

CHAPTER 232

ELECTIONS

HOUSE BILL 20-1416

BY REPRESENTATIVE(S) Garnett and Neville, Snyder, Valdez A., Becker, Gray, Williams D.;
also SENATOR(S) Fenberg and Holbert, Bridges, Cooke, Coram, Crowder, Gardner, Lee, Pettersen, Priola, Scott, Sonnenberg,
Tate, Todd.

AN ACT

CONCERNING THE MODIFICATION OF FISCAL INFORMATION PREPARED BY LEGISLATIVE COUNCIL STAFF RELATED TO AN INITIATED MEASURE, AND, IN CONNECTION THEREWITH, REDUCING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 1-40-102, **amend** the introductory portion and (6) as follows:

1-40-102. Definitions. As used in this ~~article~~ ARTICLE 40, unless the context otherwise requires:

(6) "Section" means a bound compilation of initiative forms approved by the secretary of state, which shall include pages that contain the warning required by section 1-40-110 (1), the ballot title, the ~~abstract~~ FISCAL SUMMARY required by section 1-40-110 (3), and a copy of the proposed measure; succeeding pages that contain the warning, the ballot title, and ruled lines numbered consecutively for registered electors' signatures; and a final page that contains the affidavit required by section 1-40-111 (2). Each section shall be consecutively prenumbered by the petitioner prior to circulation.

SECTION 2. In Colorado Revised Statutes, 1-40-105.5, **amend** (2)(a), (2)(b), (2)(c)(II), (2)(c)(III), and (4); **repeal** (3); and **add** (1.5) as follows:

1-40-105.5. Initial fiscal impact statement - definition. (1.5) (a) FOR EVERY INITIATED MEASURE PROPERLY SUBMITTED TO THE TITLE BOARD, THE DIRECTOR SHALL PREPARE A FISCAL SUMMARY THAT CONSISTS OF THE FOLLOWING INFORMATION:

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(I) A DESCRIPTION OF THE MEASURE'S FISCAL IMPACT, INCLUDING A PRELIMINARY ESTIMATE OF ANY CHANGE IN STATE AND LOCAL GOVERNMENT REVENUES, EXPENDITURES, TAXES, OR FISCAL LIABILITIES IF IMPLEMENTED;

(II) A QUALITATIVE DESCRIPTION OF THE ECONOMIC IMPACTS OF THE MEASURE IF IMPLEMENTED;

(III) ANY INFORMATION FROM THE INITIATED MEASURE OR A DESCRIPTION OF STATE AND LOCAL GOVERNMENT IMPLEMENTATION IN ORDER TO PROVIDE THE INFORMATION REQUIRED IN SUBSECTION (1.5)(a)(I) OR (1.5)(a)(II) OF THIS SECTION; AND

(IV) THE FOLLOWING STATEMENT: "THIS FISCAL SUMMARY, PREPARED BY THE NONPARTISAN DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL, CONTAINS A PRELIMINARY ASSESSMENT OF THE MEASURE'S FISCAL IMPACT. A FULL FISCAL IMPACT STATEMENT FOR THIS INITIATIVE IS OR WILL BE AVAILABLE AT WWW.COLORADOBLUEBOOK.COM."

(b) IF AN INITIATED MEASURE HAS NO FISCAL IMPACT AS SPECIFIED IN SUBSECTION (1.5)(a)(I) OR (1.5)(a)(II), THEN THE DIRECTOR MAY INCLUDE A STATEMENT THAT THERE IS NO FISCAL IMPACT UNDER THAT PROVISION.

(c) THE DIRECTOR SHALL NOTIFY THE SECRETARY OF STATE IF THE WEBSITE FOR FISCAL SUMMARIES CHANGES, AND IN SUCH CASE, THE STATEMENT REQUIRED IN SUBSECTION (1.5)(a)(IV) MUST INCLUDE THE NEW WEBSITE.

(d) THE DIRECTOR SHALL PROVIDE THE DESIGNATED REPRESENTATIVES OF THE PROPONENTS AND THE SECRETARY OF STATE WITH THE FISCAL SUMMARY NO LATER THAN THE TIME OF THE TITLE BOARD MEETING AT WHICH THE PROPOSED INITIATED MEASURE IS TO BE CONSIDERED. THE TITLE BOARD SHALL NOT CONDUCT A HEARING ON THE FISCAL SUMMARY AT THIS TITLE BOARD MEETING, AND THE DIRECTOR'S FISCAL SUMMARY IS FINAL, UNLESS MODIFIED IN ACCORDANCE WITH SECTION 1-40-107.

(2) (a) For every initiated measure ~~properly submitted to the title board under section 1-40-106,~~ FOR WHICH THE SECRETARY OF STATE HAS APPROVED A PETITION SECTION IN ACCORDANCE WITH SECTION 1-40-113 (1)(a), the director shall prepare an initial fiscal impact statement, taking into consideration any fiscal impact estimate submitted by the designated representatives of the proponents or other interested person that is submitted in accordance with ~~paragraph (b) of this subsection (2)~~ SUBSECTION (2)(b) OF THIS SECTION, the office of state planning and budgeting, and the department of local affairs. The director shall provide the designated representatives of the proponents and the secretary of state with ~~the~~ A COPY OF THE FISCAL impact statement no later than ~~the time of the title board meeting at which the proposed initiated measure is to be considered. The title board shall not conduct a hearing on the impact statement at this title board meeting, and the director's abstract that is included in the impact statement is final, unless modified in accordance with section 1-40-107.~~ FOURTEEN DAYS AFTER THE PETITION SECTION WAS APPROVED. The director shall also post the FISCAL IMPACT statement on the legislative council staff website on the same day that it is provided to the

designated representatives of the proponents. THE FISCAL IMPACT STATEMENT IS NOT SUBJECT TO REVIEW BY THE TITLE BOARD OR THE COLORADO SUPREME COURT UNDER THIS ARTICLE 40.

(b) The designated representatives of the proponents or any other interested person may submit a fiscal impact estimate that includes an estimate of the effect the measure will have on state and local government revenues, expenditures, taxes, and fiscal liabilities if it is enacted, OR A DRAFT FISCAL SUMMARY WITH THE INFORMATION SPECIFIED IN SUBSECTION (1.5) OF THIS SECTION. The director shall consider these estimates and the bases thereon when preparing the initial fiscal impact statement AND SHALL CONSIDER THE DRAFT FISCAL SUMMARY WHEN PREPARING THE FISCAL SUMMARY.

(c) The initial fiscal impact statement must:

(II) Indicate whether there is a fiscal impact for the initiated measure. ~~and~~

(III) ~~Include an abstract described in subsection (3) of this section.~~

(3) ~~The abstract must include:~~

~~(a) An estimate of the effect the measure will have on state and local government revenues, expenditures, taxes, and fiscal liabilities if the measure is enacted;~~

~~(b) A statement of the measure's economic benefits for all Coloradans;~~

~~(c) An estimate of the amount of any state and local government recurring expenditures or fiscal liabilities if the measure is enacted;~~

~~(d) For any initiated measure that modifies the state tax laws, an estimate, if feasible, of the impact to the average taxpayer if the measure is enacted; and~~

~~(e) The following statement: "The abstract includes estimates of the fiscal impact of the proposed initiative. If this initiative is to be placed on the ballot, legislative council staff will prepare new estimates as part of a fiscal impact statement, which includes an abstract of that information. All fiscal impact statements are available at www.ColoradoBlueBook.com and the abstract will be included in the ballot information booklet that is prepared for the initiative."~~

(4) ~~The abstract~~ FISCAL SUMMARY for a measure, as amended in accordance with section 1-40-107, must be included in a petition section as provided in section 1-40-110 (3).

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

1-40-107. Rehearing - appeal - fees - signing. (1) (a) (II) The designated representatives of the proponents or any registered elector who is not satisfied with the ~~abstract~~ FISCAL SUMMARY prepared by the director of research of the legislative council of the general assembly in accordance with section 1-40-105.5 may file a motion for a rehearing with the secretary of state within seven days after the titles

and submission clause for the initiative petition are set on the grounds that:

(A) ~~An estimate included in the abstract is incorrect;~~

(B) The ~~abstract~~ FISCAL SUMMARY is misleading or prejudicial; or

(C) The ~~abstract~~ FISCAL SUMMARY does not comply with the requirements set forth in ~~section 1-40-105.5(3)~~ SECTION 1-40-105.5 (1.5).

(b) A motion for rehearing must be typewritten and set forth with particularity the 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 proposed state law or constitutional amendment, then the motion must identify the specific wording that is challenged. ~~If the motion claims that an estimate in the abstract is incorrect, the motion must include documentation that supports a different estimate.~~ If the motion claims that the ~~abstract~~ FISCAL SUMMARY is misleading or prejudicial or does not comply with the statutory requirements, the motion must specifically identify the specific wording that is challenged or the requirement at issue. The title board may modify the ~~abstract~~ FISCAL SUMMARY based on information presented at the rehearing. If the motion claims that the determination of whether the petition that proposes a constitutional amendment only repeals in whole or in part a constitutional provision is incorrect, the motion must include a short and plain statement of the reasons for the claim.

(2) If any person presenting or the designated representatives of the proponents of an initiative petition for which a motion for a rehearing is filed, any registered elector who filed a motion for a rehearing pursuant to subsection (1) of this section, or any other registered elector who appeared before the title board in support of or in opposition to a motion for rehearing is not satisfied with the ruling of the title board upon the motion, then the secretary of state shall furnish such person, upon request, a certified copy of the petition with the titles and submission clause of the proposed law or constitutional amendment, the ~~abstract~~ FISCAL SUMMARY, or the determination whether the petition repeals in whole or in part a constitutional provision, together with a certified copy of the motion for rehearing and of the ruling thereon. If filed with the clerk of the supreme court within seven days thereafter, the matter shall be disposed of promptly, consistent with the rights of the parties, either affirming the action of the title board or reversing it, in which latter case the court shall remand it with instructions, pointing out where the title board is in error.

(4) No petition for any initiative measure shall be circulated nor any signature thereto have any force or effect which has been signed before the titles and submission clause have been fixed and determined as provided in section 1-40-106 and this section, or before the ~~abstract~~ FISCAL SUMMARY has been fixed and determined as provided in section 1-40-105.5 and this section.

(5.5) If the title board modifies the ~~abstract~~ FISCAL SUMMARY pursuant to this section, the secretary of state shall provide the director of research of the legislative

council of the general assembly with a copy of the amended ~~abstract~~ FISCAL SUMMARY, and the director shall post the new version of the ~~abstract~~ FISCAL SUMMARY on the legislative council website.

SECTION 4. In Colorado Revised Statutes, 1-40-110, **amend** (1) and (3) as follows:

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

**WARNING:
IT IS AGAINST THE LAW:**

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

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

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

YOU ARE ALSO ENCOURAGED TO READ THE FISCAL SUMMARY THAT IS INCLUDED AT THE BEGINNING OF THIS PETITION.

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

(3) For a petition section for a measure to be valid, the ~~abstract~~ FISCAL SUMMARY prepared in accordance with section 1-40-105.5 ~~(3)~~ must be printed on the first page of an initiative petition section.

SECTION 5. In Colorado Revised Statutes, 1-40-113, **add** (1)(d) as follows:

1-40-113. Form - representatives of signers. (1) (d) THE SECRETARY OF STATE SHALL NOTIFY THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL AT THE TIME A PETITION IS APPROVED PURSUANT TO (1)(a) OF THIS SECTION.

SECTION 6. In Colorado Revised Statutes, 24-6-301, **amend** (3.5)(a)(II.5) as follows:

24-6-301. Definitions - legislative declaration. As used in this part 3, unless the context otherwise requires:

(3.5) (a) "Lobbying" means communicating directly, or soliciting others to communicate, with a covered official for the purpose of aiding in or influencing:

(II.5) The preparation of A FISCAL SUMMARY OR an initial fiscal impact statement required by section 1-40-105.5. ~~C.R.S.;~~

SECTION 7. Appropriation - adjustments to 2020 legislative appropriation bill. To implement this act, the general fund appropriation made in the annual legislative appropriation act (House Bill 20-1345) for the 2020-21 state fiscal year to the legislative department for use by legislative council is decreased by \$7,865, and the corresponding FTE is decreased by 0.1 FTE.

SECTION 8. Act subject to petition - effective date - applicability. (1) This act takes effect November 1, 2020; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to initiatives that are submitted for a title with the state title board on or after the applicable effective date of this act.

Approved: July 2, 2020