general assembly in accordance with article XIX of the state constitution;

(b) State legislation and amendments to the state constitution initiated in accordance with section 1 of article V of the state constitution and article 40 of this title;

(c) Measures referred to the people by the general assembly in accordance with section 1 of article V of the state constitution;

(d) Measures referred to the people pursuant to petitions filed against an act or item, section, or part of an act of the general assembly in accordance with section 1 of article V of the state constitution;

(e) Questions which are referred to the people by the general assembly in accordance with the law prescribing procedures therefor;

(f) Questions which are initiated by the people in accordance with the law prescribing procedures therefor.

(2) If no questions concerning state matters arising under section 20 of article X of the state constitution are referred or initiated as provided in subsection (1) of this section, no statewide election shall be held on the first Tuesday of November in 1993, or on the first Tuesday in November of any subsequent odd-numbered year.

(3) As used in this section, a "question" means a proposition which is in the form of a question meeting the requirements of section 20 (3) (c) of article X of the state constitution and which is submitted in accordance with the law prescribing procedures therefor without reference to specific state legislation or a specific amendment to the state constitution.

(4) As used in this section, "state matters arising under section 20 of article X of the state constitution" includes:

(a) Approval of a new tax, tax rate increase, valuation for assessment ratio increase for a property class, or extension of an expiring tax, or a tax policy change directly causing a net tax revenue gain pursuant to section 20 (4) (a) of article X of the state constitution;

(b) Approval of the creation of any multiple-fiscal year direct or indirect state debt or other financial obligation without adequate present cash reserves pledged irrevocably and held for payments in all future fiscal years pursuant to section 20 (4) (b) of article X of the state constitution;

(c) Approval of emergency taxes pursuant to section 20 (6) of article X of the state constitution;

(d) Approval of revenue changes pursuant to section 20 (7) of article X of the state constitution;

(e) Approval of a delay in voting on ballot issues pursuant to section 20 (3) (a) of article X of the state constitution;

(f) Approval of the weakening of a state limit on revenue, spending, and debt pursuant to section 20 (1) of article X of the state constitution.

Source: L. 93: Entire article added, p. 1994, § 1, effective June 8.

1-41-103. Local ballot issue elections in odd-numbered years. (1) At the local election to be held on the first Tuesday of November in 1993, and in each odd-numbered year thereafter, the following issues shall appear on the ballot if they concern local government matters arising under section 20 of article X of the state constitution and if they are submitted in accordance with applicable law:

(a) Amendments to the charter of any home rule city or home rule county initiated by the voters or submitted by the legislative body of the home rule city or county in accordance with said charter;

(b) Ordinances, resolutions, or franchises proposed in accordance with section 1 of article V of the state constitution and section 31-11-104, C.R.S.;

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

(d) Questions which are referred to the people by the governing body of the local government in accordance with the law prescribing procedures therefor;

(e) Questions which are initiated by the people in accordance with the law prescribing procedures therefor.

(2) As used in this section, "local government" means a county, a municipality as defined in section 31-1-101 (6), C.R.S., a school district, or a special district as defined in sections 32-1-103 (20) and 35-70-109, C.R.S.

(3) As used in this section, a "question" means a proposition which is in the form of a question meeting the requirements of section 20 (3) (c) of article X of the state constitution and which is submitted in accordance with the law prescribing procedures therefor without reference to a specific ordinance, resolution, franchise, or other local legislation or a specific amendment to the charter of a home rule city or home rule county.

(4) As used in this section, "local government matters arising under section 20 of article X of the state constitution" includes:

(a) Approval of a new tax, tax rate increase, mill levy above that for the prior year, or extension of an expiring tax, or a tax policy change directly causing a net tax revenue gain pursuant to section 20 (4) (a) of article X of the state constitution;

(b) Approval of the creation of any multiple-fiscal year direct or indirect debt or other financial obligation without adequate present cash reserves pledged irrevocably and held for payments in all future fiscal years pursuant to section 20 (4) (b) of article X of the state constitution;

(c) Approval of emergency taxes pursuant to section 20 (6) of article X of the state constitution;

(d) Approval of revenue changes pursuant to section 20 (7) of article X of the state constitution;

(e) Approval of a delay in voting on ballot issues pursuant to section 20 (3) (a) of article X of the state constitution;

(f) Approval of the weakening of a local limit on revenue, spending, and debt pursuant to section 20 (1) of article X of the state constitution.

(5) The submission of issues at elections in November of odd-numbered years in accordance with this section, or at other elections as provided in section 20 (3) (a) of article X of the state constitution, shall not be deemed the exclusive method of submitting local issues to a vote of the people, and nothing in this section shall be construed to repeal, diminish, or otherwise affect in any way the authority of local governments to hold issue elections in accordance with other provisions of law.

(6) As the city of Broomfield will become the city and county of Broomfield on November 15, 2001, and the citizens of the city and county of Broomfield will no longer be located in Adams, Boulder, Jefferson, and Weld counties and will not be directly affected by the election results of ballot issues in those counties, the ballot for the registered voters of the city of Broomfield for the odd-year election to be held on November 6, 2001, shall exclude any local ballot issue pertaining to Adams, Boulder, Jefferson, and Weld counties that, by the terms of such ballot issue or as mandated by law, takes effect on or after November 15, 2001, so long as such ballot issue does not directly or indirectly impose any burden, obligation, or limitation upon the city and county of Broomfield or its citizens.

(7) As the city of Broomfield will become the city and county of Broomfield on November 15, 2001, the ballot for the registered voters of the city of Broomfield for the odd-year election to be held on November 6, 2001, may include any local ballot issue pertaining to the city and county of Broomfield that, by the terms of such ballot issue or as mandated by law, takes effect on or after November 15, 2001.

Source: L. 93: Entire article added, p. 1995, § 1, effective June 8. L. 94: (1)(b) and (1)(c) amended, p. 1622, § 6, effective May 31. L. 95: (1)(b) and (1)(c) amended, p. 439, § 24, effective May 8. L. 2001: (6) and (7) added, p. 273, § 31, effective March 30.

SECRETARY OF STATE, ELECTION RULES

[8 CCR 1505-1]

As Amended July 11, 2008

Rule 15. Rules Concerning Preparation Filing, and Verification of Statewide Initiative Petitions

- 15.1 Each petition shall be verified according to the procedures set forth in Rule 17.1.
- 15.2 No petition shall be accepted which lists proponents other than the two identified as petition representatives pursuant to section 1-40-104, C.R.S.
- 15.3 Proponents may begin circulating a petition for signatures at any time after the final decision of the title board, including disposition of any motion for rehearing or the expiration of the time for filing a motion for rehearing, and after the Secretary of State has approved the format of the petition as provided in section 1-40-113 (1), C.R.S., whether or not an appeal is filed with the Supreme Court pursuant to section 1-40-107 (2). If an appeal is filed with the Supreme Court, the six-month period specified in section 1-40-108 (1) shall begin on the date that the first signature is affixed to the petition or on the date that the decision of the Supreme Court becomes final, whichever date occurs first. Signatures shall be counted only if affixed to the petition during the period provided in this rule.
- 15.4 Only one filing of a petition or an addendum is allowed. After a petition or an addendum is filed, the petition or the addendum may not be supplemented with additional signatures. If additional signatures are submitted after the original filing, such signatures shall not be counted, even if such signatures are submitted within the time permitted by law for the filing of the original petition or addendum.
- 15.5 Verification by Random Sample
- 15.5.1 Each petition section shall be verified according to the procedures set forth in Rule 17.1.
- 15.5.2 Preliminary count and generation of random numbers.
- a. After the entries have been counted for each petition section, a data entry clerk shall enter the following data into the database; the petition identification number, the petition section number, the page number and the number of entries on the page.
- b. A record shall then be created for each entry, which record shall contain the petition identification number, petition section number, page number and the entry number. The total number of entries submitted for the petition shall be tallied.
- c. If the number of entries is less than the total number of signatures required to certify the measure to the ballot, a statement of insufficiency shall be issued.
- d. A series of random numbers shall be generated by the database which is the greater of four thousand (4,000) signatures or five percent (5%) of the total number of entries.
- 15.5.3 Verification of Selected Entries
- a. The random numbers selected shall be matched with the appropriate petition section, page number, and entry number.
- b. Each entry generated shall be checked for validity in accordance with Rule 17.1.
- c. Each reason for rejection of an entry shall be recorded by separate code and a master record of the rejected entries shall be maintained. A master record shall also be maintained of each entry that is accepted.

- 15.5.4 Checking the circulator's affidavit. The circulator's affidavit shall be checked for each entry in accordance with Rule 17.2. If the affidavit is not attached and completed, all entries in the section shall be rejected.
- 15.5.5 Checking individual signatures. Each individual signature shall be checked in accordance with Rule 17.3.
- 15.5.6 Computation of total accepted signatures.
- a. A tally shall be made of the number of accepted signatures and the number of rejected signatures.
 - b. The Secretary of State shall determine the range of signatures by multiplying the constitutionally required number of signatures by 0.90 to compute ninety percent (90%) of the required signatures and by 1.10 to compute one hundred and ten percent (110%) of the required signatures. This number shall be calculated after the general election at which the Secretary of State was elected.
 - c. After completing a petition, the number of signatures checked shall then be divided into the number of accepted signatures. This number will be the percentage of accepted signatures which were submitted.
 - d. The percentage calculated in paragraph c of this Rule 15.5.6 shall then be multiplied by the total number of entries which were previously tallied. This number will be the number of presumed valid signatures which were submitted.
 - e. If the number generated is ninety percent (90%) or less of the constitutionally required number of signatures as calculated in paragraph b of this Rule 15.5.6, then the Secretary of State shall issue a statement of insufficiency. If the number generated is one hundred and ten percent (110%) or more of the constitutionally required number, then the Secretary of State shall issue a statement of sufficiency.
 - f. If the number generated is more than ninety percent (90%) but less than one hundred and ten percent (110%) of the required number, the Secretary of State shall order that each signature on the petition be verified to determine whether the issue or question should be certified to the ballot.

Rule 17. General Rules Concerning Verification of Petitions

- 17.1 General procedures concerning verification of petitions.
- 17.1.1 No petition shall be accepted which lists proponents other than those authorized by law.
 - 17.1.2 When the petitions are received, each section shall be date-stamped and consecutively numbered with a four digit number. The number may be printed by a printer, hand-stamped with a manual stamp, or handwritten.
 - 17.1.3 Each petition shall be either an individual sheet for signatures or multiple sheets that are stapled together.
 - 17.1.4 Each section shall be checked for evidence of disassembly. If it appears that the section was disassembled, all entries in the section shall be rejected.
 - 17.1.5 The lines on each petition section shall be consecutively numbered. The block of information which consists of the printed last name, first name, middle initial, county, signing date, street address, city, and signature is considered a line.
 - 17.1.6 If the number of entries is less than the total number of signatures required to certify the measure to the ballot, a statement of insufficiency shall be issued.
 - 17.1.7 Each line with writing shall be counted on each petition and shall be considered an entry. The number of entries for each page of the section shall be written on the page and the total entries for the section shall be written on the face of the petition section.

- a. A line that has no writing or marks on it shall not be considered an entry.
- b. A line that has writing on it but is completely crossed out shall not be considered an entry.
- c. A line which has writing on it but is incomplete or on its face contains an invalid signature or which is partially crossed out shall be considered an entry to be included in this count.

17.2 Checking the circulator's affidavit.

- 17.2.1 The circulator's affidavit shall be checked for each entry. If the affidavit is not attached and completed, all entries in the section shall be rejected.
- 17.2.2 The notary clause at the end of the affidavit shall be checked for each entry. If any information is missing, or if the date on the notary clause is not the same date as the circulator signed the affidavit, all entries in the section shall be rejected.
- 17.2.3 The circulator's affidavit shall be checked to assure it has been completed in accordance with the statutory requirements listed below. If the affidavit was not completed in accordance with the requirements listed below, all entries in the section shall be rejected.
 - a. For candidate petitions, the circulator's affidavit shall be completed in accordance with section 1-4-905(1) and (2), C.R.S.
 - b. For initiative petitions, the circulator's affidavit shall be completed in accordance with section 1-40-111(2), C.R.S.

17.3 Checking individual signatures.

- 17.3.1 Each individual entry shall be checked against the master voter registration files to assure that the elector was an eligible elector in the political subdivision at the time the petition was signed.
- 17.3.2 Each reason for rejection of an entry shall be recorded by separate code and a master record of the rejected entries shall be maintained. A master record shall also be maintained of each entry that is accepted.
- 17.3.3 If the information on the current voter registration file does not match the information on the entry, the elector's voter registration history shall be checked to determine if the information on the entry matches the voter registration file at the time the entry was signed.
- 17.3.4 Name of eligible elector. To be accepted, the name on the entry must be in a form similar to that found on the voter registration record. Signatures that are common variants of the name found on the voter record shall be counted. If the signer of the petition is not found on the voter registration file, or if applicable, the county assessors' list, the entry shall be rejected.
- 17.3.5 Middle initial and additional terms.
 - a. If the middle initial or middle name is not part of either the signature line or the voter record but is included on the other document, if the first and last name are the same on both documents, the entry shall be accepted.
 - b. If the middle initial or middle name on the signature line is different than the middle initial or middle name on the voter record, the entry shall be rejected.
 - c. If an indicator such as Jr., Sr., or II is present or omitted from the petition or the voter record, the entry shall be accepted. If two persons with the same name reside at the same address as found on the master voter list, the entry shall be rejected, unless the identity of the signer can be conclusively determined.

- 17.3.6 Address of eligible elector.
 - a. If the address written on the line does not match the address on the voter record or on the voter history for the date when the signature was taken, the entry shall be rejected.
 - b. If the address on the petition either includes or omits a letter or number identifying an apartment or the directional location of a street, such as “E” for east, “SW” for southwest, etc., the entry shall be accepted.
 - c. If the signer gave a post office box for the address, the entry shall be rejected.
- 17.3.7 Incomplete information. If the line of the petition is incomplete, with at least one piece of information omitted, the entry shall be rejected.
- 17.3.8 Date of signing.
 - a. If a signature is placed on the petition prior to the final approval of the petition format by the designated election official, the entry shall be rejected.
 - b. If the signer was not an eligible elector in the political subdivision at the time of signing, the entry shall be rejected.
 - c. If a signature is placed on the petition after the date on the circulator’s affidavit, the entry shall be rejected.
- 17.3.9 Assistance to signer. If assistance appears to have been given to the signer and a statement of assistance does not accompany the signature or mark explaining the variance in the script, the entry shall be rejected.
- 17.3.10 Illegible signature. If the signature and printed name are illegible so that the voter record cannot be verified, the entry shall be rejected.
- 17.3.11 Duplicate signature. If the elector has previously signed the same petition, the first valid entry shall be counted and all other entries shall be rejected.
- 17.3.12 Where an elector may sign more than one petition, the first signature(s) filed up to the maximum allowed, shall be the ones that are counted.
- 17.4 Final Tally. After all of the sections have been checked, a final tally of all valid signatures shall be prepared and the statement of sufficiency or insufficiency issued.

Rule 18. Rules Concerning Statement of Sufficiency for Petitions

- 18.1 Within the time required by statute, the designated election official shall issue a statement of sufficiency or insufficiency.
- 18.2 The statement shall contain the name of the petition, the proponents, and the date the petition was submitted for verification.
- 18.3 The statement shall indicate the total number of entries, the total number of entries accepted, and the total number of entries rejected.
- 18.4 The statement shall indicate whether an insufficient number of entries were submitted, the number of presumed valid signatures if a random sample was conducted, and the number of valid signatures counted if every entry was counted.
- 18.5 Records. The designated election official shall assure that a record of all signatures rejected and the reasons for each rejection be maintained as public records.

Rule 19. Rules Concerning Cure for Statewide Petitions

- 19.1 Cure of petitions deemed insufficient.

- 19.2 If the proponents submit additional signatures within the permitted time, all signatures submitted in the addendum shall be checked using the process delineated in Rule 16 and Rule 17.
- 19.3 If the number of valid signatures in the addendum when added to the number of valid signatures given in the statement of insufficiency equals 110% or more of the required signatures, a statement of sufficiency shall be issued.
- 19.4 If the number of valid signatures in the addendum when added to the number of valid signatures given in the statement of insufficiency equals more than 90% but less than 110% of the required signatures and the initial check was by random sample, all of the previously submitted entries shall be checked. The total of valid signatures in the original petition shall then be added to the number of valid signatures submitted in the addendum.
- 19.5 If the initial check was of every entry, then the total of valid signatures shall be added to the number of valid signatures submitted in the addendum.
- 19.6 The designated election official shall then issue a new statement of insufficiency or sufficiency which reports the total number of valid signatures submitted.

Rule 20. Rules Concerning Protests

- 20.1 A protest shall specifically state the reasons for the challenge to the determination of sufficiency or insufficiency.
 - 20.1.1 A protest that alleges specific statutes or rules were improperly applied shall clearly state the specific requirements that were improperly applied.
 - 20.1.2 A protest that alleges that entries were improperly accepted or rejected shall clearly identify the specific individual entries at issue and the reason the entries were improperly accepted or rejected.
- 20.2 The protest shall be deemed insufficient for each entry or class of entries challenged where the individual entry is not listed or the reason for the challenge is not given.
- 20.3 Where a petition verified by random sample is protested, proponents and opponents may protest the process by which the numbers used in the calculations were generated.
- 20.4 Individual entries which were not checked by the Secretary of State may not be challenged as sufficient or insufficient.

Rule 21. Rules Concerning Ballot Issue Elections

- 21.1 Placing measures on the ballot for coordinated odd-year elections.
 - 21.1.1 For statewide elections, the Secretary of State shall be responsible for determining whether the proposed initiative concerns state matters arising under Section 20 of Article X of the State Constitution and is eligible to appear on the ballot at an odd-year election.
 - 21.1.2 For elections concerning counties or other political subdivisions, if the election is held as a coordinated election, each political subdivision shall determine whether the proposed initiative or referred measure is a local government matter arising under Section 20 of Article X of the State Constitution.
- 21.2 Written comments concerning ballot issues submitted to the designated election official for the political subdivision shall not be withdrawn after the end of the business day on the last Friday immediately preceding the forty-fifth day before the election.