

THE INITIATIVE PROCESS

A Publication of the Office of Legislative Legal Services¹

Step #1 - Review and Comment

Submit measure to legislative staff

Proponents who intend to circulate petitions to place a measure on the ballot are required by statute to submit a draft of the measure to the directors of the Legislative Council Staff and the Office of Legislative Legal Services for review and comment. The draft must be typewritten and should use plain, nontechnical language that is understandable to the average reader. The draft should be sent by mail, electronic mail, or telefax to Legislative Council Staff, which is authorized to receive the measure on behalf of the Office of Legislative Legal Services.

Within 2 weeks - review and comment hearing

The two offices prepare a "review and comment" memorandum and conduct a public meeting within 2 weeks after submission of the measure. In the memorandum and at the meeting, staff from the offices asks the proponents technical and substantive questions designed to clarify the language of the proposal and make sure the language reflects the proponents' intent. After the meeting, but before submission to the Secretary of State for title setting, the proponents may make changes in the language of the proposal in response to the comments; however, they are not required to do so. If the proponents make substantial amendments to the proposal that were not in response to the comments, the proponents are required to resubmit the proposal to the directors. If staff has additional comments on the resubmitted proposal, there will be another public meeting within 2 weeks after resubmission.

¹ This summary contains information commonly requested from the Office of Legislative Legal Services (OLLS). It does not represent an official legal position of the General Assembly or the State of Colorado and does not bind the members of the General Assembly. It is intended to provide a general overview of Colorado law as of the date of its preparation. Any person needing legal advice should consult his or her own lawyer and should not rely on the information in this memorandum.

Step #2 - Title Setting and Appeal

File measure with Secretary of State - 12 days before Title Board meeting; meetings are held on 1st and 3rd Wednesdays

The Secretary of State, the Attorney General, and the Director of the Office of Legislative Legal Services, or their designees, sit on the Ballot Title Setting Board. The Board meets the first and third Wednesdays of each month to consider all measures that have been filed at least 12 days before each meeting. The first meeting shall be held no sooner than December after an election, and the last meeting shall be held no later than May in the year in which the measure is to be voted on.

If measure has single subject, Title Board sets a title

At the hearing, the Title Board first determines if the measure contains a single subject. If not, the Title Board cannot set a title. If the Title Board finds that the measure contains a single subject, the Board sets a ballot title and submission clause for the proposal.

Rehearing - 2 weeks later

Anyone objecting to the Title Board's findings on single subject or the language of the titles may file a motion for a rehearing within 7 days of the original hearing, and the Title Board must, if possible, rule on the motion at its next meeting.

Appeal to Supreme Court - 5 days after Title Board decision

Anyone who is not satisfied with the action on rehearing may appeal to the Colorado Supreme Court within 5 days after the hearing on the motion. The Supreme Court either affirms the Board's action or reverses and remands the matter back to the Title Board with instructions on the language of the titles or the single subject issue.

Step #3 - Petition Circulation

Print petitions and gather signatures

Once the title and the ballot title and submission clause have been set, the proponents can have their petitions printed. In order for the measure to appear on the ballot, proponents must gather signatures totaling 5% of the total number of votes cast in the last election for the office of Secretary of State.

Submit signed petitions - within 6 months or at least 3 months prior to election

Signed petitions must be submitted to the Secretary of State within 6 months after the titles are set, or at least 3 months before the election at which the measure is to be voted upon, whichever comes first. The Secretary of State uses random sampling techniques to verify the accuracy and the number of signatures. If the Secretary of State finds there is an insufficient number of valid signatures, proponents may "cure" the defect by filing an addendum with additional signatures within 15 days.

Court proceedings - protest Any person disagreeing with the actions of the Secretary of State may file a protest with the District Court for the county in which the petition has been filed.

Certification to the ballot If the Secretary of State finds a sufficient number of valid signatures, the Secretary certifies the measure to the county clerk and recorders to appear on the ballot.

For a detailed explanation of the initiative process see article V, section 1 of the Colorado Constitution and article 40 of title 1, Colorado Revised Statutes.

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