

**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  
Appropriations

**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: "THE ABSTRACT INCLUDES  
9 ESTIMATES OF THE FISCAL IMPACT OF THE PROPOSED INITIATIVE. IF THIS  
10 INITIATIVE IS TO BE PLACED ON THE BALLOT, LEGISLATIVE COUNCIL STAFF  
11 WILL PREPARE NEW ESTIMATES AS PART OF A FISCAL IMPACT STATEMENT,  
12 WHICH INCLUDES AN ABSTRACT OF THAT INFORMATION. ALL FISCAL  
13 IMPACT STATEMENTS ARE AVAILABLE AT  
14 WWW.COLORADOBLUEBOOK.COM AND THE ABSTRACT WILL BE INCLUDED  
15 IN THE BALLOT INFORMATION BOOKLET THAT IS PREPARED FOR THE  
16 INITIATIVE."

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

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

24 (6) AT THE SAME TIME THE DIRECTOR POSTS THE INITIAL FISCAL  
25 IMPACT STATEMENT ON THE LEGISLATIVE COUNCIL WEB SITE, HE OR SHE  
26 SHALL ALSO POST ON THE WEB SITE ALL FISCAL IMPACT ESTIMATES  
27 RECEIVED IN ACCORDANCE WITH PARAGRAPH (b) OF SUBSECTION (2) OF

1 THIS SECTION.

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

4 1-40-107. **Rehearing - appeal - fees - signing.** (1) (a) (I) Any  
5 person presenting an initiative petition or any registered elector who is not  
6 satisfied with a decision of the title board with respect to whether a  
7 petition contains more than a single subject pursuant to section  
8 1-40-106.5, or who is not satisfied with the titles and submission clause  
9 provided by the title board and who claims that they are unfair or that they  
10 do not fairly express the true meaning and intent of the proposed state law  
11 or constitutional amendment may file a motion for a rehearing with the  
12 secretary of state within seven days after the decision is made or the titles  
13 and submission clause are set.

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

21 (A) AN ESTIMATE INCLUDED IN THE ABSTRACT IS INCORRECT;

22 (B) THE ABSTRACT IS MISLEADING OR PREJUDICIAL; OR

23 (C) THE ABSTRACT DOES NOT COMPLY WITH THE REQUIREMENTS  
24 SET FORTH IN SECTION 1-40-105.5 (3).

25 (b) A motion for rehearing must be typewritten and set forth with  
26 particularity the grounds for rehearing. If the motion claims that the  
27 petition contains more than a single subject, then the motion must, at a



1 minimum, include a short and plain statement of the reasons for the claim.  
2 If the motion claims that the title and submission clause set by the title  
3 board are unfair or that they do not fairly express the true meaning and  
4 intent of the proposed state law or constitutional amendment, then the  
5 motion must identify the specific wording that is challenged. IF THE  
6 MOTION CLAIMS THAT AN ESTIMATE IN THE ABSTRACT IS INCORRECT, THE  
7 MOTION MUST INCLUDE DOCUMENTATION THAT SUPPORTS A DIFFERENT  
8 ESTIMATE. IF THE MOTION CLAIMS THAT THE ABSTRACT IS MISLEADING OR  
9 PREJUDICIAL OR DOES NOT COMPLY WITH THE STATUTORY REQUIREMENTS,  
10 THE MOTION MUST SPECIFICALLY IDENTIFY THE SPECIFIC WORDING THAT  
11 IS CHALLENGED OR THE REQUIREMENT AT ISSUE.

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

26 (4) No petition for any initiative measure shall be circulated nor  
27 any signature thereto have any force or effect which has been signed

1 before the titles and submission clause have been fixed and determined  
2 as provided in section 1-40-106 and this section, OR BEFORE THE  
3 ABSTRACT HAS BEEN FIXED AND DETERMINED AS PROVIDED IN SECTION  
4 1-40-105.5 AND THIS SECTION.

5 (5.5) IF THE TITLE BOARD MODIFIES THE ABSTRACT PURSUANT TO  
6 THIS SECTION, THE SECRETARY OF STATE SHALL PROVIDE THE DIRECTOR  
7 OF RESEARCH OF THE LEGISLATIVE COUNCIL OF THE GENERAL ASSEMBLY  
8 WITH A COPY OF THE AMENDED ABSTRACT, AND THE DIRECTOR SHALL POST  
9 THE NEW VERSION OF THE ABSTRACT ON THE LEGISLATIVE COUNCIL WEB  
10 SITE.

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

13 **1-40-110. Warning - ballot title.** (1) At the top of each page of  
14 every initiative or referendum petition section shall be printed, in a form  
15 as prescribed by the secretary of state, the following:

16 **WARNING:**

17 **IT IS AGAINST THE LAW:**

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

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

1           **COLORADO AND REGISTERED TO VOTE.**  
2           **Before signing this petition, you are encouraged to read**  
3           **the text or the title of the proposed initiative or referred**  
4           **measure. YOU ARE ALSO ENCOURAGED TO READ**  
5           **THE ABSTRACT OF THE INITIAL FISCAL**  
6           **IMPACT STATEMENT THAT IS INCLUDED AT**  
7           **THE BEGINNING OF THIS PETITION.**

8           **By signing this petition, you are indicating that you**  
9           **want this measure to be included on the ballot as a**  
10           **proposed change to the (Colorado**  
11           **constitution/Colorado Revised Statutes). If a sufficient**  
12           **number of registered electors sign this petition, this**  
13           **measure will appear on the ballot at the November**  
14           **(year) election.**

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

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

20           **1-40-124.5. Ballot information booklet.** (1) (d) THE DIRECTOR  
21           OF RESEARCH OF THE LEGISLATIVE COUNCIL OF THE GENERAL ASSEMBLY  
22           MAY UPDATE THE INITIAL FISCAL IMPACT STATEMENT PREPARED IN  
23           ACCORDANCE WITH SECTION 1-40-105.5 WHEN PREPARING THE FISCAL  
24           IMPACT STATEMENT REQUIRED BY THIS SUBSECTION (1).

25           **SECTION 7. Act subject to petition - effective date -**  
26           **applicability.** (1) This act takes effect March 26, 2016; except that, if a  
27           referendum petition is filed pursuant to section 1 (3) of article V of the

1 state constitution against this act or an item, section, or part of this act  
2 within the ninety-day period after final adjournment of the general  
3 assembly, then the act, item, section, or part will not take effect unless  
4 approved by the people at the general election to be held in November  
5 2016 and, in such case, will take effect on the date of the official  
6 declaration of the vote thereon by the governor.

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