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HOUSE BILL 25-1327

BY REPRESENTATIVE(S) Sirota and Froelich, Bacon, Boesenecker, Lindsay, Mabrey, McCormick, Titone, McCluskie, Duran;
also SENATOR(S) Kipp, Cutter, Danielson, Gonzales J., Jodeh, Michaelson Jenet, Sullivan.

CONCERNING MODIFICATIONS TO PROCESSES FOR STATEWIDE BALLOT MEASURES.

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

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

1-40-105. Filing procedure - review and comment meeting - amendments - filing with secretary of state - definition. (4) (a) (I) After the review and comment meeting provided in subsections (1) and (2) of this section, IF THE PROPONENTS CHOOSE TO SUBMIT THE INITIATIVE PETITION DRAFT TO THE SECRETARY OF STATE FOR TITLE SETTING, THE PROPONENTS MUST SUBMIT TO THE SECRETARY OF STATE:

(A) A copy of the original typewritten draft submitted to the directors of the legislative council and the office of legislative legal

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

services;

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

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

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

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

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

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

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

(I) (A) A description of the measure's fiscal impact, including a

preliminary estimate of any change in state and local government revenues, expenditures, taxes, or fiscal liabilities if implemented; AND

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

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

1-40-106. Title board - meetings - ballot title - initiative and referendum - definitions - rules. (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 their designees. 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~~ THE PROPONENTS MUST SUBMIT THE DRAFT to the secretary of state no later than 3 p.m. on the twelfth day before the meeting at which THE TITLE BOARD WILL CONSIDER the draft, ~~is to be considered by the title board;~~ and the designated representatives of the proponents must comply with the requirements of subsection (4) of this section. The TITLE BOARD MUST HOLD ITS first meeting ~~of the title board shall be held~~ no sooner than the first Wednesday in December after an election, and the TITLE BOARD MUST HOLD ITS last meeting ~~shall be held~~ no later than the third Wednesday in April in the year in which the measure is to be voted on.

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

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

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

(II) FOR MEASURES THAT PROPOSE A TAX INCREASE, FOR PURPOSES OF COMPLYING WITH SECTION 20 (3)(c) OF ARTICLE X OF THE STATE CONSTITUTION, THE TITLE BOARD SHALL RELY ON THE PRELIMINARY 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 DETERMINED PURSUANT TO SECTION 1-40-105.5 (1.5)(a)(I)(B).

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

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

1-40-107. Rehearing - appeal - fees - signing. (1) (a) (I) 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~~ TITLE 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~~ NO LATER THAN 5 P.M. ON THE SEVENTH DAY after the decision is made or the ~~titles~~ TITLE and submission clause are

set.

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

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

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

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

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

1-40-111. Notice of circulation - signatures - affidavits - notarization - list of circulators and notaries. (1) (a) (I) A DESIGNATED REPRESENTATIVE OF THE PROPONENTS SHALL NOTIFY THE SECRETARY OF STATE, IN THE FORM AND MANNER PRESCRIBED BY THE SECRETARY OF STATE, WHEN AN INITIATIVE OR REFERENDUM PETITION THAT IS BEING CIRCULATED HAS RECEIVED SEVENTY-FIVE PERCENT OF THE REQUIRED NUMBER OF SIGNATURES FOR THE PETITION.

(II) IF A DESIGNATED REPRESENTATIVE DOES NOT COMPLY WITH THE REQUIREMENTS OF SUBSECTION (1)(a)(I) OF THIS SECTION:

(A) THE SECRETARY OF STATE MAY IMPOSE A FINE ON THE DESIGNATED REPRESENTATIVE; EXCEPT THAT THE FINE SHALL NOT EXCEED

THE AMOUNT SET FORTH IN SECTION 1-40-130 (2); AND

(B) THE NONCOMPLIANCE SHALL NOT BE THE BASIS FOR REFUSING TO CERTIFY THE PETITION FOR THE BALLOT IF THE PETITION OTHERWISE SATISFIES THE REQUIREMENTS OF THIS ARTICLE 40.

(III) THE SECRETARY OF STATE SHALL MAINTAIN AND POST ON THE SECRETARY OF STATE'S WEBSITE A LIST OF ANY INITIATIVE OR REFERENDUM PETITIONS THAT HAVE RECEIVED SEVENTY-FIVE PERCENT OF THE REQUIRED NUMBER OF SIGNATURES FOR THE PETITION, AS REPORTED IN ACCORDANCE WITH SUBSECTION (1)(a)(I) OF THIS SECTION.

(b) 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~~ THEIR own signature and shall print ~~his or her~~ THEIR name, the address at which ~~he or she resides~~ THEY RESIDE, including the street number and name, the city and town, the county, and the date of signing. THE CIRCULATOR OF A PETITION SHALL ENCOURAGE 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~~ A PERSON WITH A PHYSICAL DISABILITY or is ~~illiterate~~ A PERSON WHO IS UNABLE TO READ OR WRITE and THE REGISTERED ELECTOR wishes to sign the petition, the elector shall sign or make ~~his or her~~ THEIR mark in the space so provided. Any person, ~~but not~~ OTHER THAN a circulator, may assist the ~~disabled or illiterate~~ elector WHO HAS A PHYSICAL DISABILITY OR WHO IS UNABLE TO READ OR WRITE in completing the remaining information required by this subsection (1). The person providing assistance shall sign ~~his or her~~ THEIR name and address and shall state that such assistance was given to the ~~disabled or illiterate~~ elector WHO HAS A PHYSICAL DISABILITY OR WHO IS UNABLE TO READ OR WRITE.

SECTION 6. In Colorado Revised Statutes, 1-40-124.5, **amend** (1.5); and **add** (1)(e) as follows:

1-40-124.5. Ballot information booklet. (1) (e) WHEN PREPARING THE FISCAL IMPACT STATEMENT REQUIRED BY THIS SUBSECTION (1) FOR A MEASURE THAT INCLUDES A PROPOSED TAX INCREASE, THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL OF THE GENERAL ASSEMBLY SHALL, PURSUANT TO SECTION 20 (3)(b)(III) OF ARTICLE X OF THE STATE CONSTITUTION, INCLUDE AN ESTIMATE OF THE MAXIMUM DOLLAR AMOUNT

OF BOTH:

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

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

(1.5) The executive committee of the legislative council of the general assembly ~~shall be~~ is 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 AND SHALL CONSIDER THE FISCAL IMPACT STATEMENT REQUIRED BY SUBSECTION (1) OF THIS SECTION IN DOING SO.

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

2-2-322. Fiscal notes - repeal. (6) (a) THE FISCAL NOTE FOR ANY LEGISLATIVE MEASURE THAT INCLUDES A PROPOSED TAX INCREASE SHALL INCLUDE, IN ADDITION TO THE OTHER INFORMATION REQUIRED PURSUANT TO THIS SECTION, AN ESTIMATE OF 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.

(b) THE BALLOT QUESTION SUBMITTED TO THE REGISTERED ELECTORS OF THE STATE IN CONNECTION WITH A PROPOSED TAX INCREASE IN A LEGISLATIVE MEASURE SHALL INCLUDE 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 AS DETERMINED PURSUANT TO SUBSECTION (6)(a) OF THIS SECTION.

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

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

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

SECTION 9. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO