

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 11-0233.02 Ed DeCecco

HOUSE BILL 11-1304

HOUSE SPONSORSHIP

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A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT THE BALLOT TITLE OF A**
102 **STATEWIDE MEASURE BE WRITTEN IN PLAIN LANGUAGE.**

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>.)

Section 1 of the bill requires the title board, when setting a title for a proposed initiated law or constitutional amendment, to write the title, to the extent possible, in plain, nontechnical language and in a clear and coherent manner using words with common and everyday meaning that are understandable to the average reader. **Section 2** requires the same

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.

standard for the ballot title of a statewide referred measure.

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

2 **SECTION 1.** 1-40-106 (3) (b), Colorado Revised Statutes, is
3 amended to read:

4 **1-40-106. Title board - meetings - titles and submission clause.**

5 (3) (b) In setting a title, the title board shall consider the public confusion
6 that might be caused by misleading titles and shall, whenever practicable,
7 avoid titles for which the general understanding of the effect of a "yes"
8 or "no" vote will be unclear. The title for the proposed law or
9 constitutional amendment, which shall, TO THE EXTENT POSSIBLE, BE
10 WRITTEN IN PLAIN, NONTECHNICAL LANGUAGE AND IN A CLEAR AND
11 COHERENT MANNER USING WORDS WITH COMMON AND EVERYDAY
12 MEANING THAT ARE UNDERSTANDABLE TO THE AVERAGE READER AND
13 WHICH SHALL correctly and fairly express the true intent and meaning
14 thereof, together with the ballot title and submission clause, shall be
15 completed within two weeks after the first meeting of the title board.
16 Immediately upon completion, the secretary of state shall deliver the same
17 with the original to the parties presenting it, keeping the copy with a
18 record of the action taken thereon. Ballot titles shall be brief, shall not
19 conflict with those selected for any petition previously filed for the same
20 election, and shall be in the form of a question which may be answered
21 "yes" (to vote in favor of the proposed law or constitutional amendment)
22 or "no" (to vote against the proposed law or constitutional amendment)
23 and which shall unambiguously state the principle of the provision sought
24 to be added, amended, or repealed.

25 **SECTION 2.** Part 8 of article 2 of title 2, Colorado Revised

1 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
2 read:

3 **2-2-801.5. Plain language requirement - referred measure -**
4 **ballot title.** ANY PERSON, INCLUDING MEMBERS OF THE GENERAL
5 ASSEMBLY AND THE OFFICE OF LEGISLATIVE LEGAL SERVICES, WHO
6 PREPARES OR PROPOSES A BALLOT TITLE OF A STATEWIDE REFERRED
7 MEASURE, OR AN AMENDMENT TO THE BALLOT TITLE, SHALL ENSURE THAT,
8 TO THE EXTENT POSSIBLE, THE BALLOT TITLE IS WRITTEN IN PLAIN,
9 NONTECHNICAL LANGUAGE AND IN A CLEAR AND COHERENT MANNER
10 USING WORDS WITH COMMON AND EVERYDAY MEANING THAT ARE
11 UNDERSTANDABLE TO THE AVERAGE READER. ADOPTION BY THE GENERAL
12 ASSEMBLY OF THE STATEWIDE REFERRED MEASURE SHALL CREATE A
13 PRESUMPTION THAT THE BALLOT TITLE INCLUDED THEREIN CONFORMS TO
14 THIS SECTION.

15 **SECTION 3. Act subject to petition - effective date.** This act
16 shall take effect at 12:01 a.m. on the day following the expiration of the
17 ninety-day period after final adjournment of the general assembly (August
18 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
19 referendum petition is filed pursuant to section 1 (3) of article V of the
20 state constitution against this act or an item, section, or part of this act
21 within such period, then the act, item, section, or part shall not take effect
22 unless approved by the people at the general election to be held in
23 November 2012 and shall take effect on the date of the official
24 declaration of the vote thereon by the governor.