

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 15-0005.02 Ed DeCecco x4216

HOUSE BILL 15-1057

HOUSE SPONSORSHIP

Court and DelGrosso, Arndt, Kraft-Tharp, Lawrence, Lee, McCann, Rankin, Szabo

SENATE SPONSORSHIP

Sonnenberg and Hodge, Balmer, Cadman, Cooke

House Committees

State, Veterans, & Military Affairs
Legislative Council

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE PROCESS FOR A STATEWIDE INITIATIVE TO BE**
102 **PLACED ON A BALLOT.**

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://www.leg.state.co.us/billsummaries>.)

Under current law, the director of research of the legislative council of the general assembly (director) is required to prepare a fiscal impact statement for each initiative in the ballot information booklet (blue book). This fiscal impact statement includes an abstract.

The bill requires the director to prepare an initial fiscal impact statement for each initiative submitted to the title board and to further

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

summarize the abstract into a 2-sentence fiscal impact summary. When preparing the initial fiscal impact statement, the director is required to consider the proponents' fiscal impact estimate, which the proponents are strongly encouraged to submit along with the initiative for review and comment.

The abstract from the initial fiscal impact statement must be printed at the beginning of an initiative petition section that is circulated for signatures and the fiscal impact summary must be printed on each succeeding section page. The director is also required to post the initial fiscal impact statement on legislative council staff's web site. When preparing the fiscal impact statement for the blue book, the director is permitted to update the initial fiscal impact statement.

The bill also requires the designated representatives of the initiative proponents to appear at all review and comment meetings. If either designated representative fails to appear at a review and comment meeting, the initiative is considered withdrawn, but the proponents are permitted to resubmit the initiative for another review and comment meeting.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-40-102, **amend** (6)
3 as follows:

4 **1-40-102. Definitions.** As used in this article, unless the context
5 otherwise requires:

6 (6) "Section" means a bound compilation of initiative forms
7 approved by the secretary of state, which shall include pages that contain
8 the warning required by section 1-40-110 (1), the ballot title, THE
9 ABSTRACT REQUIRED BY SECTION 1-40-110 (3), and a copy of the
10 proposed measure; succeeding pages that contain the warning, the ballot
11 title, and ruled lines numbered consecutively for registered electors'
12 signatures; and a final page that contains the affidavit required by section
13 1-40-111 (2). Each section shall be consecutively prenumbered by the
14 petitioner prior to circulation.

15 **SECTION 2.** In Colorado Revised Statutes, 1-40-105, **amend** (1),

1 (2), and (4); and **add** (1.5) as follows:

2 **1-40-105. Filing procedure - review and comment meeting -**
3 **amendments - filing with secretary of state.** (1) The original
4 typewritten draft of every initiative petition for a proposed law or
5 amendment to the state constitution to be enacted by the people, before
6 it is signed by any elector, shall be submitted by the proponents of the
7 petition to the directors of the legislative council and the office of
8 legislative legal services for review and comment. Proponents are
9 encouraged to write such drafts in plain, nontechnical language and in a
10 clear and coherent manner using words with common and everyday
11 meaning ~~which~~ THAT are understandable to the average reader. Upon
12 request, any agency in the executive department shall assist in reviewing
13 and preparing comments on the petition. No later than two weeks after the
14 date of submission of the original draft, unless it is withdrawn by the
15 proponents, the directors of the legislative council and the office of
16 legislative legal services, or their designees, shall render their comments
17 to the proponents of the petition concerning the format or contents of the
18 petition at a REVIEW AND COMMENT meeting THAT IS open to the public.
19 Where appropriate, such comments shall also contain suggested editorial
20 changes to promote compliance with the plain language provisions of this
21 section. Except with the permission of the proponents, the comments shall
22 not be disclosed to any person other than the proponents prior to the
23 ~~public~~ REVIEW AND COMMENT meeting. ~~with the proponents of the~~
24 ~~petition.~~

25 (1.5) BOTH DESIGNATED REPRESENTATIVES OF THE PROPONENTS
26 MUST APPEAR AT ALL REVIEW AND COMMENT MEETINGS. IF EITHER
27 DESIGNATED REPRESENTATIVE FAILS TO ATTEND A MEETING, THE

1 MEASURE IS CONSIDERED WITHDRAWN BY THE PROPONENTS. IF ONE OF THE
2 TWO DESIGNATED REPRESENTATIVES FAILS TO ATTEND THE REVIEW AND
3 COMMENT MEETING, THE PETITION IS DEEMED TO BE AUTOMATICALLY
4 RESUBMITTED TO THE DIRECTORS OF THE LEGISLATIVE COUNCIL AND THE
5 OFFICE OF LEGISLATIVE LEGAL SERVICES FOR REVIEW AND COMMENT,
6 UNLESS THE DESIGNATED REPRESENTATIVE PRESENT OBJECTS TO THE
7 AUTOMATIC RESUBMISSION. NO LATER THAN FIVE BUSINESS DAYS AFTER
8 THE RESUBMISSION, THE DIRECTORS SHALL CONDUCT A REVIEW AND
9 COMMENT MEETING IN ACCORDANCE WITH THE REQUIREMENTS OF THIS
10 SECTION. IF BOTH DESIGNATED REPRESENTATIVES FAIL TO ATTEND THE
11 REVIEW AND COMMENT MEETING OR IF THE DESIGNATED PROPONENT
12 PRESENT OBJECTS TO THE AUTOMATIC RESUBMISSION, THE PROPONENTS
13 MAY THEREAFTER RESUBMIT THE INITIATIVE PETITION IN ACCORDANCE
14 WITH SUBSECTION (1) OF THIS SECTION.

15 

16 (2) After the ~~public~~ REVIEW AND COMMENT meeting but before
17 submission to the secretary of state for title setting, the proponents may
18 amend the petition in response to some or all of the comments of the
19 directors of the legislative council and the office of legislative legal
20 services, or their designees. If any substantial amendment is made to the
21 petition, other than an amendment in direct response to the comments of
22 the directors of the legislative council and the office of legislative legal
23 services, the amended petition ~~shall~~ MUST be resubmitted to the directors
24 for comment in accordance with subsection (1) of this section prior to
25 submittal to the secretary of state as provided in subsection (4) of this
26 section. If the directors have no additional comments concerning the
27 amended petition, they may so notify the proponents in writing, and, in

1 such case, a ~~hearing~~ REVIEW AND COMMENT MEETING on the amended
2 petition pursuant to subsection (1) of this section is not required.

3 (4) After the ~~conference~~ REVIEW AND COMMENT MEETING
4 provided in subsections (1) and (2) of this section, a copy of the original
5 typewritten draft submitted to the directors of the legislative council and
6 the office of legislative legal services; a copy of the amended draft with
7 changes highlighted or otherwise indicated, if any amendments were
8 made following the last ~~conference~~ REVIEW AND COMMENT MEETING
9 conducted pursuant to subsections (1) and (2) of this section; ■ ■ ■
10 and an original final draft ~~which~~ THAT gives the final language for
11 printing shall be submitted to the secretary of state without any title,
12 submission clause, or ballot title providing the designation by which the
13 voters shall express their choice for or against the proposed law or
14 constitutional amendment.

15 **SECTION 3.** In Colorado Revised Statutes, **add** 1-40-105.5 as
16 follows:

17 **1-40-105.5. Initial fiscal impact statement - definitions.** (1) AS
18 USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES,
19 "DIRECTOR" MEANS THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE
20 COUNCIL OF THE GENERAL ASSEMBLY.

21 (2) (a) FOR EVERY INITIATED MEASURE PROPERLY SUBMITTED TO
22 THE TITLE BOARD UNDER SECTION 1-40-106, THE DIRECTOR SHALL
23 PREPARE AN INITIAL FISCAL IMPACT STATEMENT, TAKING INTO
24 CONSIDERATION ANY FISCAL IMPACT ESTIMATE SUBMITTED BY THE
25 DESIGNATED REPRESENTATIVES OF THE PROPONENTS OR OTHER
26 INTERESTED PERSON THAT IS SUBMITTED IN ACCORDANCE WITH
27 PARAGRAPH (b) OF THIS SUBSECTION (2), THE OFFICE OF STATE PLANNING

1 AND BUDGETING, AND THE DEPARTMENT OF LOCAL AFFAIRS. THE
2 DIRECTOR SHALL PROVIDE THE DESIGNATED REPRESENTATIVES OF THE
3 PROPONENTS AND THE SECRETARY OF STATE WITH THE IMPACT
4 STATEMENT NO LATER THAN THE TIME OF THE TITLE BOARD MEETING AT
5 WHICH THE PROPOSED INITIATED MEASURE IS TO BE CONSIDERED. THE
6 DIRECTOR SHALL ALSO POST THE STATEMENT ON THE LEGISLATIVE
7 COUNCIL STAFF WEB SITE ON THE SAME DAY THAT IT IS PROVIDED TO THE
8 DESIGNATED REPRESENTATIVES OF THE PROPONENTS.

9 (b) THE DESIGNATED REPRESENTATIVES OF THE PROPONENTS OR
10 ANY OTHER INTERESTED PERSON MAY SUBMIT A FISCAL IMPACT ESTIMATE
11 THAT INCLUDES AN ESTIMATE OF THE EFFECT THE MEASURE WILL HAVE ON
12 STATE AND LOCAL GOVERNMENT REVENUES, EXPENDITURES, TAXES, AND
13 FISCAL LIABILITIES IF IT IS ENACTED. THE DIRECTOR SHALL CONSIDER
14 THESE ESTIMATES AND THE BASES THEREON WHEN PREPARING THE INITIAL
15 FISCAL IMPACT STATEMENT.

16 (c) THE INITIAL FISCAL IMPACT STATEMENT MUST:

17 (I) BE SUBSTANTIALLY SIMILAR IN FORM AND CONTENT TO THE
18 FISCAL NOTES PROVIDED BY THE LEGISLATIVE COUNCIL OF THE GENERAL
19 ASSEMBLY FOR LEGISLATIVE MEASURES PURSUANT TO SECTION 2-2-322,
20 C.R.S.;

21 (II) INDICATE WHETHER THERE IS A FISCAL IMPACT FOR THE
22 INITIATED MEASURE; AND

23 (III) INCLUDE AN ABSTRACT DESCRIBED IN SUBSECTION (3) OF THIS
24 SECTION.

25 (3) THE ABSTRACT MUST INCLUDE:

26 (a) AN ESTIMATE OF THE EFFECT THE MEASURE WILL HAVE ON
27 STATE AND LOCAL GOVERNMENT REVENUES, EXPENDITURES, TAXES, AND

1 FISCAL LIABILITIES IF THE MEASURE IS ENACTED;

2 (b) AN ESTIMATE OF THE AMOUNT OF ANY STATE AND LOCAL
3 GOVERNMENT RECURRING EXPENDITURES OR FISCAL LIABILITIES IF THE
4 MEASURE IS ENACTED;

5 (c) FOR ANY INITIATED MEASURE THAT MODIFIES THE STATE TAX
6 LAWS, AN ESTIMATE, IF FEASIBLE, OF THE IMPACT TO THE AVERAGE
7 TAXPAYER IF THE MEASURE IS ENACTED; AND

8 (d) THE FOLLOWING STATEMENT: "THIS ABSTRACT INCLUDES
9 ESTIMATES PREPARED BY LEGISLATIVE COUNCIL STAFF AS PART OF ITS
10 INITIAL FISCAL IMPACT STATEMENT. IF THIS INITIATIVE IS TO BE PLACED ON
11 A BALLOT, STAFF WILL PREPARE NEW ESTIMATES AND REVISE THE FISCAL
12 IMPACT STATEMENT AND ITS ABSTRACT. ALL FISCAL IMPACT STATEMENTS
13 ARE AVAILABLE AT WWW.COLORADOBLUEBOOK.COM AND THE ABSTRACT
14 WILL BE INCLUDED IN THE BALLOT INFORMATION BOOKLET THAT IS
15 PREPARED FOR THE INITIATIVE."

16 (4) (a) NO LATER THAN THE FRIDAY BEFORE THE TITLE BOARD
17 MEETING AT WHICH A PROPOSED INITIATED MEASURE IS TO BE
18 CONSIDERED, THE DIRECTOR SHALL CONDUCT A PUBLIC MEETING ABOUT
19 THE DRAFT OF THE INITIAL FISCAL IMPACT STATEMENT FOR THE MEASURE,
20 INCLUDING ITS ABSTRACT. AT THE MEETING, THE DIRECTOR AND OTHER
21 MEMBERS OF LEGISLATIVE COUNCIL STAFF SHALL PROVIDE INFORMATION
22 ABOUT THE DRAFT AND ALLOW MEMBERS OF THE PUBLIC TO COMMENT ON
23 THE DRAFT.

24 (b) AT LEAST FORTY-EIGHT HOURS PRIOR TO THE MEETING
25 REQUIRED UNDER PARAGRAPH (a) OF THIS SUBSECTION (4), THE DIRECTOR
26 SHALL MAKE PUBLIC A DRAFT OF THE INITIAL FISCAL IMPACT STATEMENT,
27 INCLUDING ITS ABSTRACT. ANY PERSON MAY SUBMIT WRITTEN COMMENTS

1 TO THE DIRECTOR ABOUT THE DRAFT.

2 (5) THE ABSTRACT FOR A MEASURE MUST BE INCLUDED IN A
3 PETITION SECTION AS PROVIDED IN SECTION 1-40-110 (3).

4 (6) NEITHER THE LEGISLATIVE COUNCIL OF THE GENERAL
5 ASSEMBLY NOR ITS EXECUTIVE COMMITTEE MAY MODIFY THE INITIAL
6 FISCAL IMPACT STATEMENT PREPARED BY THE DIRECTOR. THIS
7 RESTRICTION DOES NOT APPLY TO THE FINAL FISCAL IMPACT STATEMENT
8 PREPARED IN ACCORDANCE WITH SECTION 1-40-124.5.

9 (7) AT THE SAME TIME THE DIRECTOR POSTS THE INITIAL FISCAL
10 IMPACT STATEMENT ON THE LEGISLATIVE COUNCIL WEB SITE, HE OR SHE
11 SHALL ALSO POST ON THE WEB SITE ALL FISCAL IMPACT ESTIMATES
12 RECEIVED IN ACCORDANCE WITH PARAGRAPH (b) OF SUBSECTION (2) OF
13 THIS SECTION AND ANY COMMENTS ABOUT THE DRAFT OF THE INITIAL
14 FISCAL IMPACT STATEMENT SUBMITTED IN ACCORDANCE WITH PARAGRAPH
15 (b) OF SUBSECTION (4) OF THIS SECTION.

16 **SECTION 4.** In Colorado Revised Statutes, 1-40-107, **amend** (1)
17 (a), (1) (b), (2), and (4); and **add** (5.5) as follows:

18 **1-40-107. Rehearing - appeal - fees - signing.** (1) (a) (I) Any
19 person presenting an initiative petition or any registered elector who is not
20 satisfied with a decision of the title board with respect to whether a
21 petition contains more than a single subject pursuant to section
22 1-40-106.5, or who is not satisfied with the titles and submission clause
23 provided by the title board and who claims that they are unfair or that they
24 do not fairly express the true meaning and intent of the proposed state law
25 or constitutional amendment may file a motion for a rehearing with the
26 secretary of state within seven days after the decision is made or the titles
27 and submission clause are set.

1 (II) THE DESIGNATED REPRESENTATIVES OF THE PROPONENTS OR
2 ANY REGISTERED ELECTOR WHO IS NOT SATISFIED WITH THE ABSTRACT
3 PREPARED BY THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL
4 OF THE GENERAL ASSEMBLY IN ACCORDANCE WITH SECTION 1-40-105.5
5 MAY FILE A MOTION FOR A REHEARING WITH THE SECRETARY OF STATE
6 WITHIN SEVEN DAYS AFTER THE TITLES AND SUBMISSION CLAUSE FOR THE
7 INITIATIVE PETITION ARE SET ON THE GROUNDS THAT:

- 8 (A) AN ESTIMATE INCLUDED IN THE ABSTRACT IS INCORRECT;
- 9 (B) THE ABSTRACT IS MISLEADING OR PREJUDICIAL; OR
- 10 (C) THE ABSTRACT DOES NOT COMPLY WITH THE REQUIREMENTS
11 SET FORTH IN SECTION 1-40-105.5 (3).

12 (b) A motion for rehearing must be typewritten and set forth with
13 particularity the grounds for rehearing. If the motion claims that the
14 petition contains more than a single subject, then the motion must, at a
15 minimum, include a short and plain statement of the reasons for the claim.
16 If the motion claims that the title and submission clause set by the title
17 board are unfair or that they do not fairly express the true meaning and
18 intent of the proposed state law or constitutional amendment, then the
19 motion must identify the specific wording that is challenged. IF THE
20 MOTION CLAIMS THAT AN ESTIMATE IN THE ABSTRACT IS INCORRECT, THE
21 MOTION MUST INCLUDE DOCUMENTATION THAT SUPPORTS A DIFFERENT
22 ESTIMATE. IF THE MOTION CLAIMS THAT THE ABSTRACT IS MISLEADING OR
23 PREJUDICIAL OR DOES NOT COMPLY WITH THE STATUTORY REQUIREMENTS,
24 THE MOTION MUST SPECIFICALLY IDENTIFY THE SPECIFIC WORDING THAT
25 IS CHALLENGED OR THE REQUIREMENT AT ISSUE.

26 (2) If any person presenting an initiative petition for which a
27 motion for a rehearing is filed, any registered elector who filed a motion

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

13 (4) No petition for any initiative measure shall be circulated nor
14 any signature thereto have any force or effect which has been signed
15 before the titles and submission clause have been fixed and determined
16 as provided in section 1-40-106 and this section, OR BEFORE THE
17 ABSTRACT HAS BEEN FIXED AND DETERMINED AS PROVIDED IN SECTION
18 1-40-105.5 AND THIS SECTION.

19 (5.5) IF THE TITLE BOARD MODIFIES THE ABSTRACT PURSUANT TO
20 THIS SECTION, THE SECRETARY OF STATE SHALL PROVIDE THE DIRECTOR
21 OF RESEARCH OF THE LEGISLATIVE COUNCIL OF THE GENERAL ASSEMBLY
22 WITH A COPY OF THE AMENDED ABSTRACT, AND THE DIRECTOR SHALL POST
23 THE NEW VERSION OF THE ABSTRACT ON THE LEGISLATIVE COUNCIL WEB
24 SITE.

25 **SECTION 5.** In Colorado Revised Statutes, 1-40-110, **amend** (1);
26 and **add** (3) as follows:

27 **1-40-110. Warning - ballot title.** (1) At the top of each page of

1 every initiative or referendum petition section shall be printed, in a form
2 as prescribed by the secretary of state, the following:

3 **WARNING:**

4 **IT IS AGAINST THE LAW:**

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

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

16 **Before signing this petition, you are encouraged to read**
17 **the text or the title of the proposed initiative or referred**
18 **measure. YOU ARE ALSO ENCOURAGED TO READ**
19 **THE ABSTRACT OF THE INITIAL FISCAL**
20 **IMPACT STATEMENT THAT IS INCLUDED AT**
21 **THE BEGINNING OF THIS PETITION.**

22 **By signing this petition, you are indicating that you**
23 **want this measure to be included on the ballot as a**
24 **proposed change to the (Colorado**
25 **constitution/Colorado Revised Statutes). If a sufficient**
26 **number of registered electors sign this petition, this**
27 **measure will appear on the ballot at the November**

1 **(year) election.**

2 (3) FOR A PETITION SECTION FOR A MEASURE TO BE VALID, THE
3 ABSTRACT PREPARED IN ACCORDANCE WITH SECTION 1-40-105.5 (3) MUST
4 BE PRINTED ON THE FIRST PAGE OF AN INITIATIVE PETITION SECTION.

5 **SECTION 6.** In Colorado Revised Statutes, 1-40-124.5, **add** (1)
6 (d) as follows:

7 **1-40-124.5. Ballot information booklet.** (1) (d) THE DIRECTOR
8 OF RESEARCH OF THE LEGISLATIVE COUNCIL OF THE GENERAL ASSEMBLY
9 MAY UPDATE THE INITIAL FISCAL IMPACT STATEMENT PREPARED IN
10 ACCORDANCE WITH SECTION 1-40-105.5 WHEN PREPARING THE FISCAL
11 IMPACT STATEMENT REQUIRED BY THIS SUBSECTION (1).

12 **SECTION 7. Act subject to petition - effective date -**
13 **applicability.** (1) This act takes effect March 26, 2016; except that, if a
14 referendum petition is filed pursuant to section 1 (3) of article V of the
15 state constitution against this act or an item, section, or part of this act
16 within the ninety-day period after final adjournment of the general
17 assembly, then the act, item, section, or part will not take effect unless
18 approved by the people at the general election to be held in November
19 2016 and, in such case, will take effect on the date of the official
20 declaration of the vote thereon by the governor.

21 (2) This act applies to initiatives that are submitted for review and
22 comment on or after the applicable effective date of this act.