

Rule 23. Rules Concerning Referendum Petitions.

1-40-132
1-1-107(2)(a)

23.1 Applicability. This Rule 23 applies to statewide referendum petitions pursuant to Article V, Section 1 (3) of the Colorado Constitution.

23.2 Relationship to statutory and constitutional provisions.

23.2.1 The purpose of this Rule 23 is to administer and interpret, but not supersede, the provisions of Article V, Section 1, Colorado Constitution, and Article 40 of Title 1, Colorado Revised Statutes, that apply to referendum petitions.

23.2.2 Where there is an irreconcilable conflict between this Rule 23 and any such statutory or constitutional provision, then such statutory or constitutional provision prevails.

23.3 Applicability of initiative statutes.

23.3.1 Except where this Rule 23 otherwise provides, or where the context otherwise requires, any statutory or constitutional provision that applies specifically to initiative petitions shall also apply to referendum petitions.

23.3.2 The following procedural steps that apply to initiative petitions do not apply to referendum petitions:

a. Review and comment by legislative staff on the text of proposed initiated constitutional amendments and initiated laws, pursuant to Article V, Section 1 (5), Colorado Constitution, and Section 1-40-105, C.R.S.

b. Title-setting by the title setting review board established in Section 1-40-106, C.R.S.

23.4 Approval of referendum petition form.

23.4.1 No referendum petition shall be printed, published, or otherwise circulated unless the form and the master original to be used for printing or reproduction have been approved by the Secretary of State.

1-40-113(1)

23.4.2 A referendum petition may be submitted to the Secretary of State for approval at any time after the bill has been presented to the governor for approval or disapproval. The Secretary of State shall not issue final approval of the referendum petition form until the bill has become law pursuant to Article IV, Section 11 of the Colorado Constitution.

23.4.3 Each referendum petition section shall consist of the following, in the order listed:

1-40-113(1),
1-40-102(6)

- a. The warning as specified in Section 1-40-110, C.R.S.
- b. The heading “Referendum Petition”, followed by the demand upon the Secretary of State in substantially the following form, in which the underlined material is only for example:

“To: The Honorable Donetta Davidson, Secretary of State of the State of Colorado

We, the undersigned electors of the State of Colorado, do hereby respectfully petition, order, and demand that

Sections 1 to 12, inclusive (being the entire Act), of House Bill No. 02-1010, by Representatives Abel, Baker, and Cain, and Senators Smith, Thomas, and Jones, entitled “Concerning registration requirements for motor vehicles, and, in connection therewith, authorizing two- and five-year registration periods and authorizing discretionary vehicle identification number inspections, and making an appropriation”, passed by the Sixty-third General Assembly of the State of Colorado, at its regular session in the year 2002,

shall be submitted to the voters for their adoption or rejection at the next biennial regular general election, to be held on Tuesday, the 5th day of November, 2002, and each of the signers of this petition says:

I sign this petition in my own proper person only, and I am a registered elector of the State of Colorado, my residence address and the date of my signing this petition are correctly written immediately after my name, and I do hereby designate the following persons to represent me in all matters affecting this petition:”

c. The name and mailing address of two persons who are designated to represent the signers thereof in all matters affecting the same.

d. The ballot title and submission clause in the form required by this Rule 23.

e. The text of the Act, or the item(s), section(s), or part(s) of the Act, on which the referendum is demanded. 1-40-110
1-40-102(6)

f. Succeeding pages that each contain the warning, the ballot title, and submission clause, and ruled lines numbered consecutively for electors' signatures.

g. A final page that contains the circulator's affidavit required by section 1-40-111 (2), C.R.S., except that, instead of a statement that the circulator is a registered elector, the affidavit shall include a statement that the circulator is a resident of the State of Colorado, a citizen of the United States, and at least 18 years of age. Rule 22.3.3(g)

23.4.4 Each referendum petition section shall include only the matters required by Article 40, Title 1, C.R.S., and this Rule 23, and no extraneous material. 1-40-113(1)

23.5 Ballot title and submission clause.

23.5.1 The ballot title shall consist of the title of the act on which the referendum is demanded, followed by the bill number, in substantially the following form, in which the underlined material is only for example:

“An Act concerning registration requirements for motor vehicles, and, in connection therewith, authorizing two- and five-year registration periods and authorizing discretionary vehicle identification number inspections, and making an appropriation, being House Bill No. 02-1010.”

23.5.2 When referendum is demanded on less than an entire Act of the General Assembly, the ballot title and submission clause shall consist of the ballot title preceded by words in substantially the following form, in which the underscored material is only for

example, and ending in a question mark:

“Shall Section 3 (concerning definition of terms) and Section 4 (eliminating licensing requirements for motor vehicle dealers) of the following Act of the General Assembly be approved?” The material in parentheses shall correctly and fairly summarize the subject or the effect of the portion of the Act referenced.

- 23.6 Election. If a referendum petition is timely filed with the Secretary of State with a sufficient number of valid signatures, it shall be voted upon at the next general election that occurs at least three months after the referendum petition is filed with the Secretary of State.

Rule 24. Rules concerning Congressional Term Limits Declaration

- 24.1 The Secretary of State shall make available to every candidate for United States House of Representatives or the United States Senate the Congressional Term Limits Declaration provided in Article XVIII, Section 12a of the Colorado Constitution. The Secretary of State will offer the Congressional Term Limits Declaration to every such candidate when the candidate files his or her candidate affidavit with the Secretary of State. Any failure of the Secretary of State to offer the Congressional Term Limits Declaration to a candidate shall have no effect on such candidate’s candidacy.
- 24.2 Part A of the Term Limits Declaration shall be accepted by the Secretary of State if Part B of the Term Limits Declaration has not been duly executed and submitted. Art. XVIII, sec. 12a (7)
- 24.3 In the case of a candidate who has qualified as a candidate for a term that would exceed the number of terms set forth in Term Limits Declaration One, the Secretary of State shall not place the words, "Signed declaration to limit service to [3 terms] [2 terms]" after the candidate’s name, even if the candidate has executed and submitted Parts A and B of Term Limits Declaration One. Art. XVIII, sec. 12a (5)