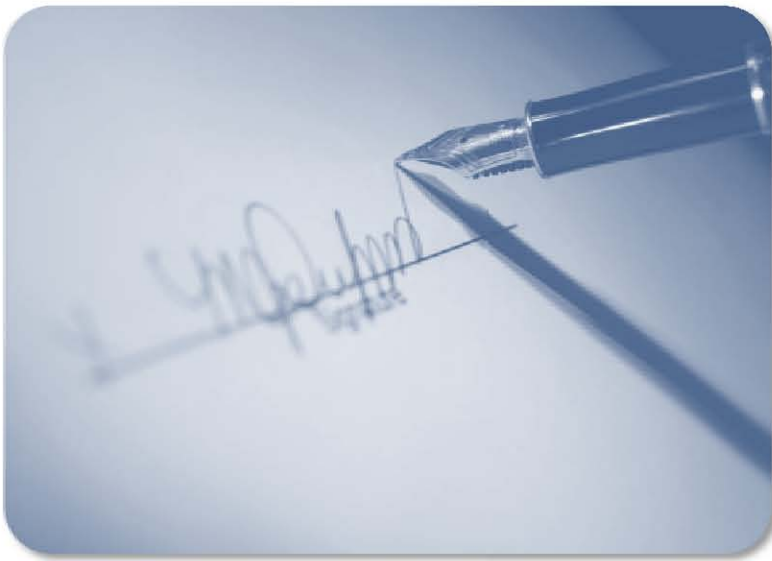


2009-2010

Circulation of Initiative Petitions

Training Guide for Petition Entity Representatives & Petition Circulators

PETITION CIRCULATION PROCEDURES & AVOIDING POTENTIAL FRAUDULENT ACTIVITIES



Colorado Secretary of State
Elections Division
1700 Broadway, Suite 270
Denver, Colorado 80290

TABLE OF CONTENTS

Welcome to the Initiative Petition Circulation Process 4

General Information Regarding Initiatives & Circulation 4

 Definition of an Initiative 4

 Definition of a Circulator 4

 Definition of a Petition Entity 4

 Who may Circulate an Initiative Petition 4

 Who is Required to Participate in the Circulator Training Program 4

 Why Circulators Should Participate in the Circulator Training Program 4

 Circulator Badge Requirements 5

 Petition Proponent & Petition Entity Responsibilities 5

 Secretary of State Approval 5

Gathering Signatures 6

 Signatures Must Be Collected in the Circulator’s Presence 6

 Eligibility to Sign a Petition 6

 Instructions for Petition Signers 6

 Petition Signer Dos & Don’ts 6

 Sample Signature Line 6

 Correcting Mistakes 7

 Withdrawal of Signature 7

 Assisting Disabled/Illiterate Electors 7

Completing the Circulator Affidavit Before a Notary Public 8

 Affirmation & Notarization Requirements 8

Returning the Petition Section 9

Prohibited Activities 9

 Fraudulent Representation 9

 Elector Signing a Petition for Another Person 9

Training Guide for Petition Entity Representatives & Petition Circulators [2009-2010]

Elector Signing a Petition if InEligible9

Improper Execution of Circulator Affidavit.....9

Improper Notarization.....9

Interference with Elections.....9

Causing Confusion or Failure to Submit a Petition in Proper Form9

Willful Violation of Statutory Provisions Governing Petitions9

Bribery10

Improper Circulation of the Petition10

Tampering with a Petition10

Forgery.....10

Improperly Assisting Disabled Electors.....10

Use of False Circulator Name or Address10

Compensating Circulators without a Petition Entity License.....10

Permitting Unlawful/Fraudulent Activities.....10

Penalties for Violations of Petition Law.....11

Rejection of Signatures or Petition Sections12

 Why Individual Signatures may be Rejected12

 Why a Petition Section may be Rejected.....12

Online Resources – initiative Information & calendar.....13

Colorado Secretary of State Contact Information13

Colorado Revised Statutes (2008)14

 Important Notice – House Bill 09-1326 Amendments.....14

 Initiative and Referendum, Article 40.....14

House Bill 09-1326.....19

Colorado Secretary of State, Election Rules (as amended 5/21/09)36

CIRCULATION OF INITIATIVE PETITIONS

TRAINING GUIDE FOR PETITION ENTITY REPRESENTATIVES & PETITION CIRCULATORS

WELCOME TO THE INITIATIVE PETITION CIRCULATION PROCESS

Thank you for your interest and for participating in the Colorado initiative petition process.

This document is intended to provide a general overview of the rights and responsibilities of petition entity representatives and petition circulators. For more information, please review Article V, Section 1 of the Colorado Constitution and Title 1, Articles 40 and 41 of the Colorado Revised Statutes.

GENERAL INFORMATION REGARDING INITIATIVES & CIRCULATION

DEFINITION OF AN INITIATIVE

An “Initiative” is a measure proposed by petition of eligible electors to amend or add to the Colorado Constitution or the Colorado Statutes.

DEFINITION OF A CIRCULATOR

A “circulator” is a person who represents a petition to place a measure on the ballot and collects the signatures of other electors who may be interested in signing it.

DEFINITION OF A PETITION ENTITY

A “petition entity” means any person or issue committee that provides compensation to a circulator to circulate a ballot petition.

[See section 1-40-135, C.R.S.]

WHO MAY CIRCULATE AN INITIATIVE PETITION

In order to circulate an initiative or referendum petition you must be:

- 1) a resident of Colorado,
- 2) a citizen of the United States, and
- 3) at least eighteen years old at the time that the petition is circulated.

[See sections 1-40-112 and 1-40-121, C.R.S.]

WHO IS REQUIRED TO PARTICIPATE IN THE CIRCULATOR TRAINING PROGRAM

Any petition entity that provides compensation to a circulator to circulate a petition, must obtain a license from the Secretary of State. To complete the license application, a designated agent of the petition entity must provide confirmation that a current representative of the petition entity has completed the training offered by the Secretary of State related to potential fraudulent activities in petition circulation.

WHY CIRCULATORS SHOULD PARTICIPATE IN THE CIRCULATOR TRAINING PROGRAM

The SOS circulator training program provides a basic overview of circulator rights and responsibilities to help prepare them for gathering signatures.

Additionally, completing the training program is one way that a circulator may comply with the requirement in the circulator’s affidavit that a circulator read and understand the laws pertaining to petition circulation.

The training program will also provide circulators and petition entity representatives with an overview of all the steps and processes involved with circulating petitions in Colorado.

CIRCULATOR BADGE REQUIREMENTS

If you are a circulator who will not be paid for circulating a petition concerning a ballot issue, you must display an identification badge that includes the words "**VOLUNTEER CIRCULATOR**" in bold-faced type that is clearly legible.

If you are a circulator who will be paid for circulating a petition concerning a ballot issue, you must display an identification badge that includes the words "**PAID CIRCULATOR**" in bold-faced type that is clearly legible and the name and telephone number of the individual employing the circulator.

PETITION PROPONENT & PETITION ENTITY RESPONSIBILITIES

LIST OF CIRCULATORS & NOTARIES

The proponents of a petition or an issue committee acting on the proponents' behalf shall maintain a list of the following:

- the names and addresses of all individuals who circulated petition sections on behalf of the proponents,
- the names and addresses 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.

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

This list is considered a public record for purposes of article 72 of title 24, C.R.S.

COMPENSATING PETITION CIRCULATORS



A payment made to a circulator is an expenditure. In accordance with the "Fair Campaign Practices Act", article 45 of title 1, the proponents of the petition, or an issue committee acting on behalf of the proponents, must file with the Secretary of State a report stating the following:

- the dates of circulation by all paid circulators,
- the total hours for which each individual was paid for circulating a petition section, and
- the gross amount of wages paid for such hours.

The filing must be made at the same time the petition is filed with the Secretary of State.

PETITION ENTITY LICENSE

Any person or issue committee that provides compensation to an individual to circulate a ballot petition qualifies as a petition entity. A petition entity must first obtain a petition entity license from the Secretary of State before compensating any individual for circulating a petition.

A petition entity may apply for a license by submitting an application for petition entity license and paying a nonrefundable licensing fee of \$100.

Applications to apply for a petition entity license are available online at the Secretary of State website:

www.elections.colorado.gov/DDefault.aspx?tid=175.

[See Section 1-40-135, C.R.S.]

SECRETARY OF STATE APPROVAL

Before a petition may be circulated, the petition format and the first printer's proof must be approved by the Secretary of State.

GATHERING SIGNATURES

SIGNATURES MUST BE COLLECTED IN THE CIRCULATOR’S PRESENCE

Colorado law requires that signatures “must be affixed in the circulator’s presence.” This means that you must personally witness each signature collected. It is not sufficient that you are merely present in the same room or vicinity. This also means there may only be one circulator per petition section.

ELIGIBILITY TO SIGN A PETITION

Only registered electors who would be eligible to vote on the proposed measure may sign the petition.

A circulator must not attempt to obtain the signature of any person that, to the best of his/her knowledge, is not a registered elector at the time of signing. Additionally, a circulator must not sign his/her own petition.

[For additional information, please see section 1-40-111, C.R.S.]

INSTRUCTIONS FOR PETITION SIGNERS

PETITION SIGNER DOS & DON’TS

DO...

- Read the warning that appears at the top of each page of the petition.
- Print clearly in black or blue ink.
- Provide all required information.
- Complete all portions of the signature line.



DO NOT...

- Sign for another person.
- Sign the same petition more than once.
- Use ditto marks to provide information on a signature line.
- Provide a post office box for your residence address.

SAMPLE SIGNATURE LINE

A signature line consists of two lines, both of which must be fully completed. For example:

1	Signature	Residence Address (Street & Number)	County
	Printed Name	City/Town	Date of Signing

CORRECTING MISTAKES

If a small correction is made, the signer should initial the change. For example:

1	Signature <i>Eligible Elector</i>	Residence Address (Street & Number) 5555 Elector Street, # 123 #132	County Denver
	Printed Name Eligible Elector	City/Town Denver	Date of Signing 8/10/07

If a larger correction is required, the signer should **completely** cross out the incorrect information and proceed to use the next two blank lines. For example:

1	Signature <i>Eligible Elector</i>	Residence Address (Street & Number) 5555 Main Street, #567	County Adams
	Printed Name	City/Town	Date of Signing
2	Signature <i>Eligible Elector</i>	Residence Address (Street & Number) 5555 Elector Street, #132	County Denver
	Printed Name Eligible Elector	City/Town Denver	Date of Signing 8/10/07

WITHDRAWAL OF SIGNATURE

A registered elector who signs a petition may withdraw his/her signature from a petition by filing a written request for such withdrawal with the Secretary of State at any time on or before the day that the petition is filed with the Secretary of State.

ASSISTING DISABLED/ILLITERATE ELECTORS

If a registered elector is physically disabled or illiterate and wishes to sign the petition, the elector may do so by signing his or her name or making his or her mark in the signature area. Any person, except the circulator, may assist the elector in completing the remaining information required. The person providing assistance must sign his or her name and address and must state that such assistance was given to the disabled or illiterate elector.

For example:

1	Signature <i>X (John Doe)</i>	Residence Address (Street & Number) 5555 Elector Street, #123 (123 Assistance Ave.)	County Denver (Denver)
	Printed Name Eligible Elector (assisted by John Doe)	City/Town Denver (Denver)	Date of Signing 8/10/07

COMPLETING THE CIRCULATOR AFFIDAVIT BEFORE A NOTARY PUBLIC

AFFIRMATION & NOTARIZATION REQUIREMENTS

After a petition section has been circulated, and you are finished gathering signatures, you will need to complete and sign the circulator affidavit of the petition before a notary public commissioned in Colorado.

To complete the affidavit, provide your printed name and residential street address. Additionally, you must present an acceptable form of identification to the notary public.

SAMPLE CIRCULATOR AFFIDAVIT

I, _____, swear that I reside at: _____
*Circulator – PRINTED NAME * Street name and number of RESIDENCE

*City/Town *County State
Zip Code

and do further swear the following:

- I have read and understand the laws governing the circulation of petitions;
- I was a resident of Colorado, a citizen of the United States, and at least 18 years of age at the time this section of the petition was circulated and signed by the listed electors;
- I circulated this section of the petition;
- Each signature on this petition was affixed in my presence;
- Each signature on this petition is the signature of the person whose name it purports to be;
- To the best of my knowledge and belief each of the persons signing this petition section was, at the time of signing, a registered elector;
- I have not paid or will not in the future pay and I believe that no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix his or her signature to the petition;
- I understand that I can be prosecuted for violating the laws governing the circulation of petitions, including the requirement that a circulator truthfully completed the affidavit and that each signature on the petition was affixed in the circulator’s presence; and
- I understand that failing to make myself available to be deposed and to provide testimony in the event of a protest shall invalidate the petition section if it is challenged on the grounds of circulator fraud.

[seal]

*Signature of Circulator

*Date of Signing

STATE OF COLORADO)
) ss.
*COUNTY OF _____)

*Subscribed and sworn to before me this _____ day of _____, 20____ by _____
Day Month Year Printed name of Circulator Above

*Signature (and Title) of Notary / Official Administering Oath _____

*My Commission Expires: _____ * Evidence used to establish ID _____

**Required field for petition section acceptance*

RETURNING THE PETITION SECTION

When you are finished gathering signatures, and have properly completed the circulator affidavit before a notary public, you should then immediately return the petition section to the petition proponent or designated representative of the petition proponents.

PROHIBITED ACTIVITIES



Violations of the following activities may be punished by a fine or imprisonment:

FRAUDULENT REPRESENTATION

It is illegal to intentionally circulate, sign or cause to be signed, any petition that so much as implies endorsement or approval of any person, organization, league, or political party without written consent and approval.

ELECTOR SIGNING A PETITION FOR ANOTHER PERSON

An elector signing a petition must not sign any name other than his/her own or knowingly sign more than once for the same measure at one election.

ELECTOR SIGNING A PETITION IF INELIGIBLE

An elector must not knowingly sign any petition if he/she is not a registered elector at the time of signing.

IMPROPER EXECUTION OF CIRCULATOR AFFIDAVIT

A circulator must not sign the circulator affidavit on the petition form without knowing or reasonably believing the statements made in the affidavit to be true.

Additionally, a circulator must not sign the circulator affidavit on the petition form, unless they personally witnessed each signature on the petition section.

IMPROPER NOTARIZATION

A notary public must be duly qualified under the laws of this state to administer an oath.

It is against the law for a notary public to certify a circulator affidavit attached to a petition, unless the affidavit was subscribed or sworn to before him/her.

A notary must not certify an affidavit attached to a petition that violates Colorado law.

[For more information, see section 1-40-111(2)(b), C.R.S.]

INTERFERENCE WITH ELECTIONS

It is against the law for a person to willfully act, or conspire to do any act, which hinders, delays, or in any way interferes with:

- the calling, holding, or conducting of any election allowed by the initiative powers given to the people in the Colorado state constitution, or
- the registering of electors.

CAUSING CONFUSION OR FAILURE TO SUBMIT A PETITION IN PROPER FORM

It is against the law to:

- willfully act to confuse or tend to confuse the issues submitted or proposed to be submitted at any election, or
- refuse to submit any petition in the form presented for submission at any election.

WILLFUL VIOLATION OF STATUTORY PROVISIONS GOVERNING PETITIONS

It is against the law to willfully violate any provisions of Title 1, Article 40, C.R.S.

BRIBERY

It is against the law to pay, or promise to pay, money or other things of value to an elector for the purpose of inducing an elector to:

- sign a petition, or
- withdraw his/her name from a petition.

IMPROPER CIRCULATION OF THE PETITION

A circulator must not circulate in whole or in part a petition section, unless they are the circulator who signs the affidavit attached to the petition section.

TAMPERING WITH A PETITION

It is against the law to:

- willfully destroy, deface, mutilate, or suppress any initiative or referendum petition,
- willfully neglect to file or delay the delivery of the initiative or referendum petition,
- conceal or remove any initiative or referendum petition from the possession of the person authorized by law to have the custody thereof,
- add, amend, alter, or in any way change the information on the petition as provided by the elector, or
- aid, counsel, procure, or assist any person in doing any of said acts.

Note: this does not prevent a circulator from striking a complete line on the petition if the circulator believes the line to be invalid.

FORGERY

It is against the law to forge the name of a person as a signer or witness to a petition.

IMPROPERLY ASSISTING DISABLED ELECTORS

The circulator of a petition section may not assist a physically disabled or illiterate elector in signing the petition or otherwise completing the information required.

USE OF FALSE CIRCULATOR NAME OR ADDRESS

A petition circulator must not provide a false name or address in the circulator affidavit.

COMPENSATING CIRCULATORS WITHOUT A PETITION ENTITY LICENSE

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

PERMITTING UNLAWFUL/FRAUDULENT ACTIVITIES

Permitting unlawful or fraudulent activities may result in the denial or revocation of a petition entity license. A petition entity must not authorize or knowingly permit:

- forgery of a registered elector's signature,
- circulation of a petition section by anyone other than the individual who signs the circulator affidavit,
- use of a false circulator name or address,
- payment of money or other things of value to any person for the purpose of inducing the person to sign or withdraw his/her name from a petition,
- payment to a circulator of more than 20% of his/her compensation on a per signature or per petition section basis, or
- the notarization of a petition section by a notary public outside the presence of the circulator or without the production of the required identification.



PENALTIES FOR VIOLATIONS OF PETITION LAW

VIOLATION	OFFENSE/PENALTY
<ul style="list-style-type: none"> • Fraudulent representation • Elector signing a petition for another person • Elector signing a petition if ineligible • Improper execution of circulator affidavit • Improper Notarization • Interference with elections • Causing confusion or failure to submit a petition in proper form • Willful violation of statutory provisions governing petitions • Bribery to induce an elector to withdraw his/her name from petition • Improper circulation of the petition 	<p>Penalty of:</p> <ul style="list-style-type: none"> • a fine up to five hundred dollars (\$500.00), • imprisonment for not more than one year in the county jail, or • both fine and imprisonment <p><i>Section 1-40-130(2), C.R.S.</i></p>
<ul style="list-style-type: none"> • Bribery to induce an elector to sign a petition • Tampering with a petition 	<p>Misdemeanor, with a penalty of:</p> <ul style="list-style-type: none"> • a fine up to one thousand dollars (\$1,000.00), • imprisonment in the county jail for up to one year, or • both fine and imprisonment <p><i>Section 1-13-111, C.R.S.</i></p>
<ul style="list-style-type: none"> • Forgery 	<p>Class 5 felony, with a penalty as described in the Colorado criminal code.</p> <p><i>Section 18-1.3-401, C.R.S.</i></p>
<ul style="list-style-type: none"> • Compensating circulators without a petition entity license 	<p>Fine up to one hundred dollars (\$100.00) per circulator for each day that the individuals circulated petition sections on behalf of the unlicensed petition entity.</p> <p><i>Section 1-40-135(3)(a), C.R.S.</i></p>
<ul style="list-style-type: none"> • Permitting unlawful/fraudulent activities 	<p>Revocation of a petition entity's license for ninety to one hundred and eighty days.</p> <p>For subsequent violations of this kind, revocation of the petition entity's license for one hundred eighty days to one year.</p> <p><i>Section 1-40-135(3)(a), C.R.S.</i></p>

REJECTION OF SIGNATURES OR PETITION SECTIONS

WHY INDIVIDUAL SIGNATURES MAY BE REJECTED

Individual signatures may be rejected for any of the following reasons:

- the signature is that of an unregistered elector,
- the signer's address or other required information does not match his/her voter registration record,
- the signer did not provide the required information to sign a petition,
- the signature was dated after the circulator's affidavit,
- the signature date is invalid,
- assistance was provided but no statement of such assistance accompanies the signature or mark,
- the elector's writing is illegible, or
- the elector has already signed the petition (duplicate signature).

[See section 1-40-111, C.R.S.]

WHY A PETITION SECTION MAY BE REJECTED

The entire petition section may be rejected for any of the following reasons:

INCOMPLETE/INVALID CIRCULATOR'S AFFIDAVIT

During the verification process, the circulator's affidavit will be checked for each petition section to ensure validity. A signed, notarized, and dated circulator affidavit must be attached to each petition section. The affidavit must be completed in accordance with statutory requirements.

Any section of a petition in which a valid and complete notarized affidavit is not attached will be rejected.

INCOMPLETE/INVALID NOTARY CLAUSE

The notary clause at the end of the affidavit will be checked for each petition section. The entire petition section will be rejected if:

- required information is missing,
- the dates on the notary clause and circulator affidavit do not match, or
- the notary is not a current/valid notary with an active commission on file with the office of the Secretary of State.

DISASSEMBLY OF A PETITION SECTION

A disassembled petition section will be invalid. For example, if the circulator affidavit has been separated from the signature pages, the petition section will be rejected.

CIRCULATOR'S ABSENCE IN THE EVENT OF A PROTEST

A petition circulator must be available to provide testimony in the event of a protest if the section is challenged on the grounds of circulator fraud. If he/she is not available, the petition section may be rejected.

However, the petition section will not be rejected if the circulator is absent because he/she:

- has died,
- become mentally incompetent, or
- become medically incapacitated and physically unable to testify by any means whatsoever.

CIRCULATOR FRAUD

The petition may be challenged for circulator fraud, including, but not limited to:

- forgery of a registered elector's signature,
- circulation of a petition section, in whole or part, by anyone other than the person who signs the circulator affidavit,
- use of a false circulator name or address in the affidavit, and
- payment of money or other things of value to any person for the purpose of inducing the person to sign the petition.

For additional information relating to why a petition section may be rejected or challenged, please see section 1-40-111(2), C.R.S., and SOS Election Rule 17.2.

ONLINE RESOURCES – INITIATIVE INFORMATION

General initiative information regarding initiatives and petitions is available on the Secretary of State website via the following link:

www.elections.colorado.gov/DDefault.aspx?tid=175

COLORADO SECRETARY OF STATE CONTACT INFORMATION

If you have any questions, please contact:



Colorado Secretary of State
Elections Division
1700 Broadway, Suite 270
Denver, Colorado 80290
Ph: (303) 894-2200
sos.elections@sos.state.co.us
www.sos.state.co.us

COLORADO REVISED STATUTES (2008)

IMPORTANT NOTICE – HOUSE BILL 09-1326 AMENDMENTS



HB 09-1326 made several amendments to the following sections of Article 40 of Title 1:

1-40-101; 1-40-102; 1-40-106(1); 1-40-107(1) & (5); 1-40-108(1); 1-40-109(3); 1-40-110(1); 1-40-111; 1-40-112; 1-40-113(1); 1-40-115(2); 1-40-117(3)(b); 1-40-118; 1-40-121(1); 1-40-130(1); 1-40-134; & new section 1-40-135.

*Please reference the enclosed copy of the bill.

INITIATIVE AND REFERENDUM, ARTICLE 40

1-40-104. Designated representatives. At the time of any filing of a draft as provided in this article, the proponents shall designate the names and mailing addresses of two persons who shall represent the proponents in all matters affecting the petition and to whom all notices or information concerning the petition shall be mailed.

Source: L. 93: Entire article amended with relocations, p. 677, § 1, effective May 4.

Editor's note: This section is new. The former section 1-40-104 was relocated to section 1-40-108 (1).

1-40-109. Signatures required. (1) No petition for any initiated law or amendment to the state constitution shall be of any force or effect, nor shall the proposed law or amendment to the state constitution be submitted to the people of the state of Colorado for adoption or rejection at the polls, as is by law provided for, unless the petition for the submission of the initiated law or amendment to the state constitution is signed by the number of electors required by the state constitution.

(2) (Deleted by amendment, L. 95, p. 433, § 7, effective May 8, 1995.)

(3) Any person who is a registered elector may sign a petition for any ballot issue for which the elector is eligible to vote.

Source: L. 93: Entire article amended with relocations, p. 682, § 1, effective May 4. **L. 94:** (2) amended, p. 1180, § 73, effective July 1. **L. 95:** (2) and (3) amended, p. 433, § 7, effective May 8.

Editor's note: Subsections (1) and (2) were formerly numbered as section 1-40-105, and subsection (3) is new. The former section 1-40-109 (1)(a) was relocated to section 1-40-116 (1), section 1-40-109 (1)(b)(I) was relocated to section 1-40-116 (2) and (3) and section 1-40-117 (1), section 1-40-109 (1)(b)(II)(A) was relocated to section 1-40-117 (3)(a), section 1-40-109 (1)(b)(II)(B) was relocated to section 1-40-117 (3)(b), section 1-40-109 (1)(c) was relocated to section 1-40-118 (1) and (2), section 1-40-109 (1.6)(a) was relocated to section 1-40-118 (3), section 1-40-109 (1.6)(b) was relocated to section 1-40-118 (4), section 1-40-109 (1.6)(c) was deleted by amendment, section 1-40-109 (2)(a) was relocated to section 1-40-119, section 1-40-109 (2)(b) was relocated to section 1-40-120, and section 1-40-109 (3) was deleted by amendment.

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."

(2) The ballot title for the measure shall then be printed on each page following the warning.

Source: L. 93: Entire article amended with relocations, p. 682, § 1, effective May 4. **L. 95:** IP(1) amended, p. 433, § 8, effective May 8. **L. 2000:** (1) amended, p. 1622, § 7, effective August 2.

Editor's note: Subsection (1) was formerly numbered as section 1-40-106 (1)(a), and subsection (2) was formerly numbered as section 1-40-106 (1)(b). The former section 1-40-110 was relocated to section 1-40-121 (1).

1-40-111. Signatures - affidavits. (1) Any initiative or referendum petition shall be signed only by registered electors who are eligible to vote on the measure. Each registered elector shall sign his or her own signature and shall print his or her name, the address at which he or she resides, including the street number and name, the city and town, the county, and the date of signing. Each registered elector signing a petition shall be encouraged by the circulator of the petition to sign the petition in ink. In the event a registered elector is physically disabled or is illiterate and wishes to sign the petition, the elector shall sign or make his or her mark in the space so provided. Any person, but not a circulator, may assist the disabled or illiterate elector in completing the remaining information required by this subsection (1). The person providing assistance shall sign his or her name and address and shall state that such assistance was given to the disabled or illiterate elector.

(2) To each petition section shall be attached a signed, notarized, and dated affidavit executed by the person who circulated the petition section, which shall include his or her printed name, the address at which he or she resides, including the street name and number, the city or town, the county, and the date he or she signed the affidavit; that he or she has read and understands the laws governing the circulation of petitions; that he or she was a resident of the state, a citizen of the United States, and at least eighteen years of age at the time the section of the petition was circulated and signed by the listed electors; that he or she circulated the section of the petition; that each signature thereon was affixed in the circulator's presence; that each signature thereon is the signature of the person whose name it purports to be; that to the best of the circulator's knowledge and belief each of the persons signing the petition section was, at the time of signing, a registered elector; and that he or she has not paid or will not in the future pay and that he or she believes that no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix his or her signature to the petition. The secretary of state shall not accept for filing any section of a petition that does not have attached thereto the notarized affidavit required by this section. Any signature added to a section of a petition after the affidavit has been executed shall be invalid.

Source: L. 93: Entire article amended with relocations, p. 683, § 1, effective May 4; (2)(a) amended, p. 2049, § 1, effective July 1. **L. 95:** (2) amended, p. 433, § 9, effective May 8. **L. 2007:** (2) amended, p. 1982, § 34, effective August 3.

Editor's note: Subsection (1) was formerly numbered as § 1-40-106 (2)(a), and subsection (2) was formerly numbered as § 1-40-106 (2)(b). The former § 1-40-111 was relocated to § 1-40-101. Section 1-40-106 (2)(a) was amended by Senate Bill 93-229, and the amendment to it has been harmonized with subsection (1) of this section.

1-40-112. Circulators - requirements. (1) No person shall circulate a petition for an initiative or referendum measure unless the person is a resident of the state, a citizen of the United States, and at least eighteen years of age at the time the petition is circulated.

(2) (a) A circulator who is not to be paid for circulating a petition concerning a ballot issue shall display an identification badge that includes the words "VOLUNTEER CIRCULATOR" in bold-faced type that is clearly legible.

(b) A circulator who is to be paid for circulating a petition concerning a ballot issue shall display an identification badge that includes the words "PAID CIRCULATOR" in bold-faced type that is clearly legible and the name and telephone number of the individual employing the circulator.

Source: L. 93: Entire article amended with relocations, p. 684, § 1, effective May 4. **L. 2007:** Entire section amended, p. 1982, § 35, effective August 3.

Editor's note: Subsection (1) was formerly numbered as § 1-40-106 (3), and subsection (2) is new. The former § 1-40-112 was relocated to section 1-40-122 (1).

1-40-113. Form - representatives of signers. (1) Each section of a petition shall be printed on a form as prescribed by the secretary of state. No petition shall be printed, published, or otherwise circulated unless the form and the first printer's proof of the petition have been approved by the secretary of state. Each petition section shall designate by name and mailing address two persons who shall represent the signers thereof in all matters affecting the same. The secretary of state shall assure that the petition contains only the matters required by this article and contains no extraneous material. All sections of any petition shall be prenumbered serially, and the circulation of any petition section described by this article other than personally by a circulator is prohibited. Any petition section that fails to conform to the requirements of this article or is circulated in a manner other than that permitted in this article shall be invalid.

(2) Any disassembly of a section of the petition which has the effect of separating the affidavits from the signatures shall render that section of the petition invalid and of no force and effect.

(3) Prior to the time of filing, the persons designated in the petition to represent the signers shall bind the sections of the petition in convenient volumes consisting of one hundred sections of the petition if one hundred or more sections are available or, if less than one hundred sections are available to make a volume, consisting of all sections that are available. Each volume consisting of less than one hundred sections shall be marked on the first page of the volume. However, any volume that contains more or less than one hundred sections, due only to the oversight of the designated representatives of the signers or their staff, shall not result in a finding of insufficiency of signatures therein. Each section of each volume shall include the affidavits required by section 1-40-111 (2), together with the sheets containing the signatures accompanying the same. These bound volumes shall be filed with the secretary of state.

Source: L. 93: Entire article amended with relocations, p. 684, § 1, effective May 4. **L. 95:** (1) and (3) amended, p. 434, § 10, effective May 8.

Editor's note: This section was formerly numbered as section 1-40-107. The former section 1-40-113 was relocated to section 1-40-123.

1-40-118. Protest. (1) A protest in writing, under oath, together with three copies thereof, may be filed in the district court for the county in which the petition has been filed by some registered elector, within thirty days after the secretary of state issues a statement as to whether the petition has a sufficient number of valid signatures, which statement shall be issued no later than thirty calendar days after the petition has been filed. If the secretary of state fails to issue a statement within thirty calendar days, the petition shall be deemed sufficient. During the period a petition is being examined by the secretary of state for sufficiency, the petition shall not be available to the public; except that such period shall not exceed thirty calendar days.

(2) If the secretary of state conducted a random sample of the petitions and did not verify each signature, the protest shall specifically allege the defects in the procedure used by the secretary of state in the verification of the petition or the grounds for challenging individual signatures. If the secretary of state verified each name on the petition sections, the protest shall set forth with particularity the grounds of the protest and the signatures protested. No signature may be challenged that is not identified in the protest by section number, line number, name, and reason why the secretary of state is in error. If any party is protesting the finding of the secretary of state regarding the registration of a signer, the protest shall be accompanied by an affidavit of the elector or a copy of the election record of the signer.

(3) (Deleted by amendment, L. 95, p. 435, § 13, effective May 8, 1995.)

(4) The secretary of state shall furnish a requesting protestor with a computer tape or microfiche listing of the names of all registered electors in the state and shall charge a fee which shall be determined and collected pursuant to section 24-21-104 (3), C.R.S., to cover the cost of furnishing the listing.

Source: L. 93: Entire article amended with relocations, p. 688, § 1, effective May 4. **L. 95:** (1) to (3) amended, p. 435, § 13, effective May 8.

Editor's note: Subsections (1) and (2) were formerly numbered as section 1-40-109 (1)(c), subsection (3) was formerly numbered as section 1-40-109 (1.6)(a), and subsection (4) was formerly numbered as section 1-40-109 (1.6)(b). The former section 1-40-118 (1) was deleted by amendment, section 1-40-118 (2) was relocated to section 1-40-130 (1), and section 1-40-118 (3) was relocated to section 1-40-130 (2).

1-40-121. Receiving money to circulate petitions - filing. (1) The proponents of the petition shall file with the official who receives filings under the "Fair Campaign Practices Act", article 45 of this title, for the election a report stating the total amount paid to all persons who were paid to circulate a section of the petition. The filing shall be made at the same time the petition is filed with the secretary of state. A payment made to a circulator is an expenditure under article 45 of this title.

(2) (Deleted by amendment, L. 2007, p. 1983, § 36, effective August 3, 2007.)

Source: L. 93: Entire article amended with relocations, p. 690, § 1, effective May 4. **L. 95:** (1) and IP(2) amended, p. 436, § 15, effective May 8. **L. 98:** (1) amended, p. 815, § 2, effective August 5. **L. 2007:** Entire section amended, p. 1983, § 36, effective August 3.

Editor's note: Subsection (1) was formerly numbered as § 1-40-110, and subsection (2) is new.

1-40-130. Unlawful acts - penalty. (1) It is unlawful:

(a) For any person willfully and knowingly to circulate or cause to be circulated or sign or procure to be signed any petition bearing the name, device, or motto of any person, organization, association, league, or political party, or purporting in any way to be endorsed, approved, or submitted by any person, organization, association, league, or political party, without the written consent, approval, and authorization of the person, organization, association, league, or political party;

(b) For any person to sign any name other than his or her own to any petition or knowingly to sign his or her name more than once for the same measure at one election;

(c) For any person to knowingly sign any petition who is not a registered elector at the time of signing the same;

(d) For any person to sign any affidavit as circulator without knowing or reasonably believing the statements made in the affidavit to be true;

(e) For any person to certify that an affidavit attached to a petition was subscribed or sworn to before him or her unless it was so subscribed and sworn to before him or her and unless the person so certifying is duly qualified under the laws of this state to administer an oath;

(f) For any officer or person to do willfully, or with another or others conspire, or agree, or confederate to do, any act which hinders, delays, or in any way interferes with the calling, holding, or conducting of any election permitted under the initiative and referendum powers reserved by the people in section 1 of article V of the state constitution or with the registering of electors therefor;

(g) For any officer to do willfully any act which shall confuse or tend to confuse the issues submitted or proposed to be submitted at any election, or refuse to submit any petition in the form presented for submission at any election;

(h) For any officer or person to violate willfully any provision of this article.

(2) Any person, upon conviction of a violation of any provision of this section, shall be punished by a fine of not more than five hundred dollars, or by imprisonment for not more than one year in the county jail, or by both such fine and imprisonment.

Source: L. 93: Entire article amended with relocations, p. 694, § 1, effective May 4.

Editor's note: Subsection (1) was formerly numbered as section 1-40-118 (2), and subsection (2) was formerly numbered as section 1-40-118 (3).

1-40-131. Tampering with initiative or referendum petition. Any person who willfully destroys, defaces, mutilates, or suppresses any initiative or referendum petition or who willfully neglects to file or delays the delivery of the initiative or referendum petition or who conceals or removes any initiative or referendum petition from the possession of the person authorized by law to have the custody thereof, or who adds, amends, alters, or in any way changes the information on the petition as provided by the elector, or who aids, counsels, procures, or assists any person in doing any of said acts commits a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111. The language in this section shall not preclude a circulator from striking a complete line on the petition if the circulator believes the line to be invalid.

Source: L. 93: Entire article amended with relocations, p. 695, § 1, effective May 4.

Editor's note: This section was formerly numbered as section 1-40-118.5.

1-40-132. Enforcement. (1) The secretary of state is charged with the administration and enforcement of the provisions of this article relating to initiated or referred measures and state constitutional amendments. The secretary of state shall have the authority to promulgate rules as may be necessary to administer and enforce any provision of this article that relates to initiated or referred measures and state constitutional amendments. The secretary of state may conduct a hearing, upon a written complaint by a registered elector, on any alleged violation of the provisions relating to the circulation of a petition, which may include but shall not be limited to the preparation or signing of an affidavit by a circulator. If the secretary of state, after the hearing, has reasonable cause to believe that there has been a violation of the provisions of this article relating to initiated or referred measures and state constitutional amendments, he or she shall notify the attorney general, who may institute a criminal prosecution. If a circulator is found to have violated any provision of this article or is otherwise shown to have made false or misleading statements relating to his or her section of the petition, such section of the petition shall be deemed void.

(2) (Deleted by amendment, L. 95, p. 439, § 22, effective May 8, 1995.)

Source: L. 93: Entire article amended with relocations, p. 695, § 1, effective May 4. **L. 95:** Entire section amended, p. 439, § 22, effective May 8.

Editor's note: Subsection (1) was formerly numbered as section 1-40-119.

HOUSE BILL 09-1326

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 09-1326

BY REPRESENTATIVE(S) Carroll T. and Court, Apuan, Benefield, Casso, Curry, Ferrandino, Fischer, Green, Hullinghorst, Kefalas, Kerr A., Levy, May, McCann, McFadyen, Merrifield, Middleton, Miklosi, Peniston, Pommer, Ryden, Scanlan, Schafer S., Solano, Stephens, Todd, Vigil, Labuda, Pace, Rice, Soper, Summers, Massey, Nikkel;
also SENATOR(S) Shaffer B., Bacon, Boyd, Groff, Heath, Penry, Williams, Foster, Gibbs, Hodge, Isgar, Keller, Morse, Newell, Sandoval, Schwartz, Tapia, Tochtrop.

CONCERNING THE INTEGRITY OF THE STATEWIDE CITIZEN-INITIATED PETITION PROCESS, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. 1-5-407 (5), (5.3), and (5.4), Colorado Revised Statutes, are amended to read:

1-5-407. Form of ballots. (5) (a) Whenever the approval of a ballot issue or ballot question is submitted to the vote of the people, the ballot issue or question shall be printed upon the ballot following the lists of candidates. ~~Constitutional issues~~ INITIATED AMENDMENTS shall be printed first, followed by ~~statewide issues and questions~~ REFERRED AMENDMENTS, INITIATED PROPOSITIONS, REFERRED PROPOSITIONS, county issues and questions, municipal issues and questions, school district issues and questions, ballot issues and questions for other political subdivisions which are in more than one county, and then ballot issues and questions for other political subdivisions which are wholly within a county. ~~The measures in each category shall be placed in the following order: Measures to increase taxes; measures to retain revenues in excess~~

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

~~of a district's fiscal year spending limit; measures to increase debt; citizen petitions; and referred measures.~~

(b) BEGINNING WITH THE 2010 GENERAL ELECTION:

(I) EACH PROPOSED CHANGE TO THE STATE CONSTITUTION, WHETHER INITIATED BY THE PEOPLE OR REFERRED TO THE PEOPLE BY THE GENERAL ASSEMBLY, SHALL BE IDENTIFIED ON THE BALLOT AS AN "AMENDMENT"; AND

(II) EACH PROPOSED CHANGE TO THE COLORADO REVISED STATUTES, WHETHER INITIATED BY THE PEOPLE OR REFERRED TO THE PEOPLE BY THE GENERAL ASSEMBLY, SHALL BE IDENTIFIED ON THE BALLOT AS A "PROPOSITION".

(5.3) (a) Commencing with the general election held in ~~November 2000~~ NOVEMBER 2010, each statewide measure initiated by the people THAT IS A PROPOSED CHANGE TO THE STATE CONSTITUTION shall be numbered consecutively in regular numerical order beginning with the number ~~twenty~~ SIXTY. Such consecutive numbering of measures shall continue at any odd-year or general election held after such election at which any such measure is on the ballot beginning with the number following the highest number utilized in the previous election until the number ninety-nine is utilized at an election for any such measure. Such measures shall again be numbered consecutively in regular numerical order beginning with the number one and in accordance with this ~~subsection (5.3)~~ PARAGRAPH (a) following the utilization of the number ninety-nine for any such measure. The secretary of state may promulgate rules as may be necessary to administer this ~~subsection (5.3) including, but not limited to, rules specifying the grouping of such measures for purposes of such numbering or reserving specific sequences of numbers for certain categories of measures~~ PARAGRAPH (a). Such rules shall be promulgated in accordance with article 4 of title 24, C.R.S.

(b) COMMENCING WITH THE GENERAL ELECTION HELD IN NOVEMBER 2010, EACH STATEWIDE MEASURE INITIATED BY THE PEOPLE THAT IS A PROPOSED CHANGE TO THE COLORADO REVISED STATUTES SHALL BE NUMBERED CONSECUTIVELY IN REGULAR NUMERICAL ORDER BEGINNING WITH THE NUMBER ONE HUNDRED ONE. SUCH CONSECUTIVE NUMBERING OF MEASURES SHALL CONTINUE AT ANY ODD-YEAR OR GENERAL ELECTION HELD AFTER SUCH ELECTION AT WHICH ANY SUCH MEASURE IS ON THE BALLOT BEGINNING WITH THE NUMBER FOLLOWING THE HIGHEST NUMBER UTILIZED IN THE PREVIOUS ELECTION UNTIL THE NUMBER ONE HUNDRED NINETY-NINE IS UTILIZED AT AN ELECTION FOR ANY SUCH MEASURE. SUCH MEASURES SHALL AGAIN BE NUMBERED CONSECUTIVELY IN REGULAR NUMERICAL ORDER BEGINNING WITH THE NUMBER ONE HUNDRED ONE AND IN ACCORDANCE WITH THIS PARAGRAPH (b) FOLLOWING THE UTILIZATION OF THE NUMBER ONE HUNDRED NINETY-NINE FOR ANY SUCH MEASURE. THE SECRETARY OF STATE MAY PROMULGATE RULES AS MAY BE NECESSARY TO ADMINISTER THIS PARAGRAPH (b). SUCH RULES SHALL BE PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.

(5.4) (a) Commencing with the general election held in ~~November 2004~~ NOVEMBER 2010, each statewide measure referred to the people by the general assembly THAT IS A PROPOSED CHANGE TO THE STATE CONSTITUTION shall be lettered consecutively in regular alphabetical order beginning with the ~~letter A~~ LETTER P. The consecutive lettering of SUCH statewide referred measures shall continue at any odd-year or general election held after the election at which any

statewide referred measure is on the ballot beginning with the letter following the last letter utilized in the previous election until the letter Z is utilized at an election for SUCH a statewide referred measure. SUCH statewide referred measures shall again be lettered consecutively in regular alphabetical order beginning with the letter A and in accordance with this ~~subsection (5.4)~~ PARAGRAPH (a) following the utilization of the letter Z for any SUCH statewide referred measure. The secretary of state may promulgate rules as may be necessary to administer this ~~subsection (5.4) including but not limited to rules specifying the grouping of statewide referred measures for purposes of lettering or reserving specific sequences of letters for certain categories of measures~~ PARAGRAPH (a). Any rules shall be promulgated in accordance with article 4 of title 24, C.R.S.

(b) COMMENCING WITH THE GENERAL ELECTION HELD IN NOVEMBER 2010, EACH STATEWIDE MEASURE REFERRED TO THE PEOPLE BY THE GENERAL ASSEMBLY THAT IS A PROPOSED CHANGE TO THE COLORADO REVISED STATUTES SHALL BE DOUBLE-LETTERED CONSECUTIVELY IN REGULAR ALPHABETICAL ORDER BEGINNING WITH THE LETTERS AA. THE CONSECUTIVE LETTERING OF SUCH STATEWIDE REFERRED MEASURES SHALL CONTINUE AT ANY ODD-YEAR OR GENERAL ELECTION HELD AFTER THE ELECTION AT WHICH ANY STATEWIDE REFERRED MEASURE IS ON THE BALLOT BEGINNING WITH THE LETTERS FOLLOWING THE LAST LETTERS UTILIZED IN THE PREVIOUS ELECTION UNTIL THE LETTERS ZZ ARE UTILIZED AT AN ELECTION FOR SUCH A STATEWIDE REFERRED MEASURE. SUCH STATEWIDE REFERRED MEASURES SHALL AGAIN BE LETTERED CONSECUTIVELY IN REGULAR ALPHABETICAL ORDER BEGINNING WITH THE LETTERS AA AND IN ACCORDANCE WITH THIS PARAGRAPH (b) FOLLOWING THE UTILIZATION OF THE LETTERS ZZ FOR ANY SUCH STATEWIDE REFERRED MEASURE. THE SECRETARY OF STATE MAY PROMULGATE RULES AS MAY BE NECESSARY TO ADMINISTER THIS PARAGRAPH (b). ANY RULES SHALL BE PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.

SECTION 2. 1-40-101, Colorado Revised Statutes, is amended to read:

1-40-101. Legislative declaration. (1) THE GENERAL ASSEMBLY DECLARES THAT it is not the intention of this article to limit or abridge in any manner the powers reserved to the people in the initiative and referendum, but rather to properly safeguard, protect, and preserve inviolate for them these modern instrumentalities of democratic government.

(2) (a) THE GENERAL ASSEMBLY FINDS, DETERMINES, AND DECLARES THAT:

(I) THE INITIATIVE PROCESS RELIES UPON THE TRUTHFULNESS OF CIRCULATORS WHO OBTAIN THE PETITION SIGNATURES TO QUALIFY A BALLOT ISSUE FOR THE STATEWIDE BALLOT AND THAT DURING THE 2008 GENERAL ELECTION, THE HONESTY OF MANY PETITION CIRCULATORS WAS AT ISSUE BECAUSE OF PRACTICES THAT INCLUDED: USING THIRD PARTIES TO CIRCULATE PETITION SECTIONS, EVEN THOUGH THE THIRD PARTIES DID NOT SIGN THE CIRCULATOR'S AFFIDAVIT, WERE NOT OF LEGAL AGE TO ACT AS A CIRCULATOR, AND WERE PAID IN CASH TO CONCEAL THEIR IDENTITIES; PROVIDING FALSE NAMES OR RESIDENTIAL ADDRESSES IN THE CIRCULATOR'S AFFIDAVITS, A PRACTICE THAT PERMITS CIRCULATORS TO EVADE DETECTION BY PERSONS CHALLENGING THE SECRETARY OF STATE'S SUFFICIENCY DETERMINATION; CIRCULATING PETITION SECTIONS WITHOUT EVEN A RUDIMENTARY UNDERSTANDING OF THE LEGAL REQUIREMENTS RELATING TO PETITION CIRCULATION; AND OBTAINING THE SIGNATURES OF PERSONS WHO

PURPORTED TO NOTARIZE CIRCULATOR AFFIDAVITS, EVEN THOUGH SUCH PERSONS WERE NOT LEGALLY AUTHORIZED TO ACT AS NOTARIES OR ADMINISTER THE REQUIRED OATH;

(II) THE PER SIGNATURE COMPENSATION SYSTEM USED BY MANY PETITION ENTITIES PROVIDES AN INCENTIVE FOR CIRCULATORS TO COLLECT AS MANY SIGNATURES AS POSSIBLE, WITHOUT REGARD FOR WHETHER ALL PETITION SIGNERS ARE REGISTERED ELECTORS; AND

(III) MANY PETITION CIRCULATOR AFFIDAVITS ARE THUS EXECUTED WITHOUT REGARD FOR SPECIFIC REQUIREMENTS OF LAW THAT ARE DESIGNED TO ASSIST IN THE PREVENTION OF FRAUD, ABUSE, AND MISTAKE IN THE INITIATIVE PROCESS.

(b) THE GENERAL ASSEMBLY FURTHER FINDS, DETERMINES, AND DECLARES THAT:

(I) BECAUSE PETITION CIRCULATORS WHO RESIDE IN OTHER STATES TYPICALLY LEAVE COLORADO IMMEDIATELY AFTER PETITIONS ARE SUBMITTED TO THE SECRETARY OF STATE FOR VERIFICATION, A FULL AND FAIR EXAMINATION OF FRAUD RELATED TO PETITION CIRCULATION IS FRUSTRATED, AND AS A RESULT, THE SECRETARY OF STATE HAS BEEN FORCED TO GIVE EFFECT TO CERTAIN CIRCULATOR AFFIDAVITS THAT WERE NOT PROPERLY VERIFIED AND THUS WERE NOT PRIMA FACIE EVIDENCE OF THE VALIDITY OF PETITION SIGNATURES ON AFFECTED PETITION SECTIONS; AND

(II) THE COURTS HAVE NOT HAD AUTHORITY TO EXERCISE JURISDICTION OVER FRAUDULENT ACTS BY CIRCULATORS AND NOTARIES PUBLIC IN CONNECTION WITH PETITION SIGNATURES REVIEWED AS PART OF THE SECRETARY OF STATE'S RANDOM SAMPLE.

(c) THEREFORE, THE GENERAL ASSEMBLY FINDS, DETERMINES, AND DECLARES THAT:

(I) AS A RESULT OF THE PROBLEMS IDENTIFIED IN PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (2), ONE OR MORE BALLOT MEASURES APPEARED ON THE STATEWIDE BALLOT AT THE 2008 GENERAL ELECTION EVEN THOUGH SIGNIFICANT NUMBERS OF THE UNDERLYING PETITION SIGNATURES WERE OBTAINED IN DIRECT VIOLATION OF COLORADO LAW AND THE ACCURACY OF THE SECRETARY OF STATE'S DETERMINATION OF SUFFICIENCY COULD NOT BE FULLY EVALUATED BY THE DISTRICT COURT; AND

(II) FOR THE INITIATIVE PROCESS TO OPERATE AS AN HONEST EXPRESSION OF THE VOTERS' RESERVED LEGISLATIVE POWER, IT IS ESSENTIAL THAT CIRCULATORS TRUTHFULLY VERIFY ALL ELEMENTS OF THEIR CIRCULATOR AFFIDAVITS AND MAKE THEMSELVES AVAILABLE TO PARTICIPATE IN CHALLENGES TO THE SECRETARY OF STATE'S DETERMINATION OF PETITION SUFFICIENCY.

SECTION 3. 1-40-102, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

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

(3.5) "CIRCULATOR" MEANS A PERSON WHO PRESENTS TO OTHER PERSONS FOR POSSIBLE SIGNATURE A PETITION TO PLACE A MEASURE ON THE BALLOT BY INITIATIVE OR REFERENDUM.

SECTION 4. 1-40-106 (1), Colorado Revised Statutes, is amended to read:

1-40-106. Title board - meetings - titles and submission clause. (1) For ballot issues, beginning with the first submission of a draft after an election, the secretary of state shall convene a title board consisting of the secretary of state, the attorney general, and the director of the office of legislative legal services or the director's designee. The title board, by majority vote, shall proceed to designate and fix a proper fair title for each proposed law or constitutional amendment, together with a submission clause, at public meetings to be held at the hour determined by the title board on the first and third Wednesdays of each month in which a draft or a motion for reconsideration has been submitted to the secretary of state. To be considered at such meeting, a draft shall be submitted to the secretary of state no later than 3 p.m. on the twelfth day before the meeting at which the draft is to be considered by the title board. The first meeting of the title board shall be held no sooner than the first Wednesday in December after an election, and the last meeting shall be held no later than the third Wednesday in ~~May~~ APRIL in the year in which the measure is to be voted on.

SECTION 5. 1-40-107 (1) and (5), Colorado Revised Statutes, are amended to read:

1-40-107. Rehearing - appeal - fees - signing. (1) Any person presenting an initiative petition or any registered elector who is not satisfied with a decision of the title board with respect to whether a petition contains more than a single subject pursuant to section 1-40-106.5, or who is not satisfied with the titles and submission clause provided by the title board and who claims that they are unfair or that they do not fairly express the true meaning and intent of the proposed state law or constitutional amendment may file a motion for a rehearing with the secretary of state within seven days after the decision is made or the titles and submission clause are set. The motion for rehearing shall be heard at the next regularly scheduled meeting of the title board; except that, if the title board is unable to complete action on all matters scheduled for that day, consideration of any motion for rehearing may be continued to the next available day, and except that, if the titles and submission clause protested were set at the last meeting in ~~May~~ APRIL, the motion shall be heard within forty-eight hours after the expiration of the seven-day period for the filing of such motions.

(5) In the event a motion for rehearing is filed in accordance with this section, the period for filing a petition in accordance with section 1-40-108 shall not begin until a final decision concerning the motion is rendered by the title board or the Colorado supreme court; except that under no circumstances shall the period for filing a petition be extended beyond three months AND THREE WEEKS prior to the election at which the petition is to be voted upon.

SECTION 6. 1-40-108 (1), Colorado Revised Statutes, is amended to read:

1-40-108. Petition - time of filing. (1) No petition for any ballot issue shall be of any effect unless filed with the secretary of state within six months from the date that the titles and submission clause have been fixed and determined pursuant to the provisions of sections 1-40-106 and 1-40-107 and unless filed with the secretary of state ~~within the time required by the state constitution~~ NO LATER THAN THREE MONTHS AND THREE WEEKS before the election at which it is

to be voted upon. A petition for a ballot issue for the election to be held in November of odd-numbered years shall be filed with the secretary of state ~~within the same time~~ NO LATER THAN THREE MONTHS AND THREE WEEKS before such odd-year election. ~~as is required by the state constitution for issues to be voted on at the general election.~~ All filings under this section must be made by 3 p.m. on the day of filing.

SECTION 7. 1-40-109 (3), Colorado Revised Statutes, is amended to read:

1-40-109. Signatures required - withdrawal. (3) Any person who is a registered elector may sign a petition for any ballot issue for which the elector is eligible to vote. A REGISTERED ELECTOR WHO SIGNS A PETITION MAY WITHDRAW HIS OR HER SIGNATURE FROM THE PETITION BY FILING A WRITTEN REQUEST FOR SUCH WITHDRAWAL WITH THE SECRETARY OF STATE AT ANY TIME ON OR BEFORE THE DAY THAT THE PETITION IS FILED WITH THE SECRETARY OF STATE.

SECTION 8. 1-40-110 (1), Colorado Revised Statutes, is amended to read:

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.

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."

SECTION 9. 1-40-111 (2), Colorado Revised Statutes, is amended, and the said 1-40-111 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

1-40-111. Signatures - affidavits - notarization - list of circulators and notaries. (2) (a) To each petition section shall be attached a signed, notarized, and dated affidavit executed by the person who circulated the petition section, which shall include his or her printed name, the address at which he or she resides, including the street name and number, the city or

town, the county, and the date he or she signed the affidavit; that he or she has read and understands the laws governing the circulation of petitions; that he or she was a resident of the state, a citizen of the United States, and at least eighteen years of age at the time the section of the petition was circulated and signed by the listed electors; that he or she circulated the section of the petition; that each signature thereon was affixed in the circulator's presence; that each signature thereon is the signature of the person whose name it purports to be; that to the best of the circulator's knowledge and belief each of the persons signing the petition section was, at the time of signing, a registered elector; ~~and~~ that he or she has not paid or will not in the future pay and that he or she believes that no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix his or her signature to the petition; THAT HE OR SHE UNDERSTANDS THAT HE OR SHE CAN BE PROSECUTED FOR VIOLATING THE LAWS GOVERNING THE CIRCULATION OF PETITIONS, INCLUDING THE REQUIREMENT THAT A CIRCULATOR TRUTHFULLY COMPLETED THE AFFIDAVIT AND THAT EACH SIGNATURE THEREON WAS AFFIXED IN THE CIRCULATOR'S PRESENCE; AND THAT HE OR SHE UNDERSTANDS THAT FAILING TO MAKE HIMSELF OR HERSELF AVAILABLE TO BE DEPOSED AND TO PROVIDE TESTIMONY IN THE EVENT OF A PROTEST SHALL INVALIDATE THE PETITION SECTION IF IT IS CHALLENGED ON THE GROUNDS OF CIRCULATOR FRAUD.

(b) (I) A NOTARY PUBLIC SHALL NOT NOTARIZE AN AFFIDAVIT REQUIRED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2), UNLESS:

(A) THE CIRCULATOR IS IN THE PHYSICAL PRESENCE OF THE NOTARY PUBLIC;

(B) THE CIRCULATOR HAS DATED THE AFFIDAVIT AND FULLY AND ACCURATELY COMPLETED ALL OF THE PERSONAL INFORMATION ON THE AFFIDAVIT REQUIRED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2); AND

(C) THE CIRCULATOR PRESENTS A FORM OF IDENTIFICATION, AS SUCH TERM IS DEFINED IN SECTION 1-1-104 (19.5). A NOTARY PUBLIC SHALL SPECIFY THE FORM OF IDENTIFICATION PRESENTED TO HIM OR HER ON A BLANK LINE, WHICH SHALL BE PART OF THE AFFIDAVIT FORM.

(II) AN AFFIDAVIT THAT IS NOTARIZED IN VIOLATION OF ANY PROVISION OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) SHALL BE INVALID.

(III) IF THE DATE SIGNED BY A CIRCULATOR ON AN AFFIDAVIT REQUIRED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) IS DIFFERENT FROM THE DATE SIGNED BY THE NOTARY PUBLIC, THE AFFIDAVIT SHALL BE INVALID. IF, NOTWITHSTANDING SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), A NOTARY PUBLIC NOTARIZES AN AFFIDAVIT THAT HAS NOT BEEN DATED BY THE CIRCULATOR, THE NOTARIZATION DATE SHALL NOT CURE THE CIRCULATOR'S FAILURE TO SIGN THE AFFIDAVIT AND THE AFFIDAVIT SHALL BE INVALID.

(c) The secretary of state shall ~~not accept for filing~~ REJECT any section of a petition that does not have attached thereto ~~the~~ A VALID notarized affidavit ~~required by this section~~ THAT COMPLIES WITH ALL OF THE REQUIREMENTS SET FORTH IN PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (2). Any signature added to a section of a petition after the affidavit has been executed shall be invalid.

(3) (a) AS PART OF ANY COURT PROCEEDING OR HEARING CONDUCTED BY THE SECRETARY OF STATE RELATED TO A PROTEST OF ALL OR PART OF A PETITION SECTION, THE CIRCULATOR OF SUCH PETITION SECTION SHALL BE REQUIRED TO MAKE HIMSELF OR HERSELF AVAILABLE TO BE DEPOSED AND TO TESTIFY IN PERSON, BY TELEPHONE, OR BY ANY OTHER MEANS PERMITTED UNDER THE COLORADO RULES OF CIVIL PROCEDURE. EXCEPT AS SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (3), THE PETITION SECTION THAT IS THE SUBJECT OF THE PROTEST SHALL BE INVALID IF A CIRCULATOR FAILS TO COMPLY WITH THE REQUIREMENT SET FORTH IN THIS PARAGRAPH (a) FOR ANY PROTEST THAT INCLUDES AN ALLEGATION OF CIRCULATOR FRAUD THAT IS PLEAD WITH PARTICULARITY REGARDING:

(I) FORGERY OF A REGISTERED ELECTOR'S SIGNATURE;

(II) CIRCULATION OF A PETITION SECTION, IN WHOLE OR PART, BY ANYONE OTHER THAN THE PERSON WHO SIGNS THE AFFIDAVIT ATTACHED TO THE PETITION SECTION;

(III) USE OF A FALSE CIRCULATOR NAME OR ADDRESS IN THE AFFIDAVIT; OR

(IV) PAYMENT OF MONEY OR OTHER THINGS OF VALUE TO ANY PERSON FOR THE PURPOSE OF INDUCING THE PERSON TO SIGN THE PETITION.

(b) UPON THE FINDING BY A DISTRICT COURT OR THE SECRETARY OF STATE THAT THE CIRCULATOR OF A PETITION SECTION IS UNABLE TO BE DEPOSED OR TO TESTIFY AT TRIAL OR A HEARING CONDUCTED BY THE SECRETARY OF STATE BECAUSE THE CIRCULATOR HAS DIED, BECOME MENTALLY INCOMPETENT, OR BECOME MEDICALLY INCAPACITATED AND PHYSICALLY UNABLE TO TESTIFY BY ANY MEANS WHATSOEVER, THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (3) SHALL NOT APPLY TO INVALIDATE A PETITION SECTION CIRCULATED BY THE CIRCULATOR.

(4) THE PROPONENTS OF A PETITION OR AN ISSUE COMMITTEE ACTING ON THE PROPONENTS' BEHALF SHALL MAINTAIN A LIST OF THE NAMES AND ADDRESSES OF ALL CIRCULATORS WHO CIRCULATED PETITION SECTIONS ON BEHALF OF THE PROPONENTS AND NOTARIES PUBLIC WHO NOTARIZED PETITION SECTIONS ON BEHALF OF THE PROPONENTS AND THE PETITION SECTION NUMBERS THAT EACH CIRCULATOR CIRCULATED AND THAT EACH NOTARY PUBLIC NOTARIZED. A COPY OF THE LIST SHALL BE FILED WITH THE SECRETARY OF STATE ALONG WITH THE PETITION. IF A COPY OF THE LIST IS NOT FILED, THE SECRETARY OF STATE SHALL PREPARE THE LIST AND CHARGE THE PROPONENTS A FEE, WHICH SHALL BE DETERMINED AND COLLECTED PURSUANT TO SECTION 24-21-104 (3), C.R.S., TO COVER THE COST OF THE PREPARATION. ONCE FILED OR PREPARED BY THE SECRETARY OF STATE, THE LIST SHALL BE A PUBLIC RECORD FOR PURPOSES OF ARTICLE 72 OF TITLE 24, C.R.S.

SECTION 10. 1-40-112, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

1-40-112. Circulators - requirements - training - rules. (3) THE SECRETARY OF STATE SHALL DEVELOP CIRCULATOR TRAINING PROGRAMS FOR PAID AND VOLUNTEER CIRCULATORS. SUCH PROGRAMS SHALL BE CONDUCTED IN THE BROADEST, MOST COST-EFFECTIVE MANNER

AVAILABLE TO THE SECRETARY OF STATE, INCLUDING BUT NOT LIMITED TO TRAINING SESSIONS FOR PERSONS ASSOCIATED WITH THE PROPONENTS OR A PETITION ENTITY, AS DEFINED IN SECTION 1-40-135 (1), AND BY ELECTRONIC AND REMOTE ACCESS. THE PROPONENTS OF AN INITIATIVE PETITION OR THE REPRESENTATIVES OF A PETITION ENTITY SHALL INFORM PAID AND VOLUNTEER CIRCULATORS OF THE AVAILABILITY OF THESE TRAINING PROGRAMS AS ONE MANNER OF COMPLYING WITH THE REQUIREMENT SET FORTH IN THE CIRCULATOR'S AFFIDAVIT THAT A CIRCULATOR READ AND UNDERSTAND THE LAWS PERTAINING TO PETITION CIRCULATION.

(4) IT SHALL BE UNLAWFUL FOR ANY PERSON TO PAY A CIRCULATOR MORE THAN TWENTY PERCENT OF HIS OR HER COMPENSATION FOR CIRCULATING PETITIONS ON A PER SIGNATURE OR PETITION SECTION BASIS.

SECTION 11. 1-40-113 (1), Colorado Revised Statutes, is amended to read:

1-40-113. Form - representatives of signers. (1) Each section of a petition shall be printed on a form as prescribed by the secretary of state. No petition shall be printed, published, or otherwise circulated unless the form and the first printer's proof of the petition have been approved by the secretary of state. Each petition section shall designate by name and mailing address two persons who shall represent the signers thereof in all matters affecting the same. The secretary of state shall assure that the petition contains only the matters required by this article and contains no extraneous material. All sections of any petition shall be prenumbered serially, and the circulation of any petition section described by this article other than personally by a circulator is prohibited. ANY PETITION SECTION CIRCULATED IN WHOLE OR IN PART BY ANYONE OTHER THAN THE PERSON WHO SIGNS THE AFFIDAVIT ATTACHED TO THE PETITION SECTION SHALL BE INVALID. Any petition section that fails to conform to the requirements of this article or is circulated in a manner other than that permitted in this article shall be invalid.

SECTION 12. 1-40-115 (2), Colorado Revised Statutes, is amended to read:

1-40-115. Ballot - voting - publication. (2) (a) All ballot issues shall be printed on the official ballot in that order, together with their respective letters and numbers prefixed in bold-faced type. Each ballot shall have the following explanation printed one time at the beginning of such ballot issues: "Ballot issues referred by the general assembly or any political subdivision are listed by letter, and ballot issues initiated by the people are listed numerically. A BALLOT ISSUE LISTED AS AN 'AMENDMENT' PROPOSES A CHANGE TO THE COLORADO CONSTITUTION, AND A BALLOT ISSUE LISTED AS A 'PROPOSITION' PROPOSES A CHANGE TO THE COLORADO REVISED STATUTES. A 'yes' vote on any ballot issue is a vote in favor of changing current law or existing circumstances, and a 'no' vote on any ballot issue is a vote against changing current law or existing circumstances." Each ballot title shall appear on the official ballot but once. ~~and~~ FOR EACH BALLOT TITLE THAT IS AN AMENDMENT, THE AMENDMENT NUMBER OR LETTER SHALL BE IMMEDIATELY FOLLOWED BY THE DESCRIPTION "(CONSTITUTIONAL)". FOR EACH BALLOT TITLE THAT IS A PROPOSITION, THE PROPOSITION NUMBER OR LETTERS SHALL BE IMMEDIATELY FOLLOWED BY THE DESCRIPTION "(STATUTORY)". EACH BALLOT TITLE shall be separated from the other ballot titles next to it by heavy black lines and shall be followed by the words "yes" and "no" with blank spaces to the right and opposite the same as follows:

**(HERE SHALL APPEAR THE
BALLOT TITLE IN FULL)**

YES _____ NO _____

(b) FOR PURPOSES OF PREPARING AN AUDIO BALLOT AS PART OF AN ACCESSIBLE VOTING SYSTEM:

(I) IN LIEU OF THE PARENTHETICAL DESCRIPTION PRECEDING A BALLOT TITLE THAT IS AN AMENDMENT REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (2), THE AUDIO BALLOT SHALL INCLUDE THE FOLLOWING: "THE FOLLOWING BALLOT ISSUE PROPOSES A CHANGE TO THE COLORADO CONSTITUTION."; AND

(II) IN LIEU OF THE PARENTHETICAL DESCRIPTION PRECEDING A BALLOT TITLE THAT IS A PROPOSITION REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (2), THE AUDIO BALLOT SHALL INCLUDE THE FOLLOWING: "THE FOLLOWING BALLOT ISSUE PROPOSES A CHANGE TO THE COLORADO REVISED STATUTES."

SECTION 13. 1-40-117 (3) (b), Colorado Revised Statutes, is amended to read:

1-40-117. Statement of sufficiency - statewide issues. (3) (b) In the event the secretary of state issues a statement declaring that a petition, having first been submitted with the required number of signatures, appears not to have a sufficient number of valid signatures, the representatives designated by the proponents pursuant to section 1-40-104 may cure the insufficiency by filing an addendum to the original petition for the purpose of offering such number of additional signatures as will cure the insufficiency. No addendum offered as a cure shall be considered unless the addendum conforms to requirements for petitions outlined in sections 1-40-110, 1-40-111, and 1-40-113, and unless the addendum is filed with the secretary of state within the fifteen-day period after the insufficiency is declared and unless filed with the secretary of state ~~within the time required by the state constitution~~ NO LATER THAN THREE MONTHS AND THREE WEEKS before the election at which the initiative petition is to be voted on. All filings under this paragraph (b) shall be made by 3 p.m. on the day of filing. Upon submission of a timely filed addendum, the secretary of state shall order the examination and verification of each signature on the addendum. The addendum shall not be available to the public for a period of up to ten calendar days for such examination. After examining the petition, the secretary of state shall, within ten calendar days, issue a statement as to whether the addendum cures the insufficiency found in the original petition.

SECTION 14. 1-40-118 (1) and (2), Colorado Revised Statutes, are amended, and the said 1-40-118 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

1-40-118. Protest. (1) A protest in writing, under oath, together with three copies thereof, may be filed in the district court for the county in which the petition has been filed by some registered elector, within thirty days after the secretary of state issues a statement as to whether the petition has a sufficient number of valid signatures, which statement shall be issued

no later than thirty calendar days after the petition has been filed. If the secretary of state fails to issue a statement within thirty calendar days, the petition shall be deemed sufficient. REGARDLESS OF WHETHER THE SECRETARY OF STATE HAS ISSUED A STATEMENT OF SUFFICIENCY OR IF THE PETITION IS DEEMED SUFFICIENT BECAUSE THE SECRETARY OF STATE HAS FAILED TO ISSUE A STATEMENT OF SUFFICIENCY WITHIN THIRTY CALENDAR DAYS, NO FURTHER AGENCY ACTION SHALL BE NECESSARY FOR THE DISTRICT COURT TO HAVE JURISDICTION TO CONSIDER THE PROTEST. During the period a petition is being examined by the secretary of state for sufficiency, the petition shall not be available to the public; except that such period shall not exceed thirty calendar days. IMMEDIATELY AFTER THE SECRETARY OF STATE ISSUES A STATEMENT OF SUFFICIENCY OR, IF THE PETITION IS DEEMED SUFFICIENT BECAUSE THE SECRETARY OF STATE HAS FAILED TO ISSUE THE STATEMENT, AFTER THIRTY CALENDAR DAYS, THE SECRETARY OF STATE SHALL MAKE THE PETITION AVAILABLE TO THE PUBLIC FOR COPYING UPON REQUEST.

(2) (a) If the secretary of state conducted a random sample of the petitions and did not verify each signature, the protest shall ~~specifically allege~~ SET FORTH WITH PARTICULARITY the defects in the procedure used by the secretary of state in the verification of the petition or the grounds for challenging individual signatures OR PETITION SECTIONS, AS WELL AS INDIVIDUAL SIGNATURES OR PETITIONS SECTIONS PROTESTED. If the secretary of state verified each name on the petition sections, the protest shall set forth with particularity the grounds of the protest and the INDIVIDUAL signatures OR PETITION SECTIONS protested.

(b) REGARDLESS OF THE METHOD USED BY THE SECRETARY OF STATE TO VERIFY SIGNATURES, THE GROUNDS FOR CHALLENGING INDIVIDUAL SIGNATURES OR PETITION SECTIONS PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL INCLUDE, BUT ARE NOT LIMITED TO, THE USE OF A PETITION FORM THAT DOES NOT COMPLY WITH THE PROVISIONS OF THIS ARTICLE, FRAUD, AND A VIOLATION OF ANY PROVISION OF THIS ARTICLE OR ANY OTHER LAW THAT, IN EITHER CASE, PREVENTS FRAUD, ABUSE, OR MISTAKE IN THE PETITION PROCESS.

(c) IF THE PROTEST IS LIMITED TO AN ALLEGATION THAT THERE WERE DEFECTS IN THE SECRETARY OF STATE'S STATEMENT OF SUFFICIENCY BASED ON A RANDOM SAMPLE TO VERIFY SIGNATURES, THE DISTRICT COURT MAY REVIEW ALL SIGNATURES IN THE RANDOM SAMPLE.

(d) No signature may be challenged that is not identified in the protest by section number, line number, name, and reason why the secretary of state is in error. If any party is protesting the finding of the secretary of state regarding the registration of a signer, the protest shall be accompanied by an affidavit of the elector or a copy of the election record of the signer.

(2.5) (a) IF A DISTRICT COURT FINDS THAT THERE ARE INVALID SIGNATURES OR PETITION SECTIONS AS A RESULT OF FRAUD COMMITTED BY ANY PERSON INVOLVED IN PETITION CIRCULATION, THE REGISTERED ELECTOR WHO INSTITUTED THE PROCEEDINGS MAY COMMENCE A CIVIL ACTION TO RECOVER REASONABLE ATTORNEY FEES AND COSTS FROM THE PERSON RESPONSIBLE FOR SUCH INVALID SIGNATURES OR PETITION SECTIONS.

(b) A REGISTERED ELECTOR WHO FILES A PROTEST SHALL BE ENTITLED TO THE RECOVERY OF REASONABLE ATTORNEY FEES AND COSTS FROM A PROPONENT OF AN INITIATIVE PETITION WHO DEFENDS THE PETITION AGAINST A PROTEST OR THE PROPONENT'S ATTORNEY, UPON A

DETERMINATION BY THE DISTRICT COURT THAT THE DEFENSE, OR ANY PART THEREOF, LACKED SUBSTANTIAL JUSTIFICATION OR THAT THE DEFENSE, OR ANY PART THEREOF, WAS INTERPOSED FOR DELAY OR HARASSMENT. A PROPONENT WHO DEFENDS A PETITION AGAINST A PROTEST SHALL BE ENTITLED TO THE RECOVERY OF REASONABLE ATTORNEY FEES AND COSTS FROM THE REGISTERED ELECTOR WHO FILES A PROTEST OR THE REGISTERED ELECTOR'S ATTORNEY, UPON A DETERMINATION BY THE DISTRICT COURT THAT THE PROTEST, OR ANY PART THEREOF, LACKED SUBSTANTIAL JUSTIFICATION OR THAT THE PROTEST, OR ANY PART THEREOF, WAS INTERPOSED FOR DELAY OR HARASSMENT. NO ATTORNEY FEES MAY BE AWARDED UNDER THIS PARAGRAPH (b) UNLESS THE DISTRICT COURT HAS FIRST CONSIDERED THE PROVISIONS OF SECTION 13-17-102 (5) AND (6), C.R.S. FOR PURPOSES OF THIS PARAGRAPH (b), "LACKED SUBSTANTIAL JUSTIFICATION" MEANS SUBSTANTIALLY FRIVOLOUS, SUBSTANTIALLY GROUNDLESS, OR SUBSTANTIALLY VEXATIOUS.

(c) A DISTRICT COURT CONDUCTING A HEARING PURSUANT TO THIS ARTICLE SHALL PERMIT A CIRCULATOR WHO IS NOT AVAILABLE AT THE TIME OF THE HEARING TO TESTIFY BY TELEPHONE OR BY ANY OTHER MEANS PERMITTED UNDER THE COLORADO RULES OF CIVIL PROCEDURE.

(5) WRITTEN ENTRIES THAT ARE MADE BY PETITION SIGNERS, CIRCULATORS, AND NOTARIES PUBLIC ON A PETITION SECTION THAT SUBSTANTIALLY COMPLY WITH THE REQUIREMENTS OF THIS ARTICLE SHALL BE DEEMED VALID BY THE SECRETARY OF STATE OR ANY COURT, UNLESS:

(a) FRAUD, AS SPECIFIED IN SECTION 1-40-135 (2) (c), EXCLUDING SUBPARAGRAPH (V) OF SAID PARAGRAPH (c), IS ESTABLISHED BY A PREPONDERANCE OF THE EVIDENCE;

(b) A VIOLATION OF ANY PROVISION OF THIS ARTICLE OR ANY OTHER PROVISION OF LAW THAT, IN EITHER CASE, PREVENTS FRAUD, ABUSE, OR MISTAKE IN THE PETITION PROCESS, IS ESTABLISHED BY A PREPONDERANCE OF THE EVIDENCE;

(c) A CIRCULATOR USED A PETITION FORM THAT DOES NOT COMPLY WITH THE PROVISIONS OF THIS ARTICLE OR HAS NOT BEEN APPROVED BY THE SECRETARY OF STATE.

SECTION 15. 1-40-121 (1), Colorado Revised Statutes, is amended to read:

1-40-121. Receiving money to circulate petitions - filing. (1) The proponents of the petition OR AN ISSUE COMMITTEE ACTING ON BEHALF OF THE PROPONENTS shall file with the official who receives filings under the "Fair Campaign Practices Act", article 45 of this title, for the election a report stating the ~~total amount paid to all persons~~ DATES OF CIRCULATION BY ALL CIRCULATORS who were paid to circulate a section of the petition, THE TOTAL HOURS FOR WHICH EACH CIRCULATOR WAS PAID TO CIRCULATE A SECTION OF THE PETITION, AND THE GROSS AMOUNT OF WAGES PAID FOR SUCH HOURS. The filing shall be made at the same time the petition is filed with the secretary of state. A payment made to a circulator is an expenditure under article 45 of this title.

SECTION 16. 1-40-130 (1) (h) and (2), Colorado Revised Statutes, are amended, and the said 1-40-130 (1) is further amended BY THE ADDITION OF THE FOLLOWING

NEW PARAGRAPHS, to read:

1-40-130. Unlawful acts - penalty. (1) It is unlawful:

(h) For any officer or person to violate willfully any provision of this ~~article~~. ARTICLE;

(i) FOR ANY PERSON TO PAY MONEY OR OTHER THINGS OF VALUE TO A REGISTERED ELECTOR FOR THE PURPOSE OF INDUCING THE ELECTOR TO WITHDRAW HIS OR HER NAME FROM A PETITION FOR A BALLOT ISSUE;

(j) FOR ANY PERSON TO CERTIFY AN AFFIDAVIT ATTACHED TO A PETITION IN VIOLATION OF SECTION 1-40-111 (2) (b) (I);

(k) FOR ANY PERSON TO SIGN ANY AFFIDAVIT AS A CIRCULATOR, UNLESS EACH SIGNATURE IN THE PETITION SECTION TO WHICH THE AFFIDAVIT IS ATTACHED WAS AFFIXED IN THE PRESENCE OF THE CIRCULATOR;

(l) FOR ANY PERSON TO CIRCULATE IN WHOLE OR IN PART A PETITION SECTION, UNLESS SUCH PERSON IS THE CIRCULATOR WHO SIGNS THE AFFIDAVIT ATTACHED TO THE PETITION SECTION.

(2) Any person, upon conviction of a violation of any provision of this section, shall be punished by a fine of not more than ONE THOUSAND five hundred dollars, or by imprisonment for not more than one year in the county jail, or by both such fine and imprisonment.

SECTION 17. 1-40-134, Colorado Revised Statutes, is amended to read:

1-40-134. Withdrawal of initiative petition. The designated representatives of the proponents of an initiative petition may withdraw the petition from consideration as a ballot issue by filing a letter with the secretary of state requesting that the petition not be placed on the ballot. The letter shall be signed and acknowledged by both designated representatives before an officer authorized to take acknowledgments and shall be filed no later than ~~thirty-three~~ SIXTY days prior to the election at which the initiative is to be voted upon.

SECTION 18. Article 40 of title 1, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

1-40-135. Petition entities - requirements - definitions. (1) AS USED IN THIS SECTION, "PETITION ENTITY" MEANS ANY PERSON OR ISSUE COMMITTEE THAT PROVIDES COMPENSATION TO A CIRCULATOR TO CIRCULATE A BALLOT PETITION.

(2) (a) IT IS UNLAWFUL FOR ANY PETITION ENTITY TO PROVIDE COMPENSATION TO A CIRCULATOR TO CIRCULATE A PETITION WITHOUT FIRST OBTAINING A LICENSE THEREFOR FROM THE SECRETARY OF STATE. THE SECRETARY OF STATE MAY DENY A LICENSE IF HE OR SHE FINDS THAT THE PETITION ENTITY OR ANY OF ITS PRINCIPALS HAVE BEEN FOUND, IN A JUDICIAL OR ADMINISTRATIVE PROCEEDING, TO HAVE VIOLATED THE PETITION LAWS OF COLORADO OR ANY OTHER STATE AND SUCH VIOLATION INVOLVES AUTHORIZING OR KNOWINGLY PERMITTING ANY OF

THE ACTS SET FORTH IN PARAGRAPH (c) OF THIS SUBSECTION (2), EXCLUDING SUBPARAGRAPH (V) OF SAID PARAGRAPH (c). THE SECRETARY OF STATE SHALL DENY A LICENSE:

(I) UNLESS THE PETITION ENTITY AGREES THAT IT SHALL NOT PAY A CIRCULATOR MORE THAN TWENTY PERCENT OF HIS OR HER COMPENSATION ON A PER SIGNATURE OR PER PETITION BASIS; OR

(II) IF NO CURRENT REPRESENTATIVE OF THE PETITION ENTITY HAS COMPLETED THE TRAINING RELATED TO POTENTIAL FRAUDULENT ACTIVITIES IN PETITION CIRCULATION, AS ESTABLISHED BY THE SECRETARY OF STATE, PURSUANT TO SECTION 1-40-112 (3).

(b) THE SECRETARY OF STATE MAY AT ANY TIME REQUEST THE PETITION ENTITY TO PROVIDE DOCUMENTATION THAT DEMONSTRATES COMPLIANCE WITH SECTION 1-40-112 (4).

(c) THE SECRETARY OF STATE SHALL REVOKE THE PETITION ENTITY LICENSE IF, AT ANY TIME AFTER RECEIVING A LICENSE, A PETITION ENTITY IS DETERMINED TO NO LONGER BE IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN PARAGRAPH (a) OF THIS SUBSECTION (2) OR IF THE PETITION ENTITY AUTHORIZED OR KNOWINGLY PERMITTED:

(I) FORGERY OF A REGISTERED ELECTOR'S SIGNATURE;

(II) CIRCULATION OF A PETITION SECTION, IN WHOLE OR PART, BY ANYONE OTHER THAN THE CIRCULATOR WHO SIGNS THE AFFIDAVIT ATTACHED TO THE PETITION SECTION;

(III) USE OF A FALSE CIRCULATOR NAME OR ADDRESS IN THE AFFIDAVIT;

(IV) 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;

(V) PAYMENT TO A CIRCULATOR OF MORE THAN TWENTY PERCENT OF HIS OR HER COMPENSATION ON A PER SIGNATURE OR PER PETITION SECTION BASIS; OR

(VI) A NOTARY PUBLIC'S NOTARIZATION OF A PETITION SECTION OUTSIDE OF THE PRESENCE OF THE CIRCULATOR OR WITHOUT THE PRODUCTION OF THE REQUIRED IDENTIFICATION FOR NOTARIZATION OF A PETITION SECTION.

(3) (a) ANY PROCEDURES BY WHICH ALLEGED VIOLATIONS INVOLVING PETITION ENTITIES ARE HEARD AND ADJUDICATED SHALL BE GOVERNED BY THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S. IF A COMPLAINT IS FILED WITH THE SECRETARY OF STATE PURSUANT TO SECTION 1-40-132 (1) ALLEGING THAT A PETITION ENTITY WAS NOT LICENSED WHEN IT COMPENSATED ANY CIRCULATOR, THE SECRETARY MAY USE INFORMATION THAT THE ENTITY IS REQUIRED TO PRODUCE PURSUANT TO SECTION 1-40-121 (1) AND ANY OTHER INFORMATION TO WHICH THE SECRETARY MAY REASONABLY GAIN ACCESS, INCLUDING DOCUMENTATION PRODUCED PURSUANT TO PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION, AT A HEARING. AFTER A HEARING IS HELD, IF A VIOLATION IS DETERMINED TO HAVE OCCURRED, SUCH PETITION ENTITY SHALL BE FINED BY THE SECRETARY IN AN AMOUNT NOT TO EXCEED ONE HUNDRED DOLLARS PER

CIRCULATOR FOR EACH DAY THAT THE NAMED INDIVIDUAL OR INDIVIDUALS CIRCULATED PETITION SECTIONS ON BEHALF OF THE UNLICENSED PETITION ENTITY. IF THE SECRETARY FINDS THAT A PETITION ENTITY VIOLATED A PROVISION OF PARAGRAPH (c) OF SUBSECTION (2) OF THIS SECTION, THE SECRETARY SHALL REVOKE THE ENTITY'S LICENSE FOR NOT LESS THAN NINETY DAYS OR MORE THAN ONE HUNDRED EIGHTY DAYS. UPON FINDING ANY SUBSEQUENT VIOLATION OF A PROVISION OF PARAGRAPH (c) OF SUBSECTION (2) OF THIS SECTION, THE SECRETARY SHALL REVOKE THE PETITION ENTITY'S LICENSE FOR NOT LESS THAN ONE HUNDRED EIGHTY DAYS OR MORE THAN ONE YEAR. THE SECRETARY SHALL CONSIDER ALL CIRCUMSTANCES SURROUNDING THE VIOLATIONS IN FIXING THE LENGTH OF THE REVOCATIONS.

(b) A PETITION ENTITY WHOSE LICENSE HAS BEEN REVOKED MAY APPLY FOR REINSTATEMENT TO BE EFFECTIVE UPON EXPIRATION OF THE TERM OF REVOCATION.

(c) IN DETERMINING WHETHER TO REINSTATE A LICENSE, THE SECRETARY MAY CONSIDER:

(I) THE ENTITY'S OWNERSHIP BY, EMPLOYMENT OF, OR CONTRACT WITH ANY PERSON WHO SERVED AS A DIRECTOR, OFFICER, OWNER, OR PRINCIPAL OF A PETITION ENTITY WHOSE LICENSE WAS REVOKED, THE ROLE OF SUCH INDIVIDUAL IN THE FACTS UNDERLYING THE PRIOR LICENSE REVOCATION, AND THE ROLE OF SUCH INDIVIDUAL IN A PETITION ENTITY'S POST-REVOCATION ACTIVITIES; AND

(II) ANY OTHER FACTS THE ENTITY CHOOSES TO PRESENT TO THE SECRETARY, INCLUDING BUT NOT LIMITED TO REMEDIAL STEPS, IF ANY, THAT HAVE BEEN IMPLEMENTED TO AVOID FUTURE ACTS THAT WOULD VIOLATE THIS ARTICLE.

(4) THE SECRETARY OF STATE SHALL ISSUE A DECISION ON ANY APPLICATION FOR A NEW OR REINSTATED LICENSE WITHIN TEN BUSINESS DAYS AFTER A PETITION ENTITY FILES AN APPLICATION, WHICH APPLICATION SHALL BE ON A FORM PRESCRIBED BY THE SECRETARY. NO LICENSE SHALL BE ISSUED WITHOUT PAYMENT OF A NONREFUNDABLE LICENSE FEE TO THE SECRETARY OF STATE, WHICH LICENSE FEE SHALL BE DETERMINED AND COLLECTED PURSUANT TO SECTION 24-21-104 (3), C.R.S., TO COVER THE COST OF ADMINISTERING THIS SECTION.

(5) (a) A LICENSED PETITION ENTITY SHALL REGISTER WITH THE SECRETARY OF STATE BY PROVIDING TO THE SECRETARY OF STATE:

(I) THE BALLOT TITLE OF ANY PROPOSED MEASURE FOR WHICH A PETITION WILL BE CIRCULATED BY CIRCULATORS COORDINATED OR PAID BY THE PETITION ENTITY;

(II) THE CURRENT NAME, ADDRESS, TELEPHONE NUMBER, AND ELECTRONIC MAIL ADDRESS OF THE PETITION ENTITY; AND

(III) THE NAME AND SIGNATURE OF THE DESIGNATED AGENT OF THE PETITION ENTITY FOR THE PROPOSED MEASURE.

(b) A PETITION ENTITY SHALL NOTIFY THE SECRETARY OF STATE WITHIN TWENTY DAYS OF ANY CHANGE IN THE INFORMATION SUBMITTED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (5).

SECTION 19. 32-9-119.3 (2), Colorado Revised Statutes, as enacted by Senate Bill 09-108, enacted in 2009, is amended to read:

32-9-119.3. Elections for sales tax rate increase. (2) A ballot question submitted pursuant to subsection (1) of this section shall be submitted at a general election or an election held on the first Tuesday of November in an odd-numbered year that is conducted in accordance with the "Uniform Election Code of 1992", articles 1 to 13 of title 1, C.R.S. The secretary of state shall determine the identifying numbering or lettering of such a ballot question, and the question shall be printed upon the ballot immediately following any statewide ~~issues and questions~~ AMENDMENTS AND PROPOSITIONS.

SECTION 20. Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of the act are declared to be severable.

SECTION 21. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the department of state cash fund created in section 24-21-104 (3) (b), Colorado Revised Statutes, not otherwise appropriated, to the department of state, for allocation to the information technology division, for the fiscal year beginning July 1, 2009, the sum of one hundred four thousand four hundred dollars (\$104,400) cash funds, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated to the department of personnel and administration, division of administrative courts, for the fiscal year beginning July 1, 2009, the sum of two thousand dollars (\$2,000), or so much thereof as may be necessary, for the provision of administrative law judge services to the department of state related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of state out of the appropriation made in subsection (1) of this section.

SECTION 22. Effective date - applicability. (1) This act shall take effect upon passage; except that sections 4, 5, and 10 of this act shall take effect on July 1, 2009, and sections 1 and 12 of this act shall take effect on January 1, 2010.

(2) This act shall apply to any ballot issue that has a ballot title fixed and determined by the title board on or after the applicable effective date of this act.

SECTION 23. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO

[8 CCR 1505-1]

Rule 15. Rules Concerning Preparation Filing, and Verification of Statewide Initiative Petitions

- 15.1 Each petition shall be verified according to the procedures set forth in Rule 17.1.
- 15.2 No petition shall be accepted which lists proponents other than the two identified as petition representatives pursuant to section 1-40-104, C.R.S.
- 15.3 Proponents may begin circulating a petition for signatures at any time after the final decision of the title board, including disposition of any motion for rehearing or the expiration of the time for filing a motion for rehearing, and after the Secretary of State has approved the format of the petition as provided in section 1-40-113 (1), C.R.S., whether or not an appeal is filed with the Supreme Court pursuant to section 1-40-107 (2). If an appeal is filed with the Supreme Court, the six-month period specified in section 1-40-108 (1) shall begin on the date that the first signature is affixed to the petition or on the date that the decision of the Supreme Court becomes final, whichever date occurs first. Signatures shall be counted only if affixed to the petition during the period provided in this rule.
- 15.4 Only one filing of a petition or an addendum is allowed. After a petition or an addendum is filed, the petition or the addendum may not be supplemented with additional signatures. If additional signatures are submitted after the original filing, such signatures shall not be counted, even if such signatures are submitted within the time permitted by law for the filing of the original petition or addendum.
- 15.5 Verification by Random Sample
- 15.5.1 Each petition section shall be verified according to the procedures set forth in Rule 17.1.
- 15.5.2 Preliminary count and generation of random numbers.
- a. After the entries have been counted for each petition section, a data entry clerk shall enter the following data into the database; the petition identification number, the petition section number, the page number and the number of entries on the page.
 - b. A record shall then be created for each entry, which record shall contain the petition identification number, petition section number, page number and the entry number. The total number of entries submitted for the petition shall be tallied.
 - c. If the number of entries is less than the total number of signatures required to certify the measure to the ballot, a statement of insufficiency shall be issued.
 - d. A series of random numbers shall be generated by the database which is the greater of four thousand (4,000) signatures or five percent (5%) of the total number of entries.
- 15.5.3 Verification of Selected Entries

- a. The random numbers selected shall be matched with the appropriate petition section, page number, and entry number.
 - b. Each entry generated shall be checked for validity in accordance with Rule 17.1.
 - c. Each reason for rejection of an entry shall be recorded by separate code and a master record of the rejected entries shall be maintained. A master record shall also be maintained of each entry that is accepted.
- 15.5.4 Checking the circulator's affidavit. The circulator's affidavit shall be checked for each entry in accordance with Rule 17.2. If the affidavit is not attached and completed, all entries in the section shall be rejected.
- 15.5.5 Checking individual signatures. Each individual signature shall be checked in accordance with Rule 17.3.
- 15.5.6 Computation of total accepted signatures.
- a. A tally shall be made of the number of accepted signatures and the number of rejected signatures.
 - b. The Secretary of State shall determine the range of signatures by multiplying the constitutionally required number of signatures by 0.90 to compute ninety percent (90%) of the required signatures and by 1.10 to compute one hundred and ten percent (110%) of the required signatures. This number shall be calculated after the general election at which the Secretary of State was elected.
 - c. After completing a petition, the number of signatures checked shall then be divided into the number of accepted signatures. This number will be the percentage of accepted signatures which were submitted.
 - d. The percentage calculated in paragraph c of this Rule 15.5.6 shall then be multiplied by the total number of entries which were previously tallied. This number will be the number of presumed valid signatures which were submitted.
 - e. If the number generated is ninety percent (90%) or less of the constitutionally required number of signatures as calculated in paragraph b of this Rule 15.5.6, then the Secretary of State shall issue a statement of insufficiency. If the number generated is one hundred and ten percent (110%) or more of the constitutionally required number, then the Secretary of State shall issue a statement of sufficiency.
 - f. If the number generated is more than ninety percent (90%) but less than one hundred and ten percent (110%) of the required number, the Secretary of State shall order that each signature on the petition be verified to determine whether the issue or question should be certified to the ballot.

Rule 17. General Rules Concerning Verification of Petitions

17.1 General procedures concerning verification of petitions.

- 17.1.1 No petition shall be accepted which lists proponents other than those authorized by law.

- 17.1.2 When the petitions are received, each section shall be date-stamped and consecutively numbered with a four digit number. The number may be printed by a printer, hand-stamped with a manual stamp, or handwritten.
- 17.1.3 Each petition shall be either an individual sheet for signatures or multiple sheets that are stapled together.
- 17.1.4 Each section shall be checked for evidence of disassembly. If it appears that the section was disassembled, all entries in the section shall be rejected.
- 17.1.5 The lines on each petition section shall be consecutively numbered. The block of information which consists of the printed last name, first name, middle initial, county, signing date, street address, city, and signature is considered a line.
- 17.1.6 If the number of entries is less than the total number of signatures required to certify the measure to the ballot, a statement of insufficiency shall be issued.
- 17.1.7 Each line with writing shall be counted on each petition and shall be considered an entry. The number of entries for each page of the section shall be written on the page and the total entries for the section shall be written on the face of the petition section.
 - a. A line that has no writing or marks on it shall not be considered an entry.
 - b. A line that has writing on it but is completely crossed out shall not be considered an entry.
 - c. A line which has writing on it but is incomplete or on its face contains an invalid signature or which is partially crossed out shall be considered an entry to be included in this count.
- 17.2 Checking the circulator's affidavit.
 - 17.2.1 The circulator's affidavit shall be checked for each entry. If the affidavit is not attached and completed, all entries in the section shall be rejected.
 - 17.2.2 The notary clause at the end of the affidavit shall be checked for each entry. If any information is missing, or if the date on the notary clause is not the same date as the circulator signed the affidavit, all entries in the section shall be rejected.
 - 17.2.3 The circulator's affidavit shall be checked to assure it has been completed in accordance with the statutory requirements listed below. If the affidavit was not completed in accordance with the requirements listed below, all entries in the section shall be rejected.
 - a. For candidate petitions, the circulator's affidavit shall be completed in accordance with section 1-4-905(1) and (2), C.R.S.
 - b. For initiative petitions, the circulator's affidavit shall be completed in accordance with section 1-40-111(2), C.R.S.
- 17.3 Checking individual signatures.
 - 17.3.1 Each individual entry shall be checked against the master voter registration files to assure that the elector was an eligible elector in the political subdivision at the time the petition was signed.

- 17.3.2 Each reason for rejection of an entry shall be recorded by separate code and a master record of the rejected entries shall be maintained. A master record shall also be maintained of each entry that is accepted.
- 17.3.3 If the information on the current voter registration file does not match the information on the entry, the elector's voter registration history shall be checked to determine if the information on the entry matches the voter registration file at the time the entry was signed.
- 17.3.4 Name of eligible elector. To be accepted, the name on the entry must be in a form similar to that found on the voter registration record. Signatures that are common variants of the name found on the voter record shall be counted. If the signer of the petition is not found on the voter registration file, or if applicable, the county assessors' list, the entry shall be rejected.
- 17.3.5 Middle initial and additional terms.
- a. If the middle initial or middle name is not part of either the signature line or the voter record but is included on the other document, if the first and last name are the same on both documents, the entry shall be accepted.
 - b. If the middle initial or middle name on the signature line is different than the middle initial or middle name on the voter record, the entry shall be rejected.
 - c. If an indicator such as Jr., Sr., or II is present or omitted from the petition or the voter record, the entry shall be accepted. If two persons with the same name reside at the same address as found on the master voter list, the entry shall be rejected, unless the identity of the signer can be conclusively determined.
- 17.3.6 Address of eligible elector.
- a. If the address written on the line does not match the address on the voter record or on the voter history for the date when the signature was taken, the entry shall be rejected.
 - b. If the address on the petition either includes or omits a letter or number identifying an apartment or the directional location of a street, such as "E" for east, "SW" for southwest, etc., the entry shall be accepted.
 - c. If the signer gave a post office box for the address, the entry shall be rejected.
- 17.3.7 Incomplete information. If the line of the petition is incomplete, with at least one piece of information omitted, the entry shall be rejected.
- 17.3.8 Date of signing.
- a. If a signature is placed on the petition prior to the final approval of the petition format by the designated election official, the entry shall be rejected.
 - b. If the signer was not an eligible elector in the political subdivision at the time of signing, the entry shall be rejected.
 - c. If a signature is placed on the petition after the date on the circulator's affidavit, the entry shall be rejected.

- 17.3.9 Assistance to signer. If assistance appears to have been given to the signer and a statement of assistance does not accompany the signature or mark explaining the variance in the script, the entry shall be rejected.
 - 17.3.10 Illegible signature. If the signature and printed name are illegible so that the voter record cannot be verified, the entry shall be rejected.
 - 17.3.11 Duplicate signature. If the elector has previously signed the same petition, the first valid entry shall be counted and all other entries shall be rejected.
 - 17.3.12 Where an elector may sign more than one petition, the first signature(s) filed up to the maximum allowed, shall be the ones that are counted.
- 17.4 Final Tally. After all of the sections have been checked, a final tally of all valid signatures shall be prepared and the statement of sufficiency or insufficiency issued.

Rule 18. Rules Concerning Statement of Sufficiency for Petitions

- 18.1 Within the time required by statute, the designated election official shall issue a statement of sufficiency or insufficiency.
- 18.2 The statement shall contain the name of the petition, the proponents, and the date the petition was submitted for verification.
- 18.3 The statement shall indicate the total number of entries, the total number of entries accepted, and the total number of entries rejected.
- 18.4 The statement shall indicate whether an insufficient number of entries were submitted, the number of presumed valid signatures if a random sample was conducted, and the number of valid signatures counted if every entry was counted.
- 18.5 Records. The designated election official shall assure that a record of all signatures rejected and the reasons for each rejection be maintained as public records.

Rule 19. Rules Concerning Cure for Statewide Petitions

- 19.1 Cure of petitions deemed insufficient.
- 19.2 If the proponents submit additional signatures within the permitted time, all signatures submitted in the addendum shall be checked using the process delineated in Rule 16 and Rule 17.
- 19.3 If the number of valid signatures in the addendum when added to the number of valid signatures given in the statement of insufficiency equals 110% or more of the required signatures, a statement of sufficiency shall be issued.
- 19.4 If the number of valid signatures in the addendum when added to the number of valid signatures given in the statement of insufficiency equals more than 90% but less than 110% of the required signatures and the initial check was by random sample, all of the previously submitted entries shall be checked. The total of valid signatures in the original petition shall then be added to the number of valid signatures submitted in the addendum.

- 19.5 If the initial check was of every entry, then the total of valid signatures shall be added to the number of valid signatures submitted in the addendum.
- 19.6 The designated election official shall then issue a new statement of insufficiency or sufficiency which reports the total number of valid signatures submitted.

Rule 20. Rules Concerning Protests

- 20.1 A protest shall specifically state the reasons for the challenge to the determination of sufficiency or insufficiency.
 - 20.1.1 A protest that alleges specific statutes or rules were improperly applied shall clearly state the specific requirements that were improperly applied.
 - 20.1.2 A protest that alleges that entries were improperly accepted or rejected shall clearly identify the specific individual entries at issue and the reason the entries were improperly accepted or rejected.
- 20.2 The protest shall be deemed insufficient for each entry or class of entries challenged where the individual entry is not listed or the reason for the challenge is not given.
- 20.3 Where a petition verified by random sample is protested, proponents and opponents may protest the process by which the numbers used in the calculations were generated.
- 20.4 Individual entries which were not checked by the Secretary of State may not be challenged as sufficient or insufficient.

Rule 21. Rules Concerning Ballot Issue Elections

- 21.1 Placing measures on the ballot for coordinated odd-year elections.
 - 21.1.1 For statewide elections, the Secretary of State shall be responsible for determining whether the proposed initiative concerns state matters arising under Section 20 of Article X of the State Constitution and is eligible to appear on the ballot at an odd-year election.
 - 21.1.2 For elections concerning counties or other political subdivisions, if the election is held as a coordinated election, each political subdivision shall determine whether the proposed initiative or referred measure is a local government matter arising under Section 20 of Article X of the State Constitution.
- 21.2 Written comments concerning ballot issues submitted to the designated election official for the political subdivision shall not be withdrawn after the end of the business day on the last Friday immediately preceding the forty-fifth day before the election.