

**Rule 15. Preparation, Filing, and Verification of Petitions**

15.1 The following requirements apply to candidate, statewide initiative, recall, minor party creation, and referendum petitions, unless otherwise specified.

15.1.1 Petition template for state petitions

- (a) Petition proponents must use the Secretary of State's fillable .pdf petition template to create their petition format.
- (b) After approval of the petition format as to form, proponents must print all petition sections in accordance with the Secretary of State's petition-printing guidelines.
- (c) Any signature affixed to a petition section that does not conform to the requirements of this Rule 15.1.1 is not valid.
- (d) Petition proponents for initiative petitions must provide a Word version of the final text of the measure to the Secretary of State.

15.1.2 Petition submission

- (a) The Department of State or DEO will not accept or count additional signatures after the initial submission of the petition, even if additional signatures are offered before the deadline.
- (b) The Department of State or DEO will inspect each petition section for evidence of disassembly. If it appears that the section was disassembled, the Secretary or DEO will reject all signatures in the section.
- (c) The Department of State or DEO will not consider a signer line as a reviewable line, if the line is incomplete or partially crossed out and the information missing or crossed out is the name, signature, or address of the signer.
- (d) The Department of State or DEO will not review lines that are blank or completely crossed-out.
- (e) If the number of lines submitted is less than the number of signatures required to access the ballot, the Department of State or DEO will issue a statement of insufficiency and will not review signer lines or apply duplicates to future candidate petition submissions for the same office or recall petitions of the same officeholder.
- (f) The Department of State or DEO will review and process candidate petitions for the same office in the order in which they are received.

15.1.3 Circulator affidavit

- (a) If a petition section does not have a completed circulator affidavit, the Secretary of State or DEO will reject the entire section.
- (b) If a petition section does not have a completed notary clause, or if the date of the notary clause differs from the date the circulator signed the affidavit, the Secretary of State or DEO will reject the entire section.

- (c) If a state candidate, recall proponent, or initiative proponent is curing a circulator affidavit under section 1-4-912(2), C.R.S., the candidate or proponent must use a form approved by the Secretary of State.

#### 15.1.4 Verifying individual entries

- (a) Staff will check each individual entry against the information contained in SCORE.
- (b) Staff will create and maintain a master record of each accepted and rejected entry, along with the reason code for each rejected entry.
- (c) If an entry does not match the signer's current information in SCORE, staff must check the signer's information in SCORE as of the date the signer signed the petition.
- (d) Secretary of State or DEO staff will reject the entry if:
  - (1) The name on the entry is not in SCORE;
  - (2) The middle initial or middle name on the entry does not match the middle initial or middle name in SCORE;
  - (3) The address on the entry does not match the residential address in SCORE;
  - (4) The entry address contains information, such as a number, apartment number, or street direction that contradicts the SCORE address;
  - (5) The signer completed the entry before the designated election official approved the petition format;
  - (6) The signer was not an eligible elector at the time he or she completed the entry;
  - (7) The signer completed the entry after the date on the circulator affidavit;
  - (8) Evidence exists that some other person assisted the signer in completing the entry but no statement of assistance accompanies the entry;
  - (9) The name and signature on the entry is illegible and cannot be verified in SCORE;
  - (10) The entry is a duplicate of a previously accepted entry on the same petition;
  - (11) For a candidate petition where an elector may sign only one petition for the same office, the entry is a duplicate of a previously accepted entry on a petition that was declared sufficient or insufficient after lines were reviewed for the same office;
  - (12) The signer's information appears outside of a numbered signature block on a petition section;

- (13) For a candidate petition, the address on the entry does not match the current residential or mailing address for the elector in SCORE; or
  - (14) For an initiative petition, a name suffix is present on the entry but not in SCORE, or present in SCORE but not on the entry, and more than one person with that name is registered to vote at the same address.
- (e) The Department of State or DEO staff will not use any of the following discrepancies as the sole reason to reject an entry:
- (1) The name on an entry matches or is substantially similar to the information in SCORE, or if the signature on an entry is a common variant of the name;
  - (2) A middle initial or middle name is present on the entry but not in SCORE, or present in SCORE but not on the entry;
  - (3) A name suffix is present on the entry but not in SCORE, or present in SCORE but not on the entry and only one person with that name is registered to vote at that address;
  - (4) For a candidate petition, a name suffix is present on the entry but not in SCORE, or present in SCORE but not on the entry, more than one person with that name is registered to vote at the same address, but the signature matches for one person registered to vote at that address;
  - (5) The printed name is missing or illegible but the signature can be read;
  - (6) The address on the entry is missing an apartment letter or number or a street direction, or the address entry contains an apartment letter or number or a street direction that is missing in the voter registration record;
  - (7) The city or county name is missing, abbreviated, or wrong;
  - (8) For candidate and recall petitions, the address provided did not match the current residence address information in SCORE, but did match the current mailing address information in SCORE;
  - (9) On a signer line, the date is missing but a line above and below has an acceptable date;
  - (10) For Secretary of State staff reviewed petitions only, the year of the date is missing or wrong; or
  - (11) Information required for the signer is present on a petition line but is written in the wrong field.

## 15.2 Petition entity license, registration, filing, and circulation

15.2.1 A petition entity that intends to pay petition circulators must obtain a petition entity license, pay a fee, and register with the Secretary of State's Office before circulating initiative, candidate, and recall petitions. The license application must include:

- (a) The petition entity's name, address, telephone number, and email address;

- (b) The designated agent's name;
- (c) The name of all owners and chief officers of the entity;
- (d) For those applications submitted after December 31, 2024, the following information regarding petition circulators:
  - (1) The name, address, and signature of any petition circulators the entity has hired or contracted with to circulate a petition in Colorado; and
  - (2) The petitions each circulator will circulate in Colorado; and
- (e) An affirmation that:
  - (1) The designated agent has read and understands Article 4, Article 12, and Article 40 of Title 1, C.R.S.;
  - (2) The designated agent has completed the Secretary of State's circulator training program;
  - (3) The petition entity has or will provide to all circulators, paid or unpaid, the circulator training offered by the Colorado Secretary of State as one way for the circulator to comply with the requirement that a circulator read and understand the laws pertaining to petition circulation;
  - (4) The entity, none of its owners or chief officers, and no entity or principal of a petition entity that the entity has or will contract with, has ever been found in a judicial or administrative hearing in Colorado or any other state of authorizing or knowingly permitting:
    - (A) Forgery of a registered elector's signature;
    - (B) Circulation of a petition section, in whole or in part, by anyone other than the circulator;
    - (C) Use of a false circulator name or address in a circulator affidavit;
    - (D) Payment of money or a thing of value to any person for the purpose of inducing the person to sign or withdraw his or her name from a petition; or
    - (E) A notary public's notarization of a circulator affidavit outside of the physical presence of the circulator or without the production of the required identification for notarization of a petition section; and
  - (5) Neither the entity nor its owners or officers have been found in a judicial or administrative hearing in Colorado or any other state of:
    - (A) Violating a petition law;
    - (B) Committing election fraud;
    - (C) Committing any other election offense; or

## (D) Committing an offense with an element of fraud.

- 15.2.2 Before compensating a circulator, the designated agent must register with the Secretary of State's Office by submitting a signed form that includes a list of the proposed initiatives, candidate or candidate committee's name, minor party petition, or recall petition the petition entity will circulate. A designated agent must complete the Secretary of State's circulator training program prior to applying for a license.
- 15.2.3 If a petition entity fails to register a proposed initiative, recall petition, or candidate petition over any two-year period, the license expires. The Secretary of State will notify a petition entity that its license has expired within 30 days after the date of expiration.
- 15.2.4 A petition entity may renew an expired license without a fee by submitting a new license application.
- 15.2.5 Beginning January 2, 2024, a petition entity license is only valid for two years from the date the license was approved by the Secretary of State. Once a license expires, a petition entity must submit a new license application and fee.
- 15.2.6 In accordance with sections 1-4-905.5(4)(a) and 1-40-135(5)(a), C.R.S., a petition entity must update their entity license no later than 20 days after a change to any information provided in their initial application.
- 15.3 Statewide initiative petition circulation
- 15.3.1 Petition circulation may begin after the title board's final decision, including disposition of any rehearing motion, after the time for filing a rehearing motion, and after the Secretary of State has approved the petition format. If an appeal is filed with the Supreme Court, the six-month period specified in section 1-40-108(1), C.R.S., begins on the date the petition is first signed or on the date the Supreme Court's decision becomes final, whichever is first. Signatures gathered outside of this period are invalid.
- 15.3.2 The petition circulator must provide a permanent residence address on the circulator affidavit.
- (a) For purposes of Article 40 of Title 1, C.R.S., and this Rule, a circulator's permanent "residence" means their principal or primary home or place of abode in which a circulator's habitation is fixed and to which the circulator, whenever absent, has the present intention of returning after a departure or absence, regardless of the duration of the absence. A permanent "residence" is a permanent building or part of a building and may include a house, condominium, apartment, room in house, or mobile home. Except as provided in paragraph (b) of this Rule, a vacant lot, business address, or post office box is not a permanent "residence".
- (b) A homeless circulator must provide the address or location where they are living the date the affidavit is signed. The circulator must provide a physical location they return to regularly which may include a park, campground, vacant lot, business address or any other physical location; a post office box may not be provided.
- (c) For the purposes of sections 1-40-106(4)(b), 1-40-111(3)(a), 1-40-121(2)(a), and 1-40-135(2)(c), C.R.S., a circulator's permanent residence address that does not comply with this Rule 15.4.2 is a "false address".

- 15.4 Statewide initiative petition receipt by Secretary of State
- 15.4.1 The Department of State will not accept a petition that lists designated representatives other than those listed on the affidavit of designated representatives filed with the state title board.
- 15.4.2 Upon receipt of a petition, Secretary of State staff will consecutively number petition sections.
- 15.4.3 Staff will consecutively number each line on each petition section. For purposes of this Rule, "line" means the block of information that contains the last name, first name, middle initial, county, signing date, street address, city, and signature of a petition signer.
- 15.5 Statewide initiative petition verification
- 15.5.1 Verification by random sample.
- (a) Staff will create a record for each entry on the petition and tally the total number of entries.
- (b) The database will generate a series of random numbers equal to 4,000 signatures or five percent of the total number of signatures, whichever is greater. Staff will review the randomly selected signature lines in accordance with section 1-40-116, C.R.S., and this Rule. Staff will maintain a master record of each accepted and rejected entry, along with the reason code for each rejected entry.
- 15.6 Signature verification on state candidate and recall petitions
- 15.6.1 The Department of State will compare the signature on each petition entry with the elector's signature in SCORE in accordance with the Secretary of State's Signature Verification Guide. The Department of State may use an automated signature verification device.
- (a) If the signatures match and the entry is otherwise valid, the Department of State must accept the entry.
- (b) If upon initial review the signatures do not match, The Department of State must conduct further review of the entry. A team of two staff members who are not affiliated with the same political party, or who are unaffiliated, must review the signatures, conduct additional research in SCORE if necessary, and, unless both staff members agree that the signatures do not match, accept the entry if it is otherwise valid. In the event that a staff member is not registered to vote, that staff member will be considered unaffiliated for the purpose of this Rule.
- 15.7 Referendum petitions
- 15.7.1 This Rule applies to statewide referendum petitions under Article V, Section 1 (3) of the Colorado Constitution.
- 15.7.2 Except where this Rule states otherwise, any statutory or constitutional provision that applies specifically to initiative petitions also applies to referendum petitions.
- 15.7.3 Proponents may submit a referendum petition to the Secretary of State for approval at any time after the General Assembly has passed the bill. The Secretary of State will not

issue final approval of the referendum petition form until the bill has become law under Article IV, Section 11 of the Colorado Constitution.

15.7.4 Each referendum petition section must consist of the following, in the order listed:

- (a) The warning as specified in section 1-40-110, C.R.S.;
- (b) The heading "Referendum Petition", followed by the demand upon the Secretary of State in substantially the following form, in which the underlined material is only for example:

"To: The Honorable \_\_\_\_\_, Secretary of State of the State of Colorado

We, the undersigned electors of the State of Colorado, do hereby respectfully petition, order, and demand that Sections 1 to 12, inclusive (being the entire Act), of House Bill No. 02-1010, by Representatives Abel, Baker, and Cain, and Senators Smith, Thomas, and Jones, entitled "Concerning registration requirements for motor vehicles, and, in connection therewith, authorizing two- and five-year registration periods and authorizing discretionary vehicle identification number inspections, and making an appropriation", passed by the Sixty-third General Assembly of the State of Colorado, at its regular session in the year 2002, shall be submitted to the voters for their adoption or rejection at the next biennial regular general election, to be held on Tuesday, the 5<sup>th</sup> day of November, 2002, and each of the signers of this petition says:

I sign this petition in my own proper person only, and I am a registered elector of the State of Colorado, my residence address and the date of my signing this petition are correctly written immediately after my name, and I do hereby designate the following persons to represent me in all matters affecting this petition:";

- (c) The name and mailing address of two persons who are designated to represent the signers thereof in all matters;
- (d) The ballot title and submission clause;
- (e) The text of the Act, or the item, section, or part of the Act, on which the referendum is demanded;
- (f) Succeeding pages that each contain the warning, the ballot title, and submission clause, and ruled lines numbered consecutively for signatures; and
- (g) A final page that contains the circulator's affidavit required by section 1-40-111(2), C.R.S.

15.7.5 A referendum petition section must include only the matters required by Article 40, Title 1, C.R.S., and this Rule, and no extraneous material.

15.7.6 The ballot title must consist of the title of the act on which the referendum is demanded, followed by the bill number, in substantially the following form, in which the underlined material is only for example:

"An Act concerning registration requirements for motor vehicles, and, in connection therewith, authorizing two- and five-year registration periods and authorizing discretionary

vehicle identification number inspections, and making an appropriation, being House Bill No. 02-1010.”

- 15.7.7 When referendum is demanded on less than an entire Act of the General Assembly, the ballot title and submission clause must consist of the ballot title preceded by words in substantially the following form, in which the underscored material is only for example, and ending in a question mark:

“Shall Section 3 (concerning definition of terms) and Section 4 (eliminating licensing requirements for motor vehicle dealers) of the following Act of the General Assembly be approved:” The material in parentheses shall correctly and fairly summarize the subject or the effect of the portion of the Act referenced.

*[Administrative note: Rule 15.9, temporarily adopted on 7/15/2020, expired on 11/12/2020]*

