

Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

**PREAMENDED**

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

LLS NO. 26-0774.03 Rebecca Bayetti x4348

**HOUSE BILL 26-1320**

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**HOUSE SPONSORSHIP**

**Nguyen and Garcia,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**

State, Civic, Military, & Veterans Affairs

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING STATUTORY REQUIREMENTS FOR BALLOT TITLE**  
102 **LANGUAGE, AND, IN CONNECTION THEREWITH, REQUIRING THE**  
103 **USE OF ACCESSIBLE LANGUAGE AND ALLOWING FOR THE**  
104 **MODIFICATION OF STATUTORILY REQUIRED BALLOT TITLE**  
105 **LANGUAGE.**

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**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://leg.colorado.gov>.)*

Under current law, the title board must set a ballot title for an initiative petition that is brief, does not conflict with another title for an

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.*  
*Dashes through the words or numbers indicate deletions from existing law.*

initiative petition filed for the same election, and is in the form of a question that may be answered "yes/for" or "no/against" and that unambiguously states the principle of the provision sought to be added, amended, or repealed by the initiative. The bill adds a requirement that the title board write a ballot title using accessible language, which means plain language that is understood by the widest possible audience.

In addition, current law requires that specific language appear in the ballot title for certain initiatives that increase or reduce tax revenue. For initiatives that reduce state tax revenue or local district property tax revenue through a tax change, this required language must appear at the beginning of the ballot title. For initiatives that increase tax revenue for any district through a tax change, this required language must appear directly after language required by the Taxpayer's Bill of Rights. The bill modifies these statutory provisions so that the required ballot title language must only be substantially similar to the specific statutory language and may appear anywhere in the ballot title.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-40-106, **amend**  
3 (3)(b), (3)(e), (3)(f), (3)(g)(I), and (3)(h); and **add (3)(h.5)** as follows:

4 **1-40-106. Title board - meetings - ballot title - initiative and**  
5 **referendum - definitions - rules.**

6 (3) (b) (I) In setting a title, the title board shall consider the public  
7 confusion that might be caused by misleading titles and shall, whenever  
8 practicable, avoid titles for which the general understanding of the effect  
9 of a "yes/for" or "no/against" vote will be unclear. The title for the  
10 proposed law or constitutional amendment, which ~~shall~~ **MUST** correctly  
11 and fairly express the true intent and meaning thereof, together with the  
12 ballot title and submission clause, ~~shall~~ **MUST** be completed, except as  
13 otherwise required by section 1-40-107, within two weeks after the first  
14 meeting of the title board. Immediately upon completion, the secretary of  
15 state shall deliver the same with the original to the designated  
16 representatives of the proponents, keeping the copy with a record of the

1 action taken thereon.

2 (II) THE TITLE BOARD SHALL SET ballot titles ~~shall~~ THAT:

3 (A) ~~be~~ ARE brief; ~~shall~~

4 (B) ARE WRITTEN USING ACCESSIBLE LANGUAGE, WHICH IS PLAIN  
5 LANGUAGE THAT IS UNDERSTOOD BY THE WIDEST POSSIBLE AUDIENCE;

6 (C) DO not conflict with ~~those~~ BALLOT TITLES selected for any  
7 petition previously filed for the same election; and ~~shall~~

8 (D) ~~be~~ ARE in the form of a question ~~which~~ THAT may be  
9 answered "yes/for" (to vote in favor of the proposed law or constitutional  
10 amendment) or "no/against" (to vote against the proposed law or  
11 constitutional amendment) and ~~which shall~~ THAT unambiguously ~~state~~  
12 STATES the principle of the provision sought to be added, amended, or  
13 repealed.

14 (e) For measures that reduce state tax revenue through a tax  
15 change, the ballot title must ~~begin~~ INCLUDE LANGUAGE SUBSTANTIALLY  
16 SIMILAR TO THE FOLLOWING LANGUAGE, WHICH MAY APPEAR ANYWHERE  
17 IN THE BALLOT TITLE: "Shall there be a reduction to the (description of  
18 tax) by (the percentage by which the tax is reduced in the first full fiscal  
19 year that the measure reduces revenue) thereby reducing state revenue,  
20 which will reduce funding for state expenditures that include but are not  
21 limited to (the three largest areas of program expenditure) by an estimated  
22 (projected dollar figure of revenue reduction to the state in the first full  
23 fiscal year that the measure reduces revenue) in tax revenue...?". If the  
24 ballot measure specifies the public services or programs that are to be  
25 reduced by the tax change, those public services or programs must be  
26 stated in the ballot title. If the public services or programs identified in  
27 the measure are insufficient to account for the full dollar value of the tax

1 change in the first full fiscal year that the measure reduces revenue, then  
2 the three largest areas of program expenditure must be stated in the bill  
3 title along with the public services or programs identified in the measure.  
4 The estimates reflected in the ballot title shall not be interpreted as  
5 restrictions of the state's budgeting process.

6 (f) For measures that reduce local district property tax revenue  
7 through a tax change, the ballot title must ~~begin~~ INCLUDE LANGUAGE  
8 SUBSTANTIALLY SIMILAR TO THE FOLLOWING LANGUAGE, WHICH MAY  
9 APPEAR ANYWHERE IN THE BALLOT TITLE: "Shall funding available for  
10 counties, school districts, water districts, fire districts, and other districts  
11 funded, at least in part, by property taxes be impacted by a reduction of  
12 (projected dollar figure of property tax revenue reduction to all districts  
13 in the first full fiscal year that the measure reduces revenue) in property  
14 tax revenue...?". The title board shall exclude any districts whose property  
15 tax revenue would not be reduced by the measure from the measure's  
16 ballot title. The estimates reflected in the ballot title shall not be  
17 interpreted as restrictions of a local district's budgeting process.

18 (g) (I) For measures that increase tax revenue for any district  
19 through a tax change and specify the public services to be funded by the  
20 increased revenue, THE BALLOT TITLE MUST INCLUDE LANGUAGE  
21 SUBSTANTIALLY SIMILAR TO THE FOLLOWING LANGUAGE, WHICH MAY BE  
22 PLACED ANYWHERE after the language required by section 20 (3)(c) of  
23 article X of the state constitution: ~~the ballot title shall state~~ "in order to  
24 increase or improve levels of public services, including (the public  
25 service specified in the measure)...". For measures that increase tax  
26 revenue for any district through a tax change and do not specify the public  
27 services to be funded by the increased revenue, THE BALLOT TITLE MUST

1 INCLUDE LANGUAGE SUBSTANTIALLY SIMILAR TO THE FOLLOWING  
2 LANGUAGE, WHICH MAY APPEAR ANYWHERE after the language required  
3 by section 20 (3)(c) of article X of the state constitution: ~~the ballot title~~  
4 ~~shall state~~ "in order to increase or improve levels of public services...".

5 (h) In determining whether a ballot title qualifies as brief for  
6 purposes of section 1-40-102 (10) and ~~subsection (3)(b)~~ SUBSECTION  
7 (3)(b)(II)(A) of this section AND WHETHER A BALLOT TITLE USES  
8 ACCESSIBLE LANGUAGE FOR PURPOSES OF SUBSECTION (3)(b)(II)(B) OF  
9 THIS SECTION, the language required by subsection (3)(e), (3)(f), (3)(g),  
10 or (3)(j) of this section may not be considered.

11 (h.5) IN DETERMINING WHETHER A BALLOT TITLE IS WRITTEN  
12 USING ACCESSIBLE LANGUAGE FOR PURPOSES OF SUBSECTION (3)(b)(II)(B)  
13 OF THIS SECTION, THE TITLE BOARD MAY CONSIDER WHETHER THE TITLE:

14 (I) AVOIDS USING LEGAL, TECHNICAL, OR SPECIALIZED  
15 TERMINOLOGY WHEN POSSIBLE;

16 (II) CLEARLY IDENTIFIES THE PRINCIPAL CHANGE IN LAW OR  
17 POLICY PROPOSED BY THE PROPOSED LAW OR CONSTITUTIONAL  
18 AMENDMENT;

19 (III) AVOIDS UNNECESSARY QUALIFIERS, DOUBLE NEGATIVES, AND  
20 OVERLY COMPLEX PHRASING;

21 (IV) ORGANIZES CLAUSES SO THAT THE EFFECT OF A "YES/FOR" OR  
22 "NO/AGAINST" VOTE IS READILY UNDERSTOOD; AND

23 (V) PRESENTS NECESSARY INFORMATION WITHIN THE BALLOT  
24 TITLE IN A LOGICAL AND READABLE ORDER.

25 **SECTION 2.** In Colorado Revised Statutes, 1-40-106, **amend**  
26 (3)(b), (3)(f), and (3)(g)(I); **add** (3)(h.5); and **amend as amended by**  
27 **House Bill 26-1084** (3)(e) and (3)(h) as follows:

1           **1-40-106. Title board - meetings - ballot title - initiative and**  
2           **referendum - definitions - rules.**

3           (3) (b) (I) In setting a title, the title board shall consider the public  
4           confusion that might be caused by misleading titles and shall, whenever  
5           practicable, avoid titles for which the general understanding of the effect  
6           of a "yes/for" or "no/against" vote will be unclear. The title for the  
7           proposed law or constitutional amendment, which ~~shall~~ MUST correctly  
8           and fairly express the true intent and meaning thereof, together with the  
9           ballot title and submission clause, ~~shall~~ MUST be completed, except as  
10          otherwise required by section 1-40-107, within two weeks after the first  
11          meeting of the title board. Immediately upon completion, the secretary of  
12          state shall deliver the same with the original to the designated  
13          representatives of the proponents, keeping the copy with a record of the  
14          action taken thereon.

15          (II) THE TITLE BOARD SHALL SET ballot titles ~~shall~~ THAT:

16          (A) ~~be~~ ARE brief; ~~shall~~

17          (B) ARE WRITTEN USING ACCESSIBLE LANGUAGE, WHICH IS PLAIN  
18          LANGUAGE THAT IS UNDERSTOOD BY THE WIDEST POSSIBLE AUDIENCE;

19          (C) DO not conflict with ~~those~~ BALLOT TITLES selected for any  
20          petition previously filed for the same election; and ~~shall~~

21          (D) ~~be~~ ARE in the form of a question ~~which~~ THAT may be  
22          answered "yes/for" (to vote in favor of the proposed law or constitutional  
23          amendment) or "no/against" (to vote against the proposed law or  
24          constitutional amendment) and ~~which shall~~ THAT unambiguously ~~state~~  
25          STATES the principle of the provision sought to be added, amended, or  
26          repealed.

27          (e) For measures that reduce state tax revenue through a tax

1 change, the ballot title must ~~begin~~ INCLUDE LANGUAGE SUBSTANTIALLY  
2 SIMILAR TO THE FOLLOWING LANGUAGE, WHICH MAY APPEAR ANYWHERE  
3 IN THE BALLOT TITLE: "Shall there be a reduction to the (description of  
4 tax) by (the percentage by which the tax is reduced in the first full fiscal  
5 year that the measure reduces revenue) thereby reducing state revenue,  
6 which will likely reduce funding for state expenditures that include but  
7 are not limited to (the three largest areas of program expenditure) by an  
8 estimated (projected dollar figure of revenue reduction to the state in the  
9 first full fiscal year that the measure reduces revenue) in tax revenue...?".  
10 If the ballot measure specifies the public services or programs that are to  
11 be reduced by the tax change, those public services or programs must be  
12 stated in the ballot title. If the public services or programs identified in  
13 the measure are insufficient to account for the full dollar value of the tax  
14 change in the first full fiscal year that the measure reduces revenue, then  
15 the three largest areas of program expenditure must be stated in the bill  
16 title along with the public services or programs identified in the measure.  
17 The estimates reflected in the ballot title shall not be interpreted as  
18 restrictions of the state's budgeting process.

19 (f) For measures that reduce local district property tax revenue  
20 through a tax change, the ballot title must ~~begin~~ INCLUDE LANGUAGE  
21 SUBSTANTIALLY SIMILAR TO THE FOLLOWING LANGUAGE, WHICH MAY  
22 APPEAR ANYWHERE IN THE BALLOT TITLE: "Shall funding available for  
23 counties, school districts, water districts, fire districts, and other districts  
24 funded, at least in part, by property taxes be impacted by a reduction of  
25 (projected dollar figure of property tax revenue reduction to all districts  
26 in the first full fiscal year that the measure reduces revenue) in property  
27 tax revenue...?". The title board shall exclude any districts whose property

1 tax revenue would not be reduced by the measure from the measure's  
2 ballot title. The estimates reflected in the ballot title shall not be  
3 interpreted as restrictions of a local district's budgeting process.

4 (g) (I) For measures that increase tax revenue for any district  
5 through a tax change and specify the public services to be funded by the  
6 increased revenue, THE BALLOT TITLE MUST INCLUDE LANGUAGE  
7 SUBSTANTIALLY SIMILAR TO THE FOLLOWING LANGUAGE, WHICH MAY  
8 APPEAR ANYWHERE after the language required by section 20 (3)(c) of  
9 article X of the state constitution: ~~the ballot title shall state~~ "in order to  
10 increase or improve levels of public services, including (the public  
11 service specified in the measure)...". For measures that increase tax  
12 revenue for any district through a tax change and do not specify the public  
13 services to be funded by the increased revenue, THE BALLOT TITLE MUST  
14 INCLUDE LANGUAGE SIMILAR TO THE FOLLOWING LANGUAGE, WHICH MAY  
15 APPEAR ANYWHERE after the language required by section 20 (3)(c) of  
16 article X of the state constitution: ~~the ballot title shall state~~ "in order to  
17 increase or improve levels of public services...".

18 (h) In determining whether a ballot title qualifies as brief for  
19 purposes of section 1-40-102 (10) and ~~subsection (3)(b)~~ SUBSECTION  
20 (3)(b)(II)(A) of this section AND WHETHER A BALLOT TITLE USES  
21 ACCESSIBLE LANGUAGE FOR PURPOSES OF SUBSECTION (3)(b)(II)(B) OF  
22 THIS SECTION, the language required by subsection (3)(e), (3)(e.5), (3)(f),  
23 (3)(g), or (3)(j) of this section may not be considered.

24 (h.5) IN DETERMINING WHETHER A BALLOT TITLE IS WRITTEN  
25 USING ACCESSIBLE LANGUAGE FOR PURPOSES OF SUBSECTION (3)(b)(II)(B)  
26 OF THIS SECTION, THE TITLE BOARD MAY CONSIDER WHETHER THE TITLE:

27 (I) AVOIDS USING LEGAL, TECHNICAL, OR SPECIALIZED

- 1     TERMINOLOGY WHEN POSSIBLE;
- 2             (II) CLEARLY IDENTIFIES THE PRINCIPAL CHANGE IN LAW OR
- 3     POLICY PROPOSED BY THE PROPOSED LAW OR CONSTITUTIONAL
- 4     AMENDMENT;
- 5             (III) AVOIDS UNNECESSARY QUALIFIERS, DOUBLE NEGATIVES, AND
- 6     OVERLY COMPLEX PHRASING;
- 7             (IV) ORGANIZES CLAUSES SO THAT THE EFFECT OF A "YES/FOR" OR
- 8     "NO/AGAINST" VOTE IS READILY UNDERSTOOD; AND
- 9             (V) PRESENTS NECESSARY INFORMATION WITHIN THE BALLOT
- 10    TITLE IN A LOGICAL AND READABLE ORDER.

11             **SECTION 3. Act subject to petition - effective date -**  
12    **applicability.** (1) (a) Except as otherwise provided in this section, this  
13    act takes effect at 12:01 a.m. on the day following the expiration of the  
14    ninety-day period after final adjournment of the general assembly (August  
15    12, 2026, if adjournment sine die is on May 13, 2026); except that, if a  
16    referendum petition is filed pursuant to section 1 (3) of article V of the  
17    state constitution against this act or an item, section, or part of this act  
18    within such period, then the act, item, section, or part will not take effect  
19    unless approved by the people at the general election to be held in  
20    November 2026 and, in such case, will take effect on the date of the  
21    official declaration of the vote thereon by the governor.

22             (b) Section 1 of this act takes effect only if House Bill 26-1084  
23    does not become law, in which case section 1 takes effect on the  
24    applicable effective date of this act.

25             (c) Section 2 of this act takes effect only if House Bill 26-1084  
26    becomes law, in which case section 2 takes effect on the applicable  
27    effective date of this act or on the effective date of House Bill 26-1084,

1     whichever is later.

2             (2) This act applies to initiative petition drafts submitted to the  
3     secretary of state for title setting on or after the applicable effective date  
4     of this act.