

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

INTRODUCED

LLS NO. 09-0503.01 Dan Cartin

HOUSE BILL 09-1158

HOUSE SPONSORSHIP

Waller, Gardner B., Balmer, Court, Looper, Murray

SENATE SPONSORSHIP

(None),

House Committees
State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE WITHDRAWAL OF AN INITIATIVE PETITION FROM**
102 **CONSIDERATION AS A BALLOT ISSUE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Changes the date by which an initiative petition may be withdrawn from consideration as a ballot issue from 33 days prior the election at which the initiative is to be voted upon to 60 days before such election.

Specifies that a withdrawn initiative shall not be certified by the secretary of state to each county clerk and recorder prior to the election or included by the director of research of the legislative council in a legal publication of general circulation in each county of the state or in the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

ballot information booklet.

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

2 **SECTION 1.** 1-5-203 (1) (a) (III), Colorado Revised Statutes, is
3 amended to read:

4 **1-5-203. Certification of ballot.** (1) (a) No later than sixty days
5 before any primary election, and no later than fifty-seven days before any
6 general or odd-year November election or congressional vacancy election,
7 the secretary of state shall deliver by electronic transmission and
8 registered mail to the county clerk and recorder of each county a
9 certificate in writing of the ballot order and content for each county, as
10 follows:

11 (III) (A) For any election at which one or more ballot issues or
12 ballot questions are to be submitted to the eligible electors of the entire
13 state, the secretary of state shall certify the order of ballot and ballot
14 content with respect to such ballot issues or ballot questions to the county
15 clerk and recorder of each county of the state.

16 (B) THE SECRETARY OF STATE SHALL NOT CERTIFY ANY BALLOT
17 ISSUE OR BALLOT QUESTION THAT IS WITHDRAWN PURSUANT TO SECTION
18 1-40-134 TO THE COUNTY CLERK AND RECORDER OF EACH COUNTY.

19 **SECTION 2.** 1-40-124 (1), Colorado Revised Statutes, is
20 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

21 **1-40-124. Publication.** (1) (a.5) THE TITLE AND TEXT OF ANY
22 INITIATED MEASURE OR QUESTION THAT IS WITHDRAWN PURSUANT TO
23 SECTION 1-40-134 SHALL NOT BE INCLUDED IN ANY PUBLICATION
24 REQUIRED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1).

25 **SECTION 3.** 1-40-124.5, Colorado Revised Statutes, is amended

1 BY THE ADDITION OF A NEW SUBSECTION to read:

2 **1-40-124.5. Ballot information booklet.** (1.8) THE ANALYSIS
3 FOR ANY INITIATED MEASURE THAT IS WITHDRAWN PURSUANT TO SECTION
4 1-40-134 SHALL NOT BE INCLUDED IN THE BALLOT INFORMATION
5 BOOKLET.

6 **SECTION 4.** 1-40-134, Colorado Revised Statutes, is amended
7 to read:

8 **1-40-134. Withdrawal of initiative petition.** The designated
9 representatives of the proponents of an initiative petition may withdraw
10 the petition from consideration as a ballot issue by filing a letter with the
11 secretary of state requesting that the petition not be placed on the ballot.
12 The letter shall be signed and acknowledged by both designated
13 representatives before an officer authorized to take acknowledgments and
14 shall be filed no later than ~~thirty-three~~ SIXTY days prior to the election at
15 which the initiative is to be voted upon.

16 **SECTION 5. Act subject to petition - effective date.** This act
17 shall take effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly that is
19 allowed for submitting a referendum petition pursuant to article V,
20 section 1 (3) of the state constitution, (August 4, 2009, if adjournment
21 sine die is on May 6, 2009); except that, if a referendum petition is filed
22 against this act or an item, section, or part of this act within such period,
23 then the act, item, section, or part, if approved by the people, shall take
24 effect on the date of the official declaration of the vote thereon by
25 proclamation of the governor.