

Colorado Department of State



Initiative Procedures & Guidelines

A Citizen's Guide to Placing an Initiative on the Ballot

Jena Griswold, Colorado Secretary of State

2019-2020

Revised 1/16/19

Table of Contents

TABLE OF CONTENTS I

INITIATIVE PROCESS GUIDELINES 3

 PREPARATION AND DRAFTING 3

 REVIEW AND COMMENT MEETING 3

 OPPORTUNITY TO AMEND PROPOSAL 4

 FILING WITH THE SECRETARY OF STATE 4

 BALLOT TITLE AND TITLE BOARD HEARING 5

BALLOT TITLE REQUIREMENTS 5

 SINGLE-SUBJECT REQUIREMENT 6

TITLE BOARD HEARING 6

 RESPONSIBILITIES OF THE DESIGNATED REPRESENTATIVES 7

 MOTION FOR REHEARING 8

 FILING AN APPEAL WITH THE COLORADO SUPREME COURT 8

GUIDELINES AND REQUIREMENTS FOR PETITIONS 9

 PREPARING PETITION SECTIONS FOR CIRCULATION 9

 PETITION FORMAT 9

PETITION ENTITIES 10

 LICENSE REQUIREMENT 10

 APPLICATION FOR LICENSE 10

 DENIAL OF A LICENSE 10

 REVOCATION OF LICENSE 11

 COMPLAINT, HEARING AND JUDGMENT 11

 APPLICATION FOR REINSTATEMENT OF LICENSE 11

 DECISION ON APPLICATIONS FOR NEW OR REINSTATED LICENSE 12

 REGISTRATION REQUIREMENTS 12

 CIRCULATION OF PETITION: GATHERING SIGNATURES 12

 TRAINING FOR PETITION ENTITY REPRESENTATIVES AND PETITION CIRCULATORS 12

ID REQUIREMENTS FOR CIRCULATORS 13

FILING THE PETITION FOR VERIFICATION OF SIGNATURES 13

FILING A REPORT OF EXPENDITURES RELATED TO PETITION CIRCULATION 14

COMPLAINT BY A REGISTERED ELECTOR 15

STATEMENT OF SUFFICIENCY OR INSUFFICIENCY 15

OPPORTUNITY TO CURE INSUFFICIENCY 16

PUBLIC ACCESS TO FILED PETITIONS 16

PROTESTING THE SECRETARY OF STATE’S DETERMINATION 16

PLACEMENT ON THE BALLOT 17

WITHDRAWAL OF AN INITIATIVE PETITION 17

WITHDRAWING AS A DESIGNATED REPRESENTATIVE 17

APPENDIX 18

GLOSSARY OF COMMON TERMS 18

PROCEDURES REGARDING PETITION FORMAT APPROVAL – STATEWIDE INITIATIVES..... 18

GENERAL PROCESS & TIMELINE 18

LAWS AND RULES PERTAINING TO INITIATIVES..... 19

ONLINE RESOURCES 19

COLORADO SECRETARY OF STATE CONTACT INFORMATION 19

INITIATIVE PROCEDURES & GUIDELINES

A CITIZEN'S GUIDE TO PLACING AN INITIATIVE ON THE BALLOT

INITIATIVE PROCESS GUIDELINES

The initiative process is complex and lengthy, but if proponents pay particular attention to the requirements they can accomplish the process within a reasonable time period.

This summary outlines the various steps in the initiative process including the requirements for preparing and qualifying initiatives.

This document provides a general overview of the initiative process and is not a guide for petition entity licensing or circulator training. For more detailed information please review Article V, Section 1 of the Colorado Constitution, Articles 40 and 41 of Title 1, C.R.S., and Election Rule 15. Petition entities should review the training guide for petition entity representatives and circulators available on the SOS [website](#).

PREPARATION AND DRAFTING

Any person interested in placing a constitutional amendment or statutory proposition on the statewide ballot must first draft the measure's initial language. The individuals who wish to propose an amendment or proposition are referred to as "proponents."

When writing the initial language, please keep in mind your targeted audience. It is best to use plain, non-technical language, and words with common and everyday meaning understandable to the average reader.

REVIEW AND COMMENT MEETING

When the proponents complete their typewritten draft, they must submit it to the Legislative Council Staff.

When proponents submit their typewritten draft to Legislative Council, they must also name two designated representatives who will represent the proponents in all matters affecting the petition. Designated representatives are often the proponents themselves. When naming the designated representatives, proponents must list the representatives' names, mailing addresses, email addresses, telephone numbers, and fax numbers.

For more information about the specific responsibilities of designated representatives, please review the [Summary of Designated Representative Responsibilities](#).

Proposals may be submitted in person, by mail, fax, or e-mail to:

Natalie Mullis, Director
Colorado Legislative Council Staff
Room 029
State Capitol Building
Denver, Colorado 80203
Phone: 303-866-3521
Fax: 303-866-3855
E-mail: lcs.ga@state.co.us

Upon receipt of the draft language, the Council Staff will assign a number to the proposed initiative for tracking purposes.

Additionally, Council Staff will schedule a public review and comment hearing two weeks from the filing date. At the hearing, Council Staff will review the initiative's language to ensure that the measure accomplishes the proponents' goal. The meeting also gives public notice that a proposal is under consideration.

The Office of Legislative Legal Services and Legislative Council Staff prepare written comments of each proposal prior to the review and comment hearing and make the comments available on the Legislative Council website at:

www.leg.colorado.gov/content/initiatives

For more information, please see Article V, Section 1(5) of the Colorado Constitution and section 1-40-105, C.R.S.

OPPORTUNITY TO AMEND PROPOSAL

Following the review and comment hearing, proponents may amend the proposed initiative before submission to the Secretary of State. Amendments may be based on some or all of the comments made at the review and comment meeting.

If substantial amendments to the proposed initiative are made, proponents must submit a new draft of the measure to the Council Staff for a review and comment hearing. If the changes are in direct response to substantive questions and comments raised in the review and comment hearing, proponents do not need to resubmit the initiative to Council Staff.

FILING WITH THE SECRETARY OF STATE

After the review and comment hearing, and once any necessary amendments have been made, the proponents may file with the Secretary of State.

The following documents must be submitted to the Secretary of State:

- 1) The original typewritten draft submitted for a review and comment hearing;
- 2) The amended draft with changes highlighted; and

- 3) The final typewritten draft which has the final language for printing of the proposed initiative.

IMPORTANT: Documents submitted to the Secretary of State must include the number assigned by Legislative Council and must clearly indicate the draft version (i.e. original draft, final draft, etc.)

If no changes were made to the text after the review and comment hearing, proponents must submit the final text along with a letter from the Legislative Council Staff stating that an additional review and comment meeting is not necessary.

At the time of filing, all designated representative information must be included. Proposals are filed with:

Jena Griswold
Secretary of State
1700 Broadway, Suite 200
Denver, Colorado 80290
Phone: 303-894-2200, ext. 6307
E-mail: initiatives@sos.state.co.us

For additional information, see sections 1-40-104 and 1-40-105(4), C.R.S.

BALLOT TITLE AND TITLE BOARD HEARING

After a measure has been filed with the Secretary of State, the Initiative Title Setting Review Board (Title Board) will hold a public hearing.

The Title Board is comprised of designees from Legislative Legal Services, the Attorney General's Office, and the Secretary of State's Office.

BALLOT TITLE REQUIREMENTS

In accordance with Colorado law, ballot titles:

- must be brief;
- cannot conflict with another ballot title selected for any petition previously filed for the same election;
- must be in the form of a question which may easily be answered “yes/for” or “no/against”; and
- must unambiguously state the principle of the provision sought to be added, amended, or repealed.

SINGLE-SUBJECT REQUIREMENT

Every proposed constitutional amendment or statutory proposition must be limited to a single subject, which must be clearly expressed in its title. In other words, the text of the measure must concern only one subject and one distinct purpose.

For additional information relating to the single-subject requirement, see Article V, Section 1(5.5) of the Colorado Constitution and section 1-40-106.5, C.R.S.

TITLE BOARD HEARING

The Title Board will hold public hearings on the first and third Wednesdays of each month that an initiative is filed.

The first Title Board hearing will be the first Wednesday in December after the election and the last hearing will be no later than the third Wednesday in April in the year in which the measure is to be placed on the ballot. For example:



Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	TB 5	6	7	8
9	10	11	12	13	14	15
16	17	18	TB 19	20	21	22
23	24	25	26	27	28	29
30	31					



Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	TB 2	3	4	5
6	7	8	9	10	11	12
13	14	15	TB 16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			



To be considered by the Title Board, **a proposed measure must be filed by 3:00 p.m. on the 12th day before the Title Board hearing.** For more information, please see the initiative calendar located on the Secretary of State website at:

<http://www.sos.state.co.us/pubs/elections/Initiatives/calendar.html>

RESPONSIBILITIES OF THE DESIGNATED REPRESENTATIVES

Both designated representatives must appear at any Title Board meeting where the proposed initiative will be considered.

At the first Title Board meeting, the Secretary of State will provide each designated representative with an affidavit form on which the designated representative must affirm that he or she is familiar with the provisions of Article 40 of Title 1, C.R.S., including but not limited to:

- The prohibition on petition circulators' use of false addresses in completing circulator affidavits; and
- The requirements contained in the Summary of Designated Representative's Responsibilities.

The designated representatives must provide his or her physical address at which legal process may be served. Each designated representative must also include an email address to which all correspondence will be sent, unless the designated representative requests correspondence via mail.

The Secretary of State will provide a notary at the Title Board meeting.

To ensure the Title Board meeting starts on time, designated representatives should arrive 15 minutes early to sign and file the affidavit. Under Colorado law, both designated representatives must appear. No exceptions can be made.

If either designated representative fails to appear at a Title Board meeting or fails to file the affidavit, the Title Board will not set a title for the proposed initiative. If both designated representatives follow the law and appear at the next Title Board Meeting, then the Title Board may consider the proposed initiative at that time.

During the hearing, the Title Board will first determine whether the measure satisfies the single-subject requirements. If the measure does, the Title Board will set a title, ballot title, and submission clause.

In setting a title, the Title Board considers a misleading title will cause public confusion. Whenever possible, the Title Board avoids titles where a general understanding of a "yes" or "no" vote will be unclear. Additionally, the Title Board must set a title that correctly and fairly expresses the true intent and meaning of the measure.

To facilitate ballot title creation, the Title Board will begin with a title draft created by Legislative Legal Services. The Secretary of State's office will circulate this draft before the meeting so that interested parties have a chance to review it.

For additional information relating to the ballot title and Title Board hearing, see Article V, Section 1(5.5) of the Colorado Constitution; and sections 1-40-106 and 1-40-106.5, C.R.S.

MOTION FOR REHEARING

Any proponent or Colorado registered elector may file a motion for rehearing. A registered elector must disagree with either of the following:

- the Title Board's decision regarding whether a petition meets the single-subject requirement; or
- the titles and submission clause set by the Title Board.

A motion for rehearing must be typewritten and state the particular grounds for rehearing. If the motion claims that the petition contains more than a single subject, then the motion must, at a minimum, include a short and plain statement of the reasons for the claim. If the motion claims that the title and submission clause set by the title board are unfair or that they do not fairly express the true meaning and intent of the initiative, then the motion must identify the specific wording that is challenged.

The motion for rehearing must be filed with the Secretary of State no later than 5:00 p.m. on the seventh day following the Title Board's action.

If the Secretary of State's office receives a motion for rehearing, the office will schedule a rehearing at the next regularly scheduled Title Board meeting. However, if the titles are set at the last meeting in April, the rehearing will be held within forty-eight hours of the seven-day period's end.

The decision of the title board on any motion for rehearing is final, except as provided under section 1-40-107(2), C.R.S., and no further motion for rehearing may be filed or considered by the Title Board.

For additional information, see section 1-40-107, C.R.S.



FILING AN APPEAL WITH THE COLORADO SUPREME COURT

Any person who is not satisfied with the Title Board's final decision may file an appeal with the Colorado Supreme Court. Upon request, the Secretary of State will provide:

- a certified copy of the initiative with the titles and submission clause of the proposed statutory proposition or constitutional amendment; and
- a certified copy of the motion for rehearing and the ruling.

The certified documents must be filed with the clerk of the Supreme Court within five days from receipt.

The Supreme Court will either affirm the Title Board's decision or will remand the decision with instructions for the Title Board.

For additional information, see section 1-40-107(2), C.R.S.

GUIDELINES AND REQUIREMENTS FOR PETITIONS

PREPARING PETITION SECTIONS FOR CIRCULATION

After the titles have been set by the Title Board, no petition section may be printed, published or otherwise circulated until the petition format has been created by the Secretary of State and the printer's proof has been approved by the Secretary of State.

The designated representatives are responsible for requesting the creation of the format and filing the printer's proof with the Secretary of State.

No printer's proof will receive final approval by the Secretary of State's office until after the seven days to file a motion for rehearing with the Title Board have passed.

If a motion for rehearing is filed, then the printer's proof will not receive final approval by the Secretary of State until after the final decision of the Title Board.



No petition may be printed, published or otherwise circulated until the printer's proof of the petition has been filed with and approved by the Secretary of State.

The designated representatives should first request the creation of petition format for their initiative by email. Once Secretary of State staff create the format, the format will be e-mailed to the designated representatives for their review. After the designated representatives review the format and all requirements have been met, typos corrected, and the form meets their approval, then the printer's proof can be filed.

Requests for the creation of a petition format should be e-mailed to:

initiatives@sos.state.co.us

The hard copy of the printer's proof should be hand delivered or mailed to:

Colorado Secretary of State
Attention: Ballot Access
1700 Broadway, Suite 200
Denver, CO 80290

For additional information, see sections 1-40-110, 1-40-113, and 1-40-114, C.R.S.

PETITION FORMAT

Each petition section must be pre-numbered serially prior to circulation and include the following:

- 1) The names and mailing addresses of the two designated representatives.
- 2) The fiscal abstract of the proposed measure

- 3) The language of the proposed measure.
- 4) Each page must contain:
 - the WARNING (to appear at the top of each page);
 - the ballot title and submission clause;
 - Consecutively numbered signature lines that provide spaces for:
 - the signature and printed name of each signer;
 - the signer’s residence address (including house number and street) and city or town;
 - the signer’s county; and
 - the date and year of signing for each signer.
- 5) The last page of the section must include the affidavit to be signed by the petition circulator and notarized.

PETITION ENTITIES

The Colorado Revised Statutes define a petition entity as any person or issue committee that provides compensation to a circulator to circulate a ballot petition. As described below, petition entities are regulated by a specific set of state laws.

LICENSE REQUIREMENT



It is unlawful for any petition entity to provide compensation to a circulator to circulate a petition without first obtaining a license from the Secretary of State.

APPLICATION FOR LICENSE

To obtain a license, a petition entity must:

- submit an application for petition entity license;
- pay a nonrefundable licensing fee of \$100; and
- confirm that a current representative of the petition entity has completed the Secretary of State circulator training program relating to potential fraudulent activities in petition circulation.

The application for a petition entity license is available online at the Secretary of State website: http://www.sos.state.co.us/pubs/elections/Initiatives/petitionEntities/forms/ENTITY_APP.pdf

DENIAL OF A LICENSE

The Secretary of State may deny a license if the petition entity or any of its principals have been found to violate Colorado or another state's petition laws and such violation involves authorizing or knowingly permitting acts in section 1-40-135(2)(c)(I)-(VI), C.R.S., excluding subparagraph (V).

The Secretary of State will deny a license if no current representative of the petition entity has completed the training offered by the Secretary of State.

For additional information, see section 1-40-135(2), C.R.S.

REVOCACTION OF LICENSE

The Secretary of State will revoke a license if, at any time after licensure, a petition entity no longer complies with the requirements of section 1-40-135(2)(a), C.R.S., or the petition entity authorized or knowingly permitted the following:

- 1) Forgery of a registered elector's signature;
- 2) Circulation of a petition section, in whole or in part, by anyone other than the circulator who signs the affidavit attached to the petition section;
- 3) Use of a false circulator name or address in the affidavit;
- 4) Payment of money or other things of value to any person for the purpose of inducing the person to sign or withdraw his or her name from the petition; or
- 5) A notary public's notarization of a petition section outside the presence of the circulator or without the required identification for notarization of a petition section.

COMPLAINT, HEARING AND JUDGMENT

If a filed complaint alleges that a petition entity was not licensed when it compensated any circulator, a hearing will be held in accordance with section 1-40-135(3)(a), C.R.S.

If a violation is found, the petition entity will be fined no more than \$100.00 per circulator for each day that individuals circulated petition sections on behalf of the unlicensed petition entity.

If the petition entity is found to have violated a provision of section 1-40-135(2)(c), C.R.S., the Secretary of State will revoke the entity's license for not less than ninety days or more than one hundred eighty days. Upon any subsequent violation of that section, the Secretary of State will revoke the petition entity's license for not less than one hundred eighty days or more than one year.

APPLICATION FOR REINSTATEMENT OF LICENSE

A petition entity whose license has been revoked may apply for reinstatement in accordance with section 1-40-135(3)(b) and (c), C.R.S.

DECISION ON APPLICATIONS FOR NEW OR REINSTATED LICENSE

The Secretary of State will issue a decision on any application for a new or reinstated license within ten business days after filing.

REGISTRATION REQUIREMENTS

A licensed petition entity must also register with the Secretary of State before circulating a statewide initiative petition. To register, the petition entity must complete and submit a Licensed Petition Entity Registration Form. This form is available online at the Secretary of State's website:

http://www.sos.state.co.us/pubs/elections/Initiatives/petitionEntities/forms/REG_PETITION.pdf

Licensed petition entities must provide the following information:

- 1) The ballot title and initiative number of any measure that the entity will pay individuals to circulate;
- 2) The current name, address, telephone number, and e-mail address of the petition entity; and
- 3) The name and signature of the petition entity's designated agent for the proposed measure.

A petition entity must notify the Secretary of State within 20 days of any change in the registration information submitted.

CIRCULATION OF PETITION: GATHERING SIGNATURES

Petitions may be circulated after the Secretary of State (1) approves the printer's proof and (2) approves petition entity licenses and registrations if circulators will receive compensation.

TRAINING FOR PETITION ENTITY REPRESENTATIVES AND PETITION CIRCULATORS

The Secretary of State circulator training program provides an overview of circulating petitions and how to avoid potential fraudulent activities. In addition, the training summarizes circulator rights and responsibilities.

The petition's proponents or the petition entity's representatives must inform all circulators that training is available.

Each circulator must affirm in the affidavit that he or she has read and understands the laws pertaining to petition circulation. If the circulator completes our training program, then he or she will satisfy this requirement.

At least one petition entity representative must complete the Secretary of State training program to obtain a petition entity license.

A link to the current training guide is available online at the Secretary of State's website.

<http://www.sos.state.co.us/pubs/elections/Initiatives/training/main.html>

ID REQUIREMENTS FOR CIRCULATORS

When a circulator finishes circulating a petition section, they must complete the "Affidavit of Circulator" (located on the last page of the petition section) in the presence of a notary. The circulator must present an acceptable form of identification as defined by section 1-1-104(19.5), C.R.S. to the notary. The list of acceptable forms of identification can be found here:

[Acceptable Forms of Identification](#)

While the Colorado residency requirement for circulators was struck down in *Independence Institute v. Gessler*, the court upheld the requirement that a circulator present to the notary a specific type of identification. Therefore, if the identification provided has an address, it must be a Colorado address. The court's decision can be found here:

[Independence Institute v. Gessler](#)

When presenting an ID to the notary, the ID must be from the "Acceptable Forms of Identification" list and if it has an address, it must be a Colorado address.

Petition representatives and circulators should review Article 40, Title 1, C.R.S., and the instructions outlined in the circulator manual.

FILING THE PETITION FOR VERIFICATION OF SIGNATURES

To be placed on the ballot, a petition must receive 5% of the total votes cast for all candidates for the Office of Secretary of State at the previous general election.

Equation:

(total votes cast) x (.05) = (requirement)

In the November 6, 2018 General Election, there were 2,492,635 votes cast for the office:

(2,492,635) x (.05) = (124,632)

Therefore, the signature requirement for state initiatives for 2019-2020 is: 124,632

Additionally, initiatives that wish to make a change to the Colorado constitution must be signed by at least 2% of the total registered electors in each of the 35 Colorado state senate

districts in addition to meeting the requirements outlined above (Article V, Section 1(4) of the Colorado constitution).

The total number of signatures needed for each state senate district will be provided to the designated representatives at the time their petition format is approved for circulation.

A link to the map of current state senate districts can be found here:

<https://leg.colorado.gov/senate-district-map>

Signature Requirements for State Initiatives:

<http://www.sos.state.co.us/pubs/elections/Initiatives/signatureRequirements.html>

Starting on the date the Title Board set the final language, proponents have six months to circulate petitions. However, the Colorado Constitution requires petitions to be filed no later than three months (August) before an election. Therefore, if the Title Board sets title in April, proponents only have four months to circulate instead of six.

The designated representatives must file the completed petition with the Secretary of State in accordance with section 1-40-113(3), C.R.S. Both representatives must be present when the petition is filed with the Secretary of State.

Along with the petition, designated representatives must file a list containing:

- The names and addresses of all individuals who circulated petition sections on behalf of the proponents;
- The names of all notaries public who notarized petition sections on behalf of the proponents; and
- The petition section numbers that each individual circulated and that each notary public notarized.

If a copy of the list is not filed with the petition, the Secretary of State shall prepare the list and charge the proponents a fee to cover the cost of preparation.

ALL INITIATIVE PETITIONS MUST BE FILED BY 3:00 P.M. ON THE DAY OF FILING.

FILING A REPORT OF EXPENDITURES RELATED TO PETITION CIRCULATION

No later than ten days after the petition has been submitted to the Secretary of State, the designated representatives must file a report with the Secretary of State that includes:

- The dates of circulation by all circulators who were paid to circulate a petition section;
- The total hours for which each circulator was paid to circulate a petition section;
- The gross amount of wages paid for each circulator;

- Any addresses used by circulators on their affidavits that the designated representatives or their agents have determined, prior to petition filing, to be false addresses; and
- Any other expenditure made by any person or issue committee related to the circulation of petitions for signatures, including the name of the person or issue committee that made the expenditure and the amount of the expenditure.

COMPLAINT BY A REGISTERED ELECTOR

Within ten days after the expenditure report is filed, a registered elector may file a complaint alleging a violation of the requirements for the report.

- The designated representatives may cure any alleged violation by filing a report or an addendum to the original report within ten days after the date the complaint was filed.
- If the violation is not cured, an administrative law judge must conduct a hearing on the complaint within 14 days after the date of the additional filing or the deadline for the additional filing, whichever is sooner.
 - If the administrative law judge determines that the designated representatives intentionally violated the reporting requirements, the designated representatives will be subject to a penalty that is equal to three times the amount of any expenditure that was omitted from or erroneously included in the report.
 - If the administrative law judge determines that the designated representatives intentionally misstated a material fact in the report, or omitted a material fact from the report, or never filed a report, the registered elector who filed the complaint may commence a civil action to recover reasonable attorney fees and costs from the designated representatives.

For additional information, see Article V, Section 1(2) of the Colorado Constitution and sections 1-40-107, 1-40-108(1), and 1-40-121, C.R.S.

STATEMENT OF SUFFICIENCY OR INSUFFICIENCY

No later than thirty calendar days after the petition was filed, the Secretary of State will issue a statement of sufficiency or insufficiency. This statement indicates whether a sufficient number of valid signatures have been submitted to certify the petition to the ballot.

In the event that the Secretary of State fails to issue a statement of sufficiency or insufficiency within 30 calendar days, the petition will be deemed sufficient.

For additional information, see section 1-40-117, C.R.S.

OPPORTUNITY TO CURE INSUFFICIENCY

If the Secretary of State issues a statement of insufficiency, the designated representatives may cure the insufficiency by filing an addendum to the original petition for the purposes of offering an additional number of signatures.

The addendum must be filed with the Secretary of State within 15 days of the statement of insufficiency and no later than the applicable deadlines for filing an initiative petition.

Both designated representatives must be present when the addendum is filed with the Secretary of State.

ALL FILINGS MUST BE SUBMITTED BY 3:00 P.M. ON THE DAY OF FILING.

Reminder: If the petition is filed on the deadline (3 months before Election Day) and the Secretary of State issues a statement of insufficiency, the opportunity to cure will no longer be available.

If an addendum is filed, the Secretary of State will determine whether it cured the insufficiency found in the original petition. Within ten calendar days, the Secretary of State will issue a new statement of sufficiency or insufficiency.

If the addendum is insufficient, the proposed initiative will not be placed on the ballot.

PUBLIC ACCESS TO FILED PETITIONS

While the Secretary of State examines the petition for sufficiency (a period of no more than 30 days from the date of submission), the petition will not be available to the public for review. After the Secretary of State issues a statement of sufficiency or insufficiency, the petition will be available to the public. An addendum that is filed to cure an insufficiency will be reviewed by the Secretary of State within ten days and will not be available to the public for review.

For additional information, see sections 1-40-116(2) and 1-40-117(3)(b), C.R.S.

PROTESTING THE SECRETARY OF STATE'S DETERMINATION

Any registered elector may appeal the Secretary of State's determination of sufficiency or insufficiency by filing a protest in the Denver District Court.

The protest must be:

- filed with the Court within 30 days of the statement of sufficiency or insufficiency;
- in writing;
- under oath; and
- the protester must submit three copies to the Court.

For additional information, see section 1-40-118, C.R.S.

PLACEMENT ON THE BALLOT

Once a petition is sufficient, the ballot title and submission clause is placed on the ballot. The proposal is numbered according to the requirements outlined in section 1-5-407, C.R.S and Rule 4.5.2(e)(1).

WITHDRAWAL OF AN INITIATIVE PETITION

The designated representatives may withdraw an initiative from consideration by filing a letter with the Secretary of State requesting that the initiative not be placed on the ballot.

The letter must be signed and acknowledged by both designated representatives before a notary public. Additionally, the letter must be filed no later than 60 days prior to the election at which the initiative is to be voted upon.

WITHDRAWING AS A DESIGNATED REPRESENTATIVE

A designated representative is not permitted to withdraw or swap with another individual.

APPENDIX

GLOSSARY OF COMMON TERMS

Ballot Title: the language that is printed on the ballot that contains the submission clause and title.

Constitutional Amendment: a proposed change to the Colorado Constitution.

Designated Representative: a person designated pursuant to section 1-40-104 to represent the proponents in all matters affecting the petition.

Initiative: a measure proposed by petition of eligible electors to amend or add to the Colorado Constitution or the Colorado Statutes.

Petition Circulator: a person who presents to electors a petition to place a measure on the ballot by initiative or referendum.

Petition Entity: any person or issue committee that provides compensation to a circulator to circulate a ballot petition. [Section 1-40-135, C.R.S.]

Statutory Proposition: a proposed change to the Colorado Revised Statutes.

Submission Clause: phrase that precedes the ballot title after it is set, which asks voters whether the statutory proposition or constitutional amendment should be adopted as proposed.

PROCEDURES REGARDING PETITION FORMAT APPROVAL – STATEWIDE INITIATIVES

GENERAL PROCESS & TIMELINE

- Designated representatives may submit their request to the Secretary of State's Office for a petition format to be created at any time after the ballot title has been set by the Title Board.
- No printer's proof will receive final approval by the Secretary of State's Office until the seven day rehearing period has passed. [Section 1-40-107(1), C.R.S.]
- If a motion for rehearing is filed within seven days, the printer's proof will not receive final approval by the Secretary of State's Office until the final decision of the Title Board.
- If the Title Board's decision is appealed to the Colorado Supreme Court, the printer's proof may be submitted to the Secretary of State's Office for approval and the Secretary of State's Office shall approve or disapprove the format. However, if the court decision includes changes in the wording of the initiative titles, the format approved for circulation will not be valid and a new format with the newly worded titles would need to be submitted for approval.

- If the Title Board's decision is appealed to the Colorado Supreme Court and the petition format has been approved for circulation, signatures may be collected during the appeal process. However, if the court decision includes changes in the wording of the initiative titles, the signatures collected during the appeal process are not valid.

LAWS AND RULES PERTAINING TO INITIATIVES

Colorado constitution: Article V, Section 1

- https://www.sos.state.co.us/pubs/info_center/laws/COConstitution/ColoradoConstitution.pdf

Colorado Revised Statutes: Title 1, Article 40

- https://www.sos.state.co.us/pubs/info_center/laws/Title1/Title1Article40.html

Colorado Secretary of State Election Rules: Rule 15

- https://www.sos.state.co.us/pubs/rule_making/CurrentRules/8CCR1505-1/Rule15.pdf

ONLINE RESOURCES

General initiative information, including the 2019-2020 Initiative Calendar, is available on the Secretary of State website via the following link:

<http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html>

COLORADO SECRETARY OF STATE CONTACT INFORMATION

If you need more information or further assistance, please contact:



Secretary of State's Office

1700 Broadway, Suite 200

Denver, CO 80290

Phone: (303) 894-2200 x6333

Fax: (303) 869-4861

www.sos.state.co.us

initiatives@sos.state.co.us