

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 25-0899.01 Christy Chase x2008

HOUSE BILL 25-1327

HOUSE SPONSORSHIP

Sirota and Froelich,

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Kipp,

House Committees

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A BILL FOR AN ACT

101 **CONCERNING MODIFICATIONS TO PROCESSES FOR STATEWIDE BALLOT**
102 **MEASURES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Under current law, proponents seeking to place an initiated measure on the ballot are required to submit certain documents with the secretary of state in order for the title board to consider the measure at a title setting hearing. **Section 1** of the bill requires that when proponents submit 5 or more drafts within the same initiative cycle, with at least one of the same designated representatives of proponents, and on the same

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

subject matter, the proponents also submit a chart describing or otherwise visually demonstrating the differences between the drafts.

Section 2 requires the director of research of the legislative council of the general assembly (director), when preparing an estimate of an initiated proposed tax increase's fiscal impact if enacted, to include an estimate of the maximum dollar amount of the change in state and local government revenue and fiscal year spending, as defined in the state constitution, for the first and, if phased in, final full fiscal year of the proposed tax increase.

Section 3 requires that the title board, when setting a title for a ballot measure:

- Indicate in the title whether the proposed law modifies, extends, or repeals existing law or creates new law; and
- For measures that propose a tax increase, use the estimate of the maximum dollar amount of the change in state and local government revenue and fiscal year spending for the first or, if phased in, final full fiscal year of the proposed tax increase.

Section 3 also requires the title board to hold its last meeting no later than the first Wednesday in April rather than the third Wednesday in April, thereby requiring proponents of an initiative to submit drafts to the title board 2 weeks earlier than is required under current law. In connection with the changes to when the title board holds its last meeting, **section 4** requires the title board to hear motions for rehearing on measures considered at its last meeting that will be voted on that year at a meeting held on the third Wednesday in April, rather than within 48 hours after the last title board meeting. Additionally, **section 4** requires motions for rehearing to be filed with the title board by 5 p.m. on the seventh day following the title board's decision that is the subject of the motion.

Section 5 requires that, with regard to the petition circulation process for statewide ballot measures, a designated representative for the proponents notify the secretary of state when an initiative or referendum petition that is being circulated has received 25%, 50%, and 75% of the required number of signatures and when any petition is no longer being actively circulated. **Section 5** allows the secretary of state to impose a fine on any designated representative who does not comply with these reporting requirements; except that the fine cannot exceed \$1,500. **Section 5** also requires the secretary of state to post on the secretary of state's website a list of any initiative or referendum petitions that have received 25%, 50%, and 75% of the required number of signatures for the petition and a list of any petitions that are no longer being actively circulated.

Section 6 requires the director to prepare for the ballot information booklet for a proposed tax increase estimates of both the maximum dollar

amount of the change in state and local government revenue and fiscal year spending, as defined in the state constitution, for the first full fiscal year of the proposed tax increase and state and local government fiscal year spending, as defined in the state constitution, without the proposed tax increase.

Section 7 requires the fiscal note for any legislative measure that includes a proposed tax increase to include the maximum dollar amount of the change in state and local government revenue for the first and, if phased in, final full fiscal year of the proposed tax increase and also requires relevant ballot questions for any legislative measure that includes a proposed tax increase to include the estimate of the maximum dollar amount of the change in state and local government revenue for the first or, if phased in, final full fiscal year of the proposed tax increase.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-40-105, **amend** (4)
3 as follows:

4 **1-40-105. Filing procedure - review and comment meeting -**
5 **amendments - filing with secretary of state - definition.**

6 (4)(a)(I) After the review and comment meeting provided in subsections
7 (1) and (2) of this section, IF THE PROPONENTS CHOOSE TO SUBMIT THE
8 INITIATIVE PETITION DRAFT TO THE SECRETARY OF STATE FOR TITLE
9 SETTING, THE PROPONENTS MUST SUBMIT TO THE SECRETARY OF STATE:

10 (A) A copy of the original typewritten draft submitted to the
11 directors of the legislative council and the office of legislative legal
12 services;

13 (B) A copy of the amended draft with changes highlighted or
14 otherwise indicated, if any amendments were made following the last
15 review and comment meeting conducted pursuant to subsections (1) and
16 (2) of this section; and

17 (C) An original final draft that gives the final language for
18 printing. ~~shall be submitted~~

1 (II) THE PROPONENTS SHALL NOT SUBMIT to the secretary of state
2 ~~without~~ any title, submission clause, or ballot title providing the
3 designation by which the voters ~~shall~~ ARE TO express their choice for or
4 against the proposed law or constitutional amendment.

5 (b) (I) IN ADDITION TO THE REQUIREMENTS SET FORTH IN
6 SUBSECTION (4)(a) OF THIS SECTION, IF, WITHIN THE SAME INITIATIVE
7 CYCLE, THE PROPONENTS SUBMIT TO THE SECRETARY OF STATE FIVE OR
8 MORE DRAFTS CONCERNING THE SAME SUBJECT MATTER AND WITH ONE
9 DESIGNATED REPRESENTATIVE WHO IS THE SAME FOR ALL DRAFTS, THE
10 PROPONENTS MUST ALSO SUBMIT, AT THE SAME TIME THE PROPONENTS
11 SUBMIT THE MATERIALS REQUIRED BY SUBSECTION (4)(a) OF THIS SECTION,
12 A CHART THAT DESCRIBES OR OTHERWISE VISUALLY DEMONSTRATES THE
13 DIFFERENCES BETWEEN EACH OF THE DRAFTS.

14 (II) AS USED IN THIS SUBSECTION (4)(b), "INITIATIVE CYCLE"
15 MEANS THE PERIOD BEGINNING WITH THE DATE THAT IS THE TWELFTH DAY
16 BEFORE THE FIRST WEDNESDAY IN DECEMBER FOLLOWING A GENERAL
17 ELECTION AND ENDING WITH THE DATE THAT IS THE THIRD WEDNESDAY
18 IN APRIL IN THE YEAR IN WHICH THE MEASURE IS TO BE VOTED ON.

19 **SECTION 2.** In Colorado Revised Statutes, 1-40-105.5, **amend**
20 (1.5)(a)(I) as follows:

21 **1-40-105.5. Initial fiscal impact statement - fiscal summary -**
22 **definition.** (1.5) (a) For every initiated measure properly submitted to the
23 title board, the director shall prepare a fiscal summary that consists of the
24 following information:

25 (I) (A) A description of the measure's fiscal impact, including a
26 preliminary estimate of any change in state and local government
27 revenues, expenditures, taxes, or fiscal liabilities if implemented; AND

1 (B) FOR A MEASURE THAT PROPOSES A TAX INCREASE, THE
2 DIRECTOR SHALL INCLUDE IN THE DESCRIPTION OF THE MEASURE'S FISCAL
3 IMPACT A PRELIMINARY ESTIMATE OF THE MAXIMUM DOLLAR AMOUNT OF
4 THE CHANGE IN STATE AND LOCAL GOVERNMENT REVENUE AND FISCAL
5 YEAR SPENDING, AS DEFINED IN SECTION 20 (2)(e) OF ARTICLE X OF THE
6 STATE CONSTITUTION, FOR THE FIRST AND, IF PHASED IN, FINAL FULL
7 FISCAL YEAR OF THE PROPOSED TAX INCREASE;

8 **SECTION 3.** In Colorado Revised Statutes, 1-40-106, **amend** (1),
9 (3)(c), and (3)(g) as follows:

10 **1-40-106. Title board - meetings - ballot title - initiative and**
11 **referendum - definitions - rules.** (1) For ballot issues, beginning with
12 the first submission of a draft after an election, the secretary of state shall
13 convene a title board consisting of the secretary of state, the attorney
14 general, and the director of the office of legislative legal services or their
15 designees. The title board, by majority vote, shall proceed to designate
16 and fix a proper fair title for each proposed law or constitutional
17 amendment, together with a submission clause, at public meetings to be
18 held at the hour determined by the title board on the first and third
19 Wednesdays of each month in which a draft or a motion for
20 reconsideration has been submitted to the secretary of state. To be
21 considered at such meeting, ~~a draft shall be submitted~~ THE PROPONENTS
22 MUST SUBMIT THE DRAFT to the secretary of state no later than 3 p.m. on
23 the twelfth day before the meeting at which THE TITLE BOARD WILL
24 CONSIDER the draft, ~~is to be considered by the title board~~, and the
25 designated representatives of the proponents must comply with the
26 requirements of subsection (4) of this section. The TITLE BOARD MUST
27 HOLD ITS first meeting ~~of the title board shall be held~~ no sooner than the

1 first Wednesday in December after an election, and the TITLE BOARD
2 MUST HOLD ITS last meeting ~~shall be held~~ no later than the ~~third~~ FIRST
3 Wednesday in April in the year in which the measure is to be voted on.

4 (3) (c) (I) In order to avoid confusion between a proposition and
5 an amendment, as such terms are used in section 1-5-407 (5)(b), the title
6 board shall describe a proposition in a ballot title as a "change to the
7 Colorado Revised Statutes" and an amendment as an "amendment to the
8 Colorado constitution".

9 (II) THE TITLE BOARD SHALL INDICATE IN THE BALLOT TITLE
10 WHETHER THE CHANGE TO THE COLORADO REVISED STATUTES OR
11 AMENDMENT TO THE COLORADO CONSTITUTION MODIFIES, EXTENDS, OR
12 REPEALS EXISTING LAW OR CREATES NEW LAW.

13 (g) (I) For measures that increase tax revenue for any district
14 through a tax change and specify the public services to be funded by the
15 increased revenue, after the language required by section 20 (3)(c) of
16 article X of the state constitution, the ballot title shall state "in order to
17 increase or improve levels of public services, including ~~but not limited to~~
18 (the public service specified in the measure)...". For measures that
19 increase tax revenue for any district through a tax change and do not
20 specify the public services to be funded by the increased revenue, after
21 the language required by section 20 (3)(c) of article X of the state
22 constitution, the ballot title shall state "in order to increase or improve
23 levels of public services...".

24 (II) FOR MEASURES THAT PROPOSE A TAX INCREASE, FOR PURPOSES
25 OF COMPLYING WITH SECTION 20 (3)(c) OF ARTICLE X OF THE STATE
26 CONSTITUTION, THE TITLE BOARD SHALL RELY ON THE PRELIMINARY
27 ESTIMATE OF THE MAXIMUM DOLLAR AMOUNT OF THE CHANGE IN STATE

1 AND LOCAL GOVERNMENT REVENUE FOR THE FIRST OR, IF PHASED IN, FINAL
2 FULL FISCAL YEAR OF THE PROPOSED TAX INCREASE DETERMINED
3 PURSUANT TO SECTION 1-40-105.5 (1.5)(a)(I)(B).

4 (III) The estimates reflected in the ballot title shall not be
5 interpreted as restrictions of a district's budgeting process.

6 **SECTION 4.** In Colorado Revised Statutes, 1-40-107, **amend**
7 (1)(a)(I) and (1)(c) as follows:

8 **1-40-107. Rehearing - appeal - fees - signing.** (1) (a) (I) Any
9 person presenting an initiative petition or any registered elector who is not
10 satisfied with a decision of the title board with respect to whether a
11 petition contains more than a single subject pursuant to section
12 1-40-106.5, or who is not satisfied with the ~~titles~~ TITLE and submission
13 clause provided by the title board and who claims that they are unfair or
14 that they do not fairly express the true meaning and intent of the proposed
15 state law or constitutional amendment may file a motion for a rehearing
16 with the secretary of state ~~within seven days~~ NO LATER THAN 5 P.M. ON
17 THE SEVENTH DAY after the decision is made or the ~~titles~~ TITLE and
18 submission clause are set.

19 (c) (I) (A) ~~The~~ EXCEPT AS PROVIDED IN SUBSECTIONS (1)(c)(I)(B)
20 AND (1)(c)(I)(C) OF THIS SECTION, THE TITLE BOARD SHALL HEAR A motion
21 for rehearing ~~shall be heard~~ at the next regularly scheduled meeting of the
22 title board.

23 (B) ~~except that,~~ If the title board is unable to complete action on
24 all ~~matters~~ MOTIONS FOR REHEARING scheduled for that day AT THE TITLE
25 BOARD'S NEXT REGULARLY SCHEDULE MEETING, THE TITLE BOARD MAY
26 CONTINUE consideration of any motion for rehearing ~~may be continued~~ to
27 the next available day. ~~and except that,~~

1 (C) If the ~~titles~~ TITLE BOARD DECISION WAS MADE AT OR THE TITLE
2 and submission clause protested were set at the ~~last~~ meeting ON THE FIRST
3 WEDNESDAY in April IN THE YEAR IN WHICH THE MEASURE WILL BE
4 VOTED ON, the TITLE BOARD SHALL HEAR THE motion ~~shall be heard~~
5 ~~within forty-eight hours after the expiration of the seven-day period for~~
6 ~~the filing of such motions~~ ON THE THIRD WEDNESDAY IN APRIL.

7 (II) The decision of the title board on any motion for rehearing
8 shall be final, except as provided in subsection (2) of this section, and no
9 further motion for rehearing may be filed or considered by the title board.

10 **SECTION 5.** In Colorado Revised Statutes, 1-40-111, **amend** (1)
11 as follows:

12 **1-40-111. Notice of circulation - signatures - affidavits -**
13 **notarization - list of circulators and notaries.** (1) (a) (I) A DESIGNATED
14 REPRESENTATIVE OF THE PROPONENTS SHALL NOTIFY THE SECRETARY OF
15 STATE, IN THE FORM AND MANNER PRESCRIBED BY THE SECRETARY OF
16 STATE, WHEN AN INITIATIVE OR REFERENDUM PETITION THAT IS BEING
17 CIRCULATED HAS RECEIVED TWENTY-FIVE PERCENT, FIFTY PERCENT, AND
18 SEVENTY-FIVE PERCENT OF THE REQUIRED NUMBER OF SIGNATURES FOR
19 THE PETITION. IF, AT ANY POINT BEFORE THE ELECTION, ANY INITIATIVE OR
20 REFERENDUM PETITION THAT HAS BEEN CIRCULATED BY ONE OR MORE
21 CIRCULATORS FOR THE PURPOSE OF OBTAINING SIGNATURES FROM
22 REGISTERED ELECTORS ELIGIBLE TO VOTE ON THE MEASURE IS NO LONGER
23 BEING ACTIVELY CIRCULATED, A DESIGNATED REPRESENTATIVE OF THE
24 PROPONENTS SHALL NOTIFY THE SECRETARY OF STATE, WITHIN FIVE DAYS
25 AFTER THE CIRCULATION ACTIVITY STOPS, THAT THE PETITION IS NOT
26 BEING ACTIVELY CIRCULATED. IF A DESIGNATED REPRESENTATIVE DOES
27 NOT COMPLY WITH THE REQUIREMENTS OF THIS SUBSECTION (1)(a)(I); THE

1 SECRETARY OF STATE MAY IMPOSE A FINE ON THE DESIGNATED
2 REPRESENTATIVE; EXCEPT THAT THE FINE SHALL NOT EXCEED THE
3 AMOUNT SET FORTH IN SECTION 1-40-130 (2).

4 (II) THE SECRETARY OF STATE SHALL MAINTAIN AND POST ON THE
5 SECRETARY OF STATE'S WEBSITE, AND UPDATE AS ADDITIONAL SIGNATURE
6 INFORMATION IS REPORTED, A LIST OF ANY INITIATIVE OR REFERENDUM
7 PETITIONS THAT HAVE RECEIVED TWENTY-FIVE PERCENT, FIFTY PERCENT,
8 AND SEVENTY-FIVE PERCENT OF THE REQUIRED NUMBER OF SIGNATURES
9 FOR THE PETITION, AS REPORTED IN ACCORDANCE WITH SUBSECTION
10 (1)(a)(I) OF THIS SECTION AND SHALL MAINTAIN AND POST A LIST OF ANY
11 INITIATIVE OR REFERENDUM PETITION THAT IS NO LONGER BEING ACTIVELY
12 CIRCULATED.

13 (b) Any initiative or referendum petition shall be signed only by
14 registered electors who are eligible to vote on the measure. Each
15 registered elector shall sign ~~his or her~~ THEIR own signature and shall print
16 ~~his or her~~ THEIR name, the address at which ~~he or she resides~~ THEY
17 RESIDE, including the street number and name, the city and town, the
18 county, and the date of signing. THE CIRCULATOR OF A PETITION SHALL
19 ENCOURAGE each registered elector signing a petition ~~shall be encouraged~~
20 ~~by the circulator of the petition~~ to sign the petition in ink. In the event a
21 registered elector is ~~physically disabled~~ A PERSON WITH A PHYSICAL
22 DISABILITY or is ~~illiterate~~ A PERSON WHO IS UNABLE TO READ OR WRITE
23 and THE REGISTERED ELECTOR wishes to sign the petition, the elector shall
24 sign or make ~~his or her~~ THEIR mark in the space so provided. Any person,
25 ~~but not~~ OTHER THAN a circulator, may assist the ~~disabled or illiterate~~
26 elector WHO HAS A PHYSICAL DISABILITY OR WHO IS UNABLE TO READ OR
27 WRITE in completing the remaining information required by this

1 subsection (1). The person providing assistance shall sign ~~his or her~~ THEIR
2 name and address and shall state that such assistance was given to the
3 ~~disabled or illiterate~~ elector WHO HAS A PHYSICAL DISABILITY OR WHO IS
4 UNABLE TO READ OR WRITE.

5 **SECTION 6.** In Colorado Revised Statutes, 1-40-124.5, **amend**
6 (1)(b)(III)(L), (1)(b)(IV), and (1.5); and **add** (1)(b)(V) as follows:

7 **1-40-124.5. Ballot information booklet.** (1) (b) The director of
8 research of the legislative council of the general assembly shall prepare
9 a fiscal impact statement for every initiated or referred measure, taking
10 into consideration fiscal impact information submitted by the office of
11 state planning and budgeting, the department of local affairs or any other
12 state agency, and any proponent or other interested person. The fiscal
13 impact statement prepared for every measure shall be substantially similar
14 in form and content to the fiscal notes provided by the legislative council
15 of the general assembly for legislative measures pursuant to section
16 2-2-322. A complete copy of the fiscal impact statement for such measure
17 shall be available through the legislative council of the general assembly.
18 The ballot information booklet shall indicate whether there is a fiscal
19 impact for each initiated or referred measure and shall abstract the fiscal
20 impact statement for such measure. The abstract for every measure shall
21 appear after the arguments for and against such measure in the analysis
22 section of the ballot information booklet, and shall include, but shall not
23 be limited to:

24 (III) For any initiated or referred measure that modifies the state
25 tax laws, if the measure would either increase or decrease individual
26 income tax revenue or state sales tax revenue, a table that shows the
27 number of tax filers in each income category, the total change in the

1 amount of tax owed for each income category, and the average change in
2 the amount of tax owed for each filer within each income category. If the
3 change in the amount of tax owed shown in the table is an increase, the
4 change must be expressed as a dollar amount preceded by a plus sign. If
5 the change in the amount of tax owed shown in the table is a decrease, the
6 change must be expressed as a dollar amount preceded by a negative sign.

7 The table must use the following income categories:

8 (L) Federal adjusted gross income greater than or equal to one
9 million dollars; ~~and~~

10 (IV) If the measure contains a proposed tax change, as defined in
11 section 1-40-106 (3)(i)(II), that reduces state tax revenue, a description of
12 the three largest areas of program expenditure, as defined in section
13 1-40-106 (3)(i)(I); AND

14 (V) IF THE MEASURE INCLUDES A PROPOSED TAX INCREASE, AN
15 ESTIMATE, AS REQUIRED BY SECTION 20 (3)(b)(III) OF ARTICLE X OF THE
16 STATE CONSTITUTION, OF THE MAXIMUM DOLLAR AMOUNT OF BOTH:

17 (A) THE CHANGE IN STATE AND LOCAL GOVERNMENT REVENUE
18 AND FISCAL YEAR SPENDING, AS DEFINED IN SECTION 20 (2)(e) OF ARTICLE
19 X OF THE STATE CONSTITUTION, FOR THE FIRST FULL FISCAL YEAR OF THE
20 PROPOSED TAX INCREASE; AND

21 (B) STATE AND LOCAL GOVERNMENT FISCAL YEAR SPENDING, AS
22 DEFINED IN SECTION 20 (2)(e) OF ARTICLE X OF THE STATE CONSTITUTION,
23 WITHOUT THE PROPOSED TAX INCREASE.

24 (1.5) The executive committee of the legislative council of the
25 general assembly ~~shall be~~ IS responsible for providing the fiscal
26 information on any ballot issue that must be included in the ballot
27 information booklet pursuant to section 1 (7.5)(c) of article V of the state

1 constitution AND SHALL CONSIDER THE FISCAL IMPACT STATEMENT
2 REQUIRED BY SUBSECTION (1) OF THIS SECTION IN DOING SO.

3 **SECTION 7.** In Colorado Revised Statutes, 2-2-322, **add** (6) as
4 follows:

5 **2-2-322. Fiscal notes - repeal.** (6) (a) THE FISCAL NOTE FOR ANY
6 LEGISLATIVE MEASURE THAT INCLUDES A PROPOSED TAX INCREASE SHALL
7 INCLUDE, IN ADDITION TO THE OTHER INFORMATION REQUIRED PURSUANT
8 TO THIS SECTION, AN ESTIMATE OF THE MAXIMUM DOLLAR AMOUNT OF THE
9 CHANGE IN STATE AND LOCAL GOVERNMENT REVENUE FOR THE FIRST AND,
10 IF PHASED IN, FINAL FULL FISCAL YEAR OF THE PROPOSED TAX INCREASE.

11 (b) THE BALLOT QUESTION SUBMITTED TO THE REGISTERED
12 ELECTORS OF THE STATE IN CONNECTION WITH A PROPOSED TAX INCREASE
13 IN A LEGISLATIVE MEASURE SHALL INCLUDE THE MAXIMUM DOLLAR
14 AMOUNT OF THE CHANGE IN STATE AND LOCAL GOVERNMENT REVENUE
15 FOR THE FIRST OR, IF PHASED IN, FINAL FULL FISCAL YEAR OF THE
16 PROPOSED TAX INCREASE AS DETERMINED PURSUANT TO SUBSECTION
17 (6)(a) OF THIS SECTION.

18 **SECTION 8. Applicability.** (1) Sections 1, 2, 3, 4, and 6 of this
19 act apply to drafts that are submitted on or after the effective date of this
20 act.

21 (2) Section 5 of this act applies to initiative or referendum
22 petitions for which circulation begins on or after the effective date of this
23 act.

24 (3) Section 7 of this act applies to any legislative measures that are
25 placed on a ballot on or after the effective date of this act.

26 **SECTION 9. Safety clause.** The general assembly finds,
27 determines, and declares that this act is necessary for the immediate

- 1 preservation of the public peace, health, or safety or for appropriations for
- 2 the support and maintenance of the departments of the state and state
- 3 institutions.