2002

0502-4 2002 Ballot Information Booklet

Colorado Legislative Council

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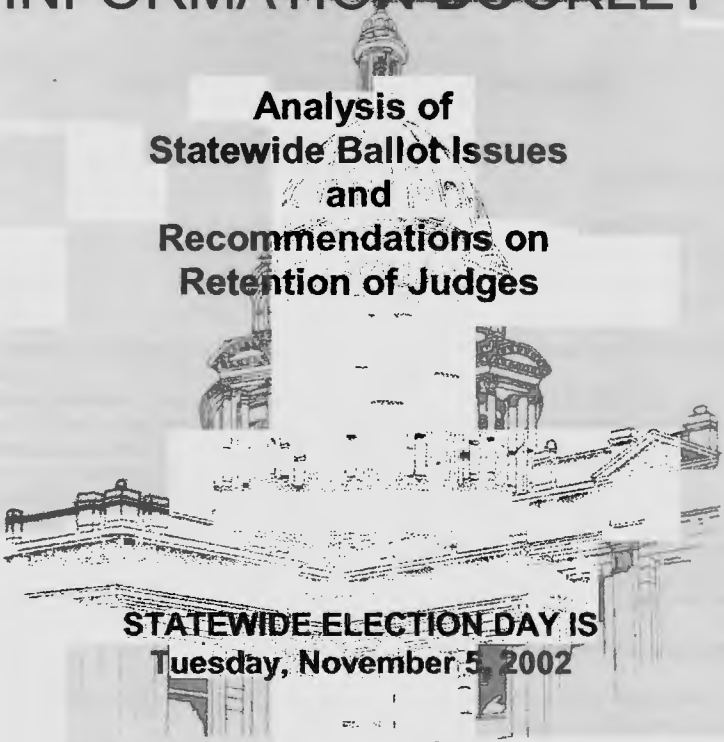
Legislative Council of the
Colorado General Assembly

Research Publication
No. 502-4

2002 BALLOT INFORMATION BOOKLET

Analysis of Statewide Ballot Issues and Recommendations on Retention of Judges



STATEWIDE ELECTION DAY IS
Tuesday, November 5, 2002

Polling places open from 7 a.m. to 7 p.m.
(Early Voting Begins October 21, 2002)

A YES vote ... IVOR OF changing c... ces, and a NO vote on any ballot issue is a vote AGAINST changing current law or existing circumstances.

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September 10, 2002

Dear Colorado Voter:

This booklet provides information on two subjects to be decided by voters at the November 5, 2002, election. The first subject is proposed changes to the state constitution and state statutes. The second subject is the retention of judges. The booklet presents this information in three sections.

Analyses of Proposed Changes to the Colorado Constitution and the Statutes

The first section contains an analysis of each proposed change to the state constitution and state statutes. The state constitution requires the nonpartisan research staff of the General Assembly to prepare these analyses and to distribute them in a ballot information booklet to active registered voters. Each analysis describes the major provisions of a proposal and comments on the proposal's application and effect. It also summarizes major arguments for and against each proposal and the proposal's estimated fiscal impact. Careful consideration has been given to the arguments in an effort to fairly represent both sides of the issue. The Legislative Council, the committee of the General Assembly responsible for reviewing the analyses, takes no position on the merits of the proposals.

Title and Text of Proposed Referred and Initiated Measures

The second section contains the title and the legal language of each proposed change to the state constitution and state statutes.

Information on the Retention of Judges

Information about the performance of Colorado Supreme Court Justices, Court of Appeals Judges, and trial judges in your area of the state is included in the third section of this booklet. The information was prepared by the state and district commissions on judicial performance to provide voters with fair, responsible, and constructive evaluations of judges and justices seeking retention in office. Each profile includes a recommendation stated as "RETAIN," "DO NOT RETAIN," or "NO OPINION."

Sincerely,

Doug Dean

Representative Doug Dean, Chairman

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NOTE

The lettering and numbering system used to designate this year's statewide ballot issues is based on the following organizational structure:

Issues initiated by the People ..... Amendments 27 through 31
Issues referred by the General Assembly .... Referenda A through E

NOTES

AMENDMENT 27
CAMPAIGN FINANCE

The proposed amendment to the Colorado Constitution:

- reduces the amount of money that *individuals* and *political committees* can contribute to candidates and various political organizations;
- limits the amount of money that *political parties* can contribute to candidates;
- creates *small donor committees* which may accept up to $50 per individual per year, and allows these committees to contribute ten times more to candidates than can an individual;
- sets voluntary spending limits for political races;
- recalculates contribution and spending limits for inflation every four years, but such recalculation may not change contribution limits;
- requires reporting and disclosure of money spent for certain political advertisements;
- requires individuals who contribute over $100 to disclose their occupation and employer; and
- regulates ballot issue committees.

Background

Campaign finance is regulated by federal law for candidates in federal races; Colorado law regulates campaign finance for state and local candidates. Courts have also been involved in campaign finance by setting limits on what such laws can regulate and ruling on specific federal and state campaign finance provisions. This proposal changes Colorado campaign finance law and places the changes in the state constitution.

Contribution limits. Table 1 shows the maximum amount of money that can be contributed to candidates under this proposal.

Table 1. Maximum Contribution Limits for Candidates per Election Cycle[1]

(Limits under the "Proposed" column would become effective on December 6, 2002; limits under the "Present" column apply to current election cycles)

	Individual and Political Committee to Candidate			Political Party to Candidate		Small Donor Committee to Candidate			Corporate and Union Contributions to Candidate	
	Proposed		Present	Proposed[2]	Present	Proposed		Present	Proposed[3]	Present
	Primary	General				Primary	General			
Governor	$500	$500	$5,000	$500,000	No Limit	$5,000	$5,000	NA	Prohibited	$5,000
Lieutenant Governor[4]	NA	NA	$2,500	NA	No Limit	NA	NA	NA	Prohibited	$2,500
Secretary of State	$500	$500	$2,500	$100,000	No Limit	$5,000	$5,000	NA	Prohibited	$2,500
State Treasurer	$500	$500	$2,500	$100,000	No Limit	$5,000	$5,000	NA	Prohibited	$2,500
Attorney General	$500	$500	$2,500	$100,000	No Limit	$5,000	$5,000	NA	Prohibited	$2,500
State Senate	$200	$200	$1,500	$18,000	No Limit	$2,000	$2,000	NA	Prohibited	$1,500
State House of Representatives	$200	$200	$1,000	$13,000	No Limit	$2,000	$2,000	NA	Prohibited	$1,000
State Board of Education	$200	$200	$1,000	$13,000	No Limit	$2,000	$2,000	NA	Prohibited	$1,000
CU Board of Regents	$200	$200	$1,000	$13,000	No Limit	$2,000	$2,000	NA	Prohibited	$1,000
District Attorney	$200	$200	$1,500	$13,000	No Limit	$2,000	$2,000	NA	Prohibited	$1,500

1. The proposed contribution limits double for a candidate who has accepted voluntary spending limits if his or her opponent has not accepted the voluntary spending limits and has raised more than 10 percent of the spending limit.

2. Spending of personal money is counted as a political party contribution when a candidate accepts voluntary spending limits. Any unexpended campaign contributions that are carried forward to a subsequent election are also counted as political party contributions.

3. Corporations and labor unions may establish political committees and small donor committees which may contribute to candidates.

4. Under the proposal, the governor and lieutenant governor are considered one office and the contribution and spending limits for governor apply to both candidates.

In addition to limiting contributions to candidates, the proposal limits the amount of money that individuals and various organizations may contribute to political parties, political committees, and small donor committees, as follows.

Contributions to Political Parties

- Under current law, individuals, organizations, and political committees can annually contribute up to $25,000 to each affiliate of a political party, including state, county, district, and local affiliates. The proposal limits contributions to a total of $3,000 for all affiliates of a political party. Of the $3,000, the state-level political party affiliate may receive no more than $2,500.

- The proposal also limits the amount of money that small donor committees can annually contribute to all affiliates within a political party to $15,000 combined. Of the $15,000, the state-level political party affiliate may receive no more than $12,500.

- Corporations and labor unions cannot contribute to political parties.

Contributions to Political Committees

- The proposal reduces the amount of money that individuals and organizations can contribute to political committees from $25,000 per year to $500 every two years.

Contributions to Small Donor Committees

- The proposal caps individual contributions to a small donor committee at $50 per year.

Currently, political committees are not allowed to knowingly accept contributions from non-U.S. citizens, foreign governments, or foreign corporations that do not have authority to do business in Colorado. The proposal extends the prohibition to candidates, small donor committees, and political parties.

Voluntary spending limits. The proposal establishes voluntary campaign spending limits. Table 2 lists the spending limits in the proposal; current law does not contain any such limits.

Table 2. Proposed Voluntary Spending Limits per Election Cycle

Candidate	Voluntary Spending Limit
Governor/ Lieutenant Governor	$2,500,000
Secretary of State	$500,000
Attorney General	$500,000
State Treasurer	$500,000
State Senate	$90,000
State House of Representatives	$65,000
State Board of Education	$65,000
Regent of the University of Colorado	$65,000
District Attorney	$65,000

A candidate's decision to accept the spending limits is binding unless an opponent running for the same office does not accept the limits. Candidates who agree to spending limits may advertise their compliance in political messages. When a candidate agrees to limit spending but an opponent does not, the candidate may receive double the maximum contributions if the opponent has raised more than 10 percent of the spending limit. Any personal money the candidate uses for his or her campaign counts as a political party contribution. Candidates who exceed the spending limits after agreeing to voluntarily limit campaign spending can be fined.

Adjustment to contribution and spending limits. The contribution and voluntary spending limits will be recalculated for inflation every four years, but such recalculation may not change contribution limits. Current law requires that contribution limits be increased by 10 percent beginning January 1, 2003, and every four years thereafter.

Unexpended campaign contributions. Current law lists the permissible uses for unexpended campaign contributions for candidates. This proposal further regulates these contributions by requiring that any money carried forward for use in the next election be counted as a contribution from a political party.

Regulation of political advertisements. This proposal regulates two types of political advertisements. The first are those that are made outside the control of a candidate and that *specifically urge* the election or defeat of a candidate. The proposal requires reporting of the

amount of money spent on the advertisement, the type of advertisement, and the name of the candidate being supported or opposed whenever more than $1,000 is spent. Further, when any money is spent outside the control of a candidate on this type of advertising during the 30 days before an election, the report must be made within 48 hours. Information about who is paying for the advertisement and a statement that it is not authorized by any candidate must appear in these types of political advertisements. Current law, which requires reporting of all expenditures in excess of $1,000 within 24 hours and requires certain disclosure in political advertisements, was struck down by the federal district court.

The second type of political advertisement is one that clearly refers to a candidate *without specifically urging* the election or defeat of the candidate. These advertisements are regulated during the 30 days before a primary election and the 60 days before a general election. Any individual or organization who spends over $1,000 on these advertisements must report the total amount spent and the name and address of any donor who gives more than $250 to fund the advertisement. When the donor is an individual, the reports must also contain the individual's occupation and the name of the individual's employer. Current law does not regulate this type of political advertising.

Corporations and labor unions are not allowed to directly fund the two types of political advertisements regulated under this proposal.

Reporting. The proposal extends current reporting requirements to small donor committees and requires any person who contributes over $100 to a candidate, political committee, issue committee, or political party to disclose his or her occupation and employer.

Penalties. Under this proposal, violating contribution or voluntary spending limits results in a civil penalty of at least double, and up to five times, the amount contributed, received, or spent over the allowable amount. Current law makes violations of campaign finance provisions a class 2 misdemeanor; violations of contribution limits are subject to a civil penalty of double the amount contributed or received.

Arguments For

1) This proposal may reduce the impact of special interests on the political process and increase the influence of individual citizens. Large monetary contributions give the appearance that wealthy contributors have undue influence over elections and better access to

elected officials. By reducing the amount of money that a candidate can accept from special interests and creating small donor committees, the proposal encourages fundraising from a broad base of individual donors.

2) The increasing cost of financing campaigns may discourage people from running for public office, especially against opponents with large campaign funds. Voluntary spending limits could reduce the overall amount spent on campaigns, while lower contribution limits could allow more challengers to compete with incumbents in raising campaign funds. The voters benefit when there are more people running for public office.

3) Requiring greater disclosure of who pays for political advertising provides more information about who is spending money to influence elections. Now, some types of political advertisements are not regulated and therefore can be paid for anonymously. The proposal gives people information about who is paying for these advertisements right before an election.

4) Although corporations and labor unions cannot vote, spending by such entities influences the political process. Under this proposal, these organizations will have to raise money from employees, shareholders, and members who contribute to small donor and political committees rather than directly funding political activities. Corporations and labor unions are already banned from directly contributing to federal candidates; this proposal simply extends the ban to state races.

5) Voluntary spending limits may encourage more people to run for public office. People who are intimidated by the amount of money raised and spent on political campaigns may choose to run for public office with voluntary spending limits in place.

Arguments Against

1) Increased regulation of campaign contributions and expenditures has never fulfilled its promise of getting "big money" out of the process. Whether it is at the state or national level, every time tougher controls are placed on campaign financing, big money finds less discernible ways to exert influence. The consequence is more campaign spending outside the control of the candidate and less accountability. Plus, this measure places these detailed campaign finance regulations in the state constitution. If historical patterns are followed, and the new regulations have unintended negative consequences, there is no easy way to make corrections.

2) The contribution limits in current law are more reasonable than those in the proposal. Lower contribution limits may mean that candidates spend more time fundraising than talking with voters about positions on issues. Contribution limits may benefit incumbents since challengers must typically outspend incumbents to overcome name recognition and other advantages of an officeholder. In addition, the proposal may give wealthy candidates a greater advantage over other candidates since candidates can spend an unlimited amount of their own money on their campaign. Further, small donor committees may have an advantage over individuals and political committees because they can contribute ten times more money to candidates.

3) Voluntary spending limits restrict the amount of money available to a candidate to communicate his or her positions to voters. As a result, when voters cast their ballots, they will have less information about candidates than they currently do, which will undermine public confidence in the process and the officials elected. In any event, if candidates are required to limit the amounts they can raise in political campaigns, interest groups will spend money in elections through indirect forms of political support, none of which need to be reported to election officials or the public.

4) Disclosure requirements in current law are sufficient and are a better way to regulate campaign finance. Press reports and opposition campaigns already make the sources of candidates' funding public. Requiring people to disclose their occupation and employer when they contribute over a certain amount of money may discourage people from donating to a candidate or organization.

5) Since the voluntary spending limit applies to both a primary and general election, a candidate who faces a primary election may be at a financial disadvantage compared to a candidate who does not have a primary. Accordingly, the voluntary spending limits may reduce or restrict candidate participation and communication with voters.

Estimate of Fiscal Impact

The proposal is expected to increase state and local revenues and expenditures. State revenue is expected to increase by $1,200 per year from fines imposed on late filings of campaign finance reports. State expenditures of the Colorado Department of State will increase due to the proposal's increased reporting requirements for both small donor committees and "electioneering" communications. These costs are expected to total $86,768 in budget year 2002-03. Beginning July 1, 2003, the proposal will increase the department's costs by an

estimated $94,480. These costs include salaries and benefits for two additional employees. The proposal will also increase the number of campaign finance reports filed with local election officials.

AMENDMENT 28
MAIL BALLOT ELECTIONS

The proposed amendment to the *Colorado Revised Statutes*:

- requires most elections held after January 1, 2005, to be conducted only by mail ballot and eliminates voting in precinct polling locations;
- allows local election officials to determine the method of voting in the few elections that do not require mail ballots;
- requires all mail ballots to be returned in a signed envelope either by mail, at drop-off sites, or at designated polling locations on election day;
- adds new security and other requirements for conducting elections by mail and for qualifying ballots before votes are counted; and
- increases the penalties for mail-ballot election fraud and other offenses.

Background

Current law allows certain elections to be held exclusively by mail ballot. Mail ballot elections cannot be used when political party candidates are on the ballot. For example, mail ballot elections are not allowed for a primary, general, or congressional vacancy election or any election held on the same day as these elections. Current law also allows voters in any election to vote by mail using an absentee ballot. This proposal requires that all elections, except certain local elections, be held by mail ballot.

Mail ballot elections under current law. Currently, when an election is conducted by mail, each active registered voter is sent a packet of election materials 15 to 25 days before election day. This packet contains a ballot, instructions for completing the ballot, an inner envelope, and a return envelope. A voter must complete the ballot, place it in the inner envelope, sign and date the return envelope, and

send the packet back to the election official in the return envelope. A ballot must be received by an election official before 7 p.m. on election day to be counted. Before opening the packet, an election official checks that the signature on the envelope matches the printed name on the envelope. If the names match and the ballot is otherwise qualified, it is ready to be counted. The Secretary of State is responsible for overseeing mail ballot elections, which are conducted by local election officials.

Proposed changes for mail ballot elections. The Secretary of State is required to supervise mail ballot elections and develop rules to implement the proposal. Local election officials are required to follow new procedures for conducting mail ballot elections. For example, beginning in 2005, the proposal requires election judges to compare the signature on the ballot envelope against the voter's signature on file with the election official. Signatures that do not match must be reviewed by two other election judges from different political parties. If an election law appears to have been violated, the judges are required to submit questionable signatures to the district attorney. The proposal increases the maximum fine for falsely submitting a ballot or unduly influencing a voter from $5,000 to $10,000.

Proposed changes for polling booth voting. For elections involving political party candidates, the proposal requires election officials to maintain polling booth locations on election day at public high schools prior to 2010. Beginning in 2010, election officials must maintain at least one polling booth location in the county. Under the proposal, voters at polling booth locations may use private voting booths to cast the ballot received in the mail or a replacement ballot obtained at the polling booth location. Ballots cast at polling places are enclosed in an inner envelope and a signed return envelope, just like ballots returned by mail or at a drop-off site. In contrast, current law requires a separate polling place for each precinct in elections involving political party candidates. Also, voters currently cast ballots provided to them at the polling place, without a name or other mark to identify the voter.

Arguments For

1) Voting by mail is convenient and may increase the number of voters participating in elections. In the November 2001 election, mail ballot elections may have increased voter turnout since counties with mail ballot elections had an average turnout of 41 percent while those with traditional polling places had a turnout of 32 percent. People can complete their ballots where and when they have time to consider the

candidates and issues. Inconveniences such as bad weather, child care arrangements, or long lines at the polls will no longer be obstacles to voting. In addition, allowing citizens to vote early may limit the influence of last-minute negative campaigning.

2) This proposal expands the current practice of conducting elections by mail and adds new security precautions. In the November 2001 election, more than 88 percent of all votes were cast by mail. This and other mail ballot elections, along with an increasing number of votes cast by absentee ballot, have given election officials experience in conducting elections by mail. In addition, the proposal adds new provisions to improve the security of all mail ballot elections, such as requiring election officials to verify voter signatures.

3) Mail ballot elections may be less expensive for governments to conduct than other elections because they eliminate the need for voting machines and reduce the need for election judges for each precinct. In addition, with ballots sent automatically to voters and all voters using the same type of ballot, mail ballot elections may be a more uniform system than Colorado's current election system.

Arguments Against

1) Mail ballots are vulnerable to fraud because the ballots are out of the control of voters and election officials while being delivered. These ballots can be illegally cast, stolen, or sold. The signature verification process is new and subject to the opinion of election judges who may not be able to distinguish between forged and valid signatures. As a result, some forged ballots may be counted, and some valid ballots may be disqualified. Mail ballots may also be disqualified for procedural reasons such as missing the deadline for returning a ballot; sending a ballot with insufficient postage; errors by post office and election officials; or not signing, dating, or listing an address on the return envelope.

2) People who vote by mail may be subject to pressure from employers, family members, and interest groups to vote a certain way when they complete their ballot away from the protection of election judges and private voting booths. Ballot secrecy is also threatened because a voter's name is clearly visible on the return envelope.

3) This proposal is unnecessary because voters can already choose to vote by mail by using an absentee ballot. Also, voters may currently obtain a sample ballot to help familiarize themselves with the issues before casting their vote at a polling place. Mail ballot voting may even lessen voters' ability to cast an informed vote if they vote early and

miss out on late-breaking news. Politicians may lengthen their political campaigns to appeal to early voters. Furthermore, this proposal may confuse voters by eliminating traditional voting methods.

Estimate of Fiscal Impact

The proposal requires most elections held after January 1, 2005, to be conducted by mail. Elections conducted by mail may cost less than other elections because the cost of mailing ballots to voters is often less than the cost for traditional voting machines and election judges in each precinct. However, the proposal increases costs in the short term to purchase and upgrade county voting systems.

The proposal requires election officials to compare the signature on a mail ballot with the signature on file in the county clerk's office. New computer technology and a signature database would be required in most county clerk offices for election judges to be able to compare signatures from ballots with existing signatures on file. Currently, nineteen counties use a voter registration system supported by the state. This system would need to be modified to accommodate the requirement for signature comparison. Assuming that the requirements of the bill are implemented over two years, the modifications to the system are expected to cost the state $143,565 in budget year 2002-03 and $98,000 in budget year 2003-04. These costs would be paid from fees charged by the Department of State. A portion of these costs would be paid to extract signatures from the Department of Revenue's driver license database. Any costs associated with obtaining signatures in an electronic form would be paid by counties. Election officials would be responsible for paying postage costs for sending ballot packets to voters, but voters would pay the postage to return completed ballots.

AMENDMENT 29
SELECTING CANDIDATES FOR PRIMARY ELECTIONS

The proposed amendment to the *Colorado Revised Statutes*:

- eliminates the role of neighborhood caucus and assembly meetings in selecting candidates for the primary ballot;

- requires all major political party candidates to obtain a requisite number of petition signatures to appear on the primary ballot;

- changes the number of petition signatures required to qualify for the ballot for all but two political offices and expands the time allowed for collecting signatures;

- allows a candidate to include a 100-word personal statement on his or her petition;

- modifies the procedure for challenging and resolving conflicts about petition signatures; and

- does not require the election official to investigate the validity of signatures.

Background

State law sets forth the process for major political parties (currently the Democratic and Republican parties) to select candidates for the primary ballot. At a primary election, registered Democrats and Republicans vote for candidates to represent their party at the general election in November. To get on the primary ballot, candidates must either obtain votes cast at assembly meetings or collect petition signatures from voters affiliated with their party. Candidates designated through the assembly process are listed on the ballot before candidates who use the petition process. This proposal eliminates the option of obtaining votes at assemblies and requires all candidates to collect petition signatures to get on the primary ballot.

The caucus and assembly process. Under current law, caucus meetings are organized within each local election precinct to discuss political candidates and issues. To participate in a precinct caucus, a person must be registered to vote and must be affiliated with a major political party. At each neighborhood caucus, delegates are elected to attend an assembly. At an assembly, delegates vote to select the party's candidates for county, legislative, congressional, or statewide races. Candidates who receive at least 30 percent of the delegate votes cast at their assembly appear on the primary ballot. Most candidates are placed on the primary ballot through the caucus and assembly process.

The petition process. Currently, a candidate may choose to bypass the caucus and assembly process and collect petition signatures in order to appear on the primary ballot. The option to collect signatures also presently exists for any candidate who receives between 10 and 30 percent of the votes cast at the assembly. Any candidate who receives less than 10 percent of the vote at an assembly cannot be on the primary ballot.

Signature requirements. The proposal changes the number of signatures required to get on the primary ballot for most political offices, in most cases reducing the number from current law. Table 1 shows the signature requirements of current law and this proposal.

Table 1. Current and Proposed Petition Signature Requirements

Political Offices	Current Requirement for 2002 Primary Ballot	Proposed Signature Requirement
U.S. Senator and Governor	10,500; 1,500 from each congressional district	5,000; with at least 250 from each congressional district
U.S. Representative	1,000	1,000
Treasurer, Secretary of State, Attorney General	10,500; 1,500 from each congressional district	2,500; with at least 125 from each congressional district
State Board of Education or CU Regent	10,500 for at-large with 1,500 from each congressional district; 1,000 for districts	500 for at-large 250 for districts
State Legislator	474 to 1,000 for Senator 85 to 1,000 for Representative	300 for Senator 150 for Representative
Regional Transportation District (RTD) Board	250	250
District Attorney	1,000	200
County Offices	20 percent of the votes cast in previous election	50 in a county with fewer than 50,000 residents; 100 elsewhere

The proposal extends the time allowed for collecting signatures from roughly two months to roughly six months. Under current law, candidates may begin collecting signatures on the first Monday in April. This proposal allows candidates to begin collecting signatures as early as November 15 of the year before the election. The proposal also requires that signatures be submitted earlier in the year. Current law requires signatures to be submitted 70 days before the August primary election; this proposal requires signatures to be submitted 95 days before the primary. An election official has seven days to review the petitions and notify the candidate whether the petition appears to be sufficient. A person protesting the election official's decision must identify specific names being challenged and the basis for challenging those names. A protester may also be charged a fee that is reasonably related to the election official's cost of validating the signatures.

Arguments For

1) In Colorado, most candidates have been placed on primary ballots through the caucus and assembly process. Because caucus participation has been low, this process is often controlled by a relatively small number of party activists. The control of the caucus and assembly process by a limited number of people may pose a problem where one party has such a majority in a district that the primary election effectively determines the eventual winner in the general election. This proposal provides for a single system of nominating candidates through petitions.

2) This proposal may open up the political process to a greater number of candidates with a wider range of political views, giving voters more choice at the primary election. In 2000, only one in eight primary races was contested. Expanding the time allowed to collect signatures and reducing the number of signatures required make it easier for candidates to petition onto the primary ballot. With more choice among candidates, people may be more likely to vote in primary elections.

3) By eliminating the selection of candidates through caucuses and assemblies, this proposal makes Colorado consistent with those states that do not use such processes to place candidates on primary ballots. Political parties can still hold caucus and assembly meetings, and people can attend these meetings to discuss issues, party platforms, and candidates. The proposal allows political parties to spend their energy supporting their candidates in the more-important general election.

Arguments Against

1) Caucuses and assemblies are a good way for candidates and voters to meet and discuss issues, and anyone who is interested can attend. By eliminating the selection of candidates at assemblies, the proposal discourages citizens from being active in major political parties. As a result, the proposed system might actually give voters less information about candidates and fewer opportunities for direct interaction with candidates.

2) Colorado's current system offers more options for candidates than this proposal offers. The current system, which has been in place for decades, already allows candidates to petition onto the ballot. Also, incumbents should not have to collect signatures to indicate a minimum level of support within the party. This proposal takes away an incentive for attending party meetings, which may cause Colorado's

major political parties to become fragmented and less able to set a cohesive statewide agenda. In addition, the proposal sets fixed signature requirements that do not automatically change with changes in the state's population.

3) By requiring an individual to declare his or her candidacy almost one month earlier than under current law, the proposal could prevent or deter some people from running for office. This timeline also lengthens the primary election season, and the political advertising that goes along with it, by one month. Collecting signatures may divert resources from promotion of a candidate's campaign message. Also, candidates will have to pay to challenge the validity of petition signatures.

Estimate of Fiscal Impact

The proposal will increase the number of petitions that must be reviewed by state and local election officials, although the number of signatures required on each petition is lower in many cases. Overall, the proposal is expected to increase the workload of the Colorado Department of State and county clerks in reviewing petitions and verifying petition signatures. The costs to the Department of State are expected to total $79,040 in budget year 2003-04, including costs for additional temporary staff and computer programming. In budget year 2005-06 and every other budget year thereafter, the department's costs are estimated to be $64,000 for temporary staff.

The proposal allows an election official to impose a fee for handling protests of the official's decision. The amount of any additional fee revenue will depend on the number of protests filed under the proposal. This additional revenue has not been estimated.

AMENDMENT 30
ELECTION DAY VOTER REGISTRATION

The proposed amendment to the Colorado Constitution:

- allows eligible Coloradans to register to vote and to cast a ballot on election day for all elections conducted after January 1, 2004.

Background

Colorado currently allows individuals to register to vote at various locations and by mail at any time up to 29 days before an election. A person is eligible to register to vote if he or she is a U.S. citizen, is eighteen years old at the time of the election, and is a resident of Colorado and the precinct in which he or she will vote for at least 30 days before the election. An individual registers by signing an affidavit that he or she meets the eligibility requirements. A person who is registered to vote in Colorado, but who moved and failed to re-register, may re-register at any time at their county clerk's office or on election day at their precinct polling place.

This proposal allows eligible individuals who are not registered to register and vote on election day by presenting valid identification at their precinct polling place or county clerk's office. Valid identification includes either a Colorado driver license, state identification card, or other documentation approved by state election officials.

The proposal applies to all elections including primary, general, special district, and municipal elections. The legislature is directed to enact necessary laws to protect against voter fraud.

Arguments For

1) Allowing people to register to vote on election day is likely to increase voter participation. Of the six states that allow election day voter registration, four have the highest rates of voter turnout in the country, and all but one have voter turnout higher than Colorado. Public interest in political campaigns generally peaks in the weeks before an election, after voter registration ends. This proposal encourages voter participation by making registration and voting as simple and convenient as possible.

2) The current requirement that a person register 29 days prior to an election is a barrier to voting. Election day voter registration provides more opportunity for people to register and vote. It would make voting more accessible for new residents, rural voters, college students, and people with limited access to transportation.

3) Colorado's reputation as a state with little election fraud will continue with election day voter registration. As a requirement for registration at the polls, an approved form of photo identification must be provided. Colorado already imposes significant penalties for election fraud, and the proposal requires that the legislature enact

further safeguards as necessary. The six states that register voters on election day do not report problems with increased voter fraud.

Arguments Against

1) Allowing people to register to vote on election day may increase opportunities for voter confusion. The current 29-day registration deadline gives election officials an opportunity to verify that individuals are registered at only one address in the state. A list at each precinct indicates who is registered and who has already voted in the election. Allowing people to register on election day eliminates a safeguard against multiple votes. Further, the identification required by the proposal does not prove citizenship or residency. Because of voter confusion, some states have eliminated or are considering eliminating same-day voter registration.

2) Coloradans already have ample opportunities to register before an election. In the 2000 election, 73 percent of the state's voting age population were registered, active voters, and Colorado's voter turnout was higher than the national average. An individual may register to vote at many locations around the state, including any motor vehicle office, offices of political parties and candidates, libraries, temporary sites such as grocery stores, or social services offices. Registration forms may also be printed from the Internet and mailed to or dropped off at county clerks' offices.

3) Election day voter registration could be expensive for local governments to implement. Counties, cities, and special districts may have to provide additional staff and the necessary training for precinct workers. Additional ballots and computer equipment, telephones, and other administrative tools to prevent fraud could also add costs. Local governments could be required to staff precincts to register voters during a mail ballot election, even if voting is not taking place at the polling site. Voters may have to wait in long lines while election officials help people fill out forms and present identification.

Estimate of Fiscal Impact

Costs may be incurred for printing additional ballots, additional election officials at polling places, and computer-related expenses to register voters. Other costs to the offices of the county clerk are dependent upon the protections the legislature will require to prevent voter fraud.

AMENDMENT 31
ENGLISH LANGUAGE EDUCATION

The proposed amendment to the Colorado Constitution:

- requires that all public school students be taught in English unless they are exempted under the proposal;
- requires students who do not speak English (English learners) to be taught English through sheltered English language immersion programs and to be transferred to a regular classroom, generally after one year, unless a waiver is granted;
- allows parents or legal guardians to request a waiver from English immersion requirements under limited conditions and gives schools the power to approve or deny the request;
- authorizes a parent or legal guardian to sue for enforcement of the proposal and provides detailed penalties for teachers, administrators, and school board members; and
- requires all English learners in grades two through twelve to be tested annually in English using a national test of various academic subjects.

Background

Current federal and state laws require school districts to identify English learners, to test their English proficiency annually, and to establish programs to teach these students the English skills necessary to participate in a school's regular education program. Over 70,000 public school students, or approximately 9 percent of Colorado's public school enrollment, qualify as English learners. Generally, these students receive English language assistance through one of the following types of programs.

- ***English as a Second Language***: In English as a Second Language (ESL) programs, English learners are taught entirely in English or mainly in English with some native language assistance. Typically, ESL classes include students with different native languages. English learners may attend the ESL program for a part of the day to work strictly on English skills, or attend for a full day and focus both on English and other academic subjects.

- ***Bilingual education programs***: In bilingual programs, English learners are taught academic subjects in their native language while learning English. Bilingual classes usually have students who share the same native language. The length and content of bilingual programs vary, with some programs emphasizing the development of native language skills more than others.

- ***Dual language programs or dual immersion programs***: In dual language programs, subjects are taught in two languages in order to develop proficiency in both languages. Students in these programs may be fluent in English or be English learners.

Proposal for English immersion programs. The proposal requires school districts to teach English learners in English immersion programs. In these immersion programs, students will be taught English and other academic subjects in English at a level appropriate to their language skills. Generally, the length of time for students to participate in the program is one year, after which time students will begin attending regular classes. School districts may place English learners of different ages, but with similar English skills, in the same classroom. The proposal's requirements do not apply to foreign language programs or to special education programs.

Parents or legal guardians may request a waiver from the English immersion program for their child. Students who may be eligible for a waiver include: students who already possess adequate English skills, students who are ten years of age or older, and students with special needs. School officials decide whether to grant or deny the request for the waiver. Schools in which twenty or more students of the same grade level have received a waiver are required to offer a different type of program, such as a bilingual program. In all other cases, students with a waiver may transfer to a school that offers a different type of program of instruction.

Parents or legal guardians of any Colorado public school student may sue for enforcement of the proposal. Additionally, a school district employee or board member may be sued and may be held personally liable for "willfully and repeatedly" failing to implement English immersion programs. A final enforcement provision concerns parents of children with special needs. Parents who receive a waiver for their child with special needs have a ten-year window during which they may sue school officials for issuing the waiver, if the parents conclude that the waiver injured the education of their child.

Arguments For

1) Learning English as quickly as possible ensures that English learners are not left behind their peers. Current programs, including bilingual education, have not adequately addressed the needs of English learners, and this proposal provides a different approach. Under the proposal, English learners will be taught in English and placed into a school's regular academic program after one year. Learning English quickly will enable English learners to develop the necessary skills and knowledge to improve their future education and career choices.

2) Colorado needs a uniform statewide policy for teaching English learners. English learners who move between school districts may encounter different programs, which can delay their academic progress. Further, students should not be used as a part of educational experiments, as school districts try out different approaches to English instruction. The proposal focuses on students' acquisition of solid English skills, rather than the maintenance of native language skills, and provides a uniform philosophy for school districts. School districts retain enough flexibility to tailor programs to their students' needs.

3) Once English learners become reasonably fluent in English, they will be transferred into regular classrooms, increasing their opportunities to practice and use English. In addition, cultural awareness and interaction between children of different backgrounds will enhance the education of all children.

Arguments Against

1) The proposal restricts parental choice and local control of education. Many parents want their children to develop skills in more than one language so that they will be better prepared to live and work within a global economy. By requiring that all instruction be in English, the proposal limits the ability of school districts to offer innovative language programs, even if the programs are effective and respond to the needs and wishes of the school community. In addition, school districts may be cautious in granting waiver requests from parents seeking different programs because of the possibility of legal action against the school and its employees. Any teacher, administrator, or school board member who is found in violation of this amendment is subject to a lawsuit, and restricted from teaching or holding public office for five years. Parents retain the right to sue school district employees and school board members for up to ten years.

2) The speed by which a student learns cannot be mandated by law. The proposal creates an unrealistic expectation that English can be learned by all children in one year. However, the speed by which a child becomes fluent in English depends on the child's age, cultural circumstances, previous education, and socioeconomic background. Some children may take longer than one year to achieve a level of proficiency comparable to their English-speaking peers. If programs are too rigid, students' individual needs may not be met.

3) The proposal adds another layer of testing requirements for English learners. School districts will have to test English learners in English every year using a national test in addition to the Colorado Student Assessment Program (CSAP) tests. The additional testing for English learners means further administrative expense and time away from classroom teaching.

Estimate of Fiscal Impact

While the proposal will not increase or decrease state expenditures, local school districts' expenditures will be impacted. Under the proposal, some school districts will have to revamp their curricula, staff assignments, and testing procedures. However, the net impact to all school districts cannot be predicted because the impacts will vary depending on how each individual school district implements the proposal.

REFERENDUM A
EXEMPT ELECTED DISTRICT ATTORNEYS FROM TERM LIMITS

The proposed amendment to the Colorado Constitution:

- eliminates term limits for elected district attorneys.

Background

Term limits. Colorado has term limits for elected state and local officials. The Colorado Constitution limits the length of office for the governor, lieutenant governor, secretary of state, state treasurer, and attorney general to two consecutive four-year terms. Members of the Colorado legislature may serve up to four consecutive two-year terms in the House of Representatives and two consecutive four-year terms

in the Senate. Members of the State Board of Education and the University of Colorado Board of Regents are limited to two consecutive six-year terms.

The maximum term of office for local elected officials is two consecutive terms. Although not expressly stated in the constitution, the Colorado Attorney General interprets the limits on terms of local elected officials to also apply to elected district attorneys. The Colorado Constitution allows the voters of a political subdivision to eliminate or change the term limits for a local official. However, the Colorado Secretary of State determined that only the state legislature can put a proposal before the voters of a judicial district to alter term limits for that district. District attorney term limits can also be altered through a constitutional amendment. This proposal amends the constitution to repeal term limits for district attorneys.

District attorneys. Colorado is divided into 22 judicial districts. The voters in each judicial district elect one district attorney who is responsible for the prosecution of criminal cases in that district. The district attorney determines which crimes to prosecute and recommends a penalty to the court. The district attorney also provides legal advice to police officers, assists in preparing search warrants, advises grand jury investigations, and may defend the counties of the district in court. In addition, the district attorney oversees an office of deputy district attorneys and support staff and prepares and administers a budget for the office. The Colorado Constitution requires a district attorney to be a licensed attorney for at least five years prior to being elected and to be a resident of the district throughout his or her term in office. A district attorney's term of office is four years.

Arguments For

1) Eliminating term limits allows residents of a judicial district to retain the expertise and experience of their district attorney. District attorneys must have specialized legal skills including knowledge of criminal law, court procedures, and police functions. Seventeen of the 22 district attorneys, with a combined total of over 200 years in office, will be term limited in 2004.

2) Term limits are unnecessary because district attorneys are already accountable to the public. Voters may remove a district attorney through the normal election process or by a recall election. District attorneys work in a public forum where their acts are a matter of public record and open to review by citizens. Further, smaller, more rural districts may have difficulty attracting a candidate who meets the requirements of the position.

3) This proposal would eliminate the destabilizing effect that term limits could have on a district attorney's office. Citizens and law enforcement officers within a judicial district rely on consistent law enforcement practices that may change when term limits force a district attorney to step down. New district attorneys may be placed at a disadvantage when taking over complex cases from a term-limited district attorney. In addition, term limits might discourage skilled attorneys from running for district attorney as their prosecutorial career could end after two terms. Of the 17 states with term limits, only Colorado limits the length of service for the district attorney.

Arguments Against

1) Term limits provide a check on the decision-making power of district attorneys. A district attorney decides who to charge and which crimes to charge. Limiting district attorneys to two terms could lessen any concern the public may have that politically motivated decision-making occurs within the office. An exception should not be made for this elected official who has significant power to enforce criminal laws. In 2004, term limits will affect district attorneys for the first time, and this proposal removes term limits before their effects can be evaluated.

2) Term limits could result in more candidate choices for the voter. Incumbents have name recognition and financial advantages that are difficult for challengers to overcome. In the past 20 years, 78 percent of the district attorneys running for reelection did not have a challenger. Term limits could provide greater opportunity for attorneys who are not career prosecutors to bring new ideas to law enforcement. More competition for the office could also lead to more aggressive prosecutorial policies and greater responsiveness to public opinion over the long term. Unlimited years of service do not necessarily provide the citizens with better prosecutors or a more responsive and sound prosecutorial policy. Voters can be trusted to fill the office with a qualified candidate.

Estimate of Fiscal Impact

The proposal does not increase state or local expenditures or taxes, nor does it affect the amount of taxpayer refunds from either the state or local governments.

REFERENDUM B
PUBLIC/PRIVATE OWNERSHIP OF LOCAL HEALTH CARE SERVICES

The proposed amendment to the Colorado Constitution:

- allows health care services or facilities provided by local governments, such as special districts, counties, and cities, to be provided through a partnership or joint ownership with private companies or individuals;

- provides that a local government's and private company's share of ownership in such services or facilities be based on the amount invested;

- prohibits local governments from going into debt or pledging credit to create and operate health care partnerships; and

- prevents a partnership created to provide a health care service from being considered a local government or public body.

Background

Local government health care services are provided primarily through county and special district hospitals and local health departments. Hospitals operated by local governments provide a range of health care services that are determined by a hospital board and applicable laws. The hospital board is either appointed by county commissioners or elected by the voters. Health departments carry out health programs and control disease. The proposal applies to these services and any other health care services provided by a local government.

In providing health care services, local governments can contract with each other or with private companies or individuals. Local governments can also jointly own health care services or facilities with other government bodies. However, local government health care services and facilities currently cannot be provided through joint ownership or partnership with private companies or individuals. If adopted, this proposal would be the second exemption to the constitutional prohibition on partnerships between local governments and private companies. The constitution currently allows partnerships to provide municipal utility services.

Arguments For

1) This proposal could expand the range of health care services available in communities. The development of health care programs requires considerable investment in new equipment and qualified personnel. Local governments could share the cost and the risk of starting up new facilities, technology, or clinical services with medical equipment companies, private hospitals, physicians, or other privately owned enterprises. Health care services could be expanded to include hospice care, emergency clinics, mobile mammography units, physical therapy, and surgery centers in areas of the state where they are not currently available. Reduced overhead and equipment costs, less duplication of services, and increased health care provider recruitment may result.

2) Health care partnerships may help provide new sources of revenue to keep existing health care facilities open, particularly in rural areas. This proposal gives local governments the flexibility to enter into business relationships that could help keep health facilities fiscally sound, keep dollars in the local community, prevent people from traveling long distances for medical care, and possibly reduce reliance on taxes. Elected local officials who oversee health care operations will continue to determine which services to provide, allowing local governments to maintain decision-making authority over health care services.

Arguments Against

1) Demand for a particular health care service should decide where it is provided. If providing services is economically feasible, private companies may provide the health care services without the help of public moneys. Governments should not risk public moneys by investing in private companies, and private companies should not be given the chance to benefit from the investment of public moneys. New partnerships and the private companies involved in these partnerships will not be subject to the same laws and level of public scrutiny as local governments. For example, laws on open public meetings and records and conflict of interest will not apply. In addition, local governments already have the flexibility to contract with private companies to provide health care services without entering into ownership agreements. Contracting offers the efficiency of the private sector with less risk to public moneys.

2) The interests of private companies or individuals may not always be to the public's benefit. This measure does not require private companies or individuals to be in the health care field to participate in these partnerships if the result is to provide a health care service, function, or facility. Companies could influence the types or delivery of health care services provided by partnerships, resulting in changes in health care services to maximize the opportunity for profits for private companies. Higher profits do not guarantee better health care services for local communities served by public health facilities.

Estimate of Fiscal Impact

The fiscal impact on local expenditures and revenues is dependent on the number, if any, of local governments that choose to enter into a partnership with a public or private entity in order to provide health care services. Because the number and nature of these arrangements are unknown, the impact cannot be quantified.

REFERENDUM C
QUALIFICATIONS FOR COUNTY CORONERS

The proposed amendment to the Colorado Constitution:

- permits the legislature to establish qualifications for the office of county coroner, including training and certification requirements.

Background

To run for county coroner, a person must be a U.S. citizen, at least eighteen years old, and a resident of the county for one year prior to an election. These qualifications are outlined in the state constitution. Based on a 1994 ruling by the Colorado Supreme Court, the legislature must have constitutional authority to impose any additional qualifications on the office of county coroner. This proposal allows the legislature to establish qualifications for county coroners, including training and certification requirements. The proposal does not specify the nature or extent of the requirements. The earliest that any qualifications established by the legislature could apply is the 2006 election.

State law requires coroners to determine the cause and manner of death in specific circumstances, including suspicious deaths, unexplained natural deaths, accidents of all types, and suicides. When such a death occurs, coroners must notify the district attorney, take

custody of the body, conduct an independent investigation, cause an autopsy to be performed if necessary, and issue a death certificate. In investigating a death, coroners may have to identify the body, collect and document evidence, obtain medical records, perform tests or examinations of the body, notify the next of kin, or conduct an inquest. Coroners also have the authority to approve or deny organ and tissue donations for transplants in cases under their investigation.

State law encourages, but does not require, candidates for the office of coroner to possess knowledge and experience in the medical-legal investigation of death. Coroners are also encouraged by state law to participate in programs that provide education and training. Training is available through a variety of local and national resources, including a program to become a certified death investigator through the Colorado Coroners Association.

Arguments For

1) The complexities of coroner responsibilities require that the individual who holds the office meet minimum qualifications. Coroners are called upon to investigate numerous types of death which include, but are not limited to, all suspicious deaths, unexplained natural deaths, accidents of all types, and suicides. A coroner should have the expertise to properly determine the cause and manner of death and issue a death certificate. This document is used to determine insurance benefits for survivors and settle legal matters, both criminal and civil. In the event that the death is not properly certified, there may be legal or financial implications.

2) Training helps to ensure efficient, thorough, and accurate death investigations. Coroners work closely with state and federal agencies, physicians, law enforcement agencies, district and other attorneys, and insurance companies. Training may facilitate greater cooperation between coroners and the agencies and individuals with whom they work.

Arguments Against

1) The constitution should not be changed unless a significant problem exists. Currently, 75 percent of counties have coroners or staff members who are certified death investigators, and all counties have access to death investigation educational programs. The goal of training is being achieved without statutory requirements.

2) Allowing the legislature to establish qualifications and training requirements may narrow the pool of possible candidates. The legislature may develop qualifications that are difficult for some rural and smaller counties to implement. For example, candidates may be required to be certified, trained, or hold a medical degree. Such requirements could limit who is eligible for the office and make filling the office difficult.

Estimate of Fiscal Impact

This proposal will not affect state revenues or expenditures and will not require any new state spending. The cost impact to each county will depend on whether the requirements enacted by the legislature are more costly than what counties currently spend for their coroners.

REFERENDUM D
REPEAL OF OBSOLETE CONSTITUTIONAL PROVISIONS

The proposed amendment to the Colorado Constitution:

- removes expired provisions for events that have already occurred;
- strikes an obsolete reference to legislative authority relating to courts; and
- removes a congressional term-limits provision found unconstitutional by the Colorado Supreme Court in 1998.

Background

Expired provisions. The proposal removes four provisions related to the establishment of a statewide court system and judicial reform:

- a requirement that judges for the then newly created Denver juvenile and probate courts be elected at the 1964 General Election;
- a provision transferring cases from county courts to district courts, when district courts became courts of general jurisdiction effective January 1965;
- a provision that allows sitting judges in January 1967 to serve the remainder of their terms during the transition from elected to appointed judges; and

- language terminating the terms of office for sitting members of the Commission on Judicial Qualifications on July 1, 1983, when it was replaced by the Commission on Judicial Discipline.

The proposal removes two provisions relating to debt that has since been repaid:

- a reference to a 1991 state loan to the Limited Gaming Fund for the initial organizational and administrative expenses to establish gaming in Colorado; and
- a provision regarding the use of lottery proceeds collected from April 1, 1993, to June 30, 1998, for various capital construction projects that have been completed.

The proposal removes additional miscellaneous provisions:

- a 1902 provision regarding temporary officers for the newly established City and County of Denver; and
- provisions regarding annexation by Denver, Lakewood, or Aurora permitted between April 1, 1974, and December 20, 1974.

Obsolete reference to legislative authority. The proposal removes language from 1962 granting the state legislature the authority to provide simplified procedures in county courts for claims not exceeding $500. In 1964 and 1976, the state legislature passed laws directing the Judicial Branch to adopt procedures for these courts. The Supreme Court currently provides procedures for all claims filed in county courts and small claims courts.

Unconstitutional provision. The proposal removes a term-limits provision ruled unconstitutional by the Colorado Supreme Court in 1998. The provision directs state and congressional legislators to follow specific steps to amend the federal constitution to implement congressional term limits, and directs the state to note on the ballot which legislators failed to comply. The court found the provision violates the U.S. Constitution because it takes away the ability of state and congressional legislators to use their own judgment and, in effect, forces them to vote in a particular way.

Argument For

1) The proposal updates the constitution by deleting an unconstitutional provision, irrelevant language, and procedures that no longer serve a useful purpose. The state constitution should not be cluttered with obsolete provisions.

Argument Against

1) The proposal eliminates provisions that express the will of the people on term limits or have other historical significance. Removing these provisions may diminish the historical character of the constitution and make future research of constitutional provisions and state laws more difficult.

Estimate of Fiscal Impact

The proposal does not affect state or local revenues or expenditures.

REFERENDUM E
CESAR CHAVEZ STATE HOLIDAY

The proposed amendment to the *Colorado Revised Statutes*:

- designates March 31st as "Cesar Chavez Day" and makes it a legal holiday for state employees.

Background

Cesar Estrada Chavez was an American civil rights and labor leader. He was born near Yuma, Arizona, on March 31, 1927, and died in 1993. After eighth grade, he left school and worked full time as a migrant farm worker to help support his family. He served in the U.S. Navy during World War II. During the 1950s, he was an organizer in the Community Service Organization, a civil rights group. Later, he founded the organization now known as the United Farm Workers of America. Through peaceful strikes and boycotts, his efforts resulted in agricultural labor reforms such as safe and sanitary working conditions, higher wages, and medical coverage. After his death, Cesar Chavez was awarded the Presidential Medal of Freedom, which is the highest civilian honor bestowed by the federal government.

State holidays in Colorado. The proposal increases the number of paid holidays for state employees from ten to eleven starting in 2003. Currently, the state holidays in Colorado are New Year's Day, Dr. Martin Luther King, Jr. Day, Washington-Lincoln Day (also known as Presidents' Day), Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas Day. Under current Colorado law, March 31st is recognized as an optional holiday in honor of Cesar Chavez. State agencies are required to remain open on that day. Employees may take the day off with pay if they work another weekday holiday in the same budget year, provided the state agency is open.

Recognition of Cesar Chavez. Three other states recognize Cesar Chavez. It is a state holiday in California and an optional holiday in Texas. Arizona recognizes March 31st as Cesar Chavez Day but does not make it a holiday. On the November 2002 ballot, New Mexico voters will consider a constitutional amendment designating the last Friday in March as a state holiday honoring Cesar Chavez. In Colorado, the City and County of Denver designates the last Monday in March as a holiday honoring Cesar Chavez.

School year holidays in Colorado. Local boards of education set the holidays for the annual school calendar around the minimum hours of state-required school days. If this proposal is adopted, each local board of education will determine if Cesar Chavez Day is a school holiday.

Arguments For

1) Cesar Chavez should be honored in Colorado with a state holiday rather than an optional holiday. Holidays honoring individuals focus the public's attention on the individual's contribution to American history and culture. Cesar Chavez was a nationally respected voice for social and economic justice for farm workers, especially Hispanics.

2) Many states designate holidays to honor individuals or groups important to citizens of their state. For example, Illinois celebrates Casimir Pulaski Day, Hawaii celebrates King Kamehameha Day, and Wyoming celebrates Native American Day. Cesar Chavez is a role model for all Colorado citizens for his nonviolent approach to social change, and especially for Colorado's Hispanic community. If approved, this proposal would establish eleven state holidays in Colorado, which is the same as the average number of holidays for state employees in other states.

Arguments Against

1) The proposal is not needed because the state currently recognizes Cesar Chavez. There are many people who deserve recognition and many ways to celebrate and honor a person's life and accomplishments without taking a day off from work. State employees already have ten days off compared to an average of nine days off for private sector employees. Another state holiday may pose a hardship on those who rely on the daily operations of state agencies.

2) Colorado cannot afford a new holiday due to its weakened economy. This proposal will cost the state approximately $477,000 this year because some agencies will be required to pay holiday wages to employees who will have to work on Cesar Chavez Day. If approved, the legislature may have to shift money from other state programs to pay for the holiday. Additionally, a new holiday will cost the state about $10 million annually in lost employee productivity.

Estimate of Fiscal Impact

The proposal creates one day of lost employee productivity at a cost of about $10.1 million each state budget year. Additionally, $477,000 in new state expenditures and $53,800 in federal expenditures will be needed to pay holiday wages to those employees working in facilities open 24 hours per day, seven days per week. These facilities include state prisons and human services centers.

AMENDMENT 27
CAMPAIGN FINANCE

Ballot Title: An amendment to the Colorado constitution concerning campaign finance, and, in connection therewith, reducing the amount of campaign contributions that persons may make to candidate committees, political committees, and political parties; establishing contribution limits for small donor committees; prohibiting candidate committees and political parties from making or accepting certain contributions; restricting the amount of contributions political parties and political committees may accept from certain sources; limiting contributions and expenditures that may be made by corporations or labor organizations; creating voluntary campaign spending limits; providing for a periodic adjustment of contribution and voluntary spending limits; specifying the treatment of unexpended contributions; requiring the disclosure of information about persons making electioneering communications above a specified amount; defining electioneering communications as certain near-election communications that unambiguously refer to a candidate and are targeted to voters; and incorporating into the constitution existing statutory provisions, with amendments, regarding definitions, deposits of contributions, limits on cash contributions, notice and disclosure of independent expenditures, reporting of contributions and expenditures, civil penalties, and duties of the secretary of state.

Text of Proposal:

Be it enacted by the people of the state of Colorado:

The constitution of the state of Colorado is amended BY THE ADDITION OF A NEW ARTICLE:

ARTICLE XXVIII
CAMPAIGN AND POLITICAL FINANCE

Section 1. Purpose and findings. THE PEOPLE OF THE STATE OF COLORADO HEREBY FIND AND DECLARE THAT LARGE CAMPAIGN CONTRIBUTIONS TO POLITICAL CANDIDATES CREATE THE POTENTIAL FOR CORRUPTION AND THE APPEARANCE OF CORRUPTION; THAT LARGE CAMPAIGN CONTRIBUTIONS MADE TO INFLUENCE ELECTION OUTCOMES ALLOW WEALTHY INDIVIDUALS, CORPORATIONS, AND SPECIAL INTEREST GROUPS TO EXERCISE A DISPROPORTIONATE LEVEL OF INFLUENCE OVER THE POLITICAL PROCESS; THAT THE RISING COSTS OF CAMPAIGNING FOR POLITICAL OFFICE PREVENT QUALIFIED CITIZENS FROM RUNNING FOR POLITICAL OFFICE; THAT BECAUSE OF THE USE OF EARLY VOTING IN COLORADO TIMELY NOTICE OF INDEPENDENT EXPENDITURES IS ESSENTIAL FOR

INFORMING THE ELECTORATE; THAT IN RECENT YEARS THE ADVENT OF SIGNIFICANT SPENDING ON ELECTIONEERING COMMUNICATIONS, AS DEFINED HEREIN, HAS FRUSTRATED THE PURPOSE OF EXISTING CAMPAIGN FINANCE REQUIREMENTS; THAT INDEPENDENT RESEARCH HAS DEMONSTRATED THAT THE VAST MAJORITY OF TELEVISED ELECTIONEERING COMMUNICATIONS GOES BEYOND ISSUE DISCUSSION TO EXPRESS ELECTORAL ADVOCACY; THAT POLITICAL CONTRIBUTIONS FROM CORPORATE TREASURIES ARE NOT AN INDICATION OF POPULAR SUPPORT FOR THE CORPORATION'S POLITICAL IDEAS AND CAN UNFAIRLY INFLUENCE THE OUTCOME OF COLORADO ELECTIONS; AND THAT THE INTERESTS OF THE PUBLIC ARE BEST SERVED BY LIMITING CAMPAIGN CONTRIBUTIONS, ENCOURAGING VOLUNTARY CAMPAIGN SPENDING LIMITS, PROVIDING FOR FULL AND TIMELY DISCLOSURE OF CAMPAIGN CONTRIBUTIONS, INDEPENDENT EXPENDITURES, AND FUNDING OF ELECTIONEERING COMMUNICATIONS, AND STRONG ENFORCEMENT OF CAMPAIGN FINANCE REQUIREMENTS.

Section 2. Definitions. FOR THE PURPOSE OF THIS ARTICLE AND ANY STATUTORY PROVISIONS PERTAINING TO CAMPAIGN FINANCE, INCLUDING PROVISIONS PERTAINING TO DISCLOSURE:

(1) "APPROPRIATE OFFICER" MEANS THE INDIVIDUAL WITH WHOM A CANDIDATE, CANDIDATE COMMITTEE, POLITICAL COMMITTEE, SMALL DONOR COMMITTEE, OR ISSUE COMMITTEE MUST FILE PURSUANT TO SECTION 1-45-109 (1), C.R.S., OR ANY SUCCESSOR SECTION.

(2) "CANDIDATE" MEANS ANY PERSON WHO SEEKS NOMINATION OR ELECTION TO ANY STATE OR LOCAL PUBLIC OFFICE THAT IS TO BE VOTED ON IN THIS STATE AT ANY PRIMARY ELECTION, GENERAL ELECTION, SCHOOL DISTRICT ELECTION, SPECIAL DISTRICT ELECTION, OR MUNICIPAL ELECTION. "CANDIDATE" ALSO INCLUDES A JUDGE OR JUSTICE OF ANY COURT OF RECORD WHO SEEKS TO BE RETAINED IN OFFICE PURSUANT TO THE PROVISIONS OF SECTION 25 OF ARTICLE VI. A PERSON IS A CANDIDATE FOR ELECTION IF THE PERSON HAS PUBLICLY ANNOUNCED AN INTENTION TO SEEK ELECTION TO PUBLIC OFFICE OR RETENTION OF A JUDICIAL OFFICE AND THEREAFTER HAS RECEIVED A CONTRIBUTION OR MADE AN EXPENDITURE IN SUPPORT OF THE CANDIDACY. A PERSON REMAINS A CANDIDATE FOR PURPOSES OF THIS ARTICLE SO LONG AS THE CANDIDATE MAINTAINS A REGISTERED CANDIDATE COMMITTEE. A PERSON WHO MAINTAINS A CANDIDATE COMMITTEE AFTER AN ELECTION CYCLE, BUT WHO HAS NOT PUBLICLY ANNOUNCED AN INTENTION TO SEEK ELECTION TO PUBLIC OFFICE IN THE NEXT OR ANY SUBSEQUENT ELECTION CYCLE, IS A CANDIDATE FOR PURPOSES OF THIS ARTICLE.

(3) "CANDIDATE COMMITTEE" MEANS A PERSON, INCLUDING THE CANDIDATE, OR PERSONS WITH THE COMMON PURPOSE OF RECEIVING CONTRIBUTIONS OR MAKING EXPENDITURES UNDER THE AUTHORITY OF A CANDIDATE. A CONTRIBUTION TO A CANDIDATE SHALL BE DEEMED A CONTRIBUTION TO THE CANDIDATE'S CANDIDATE COMMITTEE. A CANDIDATE SHALL HAVE ONLY ONE CANDIDATE COMMITTEE. A CANDIDATE COMMITTEE SHALL BE CONSIDERED OPEN AND ACTIVE UNTIL AFFIRMATIVELY CLOSED BY THE CANDIDATE OR BY ACTION OF THE SECRETARY OF STATE.

(4) "CONDUIT" MEANS A PERSON WHO TRANSMITS CONTRIBUTIONS FROM MORE THAN ONE PERSON, DIRECTLY TO A CANDIDATE COMMITTEE. "CONDUIT" DOES NOT INCLUDE THE CONTRIBUTOR'S IMMEDIATE FAMILY MEMBERS, THE CANDIDATE OR CAMPAIGN TREASURER OF THE CANDIDATE COMMITTEE RECEIVING THE CONTRIBUTION, A VOLUNTEER FUND RAISER HOSTING AN EVENT FOR A CANDIDATE COMMITTEE, OR A PROFESSIONAL FUND RAISER IF THE FUND RAISER IS COMPENSATED AT THE USUAL AND CUSTOMARY RATE.

(5) (a) "CONTRIBUTION" MEANS:

(I) THE PAYMENT, LOAN, PLEDGE, GIFT, OR ADVANCE OF MONEY, OR GUARANTEE OF A LOAN, MADE TO ANY CANDIDATE COMMITTEE, ISSUE COMMITTEE, POLITICAL COMMITTEE, SMALL DONOR COMMITTEE, OR POLITICAL PARTY;

(II) ANY PAYMENT MADE TO A THIRD PARTY FOR THE BENEFIT OF ANY CANDIDATE COMMITTEE, ISSUE COMMITTEE, POLITICAL COMMITTEE, SMALL DONOR COMMITTEE, OR POLITICAL PARTY;

(III) THE FAIR MARKET VALUE OF ANY GIFT OR LOAN OF PROPERTY MADE TO ANY CANDIDATE COMMITTEE, ISSUE COMMITTEE, POLITICAL COMMITTEE, SMALL DONOR COMMITTEE OR POLITICAL PARTY;

(IV) ANYTHING OF VALUE GIVEN, DIRECTLY OR INDIRECTLY, TO A CANDIDATE FOR THE PURPOSE OF PROMOTING THE CANDIDATE'S NOMINATION, RETENTION, RECALL, OR ELECTION.

(b) "CONTRIBUTION" DOES NOT INCLUDE SERVICES PROVIDED WITHOUT COMPENSATION BY INDIVIDUALS VOLUNTEERING THEIR TIME ON BEHALF OF A CANDIDATE, CANDIDATE COMMITTEE, POLITICAL COMMITTEE, SMALL DONOR COMMITTEE, ISSUE COMMITTEE, OR POLITICAL PARTY; A TRANSFER BY A MEMBERSHIP ORGANIZATION OF A PORTION OF A MEMBER'S DUES TO A SMALL DONOR COMMITTEE OR POLITICAL COMMITTEE SPONSORED BY SUCH MEMBERSHIP ORGANIZATION; OR PAYMENTS BY A CORPORATION OR LABOR ORGANIZATION FOR THE COSTS OF ESTABLISHING, ADMINISTERING, AND SOLICITING FUNDS FROM ITS OWN EMPLOYEES OR MEMBERS FOR A POLITICAL COMMITTEE OR SMALL DONOR COMMITTEE.

(6) "ELECTION CYCLE" MEANS EITHER:

(a) THE PERIOD OF TIME BEGINNING THIRTY-ONE DAYS FOLLOWING A GENERAL ELECTION FOR THE PARTICULAR OFFICE AND ENDING THIRTY DAYS FOLLOWING THE NEXT GENERAL ELECTION FOR THAT OFFICE;

(b) THE PERIOD OF TIME BEGINNING THIRTY-ONE DAYS FOLLOWING A GENERAL ELECTION FOR THE PARTICULAR OFFICE AND ENDING THIRTY DAYS FOLLOWING THE SPECIAL LEGISLATIVE ELECTION FOR THAT OFFICE; OR

(c) THE PERIOD OF TIME BEGINNING THIRTY-ONE DAYS FOLLOWING THE SPECIAL LEGISLATIVE ELECTION FOR THE PARTICULAR OFFICE AND ENDING THIRTY DAYS FOLLOWING THE NEXT GENERAL ELECTION FOR THAT OFFICE.

(7) (a) "ELECTIONEERING COMMUNICATION" MEANS ANY COMMUNICATION BROADCASTED BY TELEVISION OR RADIO, PRINTED IN A NEWSPAPER OR ON A BILLBOARD, DIRECTLY MAILED OR DELIVERED BY HAND TO PERSONAL RESIDENCES OR OTHERWISE DISTRIBUTED THAT:

(I) UNAMBIGUOUSLY REFERS TO ANY CANDIDATE; AND

(II) IS BROADCASTED, PRINTED, MAILED, DELIVERED, OR DISTRIBUTED WITHIN THIRTY DAYS BEFORE A PRIMARY ELECTION OR SIXTY DAYS BEFORE A GENERAL ELECTION; AND

(III) IS BROADCASTED TO, PRINTED IN A NEWSPAPER DISTRIBUTED TO, MAILED TO, DELIVERED BY HAND TO, OR OTHERWISE DISTRIBUTED TO AN AUDIENCE THAT INCLUDES MEMBERS OF THE ELECTORATE FOR SUCH PUBLIC OFFICE.

(b) "ELECTIONEERING COMMUNICATION" DOES NOT INCLUDE:

(I) ANY NEWS ARTICLES, EDITORIAL ENDORSEMENTS, OPINION OR COMMENTARY WRITINGS, OR LETTERS TO THE EDITOR PRINTED IN A NEWSPAPER, MAGAZINE OR OTHER PERIODICAL NOT OWNED OR CONTROLLED BY A CANDIDATE OR POLITICAL PARTY;

(II) ANY EDITORIAL ENDORSEMENTS OR OPINIONS AIRED BY A BROADCAST FACILITY NOT OWNED OR CONTROLLED BY A CANDIDATE OR POLITICAL PARTY;

(III) ANY COMMUNICATION BY PERSONS MADE IN THE REGULAR COURSE AND SCOPE OF THEIR BUSINESS OR ANY COMMUNICATION MADE BY A MEMBERSHIP ORGANIZATION SOLELY TO MEMBERS OF SUCH ORGANIZATION AND THEIR FAMILIES;

(IV) ANY COMMUNICATION THAT REFERS TO ANY CANDIDATE ONLY AS PART OF THE POPULAR NAME OF A BILL OR STATUTE.

(8) (a) "EXPENDITURE" MEANS ANY PURCHASE, PAYMENT, DISTRIBUTION, LOAN, ADVANCE, DEPOSIT, OR GIFT OF MONEY BY ANY PERSON FOR THE PURPOSE OF EXPRESSLY ADVOCATING THE ELECTION OR DEFEAT OF A CANDIDATE OR SUPPORTING OR OPPOSING A BALLOT ISSUE OR BALLOT QUESTION. AN EXPENDITURE IS MADE WHEN THE ACTUAL SPENDING OCCURS OR WHEN THERE IS A CONTRACTUAL AGREEMENT REQUIRING SUCH SPENDING AND THE AMOUNT IS DETERMINED.

(b) "EXPENDITURE" DOES NOT INCLUDE:

(I) ANY NEWS ARTICLES, EDITORIAL ENDORSEMENTS, OPINION OR COMMENTARY WRITINGS, OR LETTERS TO THE EDITOR PRINTED IN A NEWSPAPER, MAGAZINE OR OTHER PERIODICAL NOT OWNED OR CONTROLLED BY A CANDIDATE OR POLITICAL PARTY;

(II) ANY EDITORIAL ENDORSEMENTS OR OPINIONS AIRED BY A BROADCAST FACILITY NOT OWNED OR CONTROLLED BY A CANDIDATE OR POLITICAL PARTY;

(III) SPENDING BY PERSONS, OTHER THAN POLITICAL PARTIES, POLITICAL COMMITTEES AND SMALL DONOR COMMITTEES, IN THE REGULAR COURSE AND SCOPE OF THEIR BUSINESS OR PAYMENTS BY A MEMBERSHIP ORGANIZATION FOR ANY COMMUNICATION SOLELY TO MEMBERS AND THEIR FAMILIES;

(IV) ANY TRANSFER BY A MEMBERSHIP ORGANIZATION OF A PORTION OF A MEMBER'S DUES TO A SMALL DONOR COMMITTEE OR POLITICAL COMMITTEE SPONSORED BY SUCH MEMBERSHIP ORGANIZATION; OR PAYMENTS MADE BY A CORPORATION OR LABOR ORGANIZATION FOR THE COSTS OF ESTABLISHING, ADMINISTERING, OR SOLICITING FUNDS FROM ITS OWN EMPLOYEES OR MEMBERS FOR A POLITICAL COMMITTEE OR SMALL DONOR COMMITTEE.

(9) "INDEPENDENT EXPENDITURE" MEANS AN EXPENDITURE THAT IS NOT CONTROLLED BY OR COORDINATED WITH ANY CANDIDATE OR AGENT OF SUCH CANDIDATE. EXPENDITURES THAT ARE CONTROLLED BY OR COORDINATED WITH A CANDIDATE OR CANDIDATE'S AGENT ARE DEEMED TO BE BOTH CONTRIBUTIONS

BY THE MAKER OF THE EXPENDITURES, AND EXPENDITURES BY THE CANDIDATE COMMITTEE.

(10)(a) "ISSUE COMMITTEE" MEANS ANY PERSON, OTHER THAN A NATURAL PERSON, OR ANY GROUP OF TWO OR MORE PERSONS, INCLUDING NATURAL PERSONS:

(I) THAT HAS A MAJOR PURPOSE OF SUPPORTING OR OPPOSING ANY BALLOT ISSUE OR BALLOT QUESTION; OR

(II) THAT HAS ACCEPTED OR MADE CONTRIBUTIONS OR EXPENDITURES IN EXCESS OF TWO HUNDRED DOLLARS TO SUPPORT OR OPPOSE ANY BALLOT ISSUE OR BALLOT QUESTION.

(b) "ISSUE COMMITTEE" DOES NOT INCLUDE POLITICAL PARTIES, POLITICAL COMMITTEES, SMALL DONOR COMMITTEES, OR CANDIDATE COMMITTEES AS OTHERWISE DEFINED IN THIS SECTION.

(c) AN ISSUE COMMITTEE SHALL BE CONSIDERED OPEN AND ACTIVE UNTIL AFFIRMATIVELY CLOSED BY SUCH COMMITTEE OR BY ACTION OF THE APPROPRIATE AUTHORITY.

(11) "PERSON" MEANS ANY NATURAL PERSON, PARTNERSHIP, COMMITTEE, ASSOCIATION, CORPORATION, LABOR ORGANIZATION, POLITICAL PARTY, OR OTHER ORGANIZATION OR GROUP OF PERSONS.

(12) (a) "POLITICAL COMMITTEE" MEANS ANY PERSON, OTHER THAN A NATURAL PERSON, OR ANY GROUP OF TWO OR MORE PERSONS, INCLUDING NATURAL PERSONS THAT HAVE ACCEPTED OR MADE CONTRIBUTIONS OR EXPENDITURES IN EXCESS OF $200 TO SUPPORT OR OPPOSE THE NOMINATION OR ELECTION OF ONE OR MORE CANDIDATES.

(b) "POLITICAL COMMITTEE" DOES NOT INCLUDE POLITICAL PARTIES, ISSUE COMMITTEES, OR CANDIDATE COMMITTEES AS OTHERWISE DEFINED IN THIS SECTION.

(c) FOR THE PURPOSES OF THIS ARTICLE, THE FOLLOWING ARE TREATED AS A SINGLE POLITICAL COMMITTEE:

(I) ALL POLITICAL COMMITTEES ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY A SINGLE CORPORATION OR ITS SUBSIDIARIES;

(II) ALL POLITICAL COMMITTEES ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY A SINGLE LABOR ORGANIZATION; EXCEPT THAT, ANY POLITICAL COMMITTEE ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY A LOCAL UNIT OF THE LABOR ORGANIZATION WHICH HAS THE AUTHORITY TO MAKE A DECISION INDEPENDENTLY OF THE STATE AND NATIONAL UNITS AS TO WHICH CANDIDATES TO SUPPORT OR OPPOSE SHALL BE DEEMED SEPARATE FROM THE POLITICAL COMMITTEE OF THE STATE AND NATIONAL UNIT;

(III) ALL POLITICAL COMMITTEES ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY THE SAME POLITICAL PARTY;

(IV) ALL POLITICAL COMMITTEES ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY SUBSTANTIALLY THE SAME GROUP OF PERSONS.

(13) "POLITICAL PARTY" MEANS ANY GROUP OF REGISTERED ELECTORS WHO, BY PETITION OR ASSEMBLY, NOMINATE CANDIDATES FOR THE OFFICIAL GENERAL ELECTION BALLOT. "POLITICAL PARTY" INCLUDES AFFILIATED PARTY ORGANIZATIONS AT THE STATE, COUNTY, AND ELECTION DISTRICT LEVELS, AND

ALL SUCH AFFILIATES ARE CONSIDERED TO BE A SINGLE ENTITY FOR THE PURPOSES OF THIS ARTICLE, EXCEPT AS OTHERWISE PROVIDED IN SECTION 7.

(14)(a) "SMALL DONOR COMMITTEE" MEANS ANY POLITICAL COMMITTEE THAT HAS ACCEPTED CONTRIBUTIONS ONLY FROM NATURAL PERSONS WHO EACH CONTRIBUTED NO MORE THAN FIFTY DOLLARS IN THE AGGREGATE PER YEAR. FOR PURPOSES OF THIS SECTION, DUES TRANSFERRED BY A MEMBERSHIP ORGANIZATION TO A SMALL DONOR COMMITTEE SPONSORED BY SUCH ORGANIZATION SHALL BE TREATED AS PRO-RATA CONTRIBUTIONS FROM INDIVIDUAL MEMBERS.

(b) "SMALL DONOR COMMITTEE" DOES NOT INCLUDE POLITICAL PARTIES, POLITICAL COMMITTEES, ISSUE COMMITTEES, OR CANDIDATE COMMITTEES AS OTHERWISE DEFINED IN THIS SECTION.

(c) FOR THE PURPOSES OF THIS ARTICLE, THE FOLLOWING ARE TREATED AS A SINGLE SMALL DONOR COMMITTEE:

(I) ALL SMALL DONOR COMMITTEES ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY A SINGLE CORPORATION OR ITS SUBSIDIARIES;

(II) ALL SMALL DONOR COMMITTEES ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY A SINGLE LABOR ORGANIZATION; EXCEPT THAT, ANY SMALL DONOR COMMITTEE ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY A LOCAL UNIT OF THE LABOR ORGANIZATION WHICH HAS THE AUTHORITY TO MAKE A DECISION INDEPENDENTLY OF THE STATE AND NATIONAL UNITS AS TO WHICH CANDIDATES TO SUPPORT OR OPPOSE SHALL BE DEEMED SEPARATE FROM THE SMALL DONOR COMMITTEE OF THE STATE AND NATIONAL UNIT;

(III) ALL SMALL DONOR COMMITTEES ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY THE SAME POLITICAL PARTY;

(IV) ALL SMALL DONOR COMMITTEES ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY SUBSTANTIALLY THE SAME GROUP OF PERSONS.

(15) "UNEXPENDED CAMPAIGN CONTRIBUTIONS" MEANS THE BALANCE OF FUNDS ON HAND IN ANY CANDIDATE COMMITTEE AT THE END OF AN ELECTION CYCLE, LESS THE AMOUNT OF ALL UNPAID MONETARY OBLIGATIONS INCURRED PRIOR TO THE ELECTION IN FURTHERANCE OF SUCH CANDIDACY.

Section 3. Contribution limits. (1) EXCEPT AS DESCRIBED IN SUBSECTIONS (2), (3), AND (4) OF THIS SECTION, NO PERSON, INCLUDING A POLITICAL COMMITTEE, SHALL MAKE TO A CANDIDATE COMMITTEE, AND NO CANDIDATE COMMITTEE SHALL ACCEPT FROM ANY ONE PERSON, AGGREGATE CONTRIBUTIONS FOR A PRIMARY OR A GENERAL ELECTION IN EXCESS OF THE FOLLOWING AMOUNTS:

(a) FIVE HUNDRED DOLLARS TO ANY ONE:

(I) GOVERNOR CANDIDATE COMMITTEE FOR THE PRIMARY ELECTION, AND GOVERNOR AND LIEUTENANT GOVERNOR CANDIDATE COMMITTEE, AS JOINT CANDIDATES UNDER 1-1-104, C.R.S., OR ANY SUCCESSOR SECTION, FOR THE GENERAL ELECTION;

(II) SECRETARY OF STATE, STATE TREASURER, OR ATTORNEY GENERAL CANDIDATE COMMITTEE; AND

(b) TWO HUNDRED DOLLARS TO ANY ONE STATE SENATE, STATE HOUSE OF REPRESENTATIVES, STATE BOARD OF EDUCATION, REGENT OF THE UNIVERSITY OF COLORADO, OR DISTRICT ATTORNEY CANDIDATE COMMITTEE.

(2) NO SMALL DONOR COMMITTEE SHALL MAKE TO A CANDIDATE COMMITTEE, AND NO CANDIDATE COMMITTEE SHALL ACCEPT FROM ANY ONE SMALL DONOR COMMITTEE, AGGREGATE CONTRIBUTIONS FOR A PRIMARY OR A GENERAL ELECTION IN EXCESS OF THE FOLLOWING AMOUNTS:

(a) FIVE THOUSAND DOLLARS TO ANY ONE:

(I) GOVERNOR CANDIDATE COMMITTEE FOR THE PRIMARY ELECTION, AND GOVERNOR AND LIEUTENANT GOVERNOR CANDIDATE COMMITTEE, AS JOINT CANDIDATES UNDER 1-1-104, C.R.S., OR ANY SUCCESSOR SECTION, FOR THE GENERAL ELECTION;

(II) SECRETARY OF STATE, STATE TREASURER, OR ATTORNEY GENERAL CANDIDATE COMMITTEE; AND

(b) TWO THOUSAND DOLLARS TO ANY ONE STATE SENATE, STATE HOUSE OF REPRESENTATIVES, STATE BOARD OF EDUCATION, REGENT OF THE UNIVERSITY OF COLORADO, OR DISTRICT ATTORNEY CANDIDATE COMMITTEE.

(3)(a) NO POLITICAL PARTY SHALL ACCEPT AGGREGATE CONTRIBUTIONS FROM ANY PERSON, OTHER THAN A SMALL DONOR COMMITTEE AS DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (3), THAT EXCEED THREE THOUSAND DOLLARS PER YEAR AT THE STATE, COUNTY, DISTRICT, AND LOCAL LEVEL COMBINED, AND OF SUCH AMOUNT NO MORE THAN TWENTY-FIVE HUNDRED DOLLARS PER YEAR AT THE STATE LEVEL;

(b) NO POLITICAL PARTY SHALL ACCEPT AGGREGATE CONTRIBUTIONS FROM ANY SMALL DONOR COMMITTEE THAT EXCEED FIFTEEN THOUSAND DOLLARS PER YEAR AT THE STATE, COUNTY, DISTRICT, AND LOCAL LEVEL COMBINED, AND OF SUCH AMOUNT NO MORE THAN TWELVE THOUSAND, FIVE HUNDRED DOLLARS AT THE STATE LEVEL;

(c) NO POLITICAL PARTY SHALL ACCEPT CONTRIBUTIONS THAT ARE INTENDED, OR IN ANY WAY DESIGNATED, TO BE PASSED THROUGH THE PARTY TO A SPECIFIC CANDIDATE'S CANDIDATE COMMITTEE;

(d) IN THE APPLICABLE ELECTION CYCLE, NO POLITICAL PARTY SHALL CONTRIBUTE TO ANY CANDIDATE COMMITTEE MORE THAN TWENTY PERCENT OF THE APPLICABLE SPENDING LIMIT SET FORTH IN SECTION 4 OF THIS ARTICLE.

(e) ANY UNEXPENDED CAMPAIGN CONTRIBUTIONS RETAINED BY A CANDIDATE COMMITTEE FOR USE IN A SUBSEQUENT ELECTION CYCLE SHALL BE COUNTED AND REPORTED AS CONTRIBUTIONS FROM A POLITICAL PARTY IN ANY SUBSEQUENT ELECTION FOR PURPOSES OF PARAGRAPH (d) OF THIS SUBSECTION (3);

(4)(a) IT SHALL BE UNLAWFUL FOR A CORPORATION OR LABOR ORGANIZATION TO MAKE CONTRIBUTIONS TO A CANDIDATE COMMITTEE OR A POLITICAL PARTY, AND TO MAKE EXPENDITURES EXPRESSLY ADVOCATING THE ELECTION OR DEFEAT OF A CANDIDATE; EXCEPT THAT A CORPORATION OR LABOR ORGANIZATION MAY ESTABLISH A POLITICAL COMMITTEE OR SMALL DONOR COMMITTEE WHICH MAY ACCEPT CONTRIBUTIONS OR DUES FROM EMPLOYEES, OFFICEHOLDERS, SHAREHOLDERS. OR MEMBERS.

(b) THE PROHIBITION CONTAINED IN PARAGRAPH (a) OF THIS SUBSECTION (4) SHALL NOT APPLY TO A CORPORATION THAT:

(I) IS FORMED FOR THE PURPOSE OF PROMOTING POLITICAL IDEAS AND CANNOT ENGAGE IN BUSINESS ACTIVITIES; AND

(II) HAS NO SHAREHOLDERS OR OTHER PERSONS WITH A CLAIM ON ITS ASSETS OR INCOME; AND

(III) WAS NOT ESTABLISHED BY AND DOES NOT ACCEPT CONTRIBUTIONS FROM BUSINESS CORPORATIONS OR LABOR ORGANIZATIONS.

(5) NO POLITICAL COMMITTEE SHALL ACCEPT AGGREGATE CONTRIBUTIONS OR PRO-RATA DUES FROM ANY PERSON IN EXCESS OF FIVE HUNDRED DOLLARS PER HOUSE OF REPRESENTATIVES ELECTION CYCLE.

(6) NO CANDIDATE'S CANDIDATE COMMITTEE SHALL ACCEPT CONTRIBUTIONS FROM, OR MAKE CONTRIBUTIONS TO, ANOTHER CANDIDATE COMMITTEE, INCLUDING ANY CANDIDATE COMMITTEE, OR EQUIVALENT ENTITY, ESTABLISHED UNDER FEDERAL LAW.

(7) NO PERSON SHALL ACT AS A CONDUIT FOR A CONTRIBUTION TO A CANDIDATE COMMITTEE.

(8) NOTWITHSTANDING ANY OTHER SECTION OF THIS ARTICLE TO THE CONTRARY, A CANDIDATE'S CANDIDATE COMMITTEE MAY RECEIVE A LOAN FROM A FINANCIAL INSTITUTION ORGANIZED UNDER STATE OR FEDERAL LAW IF THE LOAN BEARS THE USUAL AND CUSTOMARY INTEREST RATE, IS MADE ON A BASIS THAT ASSURES REPAYMENT, IS EVIDENCED BY A WRITTEN INSTRUMENT, AND IS SUBJECT TO A DUE DATE OR AMORTIZATION SCHEDULE. THE CONTRIBUTION LIMITS DESCRIBED IN THIS SECTION SHALL NOT APPLY TO A LOAN AS DESCRIBED IN THIS SUBSECTION (8).

(9) ALL CONTRIBUTIONS RECEIVED BY A CANDIDATE COMMITTEE, ISSUE COMMITTEE, POLITICAL COMMITTEE, SMALL DONOR COMMITTEE, OR POLITICAL PARTY SHALL BE DEPOSITED IN A FINANCIAL INSTITUTION IN A SEPARATE ACCOUNT WHOSE TITLE SHALL INCLUDE THE NAME OF THE COMMITTEE OR POLITICAL PARTY. ALL RECORDS PERTAINING TO SUCH ACCOUNTS SHALL BE MAINTAINED BY THE COMMITTEE OR POLITICAL PARTY FOR ONE-HUNDRED EIGHTY DAYS FOLLOWING ANY GENERAL ELECTION IN WHICH THE COMMITTEE OR PARTY RECEIVED CONTRIBUTIONS UNLESS A COMPLAINT IS FILED, IN WHICH CASE THEY SHALL BE MAINTAINED UNTIL FINAL DISPOSITION OF THE COMPLAINT AND ANY CONSEQUENT LITIGATION. SUCH RECORDS SHALL BE SUBJECT TO INSPECTION AT ANY HEARING HELD PURSUANT TO THIS ARTICLE.

(10) NO CANDIDATE COMMITTEE, POLITICAL COMMITTEE, SMALL DONOR COMMITTEE, ISSUE COMMITTEE, OR POLITICAL PARTY SHALL ACCEPT A CONTRIBUTION, OR MAKE AN EXPENDITURE, IN CURRENCY OR COIN EXCEEDING ONE HUNDRED DOLLARS.

(11) NO PERSON SHALL MAKE A CONTRIBUTION TO A CANDIDATE COMMITTEE, ISSUE COMMITTEE, POLITICAL COMMITTEE, SMALL DONOR COMMITTEE, OR POLITICAL PARTY WITH THE EXPECTATION THAT SOME OR ALL OF THE AMOUNTS OF SUCH CONTRIBUTION WILL BE REIMBURSED BY ANOTHER PERSON. NO PERSON SHALL BE REIMBURSED FOR A CONTRIBUTION MADE TO ANY CANDIDATE COMMITTEE, ISSUE COMMITTEE, POLITICAL COMMITTEE, SMALL DONOR

COMMITTEE, OR POLITICAL PARTY, NOR SHALL ANY PERSON MAKE SUCH REIMBURSEMENT EXCEPT AS PROVIDED IN SUBSECTION (8) OF THIS SECTION.

(12) NO CANDIDATE COMMITTEE, POLITICAL COMMITTEE, SMALL DONOR COMMITTEE, OR POLITICAL PARTY SHALL KNOWINGLY ACCEPT CONTRIBUTIONS FROM:

(a) ANY NATURAL PERSON WHO IS NOT A CITIZEN OF THE UNITED STATES;

(b) A FOREIGN GOVERNMENT; OR

(c) ANY FOREIGN CORPORATION THAT DOES NOT HAVE THE AUTHORITY TO TRANSACT BUSINESS IN THIS STATE PURSUANT TO ARTICLE 115 OF TITLE 7, C.R.S., OR ANY SUCCESSOR SECTION.

(13) EACH LIMIT ON CONTRIBUTIONS DESCRIBED IN SUBSECTIONS (1), (2), (3)(a), (3)(b) AND (5) OF THIS SECTION, AND SUBSECTION (14) OF SECTION 2, SHALL BE ADJUSTED BY AN AMOUNT BASED UPON THE PERCENTAGE CHANGE OVER A FOUR YEAR PERIOD IN THE UNITED STATES BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX FOR DENVER- BOULDER-GREELEY, ALL ITEMS, ALL CONSUMERS, OR ITS SUCCESSOR INDEX, ROUNDED TO THE NEAREST LOWEST TWENTY-FIVE DOLLARS. THE FIRST ADJUSTMENT SHALL BE DONE IN THE FIRST QUARTER OF 2007 AND THEN EVERY FOUR YEARS THEREAFTER. THE SECRETARY OF STATE SHALL CALCULATE SUCH AN ADJUSTMENT IN EACH LIMIT AND SPECIFY THE LIMITS IN RULES PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., OR ANY SUCCESSOR SECTION.

Section 4. Voluntary campaign spending limits. (1) CANDIDATES MAY CERTIFY TO THE SECRETARY OF STATE THAT THE CANDIDATE'S CANDIDATE COMMITTEE SHALL NOT EXCEED THE FOLLOWING SPENDING LIMITS FOR THE APPLICABLE ELECTION CYCLE:

(a) TWO AND ONE-HALF MILLION DOLLARS COMBINED FOR A CANDIDATE FOR GOVERNOR AND GOVERNOR AND LIEUTENANT GOVERNOR AS JOINT CANDIDATES UNDER 1-1-104, C.R.S., OR ANY SUCCESSOR SECTION;

(b) FIVE HUNDRED THOUSAND DOLLARS FOR A CANDIDATE FOR SECRETARY OF STATE, ATTORNEY GENERAL, OR TREASURER;

(c) NINETY THOUSAND DOLLARS FOR A CANDIDATE FOR THE STATE SENATE;

(d) SIXTY-FIVE THOUSAND DOLLARS FOR A CANDIDATE FOR THE STATE HOUSE OF REPRESENTATIVES, STATE BOARD OF EDUCATION, REGENT OF THE UNIVERSITY OF COLORADO, OR DISTRICT ATTORNEY.

(2) CANDIDATES ACCEPTING THE CAMPAIGN SPENDING LIMITS SET FORTH ABOVE SHALL ALSO AGREE THAT THEIR PERSONAL CONTRIBUTIONS TO THEIR OWN CAMPAIGN SHALL BE COUNTED AS POLITICAL PARTY CONTRIBUTIONS AND SUBJECT TO THE AGGREGATE LIMIT ON SUCH CONTRIBUTIONS SET FORTH IN SECTION 3 OF THIS ARTICLE.

(3) EACH CANDIDATE WHO CHOOSES TO ACCEPT THE APPLICABLE VOLUNTARY SPENDING LIMIT SHALL FILE A STATEMENT TO THAT EFFECT WITH THE SECRETARY OF STATE AT THE TIME THAT THE CANDIDATE FILES A CANDIDATE AFFIDAVIT AS CURRENTLY SET FORTH IN SECTION 1-45-110(1), C.R.S., OR ANY SUCCESSOR SECTION. ACCEPTANCE OF THE APPLICABLE VOLUNTARY SPENDING

LIMIT SHALL BE IRREVOCABLE EXCEPT AS SET FORTH IN SUBSECTION (4) OF THIS SECTION AND SHALL SUBJECT THE CANDIDATE TO THE PENALTIES SET FORTH IN SECTION 10 OF THIS ARTICLE FOR EXCEEDING THE LIMIT.

(4) IF A CANDIDATE ACCEPTS THE APPLICABLE SPENDING LIMIT AND ANOTHER CANDIDATE FOR THE SAME OFFICE REFUSES TO ACCEPT THE SPENDING LIMIT, THE ACCEPTING CANDIDATE SHALL HAVE TEN DAYS IN WHICH TO WITHDRAW ACCEPTANCE. THE ACCEPTING CANDIDATE SHALL HAVE THIS OPTION OF WITHDRAWING ACCEPTANCE AFTER EACH ADDITIONAL NON-ACCEPTING CANDIDATE FOR THE SAME OFFICE ENTERS THE RACE.

(5) THE APPLICABLE CONTRIBUTION LIMITS SET FORTH IN SECTION 3 OF THIS ARTICLE SHALL DOUBLE FOR ANY CANDIDATE WHO HAS ACCEPTED THE APPLICABLE VOLUNTARY SPENDING LIMIT IF:

(a) ANOTHER CANDIDATE IN THE RACE FOR THE SAME OFFICE HAS NOT ACCEPTED THE VOLUNTARY SPENDING LIMIT; AND

(b) THE NON-ACCEPTING CANDIDATE HAS RAISED MORE THAN TEN PERCENT OF THE APPLICABLE VOLUNTARY SPENDING LIMIT.

(6) ONLY THOSE CANDIDATES WHO HAVE AGREED TO ABIDE BY THE APPLICABLE VOLUNTARY SPENDING LIMIT MAY ADVERTISE THEIR COMPLIANCE. ALL OTHER CANDIDATES ARE PROHIBITED FROM ADVERTISING, OR IN ANY WAY IMPLYING, THEIR ACCEPTANCE OF VOLUNTARY SPENDING LIMITS.

(7) EACH SPENDING LIMIT DESCRIBED IN SUBSECTION (1) OF THIS SECTION SHALL BE ADJUSTED BY AN AMOUNT BASED UPON THE PERCENTAGE CHANGE OVER A FOUR YEAR PERIOD IN THE UNITED STATES BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX FOR DENVER-BOULDER-GREELEY, ALL ITEMS, ALL CONSUMERS, OR ITS SUCCESSOR INDEX, ROUNDED TO THE NEAREST LOWEST TWENTY-FIVE DOLLARS. THE FIRST ADJUSTMENT SHALL BE DONE IN THE FIRST QUARTER OF 2007 AND THEN EVERY FOUR YEARS THEREAFTER. THE SECRETARY OF STATE SHALL CALCULATE SUCH AN ADJUSTMENT IN EACH LIMIT AND SPECIFY THE LIMITS IN RULES PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., OR ANY SUCCESSOR SECTION.

Section 5. Independent expenditures. (1) ANY PERSON MAKING AN INDEPENDENT EXPENDITURE IN EXCESS OF ONE THOUSAND DOLLARS PER CALENDAR YEAR SHALL DELIVER NOTICE IN WRITING TO THE SECRETARY OF STATE OF SUCH INDEPENDENT EXPENDITURE, AS WELL AS THE AMOUNT OF SUCH EXPENDITURE, AND A DETAILED DESCRIPTION OF THE USE OF SUCH INDEPENDENT EXPENDITURE. THE NOTICE SHALL SPECIFICALLY STATE THE NAME OF THE CANDIDATE WHOM THE INDEPENDENT EXPENDITURE IS INTENDED TO SUPPORT OR OPPOSE. EACH INDEPENDENT EXPENDITURE IN EXCESS OF ONE-THOUSAND DOLLARS SHALL REQUIRE THE DELIVERY OF A NEW NOTICE. ANY PERSON MAKING AN INDEPENDENT EXPENDITURE WITHIN THIRTY DAYS OF A PRIMARY OR GENERAL ELECTION SHALL DELIVER SUCH NOTICE WITHIN FORTY-EIGHT HOURS AFTER OBLIGATING FUNDS FOR SUCH EXPENDITURE.

(2) ANY PERSON MAKING AN INDEPENDENT EXPENDITURE IN EXCESS OF ONE THOUSAND DOLLARS SHALL DISCLOSE, IN THE COMMUNICATION PRODUCED BY THE EXPENDITURE, THE NAME OF THE PERSON MAKING THE EXPENDITURE AND THE SPECIFIC STATEMENT THAT THE ADVERTISEMENT OF MATERIAL IS NOT

AUTHORIZED BY ANY CANDIDATE. SUCH DISCLOSURE SHALL BE PROMINENTLY FEATURED IN THE COMMUNICATION.

(3) EXPENDITURES BY ANY PERSON ON BEHALF OF A CANDIDATE FOR PUBLIC OFFICE THAT ARE COORDINATED WITH OR CONTROLLED BY THE CANDIDATE OR THE CANDIDATE'S AGENT, OR POLITICAL PARTY SHALL BE CONSIDERED A CONTRIBUTION TO THE CANDIDATE'S CANDIDATE COMMITTEE, OR THE POLITICAL PARTY, RESPECTIVELY.

(4) THIS SECTION 5 APPLIES ONLY TO INDEPENDENT EXPENDITURES MADE FOR THE PURPOSE OF EXPRESSLY ADVOCATING THE DEFEAT OR ELECTION OF ANY CANDIDATE.

Section 6. Electioneering communications. (1) ANY PERSON WHO EXPENDS ONE THOUSAND DOLLARS OR MORE PER CALENDAR YEAR ON ELECTIONEERING COMMUNICATIONS SHALL SUBMIT REPORTS TO THE SECRETARY OF STATE IN ACCORDANCE WITH THE SCHEDULE CURRENTLY SET FORTH IN 1-45-108 (2), C.R.S., OR ANY SUCCESSOR SECTION. SUCH REPORTS SHALL INCLUDE SPENDING ON SUCH ELECTIONEERING COMMUNICATIONS, AND THE NAME, AND ADDRESS, OF ANY PERSON THAT CONTRIBUTES MORE THAN TWO HUNDRED AND FIFTY DOLLARS PER YEAR TO SUCH PERSON DESCRIBED IN THIS SECTION FOR AN ELECTIONEERING COMMUNICATION. IN THE CASE WHERE THE PERSON IS A NATURAL PERSON, SUCH REPORTS SHALL ALSO INCLUDE THE OCCUPATION AND EMPLOYER OF SUCH NATURAL PERSON. THE LAST SUCH REPORT SHALL BE FILED THIRTY DAYS AFTER THE APPLICABLE ELECTION.

(2) NOTWITHSTANDING ANY SECTION TO THE CONTRARY, IT SHALL BE UNLAWFUL FOR A CORPORATION OR LABOR ORGANIZATION TO PROVIDE FUNDING FOR AN ELECTIONEERING COMMUNICATION; EXCEPT THAT ANY POLITICAL COMMITTEE OR SMALL DONOR COMMITTEE ESTABLISHED BY SUCH CORPORATION OR LABOR ORGANIZATION MAY PROVIDE FUNDING FOR AN ELECTIONEERING COMMUNICATION.

Section 7. Disclosure. THE DISCLOSURE REQUIREMENTS RELEVANT TO CANDIDATE COMMITTEES, POLITICAL COMMITTEES, ISSUE COMMITTEES, AND POLITICAL PARTIES, THAT ARE CURRENTLY SET FORTH IN SECTION 1-45-108, C.R.S., OR ANY SUCCESSOR SECTION, SHALL BE EXTENDED TO INCLUDE SMALL DONOR COMMITTEES. THE DISCLOSURE REQUIREMENTS OF SECTION 1-45-108, C.R.S., OR ANY SUCCESSOR SECTION, SHALL BE EXTENDED TO REQUIRE DISCLOSURE OF THE OCCUPATION AND EMPLOYER OF EACH PERSON WHO HAS MADE A CONTRIBUTION OF ONE HUNDRED DOLLARS OR MORE TO A CANDIDATE COMMITTEE, POLITICAL COMMITTEE, ISSUE COMMITTEE, OR POLITICAL PARTY. FOR PURPOSES OF THIS SECTION AND 1-45-108, C.R.S., OR ANY SUCCESSOR SECTION, A POLITICAL PARTY SHALL BE TREATED AS SEPARATE ENTITIES AT THE STATE, COUNTY, DISTRICT, AND LOCAL LEVELS.

Section 8. Filing - where to file - timeliness. THE SECRETARY OF STATE SHALL PROMULGATE RULES RELATING TO FILING IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., OR ANY SUCCESSOR SECTION. THE RULES PROMULGATED

PURSUANT TO THIS SECTION SHALL EXTEND SECTION 1-45-109, C.R.S., OR ANY SUCCESSOR SECTION TO APPLY TO SMALL DONOR COMMITTEES.

Section 9. Duties of the secretary of state - enforcement. (1) THE SECRETARY OF STATE SHALL:

(a) PREPARE FORMS AND INSTRUCTIONS TO ASSIST CANDIDATES AND THE PUBLIC IN COMPLYING WITH THE REPORTING REQUIREMENTS OF THIS ARTICLE AND MAKE SUCH FORMS AND INSTRUCTIONS AVAILABLE TO THE PUBLIC, MUNICIPAL CLERKS, AND COUNTY CLERK AND RECORDERS FREE OF CHARGE;

(b) PROMULGATE SUCH RULES, IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., OR ANY SUCCESSOR SECTION, AS MAY BE NECESSARY TO ADMINISTER AND ENFORCE ANY PROVISION OF THIS ARTICLE;

(c) PREPARE FORMS FOR CANDIDATES TO DECLARE THEIR VOLUNTARY ACCEPTANCE OF THE CAMPAIGN SPENDING LIMITS SET FORTH IN SECTION 4 OF THIS ARTICLE. SUCH FORMS SHALL INCLUDE AN ACKNOWLEDGMENT THAT THE CANDIDATE VOLUNTARILY ACCEPTS THE APPLICABLE SPENDING LIMIT AND THAT THE CANDIDATE SWEARS TO ABIDE BY THOSE SPENDING LIMITS. THESE FORMS SHALL BE SIGNED BY THE CANDIDATE UNDER OATH, NOTARIZED, FILED WITH THE SECRETARY OF STATE, AND AVAILABLE TO THE PUBLIC UPON REQUEST;

(c) MAINTAIN A FILING AND INDEXING SYSTEM CONSISTENT WITH THE PURPOSES OF THIS ARTICLE;

(e) MAKE THE REPORTS AND STATEMENTS FILED WITH THE SECRETARY OF STATE'S OFFICE AVAILABLE IMMEDIATELY FOR PUBLIC INSPECTION AND COPYING. THE SECRETARY OF STATE MAY CHARGE A REASONABLE FEE FOR PROVIDING COPIES OF REPORTS. NO INFORMATION COPIED FROM SUCH REPORTS SHALL BE SOLD OR USED BY ANY PERSON FOR THE PURPOSE OF SOLICITING CONTRIBUTIONS OR FOR ANY COMMERCIAL PURPOSE;

(f) REFER ANY COMPLAINTS FILED AGAINST ANY CANDIDATE FOR THE OFFICE OF SECRETARY OF STATE TO THE ATTORNEY GENERAL. ANY ADMINISTRATIVE LAW JUDGE EMPLOYED PURSUANT TO THIS SECTION SHALL BE APPOINTED PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., OR ANY SUCCESSOR SECTION. ANY HEARING CONDUCTED BY AN ADMINISTRATIVE LAW JUDGE EMPLOYED PURSUANT TO SUBSECTION (2) OF THIS SECTION SHALL BE CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 24-4-105, C.R.S., OR ANY SUCCESSOR SECTION.

(2) (a) ANY PERSON WHO BELIEVES THAT A VIOLATION OF SECTION 3, SECTION 4, SECTION 5, SECTION 6, SECTION 7, OR SECTION 9 (1) (e), OF THIS ARTICLE, OR OF SECTIONS 1-45-108, 1-45-114, 1-45-115, OR 1-45-117 C.R.S., OR ANY SUCCESSOR SECTIONS, HAS OCCURRED MAY FILE A WRITTEN COMPLAINT WITH THE SECRETARY OF STATE NO LATER THAN ONE HUNDRED EIGHTY DAYS AFTER THE DATE OF THE ALLEGED VIOLATION. THE SECRETARY OF STATE SHALL REFER THE COMPLAINT TO AN ADMINISTRATIVE LAW JUDGE WITHIN THREE DAYS OF THE FILING OF THE COMPLAINT. THE ADMINISTRATIVE LAW JUDGE SHALL HOLD A HEARING WITHIN FIFTEEN DAYS OF THE REFERRAL OF THE COMPLAINT, AND SHALL RENDER A DECISION WITHIN FIFTEEN DAYS OF THE HEARING. THE DEFENDANT SHALL BE GRANTED AN EXTENSION OF UP TO THIRTY DAYS UPON DEFENDANT'S MOTION, OR LONGER UPON A SHOWING OF GOOD CAUSE. IF THE

ADMINISTRATIVE LAW JUDGE DETERMINES THAT SUCH VIOLATION HAS OCCURRED, SUCH DECISION SHALL INCLUDE ANY APPROPRIATE ORDER, SANCTION, OR RELIEF AUTHORIZED BY THIS ARTICLE. THE DECISION OF THE ADMINISTRATIVE LAW JUDGE SHALL BE FINAL AND SUBJECT TO REVIEW BY THE COURT OF APPEALS, PURSUANT TO SECTION 24-4-106 (11), C.R.S., OR ANY SUCCESSOR SECTION. THE SECRETARY OF STATE AND THE ADMINISTRATIVE LAW JUDGE ARE NOT NECESSARY PARTIES TO THE REVIEW. THE DECISION MAYBE ENFORCED BY THE SECRETARY OF STATE, OR, IF THE SECRETARY OF STATE DOES NOT FILE AN ENFORCEMENT ACTION WITHIN THIRTY DAYS OF THE DECISION, IN A PRIVATE CAUSE OF ACTION BY THE PERSON FILING THE COMPLAINT. ANY PRIVATE ACTION BROUGHT UNDER THIS SECTION SHALL BE BROUGHT WITHIN ONE YEAR OF THE DATE OF THE VIOLATION IN STATE DISTRICT COURT. THE PREVAILING PARTY IN A PRIVATE ENFORCEMENT ACTION SHALL BE ENTITLED TO REASONABLE ATTORNEYS FEES AND COSTS.

(b) THE ATTORNEY GENERAL SHALL INVESTIGATE COMPLAINTS MADE AGAINST ANY CANDIDATE FOR THE OFFICE OF SECRETARY OF STATE USING THE SAME PROCEDURES SET FORTH IN PARAGRAPH (a) OF THIS SUBSECTION (2). COMPLAINANT SHALL HAVE THE SAME PRIVATE RIGHT OF ACTION AS UNDER PARAGRAPH (a) OF THIS SUBSECTION (2).

(c) A SUBPOENA ISSUED BY AN ADMINISTRATIVE LAW JUDGE REQUIRING THE PRODUCTION OF DOCUMENTS BY AN ISSUE COMMITTEE SHALL BE LIMITED TO DOCUMENTS PERTAINING TO CONTRIBUTIONS TO, OR EXPENDITURES FROM, THE COMMITTEE'S SEPARATE ACCOUNT ESTABLISHED PURSUANT TO SECTION 3(9) OF THIS ARTICLE TO SUPPORT OR OPPOSE A BALLOT ISSUE OR BALLOT OUESTION. A SUBPOENA SHALL NOT BE LIMITED IN THIS MANNER WHERE SUCH ISSUE COMMITTEE FAILS TO FORM A SEPARATE ACCOUNT THROUGH WHICH A BALLOT ISSUE OR BALLOT QUESTION IS SUPPORTED OR OPPOSED.

Section 10. Sanctions. (1) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS ARTICLE RELATING TO CONTRIBUTION OR VOLUNTARY SPENDING LIMITS SHALL BE SUBJECT TO A CIVIL PENALTY OF AT LEAST DOUBLE AND UP TO FIVE TIMES THE AMOUNT CONTRIBUTED, RECEIVED, OR SPENT IN VIOLATION OF THE APPLICABLE PROVISION OF THIS ARTICLE. CANDIDATES SHALL BE PERSONALLY LIABLE FOR PENALTIES IMPOSED UPON THE CANDIDATE'S COMMITTEE.

(2) (a) THE APPROPRIATE OFFICER SHALL IMPOSE A PENALTY OF FIFTY DOLLARS PER DAY FOR EACH DAY THAT A STATEMENT OR OTHER INFORMATION REQUIRED TO BE FILED PURSUANT TO SECTION 5, SECTION 6, OR SECTION 7 OF THIS ARTICLE, OR SECTIONS 1-45-108, 1-45-109 OR 1-45-110, C.R.S., OR ANY SUCCESSOR SECTIONS, IS NOT FILED BY THE CLOSE OF BUSINESS ON THE DAY DUE. UPON IMPOSITION OF A PENALTY PURSUANT TO THIS SUBSECTION (2), THE APPROPRIATE OFFICER SHALL SEND THE PERSON UPON WHOM THE PENALTY IS BEING IMPOSED PROPER NOTIFICATION BY CERTIFIED MAIL OF THE IMPOSITION OF THE PENALTY. IF AN ELECTRONIC MAIL ADDRESS IS ON FILE WITH THE SECRETARY OF STATE, THE SECRETARY OF STATE SHALL ALSO PROVIDE SUCH NOTIFICATION BY ELECTRONIC MAIL. REVENUES COLLECTED FROM FEES AND PENALTIES

ASSESSED BY THE SECRETARY OF STATE OR REVENUES COLLECTED IN THE FORM OF PAYMENT OF THE SECRETARY OF STATE'S ATTORNEY FEES AND COSTS PURSUANT TO THIS ARTICLE SHALL BE DEPOSITED IN THE DEPARTMENT OF STATE CASH FUND CREATED IN SECTION 24-21-104 (3), C.R.S., OR ANY SUCCESSOR SECTION.

(b) (I) ANY PERSON REQUIRED TO FILE A REPORT WITH THE SECRETARY OF STATE AND UPON WHOM A PENALTY HAS BEEN IMPOSED PURSUANT TO THIS SUBSECTION (2) MAY APPEAL SUCH PENALTY BY FILING A WRITTEN APPEAL WITH THE SECRETARY OF STATE NO LATER THAN THIRTY DAYS AFTER THE DATE ON WHICH NOTIFICATION OF THE IMPOSITION OF THE PENALTY WAS MAILED TO SUCH PERSON'S LAST KNOWN ADDRESS IN ACCORDANCE WITH PARAGRAPH (a) OF THIS SUBSECTION (2). EXCEPT AS PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION (2), THE SECRETARY SHALL REFER THE APPEAL TO AN ADMINISTRATIVE LAW JUDGE. ANY HEARING CONDUCTED BY AN ADMINISTRATIVE LAW JUDGE PURSUANT TO THIS SUBSECTION (2) SHALL BE CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 24-4-105, C.R.S., OR ANY SUCCESSOR SECTION. THE ADMINISTRATIVE LAW JUDGE SHALL SET ASIDE OR REDUCE THE PENALTY UPON A SHOWING OF GOOD CAUSE, AND THE PERSON FILING THE APPEAL SHALL BEAR THE BURDEN OF PROOF. THE DECISION OF THE ADMINISTRATIVE LAW JUDGE SHALL BE FINAL AND SUBJECT TO REVIEW BY THE COURT OF APPEALS PURSUANT TO SECTION 24-4-106 (11), C.R.S., OR ANY SUCCESSOR SECTION.

(II) IF THE ADMINISTRATIVE LAW JUDGE FINDS THAT THE FILING OF AN APPEAL BROUGHT PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) WAS FRIVOLOUS, GROUNDLESS, OR VEXATIOUS, THE ADMINISTRATIVE LAW JUDGE SHALL ORDER THE PERSON FILING THE APPEAL TO PAY REASONABLE ATTORNEY FEES AND COSTS OF THE SECRETARY OF STATE IN CONNECTION WITH SUCH PROCEEDING.

(c) UPON RECEIPT BY THE SECRETARY OF STATE OF AN APPEAL PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2), THE SECRETARY SHALL SET ASIDE OR REDUCE THE PENALTY UPON A SHOWING OF GOOD CAUSE.

(d) ANY UNPAID DEBT OWING TO THE STATE RESULTING FROM A PENALTY IMPOSED PURSUANT TO THIS SUBSECTION (2) SHALL BE COLLECTED BY THE STATE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 24-30-202.4, C.R.S., OR ANY SUCCESSOR SECTION.

(3) FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ARTICLE SHALL HAVE NO EFFECT ON THE VALIDITY OF ANY ELECTION.

Section 11. Conflicting provisions declared inapplicable. ANY PROVISIONS IN THE STATUTES OF THIS STATE IN CONFLICT OR INCONSISTENT WITH THIS ARTICLE ARE HEREBY DECLARED TO BE INAPPLICABLE TO THE MATTERS COVERED AND PROVIDED FOR IN THIS ARTICLE.

Section 12. Repeal of conflicting statutory provisions. SECTIONS 1-45-103, 1-45-105.3, 1-45-107, 1-45-111, AND 1-45-113 ARE REPEALED.

Section 13. APPLICABILITY AND EFFECTIVE DATE. THE PROVISIONS OF THIS ARTICLE SHALL TAKE EFFECT ON DECEMBER 6, 2002 AND BE APPLICABLE

FOR ALL ELECTIONS THEREAFTER. LEGISLATION MAY BE ENACTED TO FACILITATE ITS OPERATIONS, BUT IN NO WAY LIMITING OR RESTRICTING THE PROVISIONS OF THIS ARTICLE OR THE POWERS HEREIN GRANTED.

Section 14. Severability. IF ANY PROVISION OF THIS ARTICLE OR THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCES IS HELD INVALID, SUCH INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THE ARTICLE WHICH CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS ARTICLE ARE DECLARED TO BE SEVERABLE.

AMENDMENT 28
MAIL BALLOT ELECTIONS

Ballot Title: An amendment to the Colorado Revised Statutes concerning the conduct of elections using mail-in ballots, and, in connection therewith, replacing existing statutory provisions relating to mail ballot elections with provisions governing "automatic absentee ballot elections"; requiring that, after January 1, 2005, any election held on the same day as any primary, general, congressional vacancy, special legislative, partisan officer recall, or other November coordinated election, be conducted as an automatic absentee ballot election; permitting other elections and elections held before January 1, 2005 to be conducted as automatic absentee ballot elections; requiring an election official who conducts an automatic absentee ballot election to submit a plan for the election to be approved by the secretary of state; specifying requirements for the delivery and return of ballots in an automatic absentee ballot election, including provisions for ballot drop-off sites, polling booth locations, and the issuance and return of replacement ballots; specifying requirements for ballot qualification in an automatic absentee ballot election, including the verification of voters' signatures and the counting of such ballots; specifying that interference with the delivery of a ballot in an automatic absentee ballot election to the designated election official is an election offense; and increasing penalties for specified election offenses.

Text of Proposal:

Be it Enacted by the People of the State of Colorado:

SECTION 1. Article 7.5 of title 1, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

1-7.5-101. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "AUTOMATIC ABSENTEE BALLOT ELECTION ACT".

1-7.5-102. Legislative declaration. THE PEOPLE OF THE STATE OF COLORADO HEREBY FIND, DETERMINE, AND DECLARE THAT SELF-GOVERNMENT BY ELECTION IS MORE LEGITIMATE AND BETTER ACCEPTED AS VOTER PARTICIPATION INCREASES. THE PEOPLE FURTHER FIND, DETERMINE, AND DECLARE THAT MAIL BALLOT ELECTIONS SUCH AS THE AUTOMATIC ABSENTEE BALLOT ELECTIONS TO BE CONDUCTED UNDER THIS ARTICLE ARE COST-EFFICIENT AND HAVE NOT RESULTED IN INCREASED FRAUD. BY ENACTING THIS ARTICLE, THE PEOPLE CONCLUDE THAT IT IS APPROPRIATE TO PROVIDE FOR AUTOMATIC ABSENTEE BALLOT ELECTIONS UNDER THE CONDITIONS SET FORTH IN THIS ARTICLE.

1-7.5-103. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "AUTOMATIC ABSENTEE BALLOT ELECTION" MEANS AN ELECTION CONDUCTED PURSUANT TO THIS ARTICLE.

(2) "DESIGNATED ELECTION OFFICIAL" SHALL HAVE THE MEANING SET FORTH IN SECTION 1-1-104(8), AND SHALL INCLUDE ALL DESIGNEES OF THE DESIGNATED ELECTION OFFICIAL. IN A COORDINATED ELECTION AND AS PROVIDED BY INTERGOVERNMENTAL AGREEMENT, THE COUNTY CLERK AND RECORDER SHALL BE CONSIDERED THE DESIGNATED ELECTION OFFICIAL FOR PURPOSES OF THIS ARTICLE.

(3) "ELECTION" MEANS ANY ELECTION UNDER THE "UNIFORM ELECTION CODE OF 1992" OR THE "COLORADO MUNICIPAL ELECTION CODE OF 1965", ARTICLE 10 OF TITLE 31, C.R.S.

(4) "ELECTION DAY" MEANS THE DATE EITHER ESTABLISHED BY LAW OR DETERMINED BY THE GOVERNING BODY OF THE POLITICAL SUBDIVISION CONDUCTING THE ELECTION TO BE THE FINAL DAY ON WHICH ALL BALLOTS ARE DETERMINED TO BE DUE, AND THE DATE FROM WHICH ALL OTHER DATES IN THIS ARTICLE ARE SET.

(5) "POLITICAL SUBDIVISION" MEANS A GOVERNING SUBDIVISION OF THE STATE AND INCLUDES COUNTIES, MUNICIPALITIES, SCHOOL DISTRICTS, AND SPECIAL DISTRICTS.

(6) "POLLING BOOTH LOCATION" MEANS A LOCATION WHERE ELIGIBLE ELECTORS MAY CAST THEIR VOTES IN A PRIVATE POLLING BOOTH ON ELECTION DAY.

(7) "RETURN VERIFICATION ENVELOPE" MEANS THE ENVELOPE PROVIDED IN THE ABSENTEE BALLOT PACKET FOR THE RETURN OF THE BALLOT.

(8) "SECRECY ENVELOPE" MEANS THE SEALABLE ENVELOPE PROVIDED IN THE ABSENTEE BALLOT PACKET TO CONCEAL AND MAINTAIN THE CONFIDENTIALITY OF THE BALLOT.

(9) "SECURE DROP-OFF SITE" MEANS A SECURE, STAFFED LOCATION AT WHICH ELIGIBLE ELECTORS MAY DEPOSIT THEIR ABSENTEE BALLOTS INTO A PLAINLY-MARKED, LOCKED AND SEALED BALLOT BOX USED SOLELY FOR THE

PURPOSE OF RETURNING ABSENTEE BALLOTS TO THE DESIGNATED ELECTION OFFICIAL.

1-7.5-104. Elections required or eligible to be conducted by automatic absentee ballot. (1) ANY ELECTION CONDUCTED AFTER JANUARY 1, 2005 IN CONJUNCTION WITH OR ON THE SAME DAY AS A PRIMARY ELECTION, PRESIDENTIAL PRIMARY ELECTION, CONGRESSIONAL VACANCY ELECTION, SPECIAL LEGISLATIVE ELECTION, PARTISAN OFFICER RECALL ELECTION, GENERAL ELECTION, OR OTHER NOVEMBER COORDINATED ELECTION SHALL BE CONDUCTED BY AUTOMATIC ABSENTEE BALLOT PURSUANT TO THIS ARTICLE.

(2) THE GOVERNING BODY OF ANY POLITICAL SUBDIVISION CONDUCTING AN ELECTION PRIOR TO JANUARY 1, 2005 OR AN ELECTION WHICH IS OTHERWISE NOT DESCRIBED IN SUBSECTION (1) MAY DECIDE THAT THE ELECTION SHALL BE CONDUCTED BY AUTOMATIC ABSENTEE BALLOT.

(3) AUTOMATIC ABSENTEE BALLOT ELECTIONS SHALL BE CONDUCTED AS PROVIDED IN THIS ARTICLE AND ANY OTHER APPLICABLE LAW OR RULES GOVERNING ELECTIONS. IN THE EVENT OF A CONFLICT BETWEEN THE PROVISIONS OF THIS ARTICLE AND ANY OTHER APPLICABLE LAW, THE PROVISIONS OF THIS ARTICLE SHALL GOVERN.

1-7.5-105. Secretary of state and designated election official - duties and powers. (1) THE SECRETARY OF STATE SHALL SUPERVISE AUTOMATIC ABSENTEE BALLOT ELECTIONS AND PROMULGATE SUCH RULES AS ARE REASONABLE AND NECESSARY TO IMPLEMENT THIS ACT AND TO PROVIDE FOR THE EFFICIENT, UNIFORM, AND SECURE CONDUCT OF ELECTIONS CONDUCTED UNDER THIS ACT. ANY RULES PROMULGATED BY THE SECRETARY OF STATE HEREUNDER SHALL BE PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.

(2) THE DESIGNATED ELECTION OFFICIAL SHALL, IN ACCORDANCE WITH RULES PROMULGATED BY THE SECRETARY OF STATE, SUPERVISE THE PRODUCTION, DISTRIBUTION, HANDLING, COUNTING, AND SECURITY OF THE BALLOTS, AND THE SURVEY OF RETURNS, AND SHALL TAKE THE NECESSARY STEPS TO PROTECT THE CONFIDENTIALITY OF THE BALLOTS CAST AND THE INTEGRITY OF THE ELECTION.

1-7.5-106. Submission of proposed plan to secretary of state. (1) NO LATER THAN SEVENTY-FIVE DAYS BEFORE THE AUTOMATIC ABSENTEE BALLOT ELECTION, THE DESIGNATED ELECTION OFFICIAL SHALL GIVE NOTICE OF THE ELECTION TO THE SECRETARY OF STATE AND THE CLERK AND RECORDER OF THE COUNTY IN WHICH THE ELECTION IS TO BE HELD. IF THE ELECTION REQUIRES THAT ELIGIBLE ELECTORS OWN TAXABLE PROPERTY, NOTICE SHALL ALSO BE GIVEN TO THE COUNTY ASSESSOR OF THE COUNTY IN WHICH THE ELECTION IS TO BE HELD.

(2) THE NOTIFICATION TO THE SECRETARY OF STATE SHALL INCLUDE A PROPOSED PLAN FOR CONDUCTING THE AUTOMATIC ABSENTEE BALLOT ELECTION. A DESIGNATED ELECTION OFFICIAL RESPONSIBLE FOR THE CONDUCT OF A COORDINATED ELECTION MAY SUBMIT A SINGLE PLAN ON BEHALF OF THE

POLITICAL SUBDIVISIONS INVOLVED IN THE COORDINATED ELECTION. THE PLAN SHALL BE BASED ON A STANDARD PLAN FORMAT PRESCRIBED BY THE SECRETARY OF STATE THAT SETS FORTH BEST PRACTICES AND ACCEPTABLE ALTERNATIVE PRACTICES WITH RESPECT TO ALL STAGES OF THE CONDUCT OF AUTOMATIC ABSENTEE BALLOT ELECTIONS. PROPOSED PLANS SHALL INCLUDE ALL INFORMATION REQUIRED BY RULES, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

(a) A DESCRIPTION OF PROCEDURES TO BE USED TO ENSURE BALLOT CONFIDENTIALITY AND SECURITY AT ALL STAGES OF THE PROCESS;

(b) A DESCRIPTION OF PROCEDURES TO BE USED TO UPDATE OUTDATED REGISTRATION ADDRESSES PRIOR TO THE MAILING OF BALLOTS, WHICH SHALL INCLUDE BUT IS NOT LIMITED TO AN ANNUAL MAILING OF A VOTER CONFIRMATION CARD CONSISTENT WITH THE REQUIREMENTS OF PARAGRAPH (b) OF SUBSECTION (6) OF SECTION 1-2-605 TO EACH ELIGIBLE ELECTOR WHOSE REGISTRATION RECORD HAS BEEN MARKED "INACTIVE" FOR A REASON OTHER THAN THAT PRIOR MAIL ADDRESSED TO THE ELIGIBLE ELECTOR WAS RETURNED AS UNDELIVERABLE;

(c) A DESCRIPTION OF PROCEDURES FOR COORDINATING BALLOT DELIVERY AND RETURN WITH THE UNITED STATES POSTAL SERVICE;

(d) IDENTIFICATION OF SECURE DROP-OFF SITE LOCATIONS FOR ELIGIBLE ELECTORS WISHING TO DEPOSIT THEIR BALLOTS AT SUCH SITES, AND A DESCRIPTION OF THE PROCEDURES TO BE USED TO ENSURE THE SECURITY OF BALLOTS DEPOSITED AT SUCH SITES;

(e) IDENTIFICATION OF POLLING BOOTH LOCATIONS TO BE MAINTAINED PURSUANT TO SECTION 1-7.5-111 (4) AND THE PRECINCTS TO BE ASSIGNED TO EACH POLLING BOOTH LOCATION, AND A DESCRIPTION OF THE PROCEDURES TO BE USED FOR VOTING AT POLLING BOOTH LOCATIONS;

(f) A DESCRIPTION OF THE PROCEDURES AND LOCATIONS TO BE USED FOR ISSUING REPLACEMENT BALLOTS AND BALLOTS FOR ELIGIBLE ELECTORS WHO DID NOT RECEIVE MAILED BALLOTS;

(g) WHETHER RETURN VERIFICATION ENVELOPES WILL CONCEAL ELECTOR SIGNATURES;

(h) A DESCRIPTION OF THE PROCEDURES TO BE USED TO QUALIFY RETURNED BALLOTS FOR COUNTING, INCLUDING THE PROCEDURES TO BE USED FOR VERIFYING ELECTOR SIGNATURES;

(i) A DESCRIPTION OF THE PROCEDURES TO BE FOLLOWED FOR PROVISIONAL, CHALLENGED, DEFECTIVE, AND REJECTED BALLOTS;

(j) A DESCRIPTION OF THE MEASURES TO BE TAKEN TO PROVIDE ASSISTANCE TO ELIGIBLE ELECTORS WHO REQUEST ASSISTANCE IN COMPLETING THEIR BALLOTS;

(k) A DESCRIPTION OF PROCEDURES TO BE USED TO RECONCILE BALLOTS ISSUED, BALLOTS RECEIVED, DEFECTIVE BALLOTS, AND REPLACEMENT BALLOTS, INCLUDING A DESCRIPTION OF PROCEDURES TO BE USED TO PREVENT ELECTORS FROM VOTING MORE THAN ONCE; AND

(l) A DESCRIPTION OF PUBLIC OUTREACH EFFORTS TO BE MADE FOR THE PURPOSE OF EDUCATING ELIGIBLE ELECTORS CONCERNING THE MEANS BY WHICH BALLOTS MAY BE RECEIVED AND CAST IN THE ELECTION, AND TO OTHERWISE MAXIMIZE VOTER PARTICIPATION IN THE ELECTION.

(3)(a) WITHIN FIFTEEN DAYS AFTER RECEIVING THE PROPOSED PLAN, THE SECRETARY OF STATE SHALL PROVIDE WRITTEN NOTICE OF APPROVAL OR DISAPPROVAL OF THE PLAN AND THE REASONS THEREFOR TO THE DESIGNATED ELECTION OFFICIAL AND TO EACH POLITICAL SUBDIVISION INVOLVED IN THE ELECTION. THE SECRETARY OF STATE SHALL APPROVE ALL PLANS THAT CONFORM TO THE REQUIREMENTS OF THIS ARTICLE AND THE RULES PROMULGATED HEREUNDER, AND SUCH APPROVAL SHALL NOT BE UNREASONABLY WITHHELD.

(b) IN THE CASE OF A PLAN THAT IS REJECTED FOR FAILURE TO CONFORM TO THE REQUIREMENTS OF THIS ARTICLE AND THE RULES PROMULGATED HEREUNDER, THE SECRETARY OF STATE SHALL HAVE THE AUTHORITY, AFTER CONSULTATION WITH THE DESIGNATED ELECTION OFFICIAL, TO MAKE REASONABLE BINDING CHANGES TO THE PLAN TO BRING IT INTO CONFORMITY WITH STATE LAW.

1-7.5-107. Preparation and submission of list of electors. THE PREPARATION AND SUBMISSION OF THE LIST OF REGISTERED ELECTORS IN AN AUTOMATIC ABSENTEE BALLOT ELECTION SHALL BE HANDLED AS PROVIDED IN SECTIONS 1-5-301 TO 1-5-304 AND IN RULES PROMULGATED BY THE SECRETARY OF STATE.

1-7.5-108. Public notice of automatic absentee ballot election. (1) NO LATER THAN TWENTY-FIVE DAYS BEFORE ELECTION DAY, THE DESIGNATED ELECTION OFFICIAL SHALL PROVIDE NOTICE BY PUBLICATION OF THE ELECTION. THE NOTICE SHALL STATE THE RELEVANT ITEMS SET FORTH IN PARAGRAPHS (a) TO (d) OF SUBSECTION (1) OF SECTION 1-5-205.

(2) THE NOTICE REQUIRED TO BE GIVEN BY THIS SUBSECTION (1) SHALL BE IN LIEU OF THE NOTICE REQUIREMENTS SET FORTH IN SECTION 1-5-205 (1) AND SECTION 31-10-501 (1), C.R.S.

1-7.5-109. Delivery of absentee ballots. (1)(a) NO SOONER THAN TWENTY-FIVE DAYS AND NO LATER THAN EIGHTEEN DAYS BEFORE ELECTION DAY, THE DESIGNATED ELECTION OFFICIAL SHALL MAIL AN ABSENTEE BALLOT PACKET TO EACH ACTIVE REGISTERED ELECTOR. IN THE CASE OF PRIMARY ELECTIONS, THE ABSENTEE BALLOT PACKET SHALL BE MAILED ONLY TO EACH ACTIVE REGISTERED ELECTOR WHO HAS DECLARED A MAJOR POLITICAL PARTY AFFILIATION.

(b) ABSENTEE BALLOT PACKETS SHALL BE MAILED NO LATER THAN THIRTY DAYS BEFORE ELECTION DAY TO REGISTERED ELECTORS RESIDING AT LOCATIONS OTHER THAN THE ADDRESSES CONTAINED IN THEIR REGISTRATION RECORDS WHO HAVE TIMELY FILED AN APPLICATION FOR AN ABSENTEE BALLOT PURSUANT TO SECTION 1-8-104. THE OBLIGATIONS OF THE DESIGNATED ELECTION OFFICIAL UNDER SUBSECTION (1) OF SECTION 1-8-111 WITH RESPECT TO A REGISTERED ELECTOR WHO HAS TIMELY FILED AN APPLICATION FOR DELIVERY OF AN ABSENTEE BALLOT TO HIS OR HER RESIDENCE OF RECORD PURSUANT TO SECTION 1-8-104 SHALL BE FULFILLED BY DELIVERY OF AN ABSENTEE BALLOT PACKET TO SUCH

ELECTOR PURSUANT TO PARAGRAPH (a) OF THIS SECTION, AND THE DESIGNATED ELECTION OFFICIAL SHALL ENSURE THAT DUPLICATE BALLOTS ARE NOT SENT TO SUCH ELECTORS. NOTWITHSTANDING ANYTHING TO THE CONTRARY IN THIS ARTICLE, THE PROVISIONS OF SECTIONS 1-8-103, 1-8-116, AND 1-8-117 SHALL APPLY TO ANY ELIGIBLE ELECTORS COVERED BY THE FEDERAL "UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT", 42 U.S.C. SEC. 1973ff ET SEQ.

(c) THE ABSENTEE BALLOT PACKET SHALL INCLUDE AN ABSENTEE BALLOT, INSTRUCTIONS FOR COMPLETING AND RETURNING THE BALLOT, A SECRECY ENVELOPE, AND A RETURN VERIFICATION ENVELOPE. IN ADDITION TO ANY OTHER INFORMATION REQUIRED TO BE CONTAINED IN THE ABSENTEE BALLOT PACKET, THE PACKET SHALL ALSO INCLUDE SUFFICIENT INFORMATION TO ENABLE THE ELIGIBLE ELECTOR TO KNOW THE AMOUNT OF POSTAGE REQUIRED FOR RETURNING THE BALLOT BY MAIL IN THE RETURN VERIFICATION ENVELOPE. NO ELECTOR INFORMATION SHALL BE DELIVERED IN THE FORM OF A SAMPLE BALLOT.

(d) THE ENVELOPE CONTAINING THE ABSENTEE BALLOT PACKET SHALL BE MARKED "DO NOT FORWARD. RETURN SERVICE REQUESTED", OR ANY OTHER SIMILAR STATEMENT PROVIDING THAT THE ENVELOPE IS NOT FORWARDABLE THAT IS IN ACCORDANCE WITH UNITED STATES POSTAL SERVICE REGULATIONS, AND SHALL INCLUDE A WARNING SUBSTANTIALLY IN THE FOLLOWING FORM:

"WARNING:

ANY PERSON WHO, BY USE OF FORCE OR OTHER MEANS, UNDULY INFLUENCES AN ELIGIBLE ELECTOR TO VOTE IN ANY PARTICULAR MANNER OR TO REFRAIN FROM VOTING, OR WHO FALSELY MAKES, ALTERS, FORGES, OR COUNTERFEITS ANY ABSENTEE BALLOT BEFORE OR AFTER IT HAS BEEN CAST, OR WHO DESTROYS, DEFACES, MUTILATES, OR TAMPERS WITH A BALLOT, OR WHO INTERFERES WITH THE DELIVERY OF A BALLOT TO THE DESIGNATED ELECTION OFFICIAL IS SUBJECT, UPON CONVICTION AND FOR EACH OFFENSE, TO IMPRISONMENT FOR UP TO EIGHTEEN MONTHS, OR TO A FINE OF UP TO $10,000 OR BOTH."

(e) THE RETURN VERIFICATION ENVELOPE SHALL HAVE ON IT CLEARLY MARKED SPACES FOR THE ELIGIBLE ELECTOR TO PRINT HIS OR HER NAME, ADDRESS, AND THE CURRENT DATE, AND SHALL ALSO HAVE PRINTED ON IT A SELF-AFFIRMATION SUBSTANTIALLY IN THE FOLLOWING FORM:

"I STATE UNDER PENALTY OF PERJURY THAT I AM ELIGIBLE TO VOTE IN THIS ELECTION; THAT MY NAME AND ADDRESS ARE AS SHOWN ON THIS ENVELOPE; AND THAT I HAVE NOT AND WILL NOT CAST ANY VOTE IN THIS ELECTION EXCEPT BY THE ENCLOSED BALLOT; AND THAT MY BALLOT IS ENCLOSED IN ACCORD WITH THE PROVISIONS OF THE "UNIFORM ELECTION CODE OF 1992". I UNDERSTAND THAT MY SIGNATURE WILL BE VERIFIED AGAINST CURRENT REGISTRATION RECORDS.

_____ _____

DATE SIGNATURE"

(f) THE SIGNING OF THE SELF-AFFIRMATION ON THE RETURN VERIFICATION ENVELOPE SHALL CONSTITUTE AN AFFIRMATION BY THE VOTER, UNDER PENALTY OF PERJURY, THAT THE FACTS STATED ON THE SELF-AFFIRMATION ARE TRUE.

(g) THE SECRECY ENVELOPE AND THE BALLOT SHALL NOT CONTAIN ANY MARKINGS THAT COULD BE USED TO DETERMINE THE IDENTITY OF THE ELIGIBLE ELECTOR.

(2) NO SOONER THAN TWENTY-FIVE DAYS PRIOR TO ELECTION DAY, NOR LATER THAN 7 P.M. ON ELECTION DAY, ABSENTEE BALLOTS SHALL BE MADE AVAILABLE AT ONE OR MORE LOCATIONS AUTHORIZED BY THE DESIGNATED ELECTION OFFICIAL FOR ELIGIBLE ELECTORS WHO ARE AUTHORIZED TO VOTE PURSUANT TO APPLICABLE LAW BUT WHO WERE NOT SENT AN ABSENTEE BALLOT PURSUANT TO SUBPARAGRAPH 1(a) OF THIS SECTION. THE PROCEDURES FOR ISSUING ORIGINAL ABSENTEE BALLOTS TO SUCH ELECTORS SHALL BE THE SAME AS THE PROCEDURES FOR ISSUING REPLACEMENT BALLOTS PURSUANT TO SECTION 1-7.5-110.

(3) NO LATER THAN TEN DAYS PRIOR TO ELECTION DAY, THE DESIGNATED ELECTION OFFICIAL SHALL PROVIDE NOTICE BY PUBLICATION OR OTHERWISE PUBLICIZE THAT BALLOTS WERE PREVIOUSLY MAILED TO ACTIVE ELIGIBLE ELECTORS PURSUANT TO THIS SECTION. THE NOTICE OR PUBLIC STATEMENT SHALL STATE THE MANNER IN WHICH AN ELIGIBLE ELECTOR WHO DID NOT RECEIVE A BALLOT BY MAIL MAY APPLY FOR AND RECEIVE A BALLOT PRIOR TO THE ELECTION.

1-7.5-110. Replacement ballots. (1) AN ELIGIBLE ELECTOR MAY OBTAIN A REPLACEMENT BALLOT IF THE BALLOT WAS DESTROYED, SPOILED, LOST, OR NOT RECEIVED BY THE ELIGIBLE ELECTOR. IN ORDER TO OBTAIN A BALLOT IN SUCH CASES, THE ELIGIBLE ELECTOR MUST SIGN A STATEMENT SPECIFYING THE REASON FOR REQUESTING THE BALLOT AND AFFIRMING UNDER PENALTY OR PERJURY THAT THE ELECTOR HAS NOT YET VOTED AND DOES NOT INTEND TO VOTE EXCEPT BY VOTING THE REPLACEMENT BALLOT. IN THE EVENT THAT AN ELECTOR DID NOT RECEIVE A BALLOT IN A PRIMARY ELECTION BECAUSE THE ELECTOR WAS AN UNAFFILIATED ELECTOR AT THE TIME THE BALLOTS WERE MAILED, THE ELECTOR MAY OBTAIN A BALLOT BY DECLARING AN AFFILIATION AS PART OF THE STATEMENT. THE STATEMENT MUST BE RECEIVED AT THE DESIGNATED ELECTION OFFICIAL'S OFFICE OR OTHER SITE AUTHORIZED BY THE DESIGNATED ELECTION OFFICIAL FOR THE ISSUANCE OF BALLOTS NO LATER THAN 7 P.M. ON ELECTION DAY.

(2) UPON RECEIPT OF A STATEMENT REQUESTING A REPLACEMENT BALLOT, THE DESIGNATED ELECTION OFFICIAL MAY ISSUE A REPLACEMENT BALLOT PERSONALLY TO THE ELIGIBLE ELECTOR AT THE DESIGNATED ELECTION OFFICIAL'S OFFICE OR OTHER SITE AUTHORIZED BY THE DESIGNATED ELECTION OFFICIAL FOR THE ISSUANCE OF BALLOTS, OR MAY, IF REQUESTED BY THE ELIGIBLE ELECTOR, MAIL THE REPLACEMENT BALLOT TO THE ELIGIBLE ELECTOR AT THE ADDRESS PROVIDED IN THE STATEMENT. THE DESIGNATED ELECTION OFFICIAL MAY, IN HIS OR HER DISCRETION, PROVIDE A REQUEST FORM TOGETHER WITH THE REPLACEMENT BALLOT, PROVIDED THAT THE SIGNED REQUEST FORM MUST BE

RETURNED BY THE ELIGIBLE ELECTOR BEFORE THE ELECTOR'S BALLOT WILL BE ELIGIBLE FOR COUNTING.

(3) THE DESIGNATED ELECTION OFFICIAL SHALL KEEP A RECORD OF EACH BALLOT ISSUED IN ACCORDANCE WITH THIS SECTION TOGETHER WITH A LIST OF EACH BALLOT DELIVERED BY MAIL OR OBTAINED PURSUANT TO SECTION 1-7.5-109(2). NOT WITHSTANDING THE PROVISIONS OF SECTION 1-7.5-114(2), RETURNED REPLACEMENT BALLOTS SHALL BE SET ASIDE AND NOT COUNTED UNTIL AFTER 7 P.M. ON ELECTION DAY, UNLESS THE BALLOT TRACKING SYSTEM USED BY THE DESIGNATED ELECTION OFFICIAL AUTOMATICALLY REJECTS ORIGINAL ABSENTEE BALLOTS RETURNED BY AN ELIGIBLE ELECTOR TO WHOM A REPLACEMENT ABSENTEE BALLOT HAS BEEN ISSUED, IN WHICH CASE RETURNED REPLACEMENT BALLOTS MAY BE COUNTED AS PROVIDED IN SECTION 1-7.5-114(2). IF AN ORIGINAL ABSENTEE BALLOT IS RETURNED AFTER THE ISSUANCE OF A REPLACEMENT BALLOT TO THE SAME ELIGIBLE ELECTOR, THE ORIGINAL BALLOT SHALL BE REJECTED. IF BOTH THE ORIGINAL BALLOT AND THE REPLACEMENT BALLOT ARE RETURNED, THE MATTER SHALL BE FORWARDED TO THE ATTORNEY GENERAL AND THE DISTRICT ATTORNEY FOR INVESTIGATION, AND, WHERE APPROPRIATE, PROSECUTION.

1-7.5-111. Voting and return of ballot. (1) UPON RECEIPT OF A BALLOT, AN ELIGIBLE ELECTOR WHO INTENDS TO CAST A VOTE SHALL COMPLY WITH THE INSTRUCTIONS PROVIDED FOR MARKING THE BALLOT, PLACING IT IN THE SECRECY ENVELOPE, SIGNING AND COMPLETING THE RETURN VERIFICATION ENVELOPE, AND RETURNING THE BALLOT.

(2) THE ELIGIBLE ELECTOR MAY RETURN THE MARKED BALLOT IN THE RETURN VERIFICATION ENVELOPE TO THE DESIGNATED ELECTION OFFICIAL IN ANY OF THE FOLLOWING WAYS:

(a) PLACING THE COMPLETED AND SEALED BALLOT, OR DIRECTING ANOTHER PERSON WHO IS KNOWN TO THE ELECTOR OR WHO IS A REPRESENTATIVE OF THE DESIGNATED ELECTION OFFICIAL TO PLACE IT, IN THE UNITED STATES MAIL, WITH POSTAGE PAID BY THE ELECTOR;

(b) DELIVERING THE COMPLETED AND SEALED BALLOT, OR DIRECTING ANOTHER PERSON WHO IS KNOWN TO THE ELECTOR OR WHO IS A REPRESENTATIVE OF THE DESIGNATED ELECTION OFFICIAL TO DELIVER IT, TO A SECURE DROP-OFF SITE;

(c) BY COMPLETING AND SEALING THE BALLOT AT A POLLING BOOTH LOCATION AND RETURNING IT TO AN ELECTION OFFICIAL AT THE POLLING BOOTH LOCATION.

(3)(a) SECURE DROP-OFF SITES SHALL BE LOCATED WITHIN THE JURISDICTION HOLDING THE ELECTION, UNLESS A WAIVER FOR A PARTICULAR LOCATION OUTSIDE THE JURISDICTION IS GRANTED BY THE SECRETARY OF STATE. SECURE DROP-OFF SITES SHALL BE OPEN FOR BALLOT DEPOSIT DURING THE HOURS SPECIFIED BY THE DESIGNATED ELECTION OFFICIAL NO LATER THAN TEN DAYS BEFORE THE ELECTION, AND SHALL REMAIN OPEN EACH DAY THEREAFTER UNTIL 7 P.M. ON ELECTION DAY.

(b) AT LEAST TWO ELECTION JUDGES SHALL SUPERVISE EACH SECURE DROP-OFF SITE; PROVIDED, HOWEVER, THAT THE DESIGNATED ELECTION OFFICIAL MAY

APPOINT ONE SUCH ELECTION JUDGE TO SUPERVISE A SECURE DROP-OFF SITE IF THERE ARE AN INSUFFICIENT NUMBER OF ELECTION JUDGES FOR THAT ELECTION, OR IF THE SECURE DROP-OFF SITE IS LOCATED IN A SECURE BUILDING CONTROLLED BY A GOVERNMENTAL ENTITY. BALLOT BOXES AT SECURE DROP-OFF SITES SHALL BE LOCKED AND SEALED EACH NIGHT WITH A NUMBERED SEAL UNDER THE SUPERVISION OF THE ELECTION JUDGES, AND SHALL BE TRANSFERRED DAILY TO THE RECEIVING JUDGES FOR QUALIFICATION PURSUANT TO SECTION 1-7.5-113.

(4)(a) IN ELECTIONS INVOLVING PARTISAN CANDIDATES HELD PRIOR TO JANUARY 1, 2010, THE DESIGNATED ELECTION OFFICIAL SHALL MAINTAIN POLLING BOOTH LOCATIONS ON ELECTION DAY AT EACH PUBLIC HIGH SCHOOL LOCATED AND OPERATING WITHIN THE JURISDICTION, EXCEPT THOSE SCHOOLS DESIGNATED AS CHARTER OR ALTERNATIVE SCHOOLS BY THE APPLICABLE SCHOOL DISTRICT; AT THE OFFICE OF THE DESIGNATED ELECTION OFFICIAL; AND AT ANY OTHER LOCATION DESIGNATED AS A POLLING BOOTH LOCATION BY THE DESIGNATED ELECTION OFFICIAL. THE DESIGNATED ELECTION OFFICIAL SHALL ASSIGN EACH PRECINCT TO A POLLING BOOTH LOCATION. IF A PUBLIC HIGH SCHOOL IS LOCATED WITHIN ONE MILE OF THE DESIGNATED ELECTION OFFICIAL'S OFFICE, OR IF THERE IS NO PUBLIC HIGH SCHOOL LOCATED WITHIN THE JURISDICTION, THE DESIGNATED ELECTION OFFICIAL SHALL SELECT AN ALTERNATIVE SITE TO SERVE AS A POLLING BOOTH LOCATION.

(b) IN ADDITION TO ANY OTHER LOCATION DESIGNATED BY THE DESIGNATED ELECTION OFFICIAL FOR THE ISSUANCE OF BALLOTS, ORIGINAL AND REPLACEMENT ABSENTEE BALLOTS SHALL BE MADE AVAILABLE ON ELECTION DAY AT EACH POLLING BOOTH LOCATION FOR ELIGIBLE ELECTORS SERVED BY THAT LOCATION WHO WERE NOT PREVIOUSLY ISSUED A BALLOT OR WHO FAILED TO BRING A PREVIOUSLY ISSUED BALLOT TO THE POLLING BOOTH LOCATION. ISSUANCE OF ORIGINAL AND REPLACEMENT ABSENTEE BALLOTS AT POLLING BOOTH LOCATIONS ARE SUBJECT TO THE REQUIREMENTS OF SECTION 1-7.5-109 AND SECTION 1-7.5-110. IF THE ELECTION JUDGES AT THE POLLING BOOTH LOCATION DO NOT HAVE ACCESS TO A CONTINUOUSLY UPDATED DATABASE SHOWING REGISTRATION AND BALLOT TRACKING INFORMATION FOR ELECTORS SERVED BY THAT LOCATION, EACH ORIGINAL AND REPLACEMENT BALLOT ISSUED AND CAST AT THE POLLING BOOTH LOCATION SHALL BE TREATED AS A PROVISIONAL BALLOT.

(c) IF THE DESIGNATED ELECTION OFFICIAL DETERMINES FOR A GIVEN ELECTION THAT LESS THAN FIVE PERCENT OF ELIGIBLE ELECTORS ASSIGNED TO A HIGH SCHOOL POLLING BOOTH LOCATION CAST THEIR BALLOTS AT THAT LOCATION, THE DESIGNATED ELECTION OFFICIAL NEED NOT DESIGNATE THAT HIGH SCHOOL AS A POLLING BOOTH LOCATION FOR SUBSEQUENT ELECTIONS.

(d) FOR ALL ELECTIONS HELD AFTER JANUARY 1, 2010, AND FOR ALL NONPARTISAN ELECTIONS, THE DESIGNATED ELECTION OFFICIAL SHALL MAKE AT LEAST ONE POLLING BOOTH LOCATION AVAILABLE ON ELECTION DAY.

(e) THE DESIGNATED ELECTION OFFICIAL SHALL APPOINT NO LESS THAN THREE ELECTION JUDGES FOR EACH POLLING BOOTH LOCATION IN A PARTISAN

ELECTION, AND NO LESS THAN TWO ELECTION JUDGES FOR EACH POLLING BOOTH LOCATION IN A NONPARTISAN ELECTION.

(f) THE PROVISIONS OF PART 2 OF ARTICLE 8 OF THIS TITLE SHALL NOT APPLY TO ELECTIONS CONDUCTED BY AUTOMATIC ABSENTEE BALLOT.

(g) BALLOTS CAST AT POLLING BOOTH LOCATIONS MUST BE IN THE FORM OF THE ORIGINAL ABSENTEE BALLOT OR A REPLACEMENT ABSENTEE BALLOT ISSUED TO THE ELIGIBLE ELECTOR.

(5) TO BE ELIGIBLE FOR COUNTING, ALL BALLOTS MUST BE RECEIVED AT A SECURE DROP-OFF SITE, POLLING BOOTH LOCATION, OR THE OFFICE OF THE DESIGNATED ELECTION OFFICIAL BY 7 P.M. ELECTION DAY. HOWEVER, ANY ELIGIBLE ELECTOR WAITING IN LINE AT A SECURE DROP-OFF SITE OR POLLING BOOTH LOCATION AT OR BEFORE 7 P.M. ON ELECTION DAY WHO HAS NOT YET VOTED SHALL BE ENTITLED TO VOTE.

(6) ABSENTEE BALLOTS RECEIVED AFTER 7 P.M. ON THE DAY OF THE ELECTION BUT POSTMARKED ON OR BEFORE THE DAY OF THE ELECTION SHALL REMAIN SEALED AND UNCOUNTED, BUT THE ELECTOR'S REGISTRATION RECORD SHALL NOT BE MARKED INACTIVE OR CANCELED FOR FAILURE TO VOTE IN A GENERAL ELECTION, AND THE ELECTOR SHALL BE DEEMED AN ACTIVE VOTER.

1-7.5-112. Voting at group facilities. THE DELIVERY AND RETURN OF ABSENTEE BALLOTS ISSUED TO VOTERS RESIDING AT GROUP FACILITIES SHALL BE HANDLED IN THE SAME MANNER AS PROVIDED IN SECTION 1-8-112.

1-7.5-113. Qualification of ballots by election judges. (1) THE DESIGNATED ELECTION OFFICIAL SHALL APPOINT AT LEAST THREE ELECTION JUDGES TO RECEIVE AND QUALIFY BALLOTS IN AN AUTOMATIC ABSENTEE BALLOT ELECTION. EACH MAJOR POLITICAL PARTY SHALL BE REPRESENTED BY AT LEAST ONE JUDGE.

(2) ONE OR MORE ELECTION JUDGES SHALL, ON A DAILY BASIS, COUNT THE BALLOTS RECEIVED, BATCH THEM, DATE-STAMP THEM, AND RECORD THE NUMBER OF BALLOTS RECEIVED.

(3) (a) BEFORE A RETURNED BALLOT IS ELIGIBLE FOR COUNTING, AN ELECTION JUDGE SHALL FIRST QUALIFY THE BALLOT IN THE PRESENCE OF AT LEAST ONE OTHER RECEIVING JUDGE FROM A DIFFERENT MAJOR POLITICAL PARTY. QUALIFICATION OF BALLOTS FOR COUNTING MAY BEGIN UPON RECEIPT BY THE JUDGES, ALTHOUGH BALLOTS MAY NOT BE COUNTED UNTIL TEN DAYS BEFORE THE ELECTION AS PROVIDED IN SECTION 1-7.5-114(2). A BALLOT SHALL BE QUALIFIED BY THE ELECTION JUDGE ONLY IF:

(I) IT IS RETURNED IN THE RETURN VERIFICATION ENVELOPE;

(II) A COMPARISON BETWEEN THE PRINTED NAME AND ADDRESS ON THE RETURN VERIFICATION ENVELOPE AND THE REGISTRATION RECORDS SHOWS THAT THE PERSON COMPLETING THE BALLOT WAS IN FACT ELIGIBLE TO VOTE IN THE ELECTION;

(III) THE SELF-AFFIRMATION ON THE ENVELOPE IS COMPLETE AND SIGNED BY THE ELIGIBLE ELECTOR TO WHOM THE BALLOT WAS ISSUED, AS DETERMINED BY COMPARING THE SIGNATURE ON THE SELF-AFFIRMATION TO THE SIGNATURE OF

THE ELIGIBLE ELECTOR IN THE REGISTRATION RECORDS, EXCEPT AS PROVIDED IN SUBSECTION (4) OF THIS SECTION; AND

(IV) THE ELECTION JUDGE HAS DETERMINED THAT THE ELIGIBLE ELECTOR SUBMITTING THE BALLOT HAS NOT PREVIOUSLY VOTED IN THE ELECTION.

(a.1) IF, UPON COMPARING THE SIGNATURE OF THE ELIGIBLE ELECTOR ON THE SELF-AFFIRMATION WITH THE SIGNATURE OF THE ELIGIBLE ELECTOR ON FILE WITH THE COUNTY CLERK AND RECORDER, THE ELECTION JUDGE DETERMINES THAT THE TWO SIGNATURES DO NOT APPEAR TO MATCH, THE SIGNATURES SHALL BE SIMULTANEOUSLY REVIEWED AND COMPARED BY TWO OTHER ELECTION JUDGES, NEITHER OF WHOM MAY HAVE THE SAME POLITICAL AFFILIATION. AFTER REVIEWING AND COMPARING THE SIGNATURES, IF THE TWO ELECTION JUDGES DETERMINE THAT THE SIGNATURES DO NOT APPEAR TO MATCH, AND THE ELECTION JUDGES HAVE CAUSE TO BELIEVE THAT ELECTION LAW MAY HAVE BEEN VIOLATED, COPIES OF THE ELIGIBLE ELECTOR'S SIGNATURE ON THE SELF-AFFIRMATION AND ON FILE WITH THE COUNTY CLERK AND RECORDER SHALL BE MADE. THE COPIES OF THE SIGNATURES SHALL BE FORWARDED TO THE DISTRICT ATTORNEY FOR INVESTIGATION. IF THE JUDGES DETERMINE THAT THE SIGNATURES DO MATCH, THEY SHALL FOLLOW THE PROCEDURES SET FORTH IN SUBSECTION (5) OF THIS SECTION.

(b) THE SECRETARY OF STATE SHALL PROMULGATE RULES TO ENSURE UNIFORM STANDARDS FOR THE QUALIFICATION OF BALLOTS, INCLUDING BUT NOT LIMITED TO THE CIRCUMSTANCES UNDER WHICH THE DESIGNATED ELECTION OFFICIAL OR HIS OR HER DESIGNEE SHALL INVESTIGATE QUESTIONS CONCERNING THE QUALIFICATION OF BALLOTS, AND THE QUALIFICATION OF BALLOTS FOR PERSONS WHO ARE UNABLE BY REASON OF DISABILITY TO SIGN THE SELF-AFFIRMATION ON THE RETURN VERIFICATION ENVELOPE.

(4)(a) IN AN ELECTION CONDUCTED PRIOR TO JANUARY 1, 2005 UNDER THIS ARTICLE THAT DOES NOT INVOLVE PARTISAN CANDIDATES AND IS NOT HELD IN CONJUNCTION WITH, OR ON THE SAME DAY AS, A PRIMARY OR CONGRESSIONAL VACANCY ELECTION, THE DESIGNATED ELECTION OFFICIAL MAY PETITION THE SECRETARY OF STATE FOR A WAIVER FROM THE REQUIREMENTS OF SUBPARAGRAPH (III) OF PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION CONCERNING INDIVIDUAL SIGNATURE VERIFICATION. THE SECRETARY OF STATE SHALL PROMULGATE RULES GOVERNING THE CONDITIONS UNDER WHICH WAIVERS MAY BE GRANTED; PROVIDED THAT SUCH WAIVERS SHALL BE GRANTED ONLY IF THE PETITIONING JURISDICTION ESTABLISHES THAT OTHER SAFEGUARDS IN PLACE DURING THE ELECTION WILL PREVENT ELECTION FRAUD.

(b) AFTER JANUARY 1, 2005, ALL ELECTOR SIGNATURES IN ALL ELECTIONS CONDUCTED UNDER THIS ARTICLE MUST BE INDIVIDUALLY VERIFIED PURSUANT TO SUBPARAGRAPH (III) OF PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION.

(c) NOTWITHSTANDING THE FOREGOING, IN AN ELECTION CONDUCTED PRIOR TO JANUARY 1, 2007 BY A MUNICIPALITY OR A SPECIAL DISTRICT, THE DESIGNATED ELECTION OFFICIAL FOR THE MUNICIPALITY OR SPECIAL DISTRICT MAY PETITION THE SECRETARY OF STATE FOR A WAIVER FROM THE REQUIREMENTS OF SUBPARAGRAPH (III) OF PARAGRAPH (a) OF SUBSECTION (3)

OF THIS SECTION CONCERNING INDIVIDUAL SIGNATURE VERIFICATION. AFTER JANUARY 1, 2007, ALL ELECTOR SIGNATURES IN ALL ELECTIONS CONDUCTED UNDER THIS ARTICLE BY MUNICIPALITIES AND SPECIAL DISTRICTS MUST BE INDIVIDUALLY VERIFIED PURSUANT TO SUBPARAGRAPH (III) OF PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION.

(5) IF THE BALLOT SO QUALIFIES AND IS OTHERWISE VALID, THE ELECTION JUDGE SHALL RECORD IN THE POLL BOOK THAT THE ELIGIBLE ELECTOR CAST A BALLOT AND GIVE THE SECRECY ENVELOPE TO A SECOND ELECTION JUDGE WHO IS UNAWARE OF THE IDENTITY OF THE ELIGIBLE ELECTOR. THE SECOND ELECTION JUDGE SHALL THEN OPEN THE SECRECY ENVELOPE AND PREPARE THE BALLOT FOR COUNTING. IF THE BALLOT IS NOT TO BE COUNTED IMMEDIATELY, IT SHALL BE STORED IN A SECURE LOCATION.

(6) IF THE ELECTION JUDGE DETERMINES THAT A BALLOT DOES NOT MEET THE REQUIREMENTS OF SUBSECTION (3) OR SUBSECTION (4) OR IS OTHERWISE INVALID, THE ELECTION JUDGE SHALL MARK THE RETURN VERIFICATION ENVELOPE "REJECTED" AND SHALL INDICATE ON THE ENVELOPE THE REASON FOR THE REJECTION. THE ENVELOPE SHALL BE SET ASIDE, AND THE BALLOT SHALL NOT BE COUNTED. REJECTED BALLOTS SHALL BE HANDLED IN THE SAME MANNER AS PROVIDED IN SECTION 1-8-310.

1-7.5-114. Counting of ballots. (1) THE DESIGNATED ELECTION OFFICIAL SHALL APPOINT AT LEAST THREE JUDGES TO COUNT BALLOTS IN AN AUTOMATIC ABSENTEE BALLOT ELECTION. EACH MAJOR POLITICAL PARTY SHALL BE REPRESENTED BY AT LEAST ONE JUDGE. IF ONE MAJOR POLITICAL PARTY COMPRISES THE MAJORITY OF RECEIVING ELECTION JUDGES APPOINTED BY THE DESIGNATED ELECTION OFFICIAL, THE OTHER MAJOR POLITICAL PARTY SHALL COMPRISE THE MAJORITY OF COUNTING JUDGES.

(2) ALL BALLOTS QUALIFIED BY THE RECEIVING JUDGES SHALL BE COUNTED AS PROVIDED IN THIS ARTICLE AND BY RULES PROMULGATED BY THE SECRETARY OF STATE. BALLOTS SHALL BE COUNTED IN THE SAME MANNER PROVIDED BY SECTION 1-7-307 OR SECTION 1-7-507. COUNTING OF BALLOTS MAY BEGIN TEN DAYS PRIOR TO THE ELECTION AND CONTINUE UNTIL COUNTING IS COMPLETED.

(3) THE ELECTION OFFICIAL IN CHARGE OF BALLOT COUNTING SHALL TAKE ALL PRECAUTIONS NECESSARY TO ENSURE THE SECRECY OF THE COUNTING PROCEDURES, AND NO INFORMATION CONCERNING THE COUNT SHALL BE RELEASED BY THE ELECTION OFFICIALS OR WATCHERS UNTIL AFTER 7 P.M. ON ELECTION DAY. RELEASE OF INFORMATION CONCERNING THE COUNT IN VIOLATION OF THIS PARAGRAPH IS PUNISHABLE PURSUANT TO SECTION 1-13-718, C.R.S.

1-7.5-115. Watchers. ANY POLITICAL PARTY, CANDIDATE, OR PROPONENT OR OPPONENT OF A BALLOT ISSUE ENTITLED TO HAVE WATCHERS AT POLLING PLACES SHALL EACH HAVE THE RIGHT TO HAVE ONE WATCHER FOR EACH OF THE FOLLOWING ELECTION STAGES AT EACH LOCATION WHERE SUCH ACTIVITY TAKES PLACE: PREPARATION OF ABSENTEE BALLOT PACKETS; RECEIPT OF BALLOTS FROM ELECTORS; QUALIFICATION OF BALLOTS; AND THE COUNTING OF BALLOTS.

1-7.5-116. Write-in candidates. WRITE-IN CANDIDATES SHALL BE ALLOWED IN AUTOMATIC ABSENTEE BALLOT ELECTIONS PROVIDED THAT THE CANDIDATE HAS FILED AN AFFIDAVIT OF INTENT WITH THE DESIGNATED ELECTION OFFICIAL PURSUANT TO SECTION 1-4-1101. BALLOTS FOR WRITE-IN CANDIDATES ARE TO BE COUNTED PURSUANT TO SECTION 1-7-114.

1-7.5-117. Challenges. VOTES CAST PURSUANT TO THIS ARTICLE MAY BE CHALLENGED PURSUANT TO AND IN ACCORDANCE WITH LAW. ANY AUTOMATIC ABSENTEE BALLOT ELECTION HELD PURSUANT TO THIS ARTICLE SHALL NOT BE INVALIDATED ON THE GROUNDS THAT AN ELIGIBLE ELECTOR DID NOT RECEIVE A BALLOT SO LONG AS THE DESIGNATED ELECTION OFFICIAL FOR THE POLITICAL SUBDIVISION CONDUCTING THE ELECTION ACTED IN GOOD FAITH IN COMPLYING WITH THE PROVISIONS OF THIS ARTICLE OR WITH RULES PROMULGATED BY THE SECRETARY OF STATE.

1-7.5-118. Election judges in an automatic absentee ballot election. THE DESIGNATED ELECTION OFFICIAL MAY APPOINT AS MANY ELECTION JUDGES IN AN AUTOMATIC ABSENTEE BALLOT ELECTION AS IS NECESSARY TO CARRY OUT THE RESPONSIBILITIES OF THIS ARTICLE 7.5. STAFF MEMBERS OF THE DESIGNATED ELECTION OFFICIAL'S OFFICE MAY BE APPOINTED AS ELECTION JUDGES, PROVIDED THAT THEY MEET THE PARTY AFFILIATION REQUIREMENTS OF SECTION 1-6-109. EACH PERSON APPOINTED AS A JUDGE IN AN AUTOMATIC ABSENTEE BALLOT ELECTION WHO ACCEPTS THE APPOINTMENT SHALL FILE AN ACCEPTANCE AS REQUIRED BY C.R.S. 1-6-106(2) AND SHALL TAKE THE OATH REQUIRED BY C.R.S. 1-6-114.

1-7.5-119. Directive to the general assembly. THE GENERAL ASSEMBLY IS HEREBY DIRECTED TO MAKE ANY CONFORMING AMENDMENTS REQUIRED BY THE PASSAGE OF THIS ACT OR BY PASSAGE OF FEDERAL LEGISLATION AFFECTING THE IMPLEMENTATION OF THIS ACT.

SECTION 2. Section 1-13-112, Colorado Revised Statutes, is amended to read:

1-13-112. Offenses relating to ~~mail~~ ballots CAST IN AN AUTOMATIC ABSENTEE BALLOT ELECTION. Any person, who by use of force or other means, unduly influences an elector to vote in any particular manner or to refrain from voting, or who falsely makes, alters, forges, or counterfeits any ~~mail~~ ballot IN AN AUTOMATIC ABSENTEE BALLOT ELECTION CONDUCTED PURSUANT TO ARTICLE 7.5 OF THIS TITLE, before or after ~~it~~ THE BALLOT has been cast, or who destroys, defaces, mutilates, or tampers with such a ballot, OR WHO INTERFERES WITH THE DELIVERY OF A BALLOT TO THE DESIGNATED ELECTION OFFICIAL, shall be punished by a fine of not more than ~~five~~ TEN thousand dollars, or by imprisonment in the county jail for not more than eighteen months, or by both such fine and imprisonment.

SECTION 3. Section 1-13-803, Colorado Revised Statutes, is amended to read:

1-13-803. Offenses related to absentee voting. Any election official or other person who knowingly violates any of the provisions of article 7.5 OR 8 of this title relative to the casting of absentee ~~voters'~~ ballots or who aids or abets fraud in connection with any vote cast, or to be cast, or attempted to be cast by an absentee voter shall be punished, by a fine of not more than ~~five~~ TEN thousand dollars or by imprisonment in the county jail for not more than eighteen months, or by both such fine and imprisonment.

AMENDMENT 29
SELECTING CANDIDATES FOR PRIMARY ELECTIONS

Ballot Title: An amendment to the Colorado revised statutes concerning the use of petitions to provide candidate access to the primary election ballot, and, in connection therewith, requiring that all candidates for nomination at a primary election be placed on the primary election ballot by petition; eliminating the candidate designation and certification process from state, county, and district assemblies; specifying the signature requirements for nominating petitions for access to the primary election ballot; allowing a candidate to include a personal statement on his or her nominating petition; providing for examination of nominating petitions by the designated election official; and setting forth a procedure to protest the election official's decision regarding the sufficiency of nominating petitions.

Text of Proposal:

Be it enacted by the People of the State of Colorado:

SECTION 1. 1-1-104(1.3), Colorado Revised Statutes, is amended to read:

1-1-104. Definitions. As used in this code, unless the context otherwise requires:

(1.3) "Assembly" means a meeting of delegates of a political party IN EVEN-NUMBERED YEARS, organized in accordance with the rules and regulations of the political party, ~~held for the purpose of designating candidates for nominations at a primary election.~~ HELD FOR THE PURPOSE OF CONDUCTING PARTY BUSINESS OTHER THAN BUSINESS CONDUCTED AT CONVENTIONS.

SECTION 2. 1-2-222(3), Colorado Revised Statutes, is amended to read:

1-2-222. Errors in recording of affiliation. (3) For the purposes of determining the eligibility of candidates for nomination in accordance with ~~sections 1-4-601(4)(a) and 1-4-801(4)~~ SECTION 1-4-801(3), the eligibility of persons to vote at any precinct caucus, assembly, or convention in accordance with section 1-3-101, or the eligibility of persons to sign petitions in accordance with section 1-4-801(2), the date of declaration of the party affiliation of the elector shall be the date of the declaration which the elector alleges by affidavit to have been erroneously recorded or unlawfully changed or withdrawn.

SECTION 3. 1-4-102, Colorado Revised Statutes, is amended to read:

1-4-102. Methods of placing names on primary ballot. All candidates for nominations to be made at any primary election shall be placed on the primary election ballot ~~either by certificate of designation by assembly or~~ by petition.

SECTION 4. 1-4-103, Colorado Revised Statutes, is amended to read:

1-4-103. Order of names on primary ballot. ~~Candidates designated and certified by assembly for a particular office shall be placed on the primary election ballot in the order of the vote received at the assembly. The candidate receiving the highest vote shall be placed first in order on the ballot, followed by the candidate receiving the next highest vote. To qualify for placement on the primary election ballot, a candidate must receive thirty percent or more of the votes of the assembly. The names of two or more candidates receiving an equal number of votes for designation by assembly shall be placed on the primary ballot in the order determined by lot in accordance with section 1-4-601(2).~~ Candidates ~~by petition~~ for any particular office ~~shall follow assembly candidates and~~ shall be placed on the primary election ballot in an order established by lot.

SECTION 5. 1-4-801(1), (2), (4) and (5), Colorado Revised Statutes, are amended to read:

1-4-801. Designation of party candidates by petition. (1) Candidates for political party nominations to be made by primary election ~~may~~ SHALL be placed on the primary election ballot by petition. Every petition to nominate candidates for a primary election shall state the name of the office for which the person is a candidate and the candidate's name and address and shall designate in not more than three words the name of the political party which the candidate represents. No petition shall contain the name of more than one person for the same office. ALL PETITION

SIGNATURES SHALL MEET THE REQUIREMENTS OF SECTION 1-4-904, C.R.S., INCLUDING AFFILIATION REQUIREMENTS FOR SIGNERS OF PARTISAN PETITIONS.

(2) The signature requirements for the petition are as follows:

(a) Every petition in the case of a candidate for any county office shall be signed by electors eligible to vote within the county commissioner district or political subdivision for which the officer is to be elected. The petition shall ~~require signers equal in number to twenty percent of the votes cast in the political subdivision at the contested or uncontested primary election for the political party's candidates for the office for which the petition is being circulated or, if there was no primary election, at the last preceding general election for which there was a candidate for the~~ BE SIGNED BY NOT LESS THAN:

(I) FIFTY ELIGIBLE ELECTORS IN ANY COUNTY WITH A POPULATION OF LESS THAN FIFTY THOUSAND PEOPLE; AND

(II) ONE HUNDRED ELIGIBLE ELECTORS IN ANY COUNTY WITH A POPULATION GREATER THAN OR EQUAL TO FIFTY THOUSAND PEOPLE.

(b) Every petition in the case of a candidate for member of the general assembly ; ~~district attorney, or any district office greater than a county office shall be signed by eligible electors resident within the district for which the officer is to be elected. The petition shall require the lesser of one thousand signers or signers equal to thirty percent of the votes cast in the district at the contested or uncontested primary election for the political party's candidate for the office for which the petition is being circulated or, if there was no primary election, at the last preceding general election for which there was a candidate for the office.~~ SHALL BE SIGNED BY ELECTORS ELIGIBLE TO VOTE WITHIN THE STATE SENATORIAL DISTRICT OR STATE HOUSE DISTRICT FOR WHICH THE CANDIDATE IS TO BE ELECTED. THE PETITION SHALL BE SIGNED BY NOT LESS THAN:

(I) THREE HUNDRED ELIGIBLE ELECTORS FOR ANY CANDIDATE FOR THE STATE SENATE; AND

(II) ONE HUNDRED FIFTY ELIGIBLE ELECTORS FOR ANY CANDIDATE FOR THE STATE HOUSE OF REPRESENTATIVES.

(c)(I) Repealed.

(II) ~~On and after January 1, 1999, every petition in the case of a candidate for an office to be filled by vote of the electors of the entire state shall be signed by at least one thousand five hundred eligible electors in each congressional district.~~

(d) (Deleted by amendment, L. 93, p. 1405, § 29, effective July 1, 1993.)

(e) EVERY PETITION IN THE CASE OF A CANDIDATE FOR THE REGIONAL TRANSPORTATION DISTRICT BOARD OF DIRECTORS SHALL BE SIGNED BY ELECTORS ELIGIBLE TO VOTE WITHIN SUCH DISTRICT. THE PETITION SHALL BE SIGNED BY NOT LESS THAN TWO HUNDRED FIFTY ELIGIBLE ELECTORS.

(f) EVERY PETITION IN THE CASE OF A CANDIDATE FOR DISTRICT ATTORNEY OR ANY OTHER DISTRICT OFFICE OTHER THAN THE REGIONAL TRANSPORTATION DISTRICT BOARD OF DIRECTORS SHALL BE SIGNED BY ELECTORS ELIGIBLE TO VOTE IN THE DISTRICT OR POLITICAL SUBDIVISION FOR WHICH THE CANDIDATE IS

TO BE ELECTED. THE PETITION SHALL BE SIGNED BY NOT LESS THAN TWO HUNDRED ELIGIBLE ELECTORS.

(g) EVERY PETITION IN THE CASE OF A CANDIDATE FOR AN AT-LARGE MEMBER OF THE STATE BOARD OF EDUCATION AND REGENT FOR THE UNIVERSITY OF COLORADO SHALL BE SIGNED BY ELECTORS ELIGIBLE TO VOTE WITHIN THE STATE. THE PETITION SHALL BE SIGNED BY NOT LESS THAN FIVE HUNDRED ELIGIBLE ELECTORS STATEWIDE.

(h) EVERY PETITION IN THE CASE OF A CANDIDATE FOR MEMBER OF THE STATE BOARD OF EDUCATION FOR A CONGRESSIONAL DISTRICT AND REGENT FOR THE UNIVERSITY OF COLORADO FOR A CONGRESSIONAL DISTRICT SHALL BE SIGNED BY ELECTORS ELIGIBLE TO VOTE WITHIN THE CONGRESSIONAL DISTRICT. THE PETITION SHALL BE SIGNED BY NOT LESS THAN TWO HUNDRED FIFTY ELIGIBLE ELECTORS.

(i) EVERY PETITION IN THE CASE OF A CANDIDATE FOR GOVERNOR SHALL BE SIGNED BY ELECTORS ELIGIBLE TO VOTE WITHIN THE STATE. THE PETITION SHALL BE SIGNED BY NOT LESS THAN FIVE THOUSAND ELIGIBLE ELECTORS STATEWIDE, AND NOT LESS THAN TWO HUNDRED FIFTY OF THE TOTAL NUMBER OF VALID SIGNATURES REQUIRED SHALL BE COLLECTED FROM ELIGIBLE ELECTORS IN EACH CONGRESSIONAL DISTRICT.

(j) EVERY PETITION IN THE CASE OF A CANDIDATE FOR SECRETARY OF STATE, ATTORNEY GENERAL, OR STATE TREASURER SHALL BE SIGNED BY ELECTORS ELIGIBLE TO VOTE WITHIN THE STATE. THE PETITION SHALL BE SIGNED BY NOT LESS THAN TWO THOUSAND FIVE HUNDRED ELIGIBLE ELECTORS STATEWIDE, AND NOT LESS THAN ONE HUNDRED TWENTY-FIVE OF THE TOTAL NUMBER OF VALID SIGNATURES REQUIRED SHALL BE COLLECTED FROM ELIGIBLE ELECTORS IN EACH CONGRESSIONAL DISTRICT.

(k) EVERY PETITION IN THE CASE OF A CANDIDATE FOR REPRESENTATIVE IN CONGRESS SHALL BE SIGNED BY ELECTORS ELIGIBLE TO VOTE WITHIN THE CONGRESSIONAL DISTRICT FOR WHICH THE CANDIDATE IS TO BE ELECTED. THE PETITION SHALL BE SIGNED BY NOT LESS THAN ONE THOUSAND ELIGIBLE ELECTORS.

(l) EVERY PETITION IN THE CASE OF A CANDIDATE FOR UNITED STATES SENATOR SHALL BE SIGNED BY ELECTORS ELIGIBLE TO VOTE WITHIN THE STATE. THE PETITION SHALL BE SIGNED BY NOT LESS THAN FIVE THOUSAND ELIGIBLE ELECTORS STATEWIDE, AND NOT LESS THAN TWO HUNDRED FIFTY OF THE TOTAL NUMBER OF VALID SIGNATURES REQUIRED SHALL BE COLLECTED FROM ELIGIBLE ELECTORS IN EACH CONGRESSIONAL DISTRICT.

(4) ~~No person who attempted and failed to receive a least ten percent of the votes for the nomination of a political party assembly for a particular office shall be placed in nomination by petition on behalf of the political party for the same office.~~

(5) Party CANDIDATE petitions shall not be circulated nor any signatures be obtained prior to ~~the first Monday in April~~ NOVEMBER FIFTEENTH OF THE YEAR PRECEDING THE ELECTION. Petitions shall be filed no SOONER THAN MARCH 1 PRECEDING THE PRIMARY ELECTION AND NO later than ~~seventy~~ NINETY-FIVE days before the primary election.

SECTION 6. 1-4-902, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

1-4-902. Form of petition. (4) DIRECTLY FOLLOWING THE STATEMENT REQUIRED BY SUBSECTION (3) OF THIS SECTION, THE PETITION MAY BUT IS NOT REQUIRED TO CONTAIN A PERSONAL STATEMENT PROVIDED BY THE CANDIDATE CONCERNING HIS OR HER CANDIDACY. THE PERSONAL STATEMENT SHALL NOT EXCEED ONE HUNDRED WORDS, AND THE TYPEFACE SHALL NOT BE LARGER THAN THE TYPEFACE USED FOR THE OTHER STATEMENTS REQUIRED BY THIS SECTION. THE SUBSTANTIVE CONTENT OF THE PERSONAL STATEMENT SHALL NOT BE A BASIS FOR DISAPPROVAL OF THE FORM OF THE PETITION.

SECTION 7. 1-4-908 (1) and (3), Colorado Revised Statutes, are amended, and the said 1-4-908 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

1-4-908. Verification of petition and official statement. (1) ~~Upon filing, the designated election official for the political subdivision shall review all petition information and verify the information against the registration records, and, where applicable, the county assessor's records. The secretary of state shall establish guidelines for verifying petition entries.~~ UPON FILING, THE DESIGNATED ELECTION OFFICIAL FOR THE POLITICAL SUBDIVISION SHALL EXAMINE THE PETITION AND ACCOMPANYING PAPERS. EACH SECTION OF A PETITION TO WHICH THERE IS ATTACHED AN AFFIDAVIT OF THE ELECTOR WHO CIRCULATED THE PETITION THAT EACH SIGNATURE THEREON IS THE SIGNATURE OF THE PERSON WHOSE NAME IT PURPORTS TO BE AND THAT TO THE BEST OF THE KNOWLEDGE AND BELIEF OF THE AFFIANT EACH OF THE PERSONS SIGNING THE PETITION WAS AT THE TIME OF SIGNING A REGISTERED ELECTOR SHALL BE PRIMA FACIE EVIDENCE THAT THE SIGNATURES ARE GENUINE AND TRUE, THAT THE PETITIONS WERE CIRCULATED IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE, AND THAT THE FORM OF THE PETITION IS IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE, AND THAT THE FORM OF THE PETITION IS IN ACCORDANCE WITH THIS ARTICLE. NOTWITHSTANDING THE FOREGOING, HOWEVER, THE DESIGNATED ELECTION OFFICIAL SHALL REVIEW PETITIONS AND SHALL STRIKE PETITION LINES OR PETITION SECTIONS FOR THE FOLLOWING REASONS:

(a) THE PETITION IS NOT IN THE PROPER FORM;

(b) THE PETITION DOES NOT CONTAIN A SUFFICIENT NUMBER OF SIGNATURES AS REQUIRED BY LAW, OR THE REQUIRED GEOGRAPHIC DISPERSAL OF SIGNATURES, IF APPLICABLE, HAS NOT BEEN MET; PROVIDED, HOWEVER, THAT THE DESIGNATED ELECTION OFFICIAL MAY BUT IS NOT HEREBY REQUIRED TO INVESTIGATE THE VALIDITY OF ANY SIGNATURE OR SIGNATURES, AND IF ANY SIGNATURE IS FOUND TO BE INVALID, THAT SIGNATURE SHALL BE DISREGARDED IN DETERMINING WHETHER THE PETITION CONTAINS A SUFFICIENT NUMBER OF SIGNATURES AND WHETHER THE REQUIRED GEOGRAPHIC DISPERSAL OF SIGNATURES, IF APPLICABLE, HAS BEEN MET;

(c) THE PETITION HAS BEEN DISASSEMBLED OR TAMPERED WITH;

(d) THE PETITION IS NOT ACCOMPANIED BY THE AFFIDAVIT OF THE CIRCULATOR OR THE ACCEPTANCE OF THE CANDIDATE, OR SUCH AFFIDAVIT OR ACCEPTANCE CONTAINS MATERIAL DEFECTS;

(e) THE TIME WITHIN WHICH THE PETITION COULD HAVE BEEN FILED HAS EXPIRED; OR

(f) ANY OTHER FAILURE TO MEET THE REQUIREMENTS OF THIS SECTION WITH RESPECT TO NOMINATING PETITIONS.

(2.5) THE ELECTION OFFICIAL SHALL MAKE COPIES OF THE PETITION PUBLICLY AVAILABLE WITHIN THREE DAYS AFTER FILING. THE ELECTION OFFICIAL MAY CHARGE A REASONABLE FEE FOR SUCH COPIES.

(3) After review, AND IN ANY EVENT WITHIN SEVEN DAYS AFTER FILING OF THE PETITION, the official shall notify the candidate ~~of the number of valid signatures and~~ whether the petition appears to be sufficient or insufficient. IF THE OFFICIAL HAS DETERMINED THAT THE PETITION APPEARS TO BE INSUFFICIENT, THE OFFICIAL SHALL ALSO PROVIDE THE SPECIFIC REASONS UNDERLYING THE DETERMINATION OF INSUFFICIENCY, INCLUDING THE NUMBER OF VALID SIGNATURES IF RELEVANT TO THE DETERMINATION. In the case of a petition for nominating an unaffiliated candidate, the official shall provide notification of sufficiency or insufficiency to the candidate on or before the primary election date. Upon determining that the petition is sufficient and after the time for protest has passed, the designated election official shall certify the candidate to the ballot, and, if the election is a coordinated election, so notify the coordinated election official.

SECTION 8. 1-4-909, C.R.S., is amended BY THE ADDITION OF A NEW SUBSECTION (1.5), to read:

1-4-909. Protest of designations and nominations. (1) A petition or certificate of designation or nomination that ~~has been verified and~~ appears to be sufficient under this code shall be deemed valid unless a protest is made in writing within five days after the election official's statement of sufficiency is issued or, in the case of a certificate of designation, within five days after the certificate of designation is filed with the designated election official. The protest shall state in a summary manner the alleged impropriety. Notice of the protest shall be mailed forthwith to all candidates or officials who may be affected by it. The designated election official with whom the original certificate or petition is filed shall hear any protest within ten days after the protest is filed and shall pass upon the validity of the protest, whether of form or substance, and shall issue findings of fact and conclusions within seventy-two hours after the hearing.

(1.5) (a) A STATEMENT OF SUFFICIENCY OR INSUFFICIENCY WITH RESPECT TO A NOMINATING PETITION FILED IN ACCORDANCE WITH SECTION 1-4-908, C.R.S., SHALL BE DEEMED VALID UNLESS A PROTEST IS MADE IN WRITING BY A REGISTERED ELECTOR WITHIN THREE DAYS AFTER THE STATEMENT IS ISSUED TO THE DESIGNATED ELECTION OFFICIAL WITH WHOM THE PETITION WAS FILED. THE

PROTEST SHALL SPECIFY THE NAMES CHALLENGED, CORRESPONDING PETITION AND LINE NUMBERS, AND GROUNDS FOR EACH PROTEST. IF ANY PARTY IS PROTESTING THE FINDING OF THE DESIGNATED ELECTION OFFICIAL 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.

(b) THE DESIGNATED ELECTION OFFICIAL MAY REQUIRE A PROTESTING PARTY TO PAY A FILING FEE, TO BE DEPOSITED IN A FUND MAINTAINED BY THE DESIGNATED ELECTION OFFICIAL AND USED FOR THE PURPOSE OF DEFRAYING COSTS ASSOCIATED WITH SUCH PROTESTS. ANY SUCH FEE SHALL BE UNIFORMLY APPLIED TO CANDIDATES RUNNING FOR THE SAME OFFICE, AND SHALL BE REASONABLY RELATED TO THE COSTS OF THE DESIGNATED ELECTION OFFICIAL IN ADMINISTERING THE PROTEST PROCEEDING, EXCEPT THAT SUCH FEES SHALL NOT EXCEED THE FOLLOWING AMOUNTS:

(I) $750, FOR PETITIONS FILED PURSUANT TO PARAGRAPHS (i), (j), AND (l) OF SUBSECTION (2) OF SECTION 1-4-801;

(II) $500, FOR PETITIONS FILED PURSUANT TO PARAGRAPH (k) OF SUBSECTION (2) OF SECTION 1-4-801;

(III) $250, FOR ALL OTHER PETITIONS FILED PURSUANT TO SUBSECTION (2) OF SECTION 1-4-801.

(c) NOTICE OF THE PROTEST SHALL ALSO BE DELIVERED TO ALL CANDIDATES AFFILIATED WITH THE SAME PARTY WHO HAVE FILED NOMINATING PETITIONS FOR THAT OFFICE AND THE ELECTION OFFICIAL RESPONSIBLE FOR PREPARING THE BALLOT FOR THAT ELECTION; HOWEVER, A PROTEST SHALL NOT BE REJECTED SOLELY ON THE GROUNDS THAT SUCH OTHER PERSONS DID NOT RECEIVE THE REQUIRED NOTICE. THE DESIGNATED ELECTION OFFICIAL WITH WHOM THE ORIGINAL PETITION WAS FILED, OR HIS OR HER DESIGNEE, SHALL HEAR ANY PROTEST WITHIN TEN DAYS AFTER THE PROTEST IS FILED AND SHALL PASS UPON THE VALIDITY OF THE PROTEST, WHETHER OF FORM OR SUBSTANCE, AND SHALL ISSUE FINDINGS OF FACT AND CONCLUSIONS WITHIN FORTY-EIGHT HOURS AFTER THE HEARING.

(2) This section does not apply to any nomination made at a primary election.

SECTION 9. Section 1-4-911, C.R.S., is amended BY THE ADDITION OF A NEW SUBSECTION (2), to read:

1-4-911. Review of a protest. (1) The party filing the protest has the burden of sustaining the protest by a preponderance of the evidence. The decision upon matters of substance is open to review, if prompt application is made, as provided in section 1-1- 113. The remedy in all cases shall be summary, and the decision of any court having jurisdiction shall be final and not subject to review by any other court; except that the supreme court, in the exercise of its discretion, may review any judicial proceeding in a summary way.

(2) IN THE CASE OF NOMINATING PETITIONS FOR NOMINATIONS TO BE MADE BY PRIMARY ELECTION, THE FOLLOWING ADDITIONAL PROVISIONS SHALL APPLY:

(a) ANY REQUEST FOR REVIEW PURSUANT TO SECTION 1-1-113 SHALL BE FILED WITH THE DISTRICT COURT WITHIN TWO DAYS AFTER THE ISSUANCE OF A DECISION BY THE DESIGNATED ELECTION OFFICIAL, AND THE DISTRICT COURT SHALL HOLD A HEARING ON THE MATTER AND RENDER ITS DECISION WITHIN SEVEN DAYS. THE DISTRICT COURT SHALL REVIEW THE DECISION OF THE DESIGNATED ELECTION OFFICIAL USING THE STANDARDS SET FORTH IN SUBSECTION (7) OF SECTION 24-4-106, C.R.S.

(b) ANY APPEAL TO THE SUPREME COURT PURSUANT TO SECTION 1-1-113 SHALL BE FILED WITHIN TWO DAYS AFTER THE ISSUANCE OF THE DISTRICT COURT DECISION, AND, SHOULD THE SUPREME COURT DECIDE IN ITS DISCRETION TO EXERCISE JURISDICTION OVER THE CASE, IT SHALL REVIEW THE DISTRICT COURT PROCEEDING IN A SUMMARY WAY AND ISSUE ITS DECISION WITHIN FIVE DAYS.

(c) IN ANY EVENT, ALL JUDICIAL PROCEEDINGS SHALL BE CONCLUDED AS OF FIFTY-FIVE DAYS PRIOR TO THE PRIMARY ELECTION FOR WHICH THE CANDIDATE SEEKS TO BE PLACED ON THE BALLOT.

SECTION 10. 1-4-1002(1), (2), and (7), Colorado Revised Statutes, are amended to read:

1-4-1002. Vacancies in nomination. (1) ~~Any vacancy in a party designation occurring after the party assembly at which the designation was made and no later than sixty-one days before the primary election may be filled by the party assembly vacancy committee of the district, county, or state, depending upon the office for which the vacancy in designation has occurred. A vacancy may be caused by the declination, death, disqualification, or withdrawal of any person designated by the assembly as a candidate for nomination, or by failure of the assembly to make designation of any candidate for nomination, or by death or resignation of any elective officer after an assembly at which a candidate could have been designated for nomination for the office at a primary election had the vacancy then existed. No person is eligible for appointment to fill a vacancy in a party designation unless that person meets all requirements of candidacy as of the date of the assembly that made the original designation.~~

(2) Any ~~before the primary election or any~~ vacancy in a party nomination occurring on or after the day of the primary election and no later than sixty-one days before the general election may be filled by the respective party assembly vacancy committee of the district, county, or state, depending upon the office for which the vacancy in designation or nomination has occurred. A vacancy may be caused by the declination, death, disqualification, resignation, or withdrawal of any person previously designated or of any person nominated at the primary election or by declination, death, disqualification, or withdrawal of any elective officer after a primary election at which a nomination could have been made for the office had the vacancy then existed. THIS SUBSECTION SHALL ALSO APPLY TO ANY

SITUATION IN WHICH THERE IS NO PARTY NOMINEE FOR A PARTICULAR OFFICE AS OF THE DATE OF THE PRIMARY ELECTION BECAUSE OF THE DECLINATION, DEATH, DISQUALIFICATION, RESIGNATION, OR WITHDRAWAL DURING THE PERIOD BETWEEN NINETY-FIVE DAYS BEFORE THE PRIMARY ELECTION AND THE DATE OF THE PRIMARY ELECTION OF THE SOLE CANDIDATE TO HAVE FILED A VALID NOMINATING PETITION FOR THAT OFFICE. No person is eligible for appointment to fill a vacancy in the party designation or nomination unless that person meets all requirements of candidacy as of the date of the primary election.

(7) Except as otherwise provided in subsection (7.3) of this section, any vacancy in a statewide or county office, in the office of district attorney, or in the office of a state senator occurring during the term of office shall be filled at the next general election with nomination ~~or designation~~ by the political party as follows:

(a) If the vacancy occurs ~~prior to the political party assembly and no later than sixty-one days before the primary election~~ PRIOR TO THE NINETY-FIFTH DAY BEFORE THE PRIMARY ELECTION, the designated election official shall notify the chairperson of each major political party that the office will be on the ballot for the next primary election AND SHALL PUBLISH SUCH NOTIFICATION IN A NEWSPAPER OF GENERAL CIRCULATION, and candidates for the office shall be ~~designated~~ PLACED ON THE PRIMARY BALLOT BY PETITION as provided in section ~~1-4-601 OR 1-4-603~~ 1-4-801. IF AS OF NINETY-FIVE DAYS BEFORE THE PRIMARY ELECTION IT IS DETERMINED THAT ONE OR MORE OF THE MAJOR POLITICAL PARTIES ARE NOT REPRESENTED BY ANY NOMINATING PETITIONS THAT HAVE BEEN FILED AS OF THE DEADLINE FOR FILING SUCH PETITIONS, THE DESIGNATED ELECTION OFFICIAL SHALL NOTIFY THE CHAIRPERSON OF EACH AFFECTED MAJOR POLITICAL PARTY THAT NO PETITION HAS BEEN FILED WITH RESPECT TO THAT PARTY, AND CANDIDATES TO BE PLACED ON THE PRIMARY BALLOT FOR THAT PARTY SHALL BE DESIGNATED BY THE RESPECTIVE PARTY CENTRAL COMMITTEE VACANCY COMMITTEE FOR THE STATE, COUNTY, JUDICIAL DISTRICT, OR STATE SENATE DISTRICT.

(b) If the vacancy occurs after the ~~political party assembly~~ NINETY-FIFTH DAY BEFORE THE PRIMARY ELECTION and no later than sixty-one days before the primary election, the designated election official shall add the office to the notice of election and notify the chairperson of each major political party that the office will be on the ballot for the next primary election. Candidates for the office shall be designated ~~as provided in section 1-4-603 or~~ by the respective party central committee vacancy committee for the state, county, judicial district, or state senate district.

(c) If the vacancy occurs during the sixty days before the primary election or after the primary election and no later than sixty-one days before the general election, the designated election official shall add the office to the notice of election for the general election. Nominations for the office shall be made by the respective party central committee vacancy committee for the state, county, judicial district, or state senate district or as provided in section 1-4-802 for the nomination of unaffiliated candidates.

SECTION 11. 30-10-501.5, Colorado Revised Statutes, is amended to read:

30-10-501.5. Qualifications. (1) No person shall be eligible for nomination, election, or appointment to the office of sheriff unless such person:

(c) Has had a complete set of fingerprints taken by a qualified law enforcement agency and submitted a receipt evidencing such fingerprinting at the time of filing his or her written acceptance pursuant to section ~~1-4-601(3),~~ 1-4-906, or SECTION 1-4-1002(5), C.R.S., or a candidate filing an affidavit of intent pursuant to section 1-4-1101, C.R.S. Such law enforcement agency shall forward the fingerprints to the Colorado bureau of investigation. The bureau shall utilize such fingerprints, its files and records, and those of the federal bureau of investigation for the purpose of determining whether the person has ever been convicted of or pleaded guilty or entered a plea of nolo contendere to any felony charge under federal or state laws. The Colorado bureau of investigation shall notify the county clerk and recorder of the county wherein the person is a candidate of the results of the fingerprint analysis. In the event that a conviction or plea is disclosed, such person shall be deemed unqualified for the office of sheriff, unless pardoned. The results of such fingerprint analysis shall be confidential; except that the county clerk and recorder may divulge whether such person is qualified or unqualified for the office of sheriff.

SECTION 12. Repeal. 1-4-601, 1-4-603, 1-4-604, and 1-4-605, Colorado Revised Statutes, are repealed.

AMENDMENT 30
ELECTION DAY VOTER REGISTRATION

Ballot Title: An amendment to the Colorado constitution concerning election day voter registration, and, in connection therewith, allowing an eligible citizen to register and vote on any day that a vote may be cast in any election beginning on January 1, 2004; specifying election day voter registration locations; specifying that an eligible citizen who registers to vote on election day shall register in person and present a current and valid Colorado driver's license or state identification card or other approved documentation; and directing the Colorado general assembly, in implementing election day voter registration, to adopt necessary protections against election fraud.

Text of Proposal:

Be it Enacted by the People of the State of Colorado:

Article VII of the Constitution of the state of Colorado is amended BY THE ADDITION OF A NEW SECTION to read:

Section 13. Colorado election day voter registration.

(1) Purpose. THE PEOPLE OF THE STATE OF COLORADO DECLARE THAT INCREASING THE NUMBER OF COLORADO CITIZENS WHO VOTE IS BENEFICIAL TO THE COMMUNITY, AND THAT ALLOWING ELIGIBLE CITIZENS TO REGISTER AND VOTE ON ELECTION DAY WILL INCREASE THE NUMBER OF CITIZENS VOTING.

(2) Election Day Registration. EFFECTIVE JANUARY 1, 2004, AN ELIGIBLE COLORADO CITIZEN MAY REGISTER TO VOTE ON ANY DAY THAT A VOTE MAY BE CAST AT ANY ELECTION. AN ELIGIBLE COLORADO CITIZEN MAY REGISTER AT THE POLLING PLACE FOR THE PRECINCT IN WHICH HE OR SHE RESIDES, AT THE OFFICE OF THE CLERK AND RECORDER OF THE COUNTY IN WHICH HE OR SHE RESIDES, OR AT ANY OTHER LOCATION WHICH MAY BE DESIGNATED BY SUCH COUNTY CLERK AND RECORDER, AND MAY CAST A BALLOT AT SUCH ELECTION ON THAT DAY. AN ELIGIBLE COLORADO CITIZEN REGISTERING TO VOTE UNDER THIS SECTION MUST APPEAR IN PERSON AT SUCH LOCATION AND MUST PRESENT A CURRENT VALID COLORADO DRIVER'S LICENSE OR STATE IDENTIFICATION CARD OR OTHER APPROPRIATE DOCUMENTATION THAT THE SECRETARY OF STATE SHALL APPROVE.

(3) Enforcement. IN IMPLEMENTING THIS MEASURE, THE GENERAL ASSEMBLY SHALL ADOPT ALL NECESSARY ADDITIONAL PROTECTIONS AGAINST ELECTION FRAUD.

AMENDMENT 31
ENGLISH LANGUAGE EDUCATION

Ballot Title: An amendment to the Colorado constitution concerning English-language education in Colorado public schools, and, in connection therewith, requiring children to be taught by using the English language in their classrooms and requiring children who are learning English to be placed in an English immersion program that is intended to last one year or less and, if successful, will result in placement of such children in ordinary classrooms; exempting from such requirements those children whose parents or legal guardians obtain annual waivers allowing the children to transfer to classes using bilingual education or other educational methodologies, but making such waivers very difficult to obtain because the school can grant them only in very restrictive

circumstances and can deny them for any reason or no reason thereby reducing the likelihood that bilingual education will be used; requiring schools that grant any waivers to offer bilingual education or other educational methodologies when they have at least 20 students in the same grade who receive a waiver and in all other cases permitting students to transfer to a public school in which bilingual education or other methodologies are offered, with the cost of such transfer, excluding transportation, to be provided by the state; allowing a parent or legal guardian to sue public employees granting a waiver if the parent or guardian later concludes that the waiver was granted in error and injured the child's education; creating severe legal consequences identified in the amendment for such public employees who willfully and repeatedly refuse to implement the amendment; and requiring schools to test children learning English, enrolled in second grade or higher, to monitor their progress, using a standardized nationally-normed test of academic subject matter given in English.

Text of Proposal:

Be it enacted by the People of the State of Colorado:

SECTION 1. Article IX of the Constitution of the state of Colorado is amended BY THE ADDITION OF A NEW SECTION to read:

Section 18. English Language Education for Children in Public Schools.

(1) Findings and declarations. THE PEOPLE OF COLORADO FIND AND DECLARE THAT:

(a) THE ENGLISH LANGUAGE IS THE COMMON PUBLIC LANGUAGE OF THE UNITED STATES OF AMERICA AND OF THE STATE OF COLORADO. IT IS SPOKEN BY THE VAST MAJORITY OF COLORADO RESIDENTS, AND IS ALSO THE LEADING WORLD LANGUAGE FOR SCIENCE, TECHNOLOGY, AND INTERNATIONAL BUSINESS, THEREBY BEING THE LANGUAGE OF ECONOMIC OPPORTUNITY; AND

(b) IMMIGRANT PARENTS ARE EAGER TO HAVE THEIR CHILDREN ACQUIRE A GOOD KNOWLEDGE OF ENGLISH, THEREBY ALLOWING THEM TO FULLY PARTICIPATE IN THE AMERICAN DREAM OF ECONOMIC AND SOCIAL ADVANCEMENT; AND

(c) THE GOVERNMENT AND THE PUBLIC SCHOOLS OF COLORADO HAVE A MORAL OBLIGATION AND A CONSTITUTIONAL DUTY TO PROVIDE ALL OF COLORADO'S CHILDREN, REGARDLESS OF THEIR ETHNICITY OR NATIONAL ORIGINS, WITH AN AVAILABLE PUBLIC SCHOOL EDUCATION NECESSARY TO BECOME PRODUCTIVE MEMBERS OF OUR SOCIETY. FLUENCY AND LITERACY IN THE ENGLISH LANGUAGE ARE AMONG THE MOST IMPORTANT PARTS OF SUCH AN EDUCATION; AND

(d) THE PUBLIC SCHOOLS OF COLORADO OFTEN DO AN INADEQUATE JOB OF EDUCATING IMMIGRANT CHILDREN, WASTING FINANCIAL RESOURCES ON COSTLY EXPERIMENTAL NATIVE LANGUAGE PROGRAMS WHOSE FAILURE OVER PAST DECADES IS DEMONSTRATED BY THE CURRENT HIGH DROP-OUT RATES AND LOW ENGLISH LITERACY LEVELS OF MANY IMMIGRANT CHILDREN; AND

(e) YOUNG IMMIGRANT CHILDREN CAN EASILY ACQUIRE FULL FLUENCY IN A NEW LANGUAGE, SUCH AS ENGLISH, IF THEY ARE HEAVILY EXPOSED TO THAT LANGUAGE IN THE CLASSROOM AT AN EARLY AGE; AND

(f) THEREFORE IT IS RESOLVED THAT: ALL CHILDREN IN COLORADO PUBLIC SCHOOLS SHALL BE TAUGHT ENGLISH AS RAPIDLY AND EFFECTIVELY AS POSSIBLE.

(2) Definitions. IN THIS SECTION,

(a) "BILINGUAL EDUCATION," ALSO KNOWN AS NATIVE LANGUAGE INSTRUCTION, MEANS A LANGUAGE ACQUISITION PROCESS FOR STUDENTS IN WHICH ALL OR SUBSTANTIAL PORTIONS OF THE INSTRUCTION, TEXTBOOKS, OR TEACHING MATERIALS ARE IN THE CHILD'S NATIVE LANGUAGE OTHER THAN ENGLISH.

(b) "ENGLISH LANGUAGE CLASSROOM" MEANS A CLASSROOM IN WHICH THE LANGUAGE OF INSTRUCTION USED BY THE TEACHING PERSONNEL IS OVERWHELMINGLY THE ENGLISH LANGUAGE, AND IN WHICH ALL SUCH TEACHING PERSONNEL ARE FLUENT AND LITERATE IN THE ENGLISH LANGUAGE. ENGLISH LANGUAGE CLASSROOMS ENCOMPASS BOTH ENGLISH LANGUAGE MAINSTREAM CLASSROOMS AND SHELTERED ENGLISH IMMERSION CLASSROOMS.

(c) "ENGLISH LANGUAGE MAINSTREAM CLASSROOM" MEANS A STANDARD CLASSROOM, ONE IN WHICH THE STUDENTS EITHER ARE NATIVE ENGLISH LANGUAGE SPEAKERS OR ALREADY HAVE ACQUIRED REASONABLE FLUENCY IN ENGLISH.

(d) "ENGLISH LEARNER" MEANS A CHILD WHO IS NOT FLUENT IN ENGLISH AND WHO IS NOT CURRENTLY ABLE TO PERFORM ORDINARY CLASSROOM WORK IN ENGLISH.

(e) "SHELTERED ENGLISH IMMERSION" MEANS AN ENGLISH LANGUAGE ACQUISITION PROCESS FOR STUDENTS IN WHICH NEARLY ALL CLASSROOM INSTRUCTION IS IN ENGLISH BUT WITH THE CURRICULUM AND PRESENTATION DESIGNED FOR CHILDREN WHO ARE LEARNING THE LANGUAGE. BOOKS AND INSTRUCTIONAL MATERIALS ARE IN ENGLISH AND ALL READING, WRITING, AND SUBJECT MATTER ARE TAUGHT IN ENGLISH. ALTHOUGH TEACHING PERSONNEL MAY USE A MINIMAL AMOUNT OF THE CHILD'S NATIVE LANGUAGE WHEN NECESSARY, NO SUBJECT MATTER SHALL BE TAUGHT IN ANY LANGUAGE OTHER THAN ENGLISH, AND CHILDREN IN THIS PROGRAM LEARN TO READ AND WRITE SOLELY IN ENGLISH. OTHER ASPECTS OF THIS EDUCATIONAL METHODOLOGY SHALL FOLLOW THE STANDARD DEFINITION OF "SHELTERED ENGLISH" OR "STRUCTURED ENGLISH" FOUND IN STANDARD EDUCATIONAL LITERATURE.

(3) English language education. SUBJECT TO THE EXCEPTIONS PROVIDED IN SUBSECTION (4) OF THIS SECTION ALL CHILDREN IN COLORADO PUBLIC SCHOOLS SHALL BE TAUGHT ENGLISH BY BEING TAUGHT IN ENGLISH AND ALL CHILDREN SHALL BE PLACED IN ENGLISH LANGUAGE CLASSROOMS. CHILDREN

WHO ARE ENGLISH LEARNERS SHALL BE EDUCATED THROUGH SHELTERED ENGLISH IMMERSION DURING A TEMPORARY TRANSITION PERIOD NOT NORMALLY INTENDED TO EXCEED ONE YEAR. PUBLIC SCHOOLS SHALL BE PERMITTED BUT NOT REQUIRED TO PLACE IN THE SAME CLASSROOM ENGLISH LEARNERS OF DIFFERENT AGES BUT WHOSE DEGREE OF ENGLISH PROFICIENCY IS SIMILAR. PUBLIC SCHOOLS SHALL BE ENCOURAGED TO MIX TOGETHER IN THE SAME CLASSROOM ENGLISH LEARNERS FROM DIFFERENT NATIVE-LANGUAGE GROUPS BUT WITH THE SAME DEGREE OF ENGLISH FLUENCY. ONCE ENGLISH LEARNERS HAVE ACQUIRED REASONABLE FLUENCY IN ENGLISH AND ARE ABLE TO PERFORM ORDINARY SCHOOL WORK IN ENGLISH, THEY SHALL NO LONGER BE CLASSIFIED AS ENGLISH LEARNERS AND SHALL BE TRANSFERRED TO ENGLISH LANGUAGE MAINSTREAM CLASSROOMS. AS MUCH AS POSSIBLE, PER PUPIL SUPPLEMENTAL FUNDING FOR ENGLISH LEARNERS SHALL AT LEAST BE MAINTAINED. FOREIGN LANGUAGE CLASSES FOR CHILDREN WHO ARE NOT ENGLISH LEARNERS SHALL NOT BE AFFECTED, NOR SHALL SPECIAL EDUCATIONAL PROGRAMS FOR PHYSICALLY- OR MENTALLY-IMPAIRED STUDENTS BE AFFECTED.

(4) Parental waivers. (a) THE REQUIREMENTS OF SUBSECTION (3) OF THIS SECTION MAY BE WAIVED WITH THE PRIOR WRITTEN INFORMED CONSENT, TO BE PROVIDED ANNUALLY, OF THE CHILD'S PARENTS OR LEGAL GUARDIAN UNDER THE CIRCUMSTANCES SPECIFIED IN THIS SUBSECTION (4). SUCH INFORMED CONSENT SHALL REQUIRE THAT SAID PARENTS OR LEGAL GUARDIAN INITIATE THE WAIVER PROCESS AND PERSONALLY VISIT THE SCHOOL TO APPLY FOR THE WAIVER AND THAT THEY THERE BE PROVIDED A FULL DESCRIPTION IN A LANGUAGE THEY CAN UNDERSTAND OF THE EDUCATIONAL MATERIALS TO BE USED IN THE DIFFERENT EDUCATIONAL PROGRAM CHOICES AND ALL THE PUBLIC SCHOOL EDUCATIONAL OPPORTUNITIES AVAILABLE TO THE CHILD. IF A PARENTAL WAIVER HAS BEEN GRANTED, THE AFFECTED CHILD MAY BE TRANSFERRED TO CLASSES TEACHING ENGLISH AND OTHER SUBJECTS THROUGH BILINGUAL EDUCATION TECHNIQUES OR OTHER GENERALLY RECOGNIZED EDUCATIONAL METHODOLOGIES PERMITTED BY LAW. INDIVIDUAL SCHOOLS IN WHICH TWENTY STUDENTS OR MORE OF A GIVEN GRADE LEVEL RECEIVE A WAIVER SHALL BE REQUIRED TO OFFER SUCH A CLASS; IN ALL OTHER CASES, SUCH STUDENTS SHALL BE PERMITTED TO TRANSFER TO A PUBLIC SCHOOL IN WHICH SUCH A CLASS IS OFFERED, WITH THE COSTS OF SUCH TRANSFER, EXCLUDING TRANSPORTATION, TO BE PROVIDED BY THE STATE. SCHOOLS MAY REFUSE TO APPROVE ANY SUCH WAIVER APPLICATION AT THEIR SOLE DISCRETION, WITHOUT ANY NEED TO INDICATE CAUSE.

(b) THE CIRCUMSTANCES IN WHICH A PARENTAL EXCEPTION WAIVER MAY BE APPLIED FOR UNDER THIS SECTION ARE AS FOLLOWS:

(I) CHILDREN WHO ALREADY KNOW ENGLISH: THE CHILD ALREADY POSSESSES GOOD ENGLISH LANGUAGE SKILLS, AS MEASURED BY ORAL EVALUATION OR STANDARDIZED TESTS OF ENGLISH VOCABULARY COMPREHENSION, READING, AND WRITING, IN WHICH THE CHILD SCORES APPROXIMATELY AT OR ABOVE THE STATE AVERAGE FOR HIS OR HER GRADE LEVEL OR AT OR ABOVE THE FIFTH GRADE AVERAGE, WHICHEVER IS LOWER; OR

(II) OLDER CHILDREN: THE CHILD IS AGE TEN YEARS OR OLDER, AND IT IS THE INFORMED BELIEF OF THE SCHOOL PRINCIPAL AND EDUCATIONAL STAFF THAT AN ALTERNATE COURSE OF EDUCATIONAL STUDY WOULD BE BETTER SUITED TO THE CHILD'S OVERALL EDUCATIONAL PROGRESS AND RAPID ACQUISITION OF BASIC ENGLISH LANGUAGE SKILLS; OR

(III) CHILDREN WITH SPECIAL INDIVIDUAL NEEDS: THE CHILD ALREADY HAS BEEN PLACED FOR A PERIOD OF NOT LESS THAN THIRTY CALENDAR DAYS DURING THAT PARTICULAR SCHOOL YEAR IN AN ENGLISH LANGUAGE CLASSROOM AND IT IS SUBSEQUENTLY THE INFORMED BELIEF OF THE SCHOOL PRINCIPAL AND EDUCATIONAL STAFF THAT THE CHILD HAS SUCH SPECIAL AND INDIVIDUAL PHYSICAL OR PSYCHOLOGICAL NEEDS, ABOVE AND BEYOND THE CHILD'S LACK OF ENGLISH PROFICIENCY, THAT AN ALTERNATE COURSE OF EDUCATIONAL STUDY WOULD BE BETTER SUITED TO THE CHILD'S OVERALL EDUCATIONAL DEVELOPMENT AND RAPID ACQUISITION OF ENGLISH. A WRITTEN DESCRIPTION OF NO FEWER THAN TWO HUNDRED FIFTY WORDS DOCUMENTING THESE SPECIAL INDIVIDUAL NEEDS FOR THE SPECIFIC CHILD MUST BE PROVIDED AND PERMANENTLY ADDED TO THE CHILD'S OFFICIAL SCHOOL RECORDS, AND IN ORDER TO BE APPROVED THE WAIVER APPLICATION MUST CONTAIN THE ORIGINAL AUTHORIZING SIGNATURES OF BOTH THE SCHOOL PRINCIPAL AND THE LOCAL SCHOOL SUPERINTENDENT. WAIVERS GRANTED UNDER THIS SUBPARAGRAPH CANNOT BE APPLIED FOR UNTIL AFTER THIRTY INSTRUCTIONAL DAYS OF A GIVEN SCHOOL YEAR HAVE PASSED, AND THIS WAIVER PROCESS MUST BE RENEWED EACH AND EVERY SCHOOL YEAR. ANY SUCH DECISION TO ISSUE SUCH AN INDIVIDUAL WAIVER IS TO BE MADE SUBJECT TO THE EXAMINATION AND APPROVAL OF THE LOCAL SCHOOL SUPERINTENDENT, UNDER GUIDELINES ESTABLISHED BY AND SUBJECT TO THE REVIEW OF THE LOCAL BOARD OF EDUCATION. THE EXISTENCE OF SUCH SPECIAL INDIVIDUAL NEEDS SHALL NOT COMPEL ISSUANCE OF A WAIVER, AND THE PARENTS SHALL BE FULLY INFORMED OF THEIR OWN RIGHT TO REFUSE TO AGREE TO A WAIVER.

(5) Legal standing and parental enforcement. AS DETAILED IN SUBSECTIONS (3) AND (4) OF THIS SECTION, ALL COLORADO SCHOOL CHILDREN HAVE THE RIGHT TO BE PROVIDED AT THEIR PUBLIC SCHOOL OF CHOICE WITH AN ENGLISH LANGUAGE PUBLIC EDUCATION. THE PARENT OR LEGAL GUARDIAN OF ANY COLORADO SCHOOL CHILD SHALL HAVE LEGAL STANDING TO SUE FOR ENFORCEMENT OF THE PROVISIONS OF THIS SECTION, AND IF SUCCESSFUL SHALL BE AWARDED NORMAL AND CUSTOMARY ATTORNEY FEES AND ACTUAL AND COMPENSATORY DAMAGES, BUT NOT PUNITIVE OR CONSEQUENTIAL DAMAGES. ANY SCHOOL DISTRICT EMPLOYEE OR SCHOOL BOARD MEMBER WHO WILLFULLY AND REPEATEDLY REFUSES TO IMPLEMENT THE TERMS OF THIS SECTION MAY BE HELD PERSONALLY LIABLE FOR ATTORNEY FEES AND ACTUAL AND COMPENSATORY DAMAGES BY THE CHILD'S PARENTS OR LEGAL GUARDIAN, AND CANNOT BE SUBSEQUENTLY INDEMNIFIED FOR SUCH ASSESSED DAMAGES BY ANY PUBLIC OR PRIVATE THIRD PARTY. ANY INDIVIDUAL FOUND SO LIABLE IN A COURT OF LAW SHALL BE IMMEDIATELY REMOVED FROM OFFICE FOR MALFEASANCE, AND SHALL BE BARRED FROM HOLDING ANY POSITION OF AUTHORITY ANYWHERE WITHIN THE COLORADO GOVERNMENT OR THE PUBLIC SCHOOL SYSTEM FOR A

SUBSEQUENT PERIOD OF FIVE YEARS. PARENTS WHO APPLY FOR AND ARE GRANTED EXCEPTION WAIVERS UNDER SUBPARAGRAPH (III) OF PARAGRAPH (b) OF SUBSECTION (4) OF THIS SECTION STILL RETAIN FOR TEN YEARS THEREAFTER THE FULL LEGAL RIGHT TO SUE THE INDIVIDUALS WHO GRANTED SUCH WAIVERS IF THEY SUBSEQUENTLY CONCLUDE DURING THAT PERIOD THAT THE WAIVERS WERE GRANTED IN ERROR AND ULTIMATELY INJURED THE EDUCATION OF THEIR CHILD.

(6) Standardized testing for monitoring education progress. IN ORDER TO ENSURE THAT THE EDUCATIONAL PROGRESS OF COLORADO STUDENTS LEARNING ENGLISH TOGETHER WITH OTHER ACADEMIC SUBJECTS IS PROPERLY MONITORED, A STANDARDIZED, NATIONALLY-NORMED WRITTEN TEST OF ACADEMIC SUBJECT MATTER GIVEN IN ENGLISH SHALL BE ADMINISTERED AT LEAST ONCE EACH YEAR TO ALL COLORADO PUBLIC SCHOOLCHILDREN IN GRADES 2 AND HIGHER WHO ARE ENGLISH LEARNERS. ONLY STUDENTS CLASSIFIED AS SEVERELY LEARNING DISABLED MAY BE EXEMPTED FROM THIS TEST. THE PARTICULAR TEST TO BE USED SHALL BE SELECTED BY THE COLORADO COMMISSIONER OF EDUCATION, AND IT IS INTENDED THAT THE TEST SHALL GENERALLY REMAIN THE SAME FROM YEAR TO YEAR. THE NATIONAL PERCENTILE SCORES OF STUDENTS SHALL BE CONFIDENTIALLY PROVIDED TO INDIVIDUAL PARENTS, AND THE AGGREGATED PERCENTILE SCORES AND DISTRIBUTIONAL DATA FOR INDIVIDUAL SCHOOLS AND SCHOOL DISTRICTS SHALL BE MADE PUBLICLY AVAILABLE ON AN INTERNET WEB SITE; THE SCORES FOR STUDENTS CLASSIFIED AS ENGLISH LEARNERS SHALL BE SEPARATELY SUB-AGGREGATED AND MADE PUBLICLY AVAILABLE THERE AS WELL, WITH FURTHER SUB-AGGREGATION BASED ON THE ENGLISH LEARNER PROGRAM TYPE IN WHICH STUDENTS ARE ENROLLED. SCORES OF STUDENTS WHO ARE NEITHER EXEMPTED NOR TAKE THE TEST SHALL BE REPORTED AS ZERO. ALTHOUGH ADMINISTRATION OF THIS TEST IS REQUIRED SOLELY FOR MONITORING EDUCATIONAL PROGRESS, COLORADO PUBLIC OFFICIALS AND ADMINISTRATORS MAY UTILIZE THESE TEST SCORES FOR OTHER PURPOSES AS WELL IF THEY SO CHOOSE.

(7) Severability. IF A PROVISION OF THIS SECTION OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCES IS HELD INVALID, THE INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS SECTION THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS SECTION ARE SEVERABLE.

(8) Interpretation. UNDER CIRCUMSTANCES IN WHICH PORTIONS OF THIS STATUTE ARE SUBJECT TO CONFLICTING INTERPRETATIONS, THE FINDINGS AND DECLARATIONS OF SUBSECTION (1) OF THIS SECTION SHALL BE ASSUMED TO CONTAIN THE GOVERNING INTENT OF THIS SECTION.

SECTION 2. Effective date - applicability. This initiative shall take effect upon proclamation of the vote by the Governor, and shall apply to all school terms beginning more than sixty days after such date.

REFERENDUM A
EXEMPT ELECTED DISTRICT ATTORNEYS FROM TERM LIMITS

Ballot Title: An amendment to the constitution of the state of Colorado, exempting district attorneys from constitutional term limits.

Text of Proposal:

Be It Resolved by the Senate of the Sixty-third General Assembly of the State of Colorado, the House of Representatives concurring herein:

SECTION 1. At the next election at which such question may be submitted, there shall be submitted to the registered electors of the state of Colorado, for their approval or rejection, the following amendment to the constitution of the state of Colorado, to wit:

Section 11 (1) of article XVIII of the constitution of the state of Colorado is amended to read:

Section 11. Elected government officials - limitation on terms. (1) In order to broaden the opportunities for public service and to assure that elected officials of governments are responsive to the citizens of those governments, no nonjudicial elected official of any county, city and county, city, town, school district, service authority, or any other political subdivision of the State of Colorado, no member of the state board of education, and no elected member of the governing board of a state institution of higher education shall serve more than two consecutive terms in office, except that with respect to terms of office which are two years or shorter in duration, no such elected official shall serve more than three consecutive terms in office; EXCEPT THAT THIS SECTION SHALL NOT APPLY TO ELECTED DISTRICT ATTORNEYS. This limitation on the number of terms shall apply to terms of office beginning on or after January 1, 1995. For purposes of this Section 11, terms are considered consecutive unless they are at least four years apart.

Section 13 of article VI of the constitution of the state of Colorado is amended to read:

Section 13. District attorneys - election - term - salary - qualifications. In each judicial district there shall be a district attorney elected by the electors thereof, whose term of office shall be four years. District attorneys shall receive such salaries and perform such duties as provided by law. No person shall be eligible to the office of district attorney who shall not, at the time of his OR HER election, possess all the qualifications of district court judges as provided in this article. All district

attorneys holding office on the effective date of this amendment shall continue in office for the remainder of the respective terms for which they were elected or appointed. ELECTED DISTRICT ATTORNEYS SHALL NOT BE SUBJECT TO THE TERM LIMITS ENUMERATED IN SECTION 11 OF ARTICLE XVIII OF THIS CONSTITUTION.

SECTION 2. Each elector voting at said election and desirous of voting for or against said amendment shall cast a vote as provided by law either "Yes" or "No" on the proposition: "AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF COLORADO, EXEMPTING DISTRICT ATTORNEYS FROM CONSTITUTIONAL TERM LIMITS."

SECTION 3. The votes cast for the adoption or rejection of said amendment shall be canvassed and the result determined in the manner provided by law for the canvassing of votes for representatives in Congress, and if a majority of the electors voting on the question shall have voted "Yes", the said amendment shall become a part of the state constitution.

REFERENDUM B
PUBLIC/PRIVATE OWNERSHIP OF LOCAL HEALTH CARE SERVICES

Ballot Title: An amendment to section 2 of article XI of the constitution of the state of Colorado, concerning the authorization for local governments to become a partner with a public or private entity in the provision of health care services, and, in connection therewith, authorizing a local government to become a subscriber, member, or shareholder in or a joint owner with any person or company, public or private, in order to provide such health care without incurring debt.

Text of Proposal:

Be It Resolved by the Senate of the Sixty-third General Assembly of the State of Colorado, the House of Representatives concurring herein:

SECTION 1. At the next election at which such question may be submitted, there shall be submitted to the registered electors of the state of Colorado, for their approval or rejection, the following amendment to the constitution of the state of Colorado, to wit:

Section 2 of article XI of the constitution of the state of Colorado is amended to read:

Section 2. No aid to corporations - no joint ownership by state, county, city, town, or school district. (1) Neither the state, nor any county, city, town, township, or school district shall make any donation or grant to, or in aid of, or become a subscriber to, or shareholder in any corporation or company or a joint owner with any person, company, or corporation, public or private, in or out of the state, except as to such ownership as may accrue to the state by escheat, or by forfeiture, by operation or provision of law; and except as to such ownership as may accrue to the state, or to any county, city, town, township, or school district, or to either or any of them, jointly with any person, company, or corporation, by forfeiture or sale of real estate for nonpayment of taxes, or by donation or devise for public use, or by purchase by or on behalf of any or either of them, jointly with any or either of them, under execution in cases of fines, penalties, or forfeiture of recognizance, breach of condition of official bond, or of bond to secure public moneys, or the performance of any contract in which they or any of them may be jointly or severally interested.

(2) Nothing in this section shall be construed to prohibit any city or town from becoming a subscriber or shareholder in any corporation or company, public or private, or a joint owner with any person, company, or corporation, public or private, in order to effect the development of energy resources after discovery, or production, transportation, or transmission of energy in whole or in part for the benefit of the inhabitants of such city or town.

(3) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT ANY COUNTY, CITY, TOWN, TOWNSHIP, OR SPECIAL DISTRICT LAWFULLY AUTHORIZED TO PROVIDE ANY HEALTH CARE FUNCTION, SERVICE, OR FACILITY FROM BECOMING A SUBSCRIBER, MEMBER, OR SHAREHOLDER IN ANY CORPORATION, COMPANY, OR OTHER ENTITY, PUBLIC OR PRIVATE, OR A JOINT OWNER WITH ANY PERSON, COMPANY, CORPORATION, OR OTHER ENTITY, PUBLIC OR PRIVATE, IN OR OUT OF THE STATE, IN ORDER TO AFFECT THE PROVISION OF SUCH FUNCTION, SERVICE, OR FACILITY IN WHOLE OR IN PART. IN ANY SUCH CASE, THE PRIVATE PERSON, COMPANY, CORPORATION, OR ENTITY OR RELATIONSHIP ESTABLISHED SHALL NOT BE DEEMED A POLITICAL SUBDIVISION, LOCAL GOVERNMENT, OR LOCAL PUBLIC BODY FOR ANY PURPOSE. ANY SUCH COUNTY, CITY, TOWN, TOWNSHIP, OR SPECIAL DISTRICT THAT ENTERS INTO AN ARRANGEMENT UNDER THIS SECTION SHALL NOT INCUR ANY DEBT NOR PLEDGE ITS CREDIT OR FAITH UNDER SUCH ARRANGEMENT. ANY COUNTY, CITY, TOWN, TOWNSHIP, OR SPECIAL DISTRICT ENTERING INTO SUCH JOINT OWNERSHIP OR RELATIONSHIP AS SUBSCRIBER, MEMBER, OR SHAREHOLDER OR OTHERWISE SHALL OWN ITS JUST PROPORTION TO THE WHOLE AMOUNT SO INVESTED. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE POWERS, DUTIES, OR AUTHORITY OF ANY POLITICAL SUBDIVISION AS OTHERWISE PROVIDED OR AUTHORIZED BY LAW. NOTHING IN THIS SUBSECTION (3) SHALL BE CONSTRUED TO LIMIT THE POWERS OF THE GENERAL ASSEMBLY OVER THE PROVISION OF ANY HEALTH CARE FUNCTION,

SERVICE, OR FACILITY BY ANY COUNTY, CITY, TOWN, TOWNSHIP, OR SPECIAL DISTRICT.

SECTION 2. Each elector voting at said election and desirous of voting for or against said amendment shall cast a vote as provided by law either "Yes" or "No" on the proposition: "AN AMENDMENT TO SECTION 2 OF ARTICLE XI OF THE CONSTITUTION OF THE STATE OF COLORADO, CONCERNING THE AUTHORIZATION FOR LOCAL GOVERNMENTS TO BECOME A PARTNER WITH A PUBLIC OR PRIVATE ENTITY IN THE PROVISION OF HEALTH CARE SERVICES, AND, IN CONNECTION THEREWITH, AUTHORIZING A LOCAL GOVERNMENT TO BECOME A SUBSCRIBER, MEMBER, OR SHAREHOLDER IN OR A JOINT OWNER WITH ANY PERSON OR COMPANY, PUBLIC OR PRIVATE, IN ORDER TO PROVIDE SUCH HEALTH CARE WITHOUT INCURRING DEBT."

SECTION 3. The votes cast for the adoption or rejection of said amendment shall be canvassed and the result determined in the manner provided by law for the canvassing of votes for representatives in Congress, and if a majority of the electors voting on the question shall have voted "Yes", the said amendment shall become a part of the state constitution.

REFERENDUM C
QUALIFICATIONS FOR COUNTY CORONERS

Ballot Title: An amendment to article XIV of the constitution of the state of Colorado, concerning the authority of the general assembly to establish qualifications for the office of county coroner.

Text of Proposal:

Be It Resolved by the Senate of the Sixty-third General Assembly of the State of Colorado, the House of Representatives concurring herein:

SECTION 1. At the next election at which such question may be submitted, there shall be submitted to the registered electors of the state of Colorado, for their approval or rejection, the following amendment to the constitution of the state of Colorado, to wit:

Article XIV of the constitution of the state of Colorado is amended BY THE ADDITION OF A NEW SECTION to read:

Section 8.7. Coroner - qualifications. THE GENERAL ASSEMBLY SHALL HAVE THE AUTHORITY TO ESTABLISH BY LAW QUALIFICATIONS FOR THE OFFICE OF COUNTY CORONER, INCLUDING BUT NOT LIMITED TO TRAINING AND CERTIFICATION REQUIREMENTS.

SECTION 2. Each elector voting at said election and desirous of voting for or against said amendment shall cast a vote as provided by law either "Yes" or "No" on the proposition: "AN AMENDMENT TO ARTICLE XIV OF THE CONSTITUTION OF THE STATE OF COLORADO, CONCERNING THE AUTHORITY OF THE GENERAL ASSEMBLY TO ESTABLISH QUALIFICATIONS FOR THE OFFICE OF COUNTY CORONER."

SECTION 3. The votes cast for the adoption or rejection of said amendment shall be canvassed and the result determined in the manner provided by law for the canvassing of votes for representatives in Congress, and if a majority of the electors voting on the question shall have voted "Yes", the said amendment shall become a part of the state constitution.

REFERENDUM D
REPEAL OF OBSOLETE CONSTITUTIONAL PROVISIONS

Ballot Title: Amendments to articles VI, XVIII, XX, and XXVII of the constitution of the state of Colorado, concerning the repeal of certain obsolete provisions in the constitution of the state of Colorado.

Text of Proposal:

Be It Resolved by the Senate of the Sixty-third General Assembly of the State of Colorado, the House of Representatives concurring herein:

SECTION 1. At the next election at which such question may be submitted, there shall be submitted to the registered electors of the state of Colorado, for their approval or rejection, the following amendments to the constitution of the state of Colorado, to wit:

Section 9 (2) and (3) of article VI of the constitution of the state of Colorado are amended to read:

Section 9. District courts - jurisdiction. (2) ~~Effective the second Tuesday in January, 1965, all causes pending before the county court in each county, except those causes within the jurisdiction of the county court as provided by law, and except as provided in subsection (3) of this section, shall then be transferred to and pending in the district court of such county, and no bond or obligation given in any of said causes shall be affected by said transfer.~~

(3) In the city and county of Denver, exclusive original jurisdiction in all matters of probate, settlements of estates of deceased persons, appointment of guardians, conservators and administrators, and

settlement of their accounts, the adjudication of the mentally ill, and such other jurisdiction as may be provided by law shall be vested in a probate court, created by section 1 of this article. ~~and to which court all of such jurisdiction of the county court of the city and county of Denver shall be transferred, including all pending cases and matters, effective on the second Tuesday of January, 1965.~~

Section 14 of article VI of the constitution of the state of Colorado is amended to read:

Section 14. Probate court - jurisdiction - judges - election - term - qualifications. The probate court of the city and county of Denver shall have such jurisdiction as provided by section 9, subsection (3) of this article. The judge of the probate court of the city and county of Denver shall have the same qualifications and term of office as provided in this article for district judges. ~~and shall be elected initially by the qualified electors of the city and county of Denver at the general election in the year 1964.~~ Vacancies shall be filled as provided in section 20 of this article. The number of judges of the probate court of the city and county of Denver may be increased as provided by law.

Section 15 of article VI of the constitution of the state of Colorado is amended to read:

Section 15. Juvenile court - jurisdiction - judges - election - term - qualifications. The juvenile court of the city and county of Denver shall have such jurisdiction as shall be provided by law. The judge of the juvenile court of the city and county of Denver shall have the same qualifications and term of office as provided in this article for district judges. ~~and shall be elected initially by the qualified electors of the city and county of Denver at the general election in the year 1964.~~ Vacancies shall be filled as provided in section 20 of this article. The number of judges of the juvenile court of the city and county of Denver may be increased as provided by law.

Section 20 (2) of article VI of the constitution of the state of Colorado is repealed as follows:

Section 20. Vacancies. (2) ~~All justices and judges of courts of record holding office on the effective date of this constitutional amendment shall continue in office for the remainder of the respective terms for which they were elected or appointed. Retention in office thereafter shall be by election as prescribed in section 25.~~

Section 21 of article VI of the constitution of the state of Colorado is amended to read:

Section 21. Rule-making power. The supreme court shall make and promulgate rules governing the administration of all courts and shall make and promulgate rules governing practice and procedure in civil and criminal cases, except that the general assembly shall have the power to provide simplified procedures in county courts ~~for claims not exceeding five hundred dollars and~~ for the trial of misdemeanors.

Section 23 (3) (j) of article VI of the constitution of the state of Colorado is repealed as follows:

Section 23. Retirement and removal of justices and judges. (3) (j) ~~This subsection (3) shall take effect July 1, 1983, and the procedures therein shall be applicable to any actions pending on that date. The term of office of any member of the commission serving on July 1, 1983, shall terminate on that date, but nothing in this subsection (3) shall prohibit any member from succeeding himself on the commission.~~

Section 9 (5) (c) and (5) (d) of article XVIII of the constitution of the state of Colorado are repealed as follows:

Section 9. Limited gaming permitted. (5) (c) ~~The general assembly shall enact, amend, or repeal such laws as are necessary to implement the provisions of this section 9, by May 1, 1991.~~

(d) ~~The general assembly shall make a general fund appropriation to the limited gaming fund, in the form of a loan, to provide the state treasurer sufficient funds to cover any and all organizational and administrative expenses in connection with this section 9, to be effective no later than July 1, 1991. This loan shall be repaid to the general fund by and at the discretion of the state treasurer at the end of any fiscal year, out of the adjusted gross proceeds paid into the limited gaming fund, not sooner than July 1, 1992 and such repayment may be extended to not later than July 1, 1997. Any repayment shall be made before the state treasurer makes any distributions under subparagraph (II) of paragraph (b) of this subsection (5).~~

Section 12 of article XVIII of the constitution of the state of Colorado is repealed as follows:

Section 12. ~~**(1) CONGRESSIONAL TERM LIMITS AMENDMENT.** The exact language for addition to the United States Constitution follows:~~

~~Section 1: No person shall serve in the office of United States Representative for more than three terms, but upon ratification of this amendment no person who has held the office of United States Representative or who then holds the office shall serve for more than two additional terms.~~

~~Section 2: No person shall serve in the office of United States Senator for more than two terms, but upon ratification of this amendment no person who has held the office of United States Senator or who then holds the office shall serve for more than one additional term.~~

~~Section 3: This amendment shall have no time limit within which it must be ratified to become operative upon the ratification of the legislatures of three-fourths of the several states.~~

~~(2) VOTER INSTRUCTION TO STATE LEGISLATORS.~~

~~(a) The voters instruct each state legislator to vote to apply for an amendment-proposing convention under Article V of the United States Constitution and to ratify the Congressional Term Limits Amendment when referred to the states.~~

~~(b) All election ballots shall have "DISREGARDED VOTER INSTRUCTION ON TERM LIMITS" designated next to the name of each state legislator who fails to comply with the terms of subsection (5)(b).~~

~~(c) Said ballot designation shall not appear after the Colorado legislature has made an Article V application that has not been withdrawn and has ratified the Congressional Term Limits Amendment, when proposed.~~

~~(3) VOTER INSTRUCTION TO MEMBERS OF CONGRESS.~~

~~(a) The voters instruct each member of the congressional delegation to approve the Congressional Term Limits Amendment.~~

~~(b) All election ballots shall have ***"disregarded voter instruction on term limits"*** designated next to the name of each member of Congress who fails to comply with the terms of subsection (5)(b).~~

~~(c) Said ballot designation shall not appear after the Congressional Term Limits Amendment is before the states for ratification.~~

~~(4) VOTER INSTRUCTION TO NON-INCUMBENTS.~~

~~The words "DECLINED TO TAKE PLEDGE TO SUPPORT TERM LIMITS" shall be designated on all primary and general election ballots next to the names of non-incumbent candidates for United States senator, United States representative, state senator, and state representative who have not signed the pledge to support term limits unless the Colorado legislature has ratified the Congressional Term Limits Amendment. The pledge shall read:~~

~~I pledge to use all my legislative powers to enact the proposed Congressional Term Limits Amendment set forth in Article XVIII, section 12. If elected, I pledge to vote in such a way that the designation "DISREGARDED VOTER INSTRUCTION ON TERM LIMITS" will not appear next to my name.~~

~~_____~~

~~Signature of Candidate~~

~~(5) DESIGNATION PROCESS.~~

~~(a) The Colorado secretary of state shall determine these ballot designations. The ballot designation shall appear unless clear and convincing evidence establishes that the candidate has honored voter instructions or signed the pledge in subsection (4). Challenges to designation or lack of designation shall be filed with the Colorado supreme court within 5 days of the determination and shall be decided within 21 days after filing. Determinations shall be made public 30 days or more before the Colorado secretary of state certifies the ballot.~~

~~(b) Non-compliance with voter instruction is demonstrated by any of the following actions with respect to the application or ratification by state legislators, and in the case of members of Congress referring the Congressional Term Limits Amendment for ratification, if the legislator:~~

~~(i) fails to vote in favor when brought to a vote;~~

~~(ii) fails to second if it lacks one;~~

~~(iii) fails to vote in favor of all votes bringing the measure before any committee in which he or she serves;~~

~~(iv) fails to propose or otherwise bring to a vote of the full legislative body, if necessary;~~

~~(v) fails to vote against any attempt to delay, table or otherwise prevent a vote by the full legislative body or committee;~~

~~(vi) fails in any way to ensure that all votes are recorded and made available to the public;~~

~~(vii) fails to vote against any change, addition or modification; or~~

~~(viii) fails to vote against any amendment with longer limits than the Congressional Term Limits Amendment.~~

~~(6) ENFORCEMENT.~~

~~Any legal challenge to this section 12 shall be an original action filed with the Colorado supreme court. All terms of this section 12 are severable.~~

Section 1 of article XX of the constitution of the state of Colorado is amended to read:

Section 1. Incorporated. The municipal corporation known as the city of Denver and all municipal corporations and that part of the quasi-municipal corporation known as the county of Arapahoe, in the state of Colorado, included within the exterior boundaries of the said city of Denver as the same shall be bounded when this amendment takes effect, are hereby consolidated and are hereby declared to be a single body politic and corporate, by the name of the "City and County of Denver". By that name said corporation shall have perpetual succession, and shall own, possess, and hold all property, real and personal, theretofore owned, possessed, or held by the said city of Denver and by such included municipal corporations, and also all property, real and personal, theretofore owned, possessed, or held by the said county of Arapahoe, and shall assume, manage, and dispose of all trusts in any way connected therewith; shall succeed to all the rights and liabilities, and shall acquire all benefits and shall assume and pay all bonds, obligations, and indebtedness of said city of Denver and of said included municipal corporations and of the county of Arapahoe; by that name may sue and defend, plead and be impleaded, in all courts and places, and in all matters and proceedings; may have and use a common seal and alter the same at pleasure; may purchase, receive, hold, and enjoy or sell and dispose of, real and personal property; may receive bequests, gifts, and donations of all kinds of property, in fee simple, or in trust for public, charitable, or other purposes; and do all things and acts necessary to carry out the purposes of such gifts, bequests, and donations, with power to manage, sell, lease, or otherwise dispose of the same in accordance with the terms of the gift, bequest, or trust; shall have the power, within or without its territorial limits, to construct, condemn and purchase, purchase, acquire, lease, add to, maintain, conduct, and operate water works, light plants, power plants, transportation systems, heating plants, and any other public utilities or works or ways local in use and extent, in whole or in part, and everything required therefore, for the use of said city and county and the inhabitants thereof, and any such systems, plants, or works or ways, or any contracts in relation or connection with either, that may exist and which said city and county may desire to purchase, in whole or in part, the same or any part thereof may be purchased by said city and county which may enforce such purchase by proceedings at law as in taking land for public use by right of eminent domain, and shall have the power to issue bonds upon the vote of the taxpaying electors, at any special or general election, in any amount

necessary to carry out any of said powers or purposes, as may by the charter be provided.

The provisions of section 3 of article XIV of this constitution and the general annexation and consolidation statutes of the state relating to counties shall apply to the city and county of Denver. Any contiguous town, city, or territory hereafter annexed to or consolidated with the city and county of Denver, under any such laws of this state, in whatsoever county the same may be at the time, shall be detached per se from such other county and become a municipal and territorial part of the city and county of Denver, together with all property thereunto belonging.

The city and county of Denver shall alone always constitute one judicial district of the state.

Any other provisions of this constitution to the contrary notwithstanding:

No annexation or consolidation proceeding shall be initiated after the effective date of this amendment pursuant to the general annexation and consolidation statutes of the state of Colorado to annex lands to or consolidate lands with the city and county of Denver until such proposed annexation or consolidation is first approved by a majority vote of a six-member boundary control commission composed of one commissioner from each of the boards of county commissioners of Adams, Arapahoe, and Jefferson counties, respectively, and three elected officials of the city and county of Denver to be chosen by the mayor. The commissioners from each of the said counties shall be appointed by resolution of their respective boards.

No land located in any county other than Adams, Arapahoe, or Jefferson counties shall be annexed to or consolidated with the city and county of Denver unless such annexation or consolidation is approved by the unanimous vote of all the members of the board of county commissioners of the county in which such land is located.

~~Any territory attached to the city and county of Denver or the city of Lakewood or the city of Aurora during the period extending from April 1, 1974, to the effective date of this amendment, whether or not subject to judicial review, shall be detached therefrom on July 1, 1975, unless any such annexation is ratified by the boundary control commission on or before July 1, 1975.~~

~~Nothing in this amendment shall be construed as prohibiting the entry of any final judgment in any annexation judicial review proceeding pending on April 1, 1974, declaring any annexation by the city and county of Denver to be invalid.~~

~~The boundary control commission shall have the power at any time by four concurring votes to detach all or any portion of any territory validly annexed to the city and county of Denver during the period extending from March 1, 1973, to the effective date of this amendment.~~

All actions, including actions regarding procedural rules, shall be adopted by the commission by majority vote. Each commissioner shall have one vote, including the commissioner who acts as the chairman of the commission. All procedural rules adopted by the commission shall be filed with the secretary of state.

This amendment shall be self-executing

Section 3 of article XX of the constitution of the state of Colorado is amended to read:

Section 3. Establishment of government civil service regulations. Immediately upon the canvass of the vote showing the adoption of this amendment, it shall be the duty of the governor of the state to issue his proclamation accordingly. ~~and thereupon the city of Denver, and all municipal corporations and that part of the county of Arapahoe within the boundaries of said city, shall merge into the city and county of Denver, and the terms of office of all officers of the city of Denver and of all included municipalities and of the county of Arapahoe shall terminate; except, that the then mayor, auditor, engineer, council (which shall perform the duties of a board of county commissioners), police magistrate, chief of police and boards, of the city of Denver shall become, respectively, said officers of the city and county of Denver, and said engineer shall be ex officio surveyor and said chief of police shall be ex officio sheriff of the city and county of Denver; and the then clerk and ex officio recorder, treasurer, assessor and coroner of the county of Arapahoe, and the justices of the peace and constables holding office within the city of Denver, shall become, respectively, said officers of the city and county of Denver, and the district attorney shall also be ex officio attorney of the city and county of Denver. The foregoing officers shall hold the said offices as above specified only until their successors are duly elected and qualified as herein provided for; except that the then district judges, county judge and district attorney shall serve their full terms, respectively, for which elected. The police and firemen of the city of Denver, except the chief of police as such, shall continue severally as the police and firemen of the city and county of Denver until they are severally discharged under such civil service regulations as shall be provided by the charter; and~~ Every charter shall provide that the department of fire and police and the department of public utilities and works shall be under such civil service regulations as in said charter shall be provided.

Section 3 (1) (a), (1) (c), (1) (d), and (1) (e) of article XXVII of the constitution of the state of Colorado are repealed as follows:

Section 3. Moneys allocated to Trust Fund. (1) (a) ~~For each quarter through the fourth quarter of the State's Fiscal Year 1997-1998:~~

~~(I) to the Conservation Trust Fund and the Division of Parks and Outdoor Recreation in the amounts allocable thereto under statute as amended through January 1, 1992;~~

~~(II) to the State's Capital Construction Fund for payment of debt service due from and including September 1, 1993, to and including November 30, 1998, on the obligations described in Subsection (1)(c) of this Section 3, but only to the extent such debt service is due during such period according to the terms of the documents originating such obligations, and only if such debt service has not been prepaid or other moneys have not been dedicated or set aside for such debt service payments as of January 1, 1992, or thereafter; provided, however, that such obligations may be refunded and debt service from and including September 1, 1993, or the date of such refunding, if later, on any such refunding obligation shall be payable from Net Proceeds, even if payable after November 30, 1998, to the extent the debt service on such refunding obligation does not exceed the total amount of debt service payable on the applicable refunded obligation from and including September 1, 1993, or from the date of such refunding, if later, to and including November 30, 1998, according to the terms of the documents originating the applicable refunded obligation; and~~

~~(III) The State Treasurer shall deposit all remaining Net Proceeds, if any, in trust for the Board of the Trust Fund.~~

(c) ~~(I) The people intend that debt service on the following obligations shall continue to be payable from Lottery Program Net Proceeds to the extent allowed in Section 3(1)(a) above:~~

~~(A) State of Colorado Certificates of Deposit (1979); Wheat Ridge, Colorado Project, in the original principal amount of $6,895,000 (Issue A); Pueblo, Colorado Project, in the original principal amount of $5,320,000 (Issue B); Grand Junction, Colorado Project in the original principal amount of $4,735,000 (Issue C);~~

~~(B) Original principal amount of $36,495,000 Colorado Health Facilities Authority Certificates of Deposit (1986) (Youth Services, Developmental Disabilities Projects);~~

~~(C) Original principal amount of $36,000,000 Colorado Convention Center Contract with the City and County of Denver (1987);~~

Section 3 (1) (a), (1) (c), (1) (d), and (1) (e) of article XXVII of the constitution of the state of Colorado are repealed as follows:

Section 3. Moneys allocated to Trust Fund. (1) (a) ~~For each quarter through the fourth quarter of the State's Fiscal Year 1997-1998:~~

~~(I) to the Conservation Trust Fund and the Division of Parks and Outdoor Recreation in the amounts allocable thereto under statute as amended through January 1, 1992;~~

~~(II) to the State's Capital Construction Fund for payment of debt service due from and including September 1, 1993, to and including November 30, 1998, on the obligations described in Subsection (1)(c) of this Section 3, but only to the extent such debt service is due during such period according to the terms of the documents originating such obligations, and only if such debt service has not been prepaid or other moneys have not been dedicated or set aside for such debt service payments as of January 1, 1992, or thereafter; provided, however, that such obligations may be refunded and debt service from and including September 1, 1993, or the date of such refunding, if later, on any such refunding obligation shall be payable from Net Proceeds, even if payable after November 30, 1998, to the extent the debt service on such refunding obligation does not exceed the total amount of debt service payable on the applicable refunded obligation from and including September 1, 1993, or from the date of such refunding, if later, to and including November 30, 1998, according to the terms of the documents originating the applicable refunded obligation; and~~

~~(III) The State Treasurer shall deposit all remaining Net Proceeds, if any, in trust for the Board of the Trust Fund.~~

(c) ~~(I) The people intend that debt service on the following obligations shall continue to be payable from Lottery Program Net Proceeds to the extent allowed in Section 3(1)(a) above:~~

~~(A) State of Colorado Certificates of Deposit (1979); Wheat Ridge, Colorado Project, in the original principal amount of $6,895,000 (Issue A); Pueblo, Colorado Project, in the original principal amount of $5,320,000 (Issue B); Grand Junction, Colorado Project in the original principal amount of $4,735,000 (Issue C);~~

~~(B) Original principal amount of $36,495,000 Colorado Health Facilities Authority Certificates of Deposit (1986) (Youth Services, Developmental Disabilities Projects);~~

~~(C) Original principal amount of $36,000,000 Colorado Convention Center Contract with the City and County of Denver (1987);~~

~~(D) Original principal amount of $63,025,000 State of Colorado Certificates of Deposit (1988) Master Lease Purchase Agreement (Correctional Facilities Project);~~

~~(E) Original principal amount of $66,894,861.85 State of Colorado Certificates of Deposit (1989) Master Lease Purchase Agreement (Various Projects); and~~

~~(F) Original principal amount of $28,635,000 State of Colorado Certificates of Deposit (1990) Master Lease Purchase Agreement (Additional Projects).~~

~~(II) Except to the extent allowed in Section 3(1)(a) above for refunding obligations, debt service on obligations originated on or after January 1, 1992, shall not be payable from Net Proceeds.~~

(d) ~~Notwithstanding the provisions of Section 3(1)(a) above, the Board of the Trust Fund in its sole discretion may authorize payment of Net Proceeds for additional amounts of interest above the amounts authorized by Section 3(1)(a) for the refunding of any of the obligations listed above in Section 3(1)(c).~~

(e) ~~Nothing in this Section 3 shall prohibit the General Assembly from appropriating additional amounts from sources other than Net Proceeds or the Trust Fund for payment of the obligations listed above in Section 3(1)(c)(I) if Net Proceeds set aside, allocated, allotted, and continuously appropriated for such purpose by this Article are less than amounts needed for debt service on such obligations. Debt service payable prior to September 1, 1993, according to the terms of the documents originating such obligations shall not be paid from Net Proceeds allocated pursuant to this Article.~~

SECTION 2. Each elector voting at said election and desirous of voting for or against said amendment shall cast a vote as provided by law either "Yes" or "No" on the proposition: "AMENDMENTS TO ARTICLES VI, XVIII, XX, AND XXVII OF THE CONSTITUTION OF THE STATE OF COLORADO, CONCERNING THE REPEAL OF CERTAIN OBSOLETE PROVISIONS IN THE CONSTITUTION OF THE STATE OF COLORADO."

SECTION 3. The votes cast for the adoption or rejection of said amendment shall be canvassed and the result determined in the manner provided by law for the canvassing of votes for representatives in Congress, and if a majority of the electors voting on the question shall have voted "Yes", the said amendment shall become a part of the state constitution.

REFERENDUM E
CESAR CHAVEZ STATE HOLIDAY

Ballot Title: Shall the thirty-first day of March be designated a legal holiday for observing the birthday of Cesar Estrada Chavez as "Cesar Chavez day"?

Text of Proposal:

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

SECTION 1. 24-11-101 (1), Colorado Revised Statutes, is amended to read:

24-11-101. Legal holidays - effect. (1) The following days, viz: The first day of January, commonly called New Year's day; the third Monday in January, which shall be observed as the birthday of Dr. Martin Luther King, Jr.; the third Monday in February, commonly called Washington-Lincoln day; THE THIRTY-FIRST DAY OF MARCH, WHICH SHALL BE OBSERVED AS THE BIRTHDAY OF CESAR ESTRADA CHAVEZ AND COMMONLY CALLED CESAR CHAVEZ DAY IN TRIBUTE TO HIS UNSELFISH COMMITMENT TO THE PRINCIPLES OF SOCIAL JUSTICE AND RESPECT FOR HUMAN DIGNITY; the last Monday in May, commonly called Memorial day; the fourth day of July, commonly called Independence day; the first Monday in September, commonly called Labor day; the second Monday in October, commonly called Columbus day; the eleventh day of November, commonly called Veterans' day; the fourth Thursday in November, commonly called Thanksgiving day; the twenty-fifth day of December, commonly called Christmas day; and any day appointed or recommended by the governor of this state or the president of the United States as a day of fasting or prayer or thanksgiving, are hereby declared to be legal holidays and shall, for all purposes whatsoever, as regards the presenting for payment or acceptance and the protesting and giving notice of the dishonor of bills of exchange, drafts, bank checks, promissory notes, or other negotiable instruments and also for the holding of courts, be treated and considered as is the first day of the week commonly called Sunday.

SECTION 2. Repeal. 24-11-112, Colorado Revised Statutes, is repealed as follows:

24-11-112. César Chávez Day. ~~(1) The thirty-first day of March in each year, the same being the anniversary of the birth of César Estrada Chávez, shall be known as "César Chávez Day" and appropriate observance may be held by the public and in all public schools of the state in tribute to his unselfish commitment to the principles of social justice and respect for human dignity.~~

~~(2) The head of a state agency may allow an employee of the agency to have a day off with pay on César Chávez day in lieu of any other legal holiday described in section 24-11-101 (1) that occurs in the same state fiscal year on a weekday, other than a weekday on which an election is held throughout the state, on which the state agency is required to be open but on which the operations of the agency are required to be maintained at only a minimum level.~~

~~(3) On César Chávez day, each state agency shall remain open and conduct the operations of the agency at no less than a minimum level.~~

~~(4) A holiday allowed under this section is in lieu of a legal holiday described in section 24-11-101 (1). The total number of legal holidays in a state fiscal year available to an employee of a state agency is not changed by this section.~~

SECTION 3. 5-1-301 (6), Colorado Revised Statutes, is amended to read:

5-1-301. General definitions. In addition to definitions appearing in subsequent articles, as used in this code, unless the context otherwise requires:

(6) "Business day" means any calendar day except Sunday, New Year's day, the third Monday in January observed as the birthday of Dr. Martin Luther King, Jr., CESAR CHAVEZ DAY, Washington-Lincoln day, Memorial day, Independence day, Labor day, Columbus day, Veterans' day, Thanksgiving day, and Christmas day.

SECTION 4. 22-1-112. Colorado Revised Statutes. is amended to read:

22-1-112. School year - national holidays - Cesar Chavez day. The school year shall begin on the first day of July and end on the thirtieth day of June. The term "national holidays" in this title shall be construed to mean Thanksgiving day, Christmas day, New Year's day, the third Monday in January, observed as the birthday of Dr. Martin Luther King, Jr., Washington-Lincoln day, Memorial day, Labor day, Independence day, and Veterans' day. FOR PURPOSES OF THIS TITLE, THE TERM "NATIONAL HOLIDAYS" SHALL BE CONSTRUED TO ALSO INCLUDE CESAR CHAVEZ DAY.

SECTION 5. Refer to people under referendum. This act shall be submitted to a vote of the registered electors of the state of Colorado at the next biennial regular general election, for their approval or rejection, under the provisions of the referendum as provided for in section 1 of article V of the state constitution, and in article 40 of title 1, Colorado Revised Statutes. Each elector voting at said election and desirous of voting for or against said act shall cast a vote as provided by law either "Yes" or "No" on the proposition: "SHALL THE THIRTY-FIRST DAY OF MARCH BE DESIGNATED A LEGAL HOLIDAY FOR OBSERVING THE BIRTHDAY OF CESAR ESTRADA CHAVEZ AS "CESAR CHAVEZ DAY"?" The votes cast for the adoption or rejection of said act shall be canvassed and the result determined in the manner provided by law for the canvassing of votes for representatives in Congress.

RECOMMENDATIONS ON RETENTION OF JUDGES

Commissions on Judicial Performance were created in 1988 by the Colorado General Assembly for the purpose of providing voters with fair, responsible and constructive evaluations of trial and appellate judges and justices seeking retention in general elections. The results of the evaluations also provide judges with information that can be used to improve their professional skills as judicial officers. The Chief Justice, the Governor, the President of the Senate and the Speaker of the House appoint state and local commission members. Each commission is a ten-member body comprised of four attorneys and six non-attorneys.

The State Commission on Judicial Performance developed evaluation techniques for district and county judges, justices of the supreme court, and judges of the court of appeals. According to statute, those criteria include the following: integrity; knowledge and understanding of substantive, procedural and evidentiary law; communication skills; preparation, attentiveness, and control over judicial proceedings; sentencing practices; docket management and prompt case disposition; administrative skills; punctuality; effectiveness in working with participants in the judicial process; and service to the profession and the public.

The trial judges' evaluations result from survey questionnaires completed by attorneys (including district attorneys and public defenders), jurors, litigants, probation officers, social services case workers, crime victims, court personnel and law enforcement officers. The evaluations also result from the following: relevant docket and sentencing statistics; a personal interview with the judge; a self-evaluation completed by the judge; and information from other appropriate sources, such as court observations, public hearings and documentation received from interested parties. The evaluation of the Justices of the Colorado Supreme Court and the Judges of the Colorado Court of Appeals is the product of an interview with the State Commission on Judicial Performance and survey results from attorneys and Colorado trial judges.

Each evaluation includes a narrative profile with the recommendation stated as "retain", "do not retain" or "no opinion". State statute requires a detailed explanation accompany a "no opinion" recommendation.

Voters statewide vote on Justices of the Colorado Supreme Court, Judges of the Court of Appeals, and District Court Judges for the district in which they reside. Voters will vote only for County Court Judges seeking retention in their respective counties. The following are complete narrative profiles and recommendations on retention for the justices and judges in your judicial district subject to the retention election on November 5, 2002.

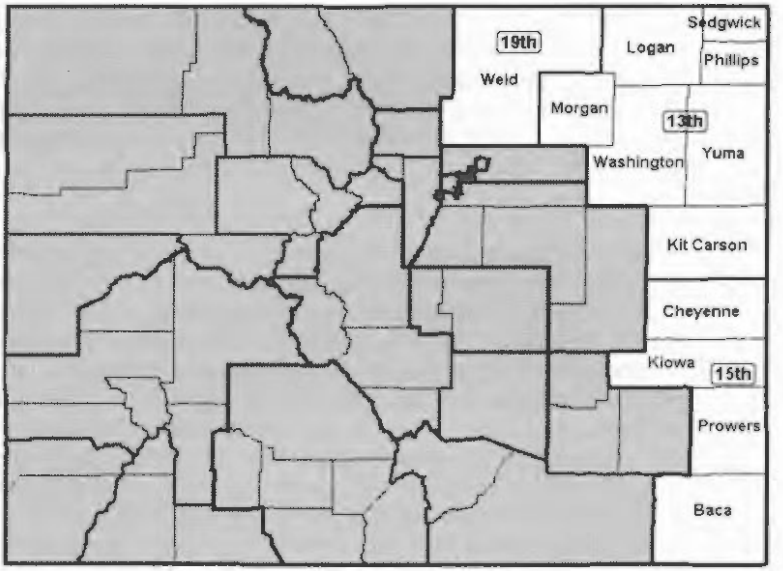
Additional information may be accessed through the Colorado Courts Homepage at: http://www.courts.state.co.us or by calling the State Commission on Judicial Performance at (303) 861-1111.

HOW TO DETERMINE THE JUDGES THAT WILL BE ON YOUR BALLOT:

From the map:

- Locate the County where you live
- Locate the Judicial District for your County (for example, Kit Carson County - 13th Judicial District)

13th, 15th and 19th Judicial Districts of Colorado



From the index:

Go to your Judicial District

- Find your County
- Go to the Narrative Profile section to review the recommendations for those judges.
- Supreme Court Justices and Court of Appeals Judges will appear on your ballot. Be sure to review those judges as well as your local judges.

13TH JUDICIAL DISTRICT

KIT CARSON
District Judge
Douglas R. Vannoy
County Judge
None

LOGAN
District Judge
Douglas R. Vannoy
County Judge
Robert B. Smith

MORGAN
District Judge
Douglas R. Vannoy
County Judge
Michael J. Schingle

PHILLIPS
District Judge
Douglas R. Vannoy
County Judge
David O. Colver

SEDGWICK
District Judge
Douglas R. Vannoy
County Judge
None

WASHINGTON
District Judge
Douglas R. Vannoy
County Judge
Kevin L. Hoyer

YUMA
District Judge
Douglas R. Vannoy
County Judge
Thomas J. Callahan

15TH JUDICIAL DISTRICT

BACA
District Judge
None
County Judge
W. Michael Porter

CHEYENNE
District Judge
None
County Judge
Paul D. Tallman

KIOWA
District Judge
None
County Judge
Gary W. Davis

PROWERS
District Judge
None
County Judge
Larry E. Stutler

19TH JUDICIAL DISTRICT

WELD
District Judge
J. Robert Lowenbach
County Judge
Lynn J. Karowsky

Honorable Nathan B. Coats

The State Commission on Judicial Performance unanimously recommends that Justice Nathan B. Coats BE RETAINED.

Justice Coats was appointed to the Colorado Supreme Court in May 2000. Prior to his appointment to the high court, Justice Coats was in a private law practice (1977-1978), served in the Appellate Section of the Colorado Attorney General's Office (1978-1986), and was the Chief Appellate District Attorney for the Second Jud cial Distnct (1986-2000). Justice Coats nas served on many Supreme Court committees, including the Criminal Rules, Appellate Rules, Rules of Evidence and Jury Reform committees.

Although some surveyed attorneys believe that Justice Coats' opinions are "prosecution oriented," both judges and attorneys ranked Justice Coats as a "B+" in being fair and impartial to both sides of the case. Justice Coats assured the Commission that he recognizes this perceived bias in criminal cases and strives to overcome it. He said he personally evaluates cases where such concerns might be raised and seeks feedback from his fellow justices about his impartiality.

Justice Coats acknowledged that he had limited experience in civil and family law when he was appointed to the Court. He stated that he does substantial background research in these areas, including soliciting the views of colleagues on the court who have special expertise. Some commissioners were concerned that the sharp wording of a few of Justice Coats' dissents could undermine collegiality on the court. Additionally, the Commission suggests that Justice Coats expand his community involvement to ensure that he maintains the broad perspective necessary for a Supreme Court member.

Justice Coats received high marks from attorneys and trial judges in the categories of courtesy and treating parties equally regardless of race, sex or economic status. Support for retention of Justice Coats was solid among both judges and attorneys, with 84% of judges and 87% of attorneys favoring retention. The Commission unanimously recommends his retention.

Honorable John Daniel Dailey

The State Commission on Judicial Performance unanimously recommends that Judge John Daniel Dailey BE RETAINED.

Judge Dailey was appointed to the Colorado Court of Appeals in January 2000. Prior to his appointment, Judge Dailey served in the Colorado Attorney General's Office for 21 years, most recently as Assistant Solicitor General arguing cases on the Attorney General's behalf to the appellate courts. Judge Dailey has also been an adjunct professor of law at the University of Colorado and University of Denver Colleges of Law, and has taught criminal procedure at the University of Denver College of Law following his appointment to the bench. He currently serves as chair of the Supreme Court Advisory Committee on Rules of Criminal Procedure and also serves as a member of the Supreme Court Advisory Committee on Rules of Appellate Procedure.

Judge Dailey received generally positive comments from both attorneys and trial judges who were surveyed. The trial judges uniformly commended Judge Dailey as hard working and conscientious, and none opposed his retention. The survey results from attorneys were less favorable. Some attorney comments reflect a concern that his prior work in the Attorney General's Office may influence his decisions in criminal cases. Judge Dailey told the Commission that a review of the cases he has decided, both published and unpublished, refutes that perception. He views his paramount role in deciding criminal cases as ascertaining whether the defendant received due process. Responding to some attorney comments that he is brusque in oral arguments, Judge Dailey contends it is a misinterpretation of his serious demeanor during questioning. He agreed, however, with Commission members that this perception should be addressed.

Data from the Court of Appeals demonstrate that Judge Dailey issues opinions in a timely manner. The Commission found that Judge Dailey was enthusiastic, hard working and extremely diligent in his efforts to succeed in his new role. The Commission believes he brings a common-sense approach to the job, and unanimously endorses his retention.

Honorable Henry E. Nieto

The State Commission on Judicial Performance recommends that Judge Henry E. Nieto BE RETAINED. The vote was not unanimous.

Judge Nieto was appointed to the Colorado Court of Appeals in November 1999, and is deputy chief judge of that court. He was a district judge in the First Judicial District from 1985-1999 and Chief Judge of that district from 1995-1999. From 1978-1985 he was a Jefferson County judge. Prior to his appointment to the bench, he served as deputy, chief deputy and assistant district attorney of the First Judicial District (1967-1978) and was in private law practice (1970-1974)

Judge Nieto places great importance on community service activities, which the Commission believes is important for the judiciary. He speaks frequently to clubs and schools and believes that it is important to "put a human face" on the judiciary.

While trial judges surveyed gave Judge Nieto high ratings, especially with regard to treating parties equally and assisting other judges on the court, attorneys' marks were lower. Attorneys were particularly critical in three areas: rendering well-written and understandable opinions, managing cases with minimum delay and making correct decisions based upon the law and facts. These ratings concern the Commission, which believes timely, clear and legally sound appellate decisions are essential. In his interview with the Commission, Judge Nieto stated that while he has some weaknesses in his knowledge of the law, computer skills and reading efficiency, he is working hard to improve in these areas. He also indicated that some of the criticism from the attorneys may be due to his long tenure as a trial court judge. Judge Nieto told the Commission that he was more comfortable as an appellate judge because he has more time to consider his decisions.

The Commission's lack of unanimity on Judge Nieto's retention reflects a concern that, despite his 24 years of experience on the trial bench, Judge Nieto has not met the higher standards for appellate court judges. A majority of the Commission believes, however, that this should not disqualify him from serving on the Court of Appeals, particularly in view of his willingness to work to overcome his deficiencies, and therefore supports his retention.

13TH JUDICIAL DISTRICT

District Judge
Honorable Douglas R. Vannoy

The Thirteenth Judicial District Commission on Judicial Performance recommends that Judge Douglas R. Vannoy BE RETAINED.

Judge Vannoy was appointed to the Thirteenth Judicial District Court bench in 1988. He earned his law degree at the University of Denver Law School in 1976. Judge Vannoy presides over civil, domestic relations and criminal juvenile cases.

Judge Vannoy is very knowledgeable, thorough and thoughtful. His involvement in the community is to be commended, especially the mock trial conducted in area schools by students.

Survey results were very positive for Judge Vannoy. In non-attorney surveys, 85% recommended Judge Vannoy be retained. Of attorneys surveyed, 86% recommended he be retained. Non-attorney comments were very favorable for retention. Because of his extremely large docket, at times he may appear impatient. An overwhelming majority of the responses praised Judge Vannoy for his hard work. Other positive aspects of Judge Vannoy are his work ethic, being punctual and fair.

Logan County Judge
Honorable Robert B. Smith

The Thirteenth Judicial District Commission on Judicial Performance recommends that Judge Robert B. Smith BE RETAINED.

Judge Smith was appointed to the Logan County Court bench in 2000 Before th's appointment, Judge Smith represented several governmental bodies and was in private practice. From 1978 to 2000, he was also Municipal Court Judge for the City of Sterling.

Judge Smith is interested in improving court practice and has introduced innovative procedures for better case management. The survey results were generally positive for Judge Smith. Respondents believed that he is a good communicator and a fair and impartial judge. Written survey results showed that 100% of attorneys and 85% of non-attorneys favored retention.

Morgan County Judge
Honorable Michael J. Schingle

The Thirteenth Judicial District Commission on Judicial Performance recommends that Judge Michael J. Schingle BE RETAINED.

Judge Schingle was appointed to the County Court bench on July 1, 2000. He is a full-time judge and presides over civil, traffic and misdemeanor cases. Judge Schingle received a B.A. from the University of New Mexico in 1976 and he received his law degree from the University of Tennessee in 1979. He is married and has two grown children.

Surveys reveal that courthouse personnel, attorneys, law enforcement officials, litigants, victims and jurors who were questioned rated Judge Schingle's performance as above average. Numerous comments from the surveys praised Judge Schingle for his courtesy, his good communication skills, his impartiality and his personable demeanor. Those surveyed generally perceive Judge Schingle to be a hard worker who is trying to improve procedures and solve problems.

Judge Schingle told the Commission that he is making attempts to speed up the process of ruling on motions. He feels that his biggest challenge has been making the transition from litigator to judge. As a judge, he tries to take the time to listen to everyone's story and to explain why he makes a particular decision.

One hundred percent of attorneys surveyed recommend that Judge Schingle be retained. Ninety-four percent of non-attorneys surveyed recommend that Judge Schingle be retained.

Phillips County Judge
Honorable David O. Colver

The Thirteenth Judicial District Commission on Judicial Performance recommends that Judge David O. Colver BE RETAINED.

Judge Colver is in private practice as well as being County Judge. Judge Colver is involved in his community and works with youth in the school system. He believes involvement in the community is very important and has a beneficial effect

Comments on surveys reveal Judge Colver is extremely fair and very professional. Surveys received from court personnel, attorneys, law enforcement agencies, litigants, victims and jurors were very positive. Eighty-five percent of the non-attorneys and 100% of the attorneys surveyed recommend Judge Colver be retained.

Washington County Judge
Honorable Kevin L. Hoyer

The Thirteenth Judicial District Commission on Judicial Performance recommends that Judge Kevin L. Hoyer BE RETAINED.

Judge Hoyer was appointed to the Washington County Court bench in 1987. He is also in private practice and represents governmental organizations in other counties. Judge Hoyer serves as Municipal Court Judge for the cities of Wray and Yuma.

Judge Hoyer presides over traffic, misdemeanor and civil cases. Judge Hoyer is active in the community. He believes that the new court facilities in Washington County will help improve case management and court organization.

The survey results were positive for Judge Hoyer. Respondents rated him polite, respectful, consistent and fair. One hundred percent of attorneys and 86% of non-attorneys surveyed favored retention.

Yuma County Judge
Honorable Thomas J. Callahan

The Thirteenth Judicial District Commission on Judicial Performance recommends that Judge Thomas J. Callahan BE RETAINED.

Judge Callahan was appointed to the County Court bench on January 3, 1992. He presides over civil, traffic and misdemeanor cases together with some District Court matters as a Magistrate. Judge Callahan is a long-time resident of Yuma County and had been an attorney in private practice prior to his appointment to the bench. As a part-time County Judge, he still maintains an active private practice in Wray, Colorado.

Surveys reveal that courthouse personnel, attorneys, law enforcement officials, litigants, victims and jurors questioned rated Judge Callahan's performance above average to average overall. Judge Callahan received high marks, particularly from attorneys, for his efficiency, use of court time and docket management. This is so in spite of a relative lack of resources available to the court system in Yuma County.

Nevertheless, Judge Callahan received more than average criticism from non-attorneys for perceived racial bias and impatience. This perception of racial bias may be caused by the high number of undocumented defendants who appear before him, often times as repeat offenders, on the charges of driving without a valid driver's license, no auto insurance and alcohol related driving offenses. Because these defendants are not legally in the United States, they pose unique and difficult problems at the bonding and sentencing levels. As a result, 43% of non-attorneys surveyed favored retention of Judge Callahan, 33% did not and 23% expressed no opinion. Seventy-four percent of the non-attorneys surveyed indicated that he maintained an above average to average professional demeanor in the courtroom.

One hundred percent of the attorneys surveyed rated Judge Callahan at the top to above-average for professional demeanor compared to 83% for all county judges in Colorado. It was urged that Judge Callahan attempt to treat litigants more diplomatically. Eighty-six percent of attorneys surveyed recommended retention.

At his interview with the Commission, Judge Callahan pointed out that his docket features a number of individuals who do not seem to share the values of society as a whole and many defendants who do not seem to respond appropriately to authority. This causes conflict with many parties on his criminal docket, as he may be perceived as seeming to lack patience with a certain number of these individuals. Judge Callahan has genuine concern for the safety of all citizens in Yuma County, and as a result he is tough on repeat alcohol offenders.

15TH JUDICIAL DISTRICT

Baca County Judge
Honorable W. Michael Porter

The Fifteenth Judicial District Commission on Judicial Performance recommends that Judge W. Michael Porter BE RETAINED.

Judge Porter received his undergraduate degree from Colorado State University and his law degree from University of Puget Sound, School of Law in Tacoma, Washington. Judge Porter was appointed to the Baca County bench in January 1995. Prior to his appointment to the bench, Judge Porter was in private and public practice in Springfield, Colorado, and continues to be a part-time sole practitioner.

The Commission reviewed written evaluations of Judge Porter from attorneys and non-attorneys, including written verbatim comments attached to the evaluation questionnaires. The Commission also considered a written self-evaluation completed by Judge Porter, conducted a personal interview with the judge and held a public hearing.

Judge Porter speaks at the local schools about the judiciary and its functions. Local schools also occasionally visit the court and ask questions of Judge Porter and the attorneys in his courtroom.

Of the attorneys surveyed, 100% recommended Judge Porter be retained. Of non-attorneys responding to the questionnaire, 75% recommended retention, 16% recommended non-retention and 8% had no opinion

There were two areas of concern in regards to Judge Porter's performance in the courtroom. Those two concerns were his ability to explain courtroom procedure to people without attorneys and starting court on time. In response to these concerns, Judge Porter explained he makes efforts to not inappropriately explain and apply the laws and procedural rules. To allow litigants without attorneys to deal with questions of law or procedure, he will grant litigants time to obtain an attorney if they desire. Even though starting court on time is a problem in most courts within the system, Judge Porter has taken steps to solve the problem. Despite these concerns, Judge Porter received high ratings from both attorneys and non-attorneys in virtually every category, particularly in the areas of being able to maintain proper judicial demeanor, correctly applying the law, treating people with respect and treating parties equally.

Cheyenne County Judge
Honorable Paul D. Tallman

The Fifteenth Judicial District Commission on Judicial Performance recommends that Judge Paul D. Tallman BE RETAINED.

Judge Tallman was appointed to the position of County Judge in Cheyenne County on November 8, 1986. Judge Tallman received his undergraduate degree from the University of Denver in 1970 and his law degree from the University of Denver College of Law in 1973. He has lived in Cheyenne County most of his life and is primarily employed running the family farming business. Judge Tallman hears traffic, criminal and civil cases and has served as a County Court Judge in Cheyenne County for over 15 years. During the past two years, Judge Tallman's workload has consisted of 10% civil, 75% traffic and 10% misdemeanor criminal matters.

The Commission reviewed written evaluations of Judge Tallman from attorneys and non-attorneys, including written verbatim comments attached to the evaluation questionnaires. The Commission also considered a written self-evaluation completed by Judge Tallman, conducted a personal interview with him and held a public hearing at which no negative comments were received regarding the judge.

Judge Tallman is active in the schools in Cheyenne Wells, at times speaking to students about the judicial system and process. Judge Tallman takes care to explain court procedures to litigants who appear before him without an attorney. He has the utmost respect for the judicial system and would not consider circumventing the judicial process in deciding a case.

Judge Tallman received high ratings from attorneys in virtually all categories, with 100% of the attorneys surveyed recommending his retention. Judge Tallman received good to high ratings from non-attorneys in virtually every category, with only 20% of non-attorneys not recommending retention. Judge Tallman was scored highest by attorneys and non-attorneys in the areas of being courteous;

being patient; having a professional demeanor; being fair and impartial; and providing clear, thorough and well-reasoned decisions. Judge Tallman's scores were not as high in the area of being punctual in commencing proceedings, which is an area that he acknowledges needs improvement and an area in which he is implementing changes with the goal of commencing proceedings in a more timely manner.

Kiowa County Judge
Honorable Gary W. Davis

The Fifteenth Judicial District Commission on Judicial Performance recommends that Judge Gary W. Davis BE RETAINED.

Judge Davis was appointed as Kiowa County Judge on June 1, 1992. Prior to his appointment to the bench, Judge Davis began as an associate at the Lefferdink Law Firm in Lamar, Colorado, and in 1980 became a partner of that firm. Judge Davis was admitted to the practice of law in Colorado on September 29, 1978. Judge Davis still practices law as a part-time sole practitioner concentrating in the areas of representing local governmental entities and financial institutions and probate, estate planning and transactional matters.

The Commission reviewed written evaluations of Judge Davis from attorneys and non-attorneys, including written verbatim comments attached to the evaluation questionnaires. The Commission considered a written self-evaluation completed by Judge Davis, conducted a personal interview with him and held a public hearing at which no negative comments were received regarding Judge Davis.

Judge Davis demonstrates a cordial relationship with court staff. He believes the public is confident of his ability to conduct fair and impartial proceedings. Judge Davis welcomed the results of the survey and is willing to use the information from the survey to improve in areas where improvement is necessary. He believes his greatest strength is the ability to understand and apply the law.

Judge Davis received high ratings from attorneys in virtually all categories, with 89% of the attorneys surveyed recommending his retention. Judge Davis received good to high ratings from non-attorneys in virtually every category, with only 23% of non-attorneys not recommending retention.

Prowers County Judge
Honorable Larry E. Stutler

The Fifteenth Judicial District Commission on Judicial Performance recommends that Judge Larry E. Stutler BE RETAINED.

Judge Stutler was appointed to the Prowers County Court bench on November 1, 1995. Prior to his appointment to the bench, Judge Stutler was in private practice in Lamar specializing in general civil and criminal litigation with some background in real estate and estates. Judge Stutler received his undergraduate degree from the University of Denver in Colorado and his law degree from the University of Colorado Law School

in Boulder. Judge Stutler hears civil, traffic, misdemeanor and traffic infraction cases as the Prowers County Judge.

The Commission reviewed written evaluations of Judge Stutler from attorneys and non-attorneys, including written verbatim comments attached to the evaluation questionnaires. The Commission considered a written self-evaluation of Judge Stutler and conducted a public hearing to receive comments from the general public. The Commission also conducted a personal interview with Judge Stutler.

Judge Stutler has great respect for the judicial system and views his role as a judge to find and apply the law evenly without being guided by biases or stereotypes. He recognizes he must be firm and let attorneys, defendants and litigants know that court orders must be obeyed. At the same time, he realizes he must balance and exercise his authority with understanding, compassion and courtesy. Judge Stutler fully understands his strengths as a judge and is constantly seeking knowledge to improve his weaknesses. Judge Stutler also contributes to the community by serving as a Trustee of the Weitgenant Charitable Trust.

Judge Stutler received high ratings from both attorneys and non-attorneys, particularly in the areas of courtesy and treating all parties equally regardless of race, age, gender and social/ economic status. Judge Stutler was ranked high on providing written and verbal communications that are clear, thorough and well reasoned. Of the attorneys responding to the questionnaire, 80% recommended Judge Stutler be retained while 20% recommended that he not be retained. Of the non-attorneys responding to the questionnaire, 86% recommended retention, 9% recommended non-retention and 5% had no opinion.

19TH JUDICIAL DISTRICT

District Judge
Honorable J. Robert Lowenbach

The Nineteenth Judicial District Commission on Judicial Performance recommends that Judge J. Robert Lowenbach BE RETAINED.

Judge Lowenbach was appointed to the District Court in November 1993. Prior to his appointment, he was a District Court Magistrate. Judge Lowenbach currently hears 100% criminal cases. His community service involvement includes public education on the judicial branch of government and volunteer work for child abuse victims, the homeless and the growth and development needs of young children.

Fifty percent of the 36 attorneys responding to the survey recommended that Judge Lowenbach be retained. The average for all district judges is 85%. Of the 216 non-attorneys surveyed, 77% recommended retention; the average for all district judges is also 85%.

The attorneys who responded to the survey ranked Judge Lowenbach lower on each of the 26 questions than the average scores received by all district judges. The two lowest rankings from attorneys were on questions involving listening patiently to all testimony and on providing quick access to the court for

emergencies. The non-attorneys ranked him equal to or slightly lower on each of their 21 survey questions.

Although there was some concern expressed that he is "too lenient" in sentencing, Judge Lowenbach believes this criticism is unjustified and is based on two cases that received publicity. He does not believe this criticism is reflective of his full sentencing approach.

The Commission was impressed by Judge Lowenbach's interview, in which he showed a sincere desire to address the weaknesses that were revealed in the surveys. He also indicated that he has already made changes that will provide more flexibility in his court and will provide quicker access to the courts for emergencies.

Weld County Judge
Honorable Lynn J. Karowsky

The Nineteenth Judicial District Commission on Judicial Performance recommends that Judge Lynn J. Karowsky BE RETAINED.

Judge Karowsky was appointed to the County Court in 1996. Between 1981 and 1996 he was a Small Claims Court Magistrate. He has also held the position of Assistant Professor of Business Law at the University of Northern Colorado and currently serves as a visiting professor, teaching one class a year. His community involvement is broad based, having served on boards and committees ranging from traffic safety to domestic violence to the arts. He currently hears about 20% civil, 50% traffic and 30% misdemeanor cases.

In his interview, Judge Karowsky rated his strengths as legal reasoning, preparation prior to trial and a courteous and relaxed judicial demeanor. The survey results from attorneys and non-attorneys echoed these strengths. He, as well as a few survey respondents, described a weakness as his tendency to be verbose.

Judge Karowsky's overall survey results from both attorneys and non-attorneys were excellent. He received an 81% vote to retain by non-attorneys and a 96% vote to retain by attorneys. The average vote to retain for all county judges was 81% from non-attorneys and 83% from attorneys. The written comments submitted by the survey respondents were also outstanding, describing Judge Karowsky as excellent, respectful, fair, knowledgeable, patient, thorough, courteous and one of the finest judges.

LOCAL ELECTION OFFICES

Adams	450 S. Fourth Ave., Brighton, CO 80601-3195	(303) 654-6025
Alamosa	402 Edison Ave., Alamosa, CO 81101-0630	(719) 589-6681
Arapahoe	5334 S. Prince St., Littleton, CO 80166-0211	(303) 795-4511
Archuleta	449 San Juan, Pagosa Springs, CO 81147-2589	(970) 264-5633
Baca	741 Main St., Springfield, CO 81073	(719) 523-4372
Bent	725 Bent, Las Animas, CO 81054-0350	(719) 456-2009
Boulder	1750 33rd St. #200, Boulder, CO 80301	(303) 413-7770
Broomfield	One DesCombes Drive, Broomfield, CO 80020	(303) 438-6332
Chaffee	104 Crestone Ave., Salida, CO 81201-0699	(719) 539-4004
Cheyenne	P.O. Box 567, Cheyenne Wells, CO 80810-056	(719) 767-5685
Clear Creek	405 Argentine St., Georgetown, CO 80444-2000	(303) 679-2339
Conejos	6683 County Road 13, Conejos, CO 81129-0127	(719) 376-5422
Costilla	416 Gasper St., San Luis, CO 81152-0308	(719) 672-3301
Crowley	110 E. Sixth St., Ordway, CO 81063	(719) 267-4643
Custer	205 S. Sixth St., Westcliffe, CO 81252-0150	(719) 783-2441
Delta	501 Palmer #211, Delta, CO 81416	(970) 874-2150
Denver	303 W. Colfax Ave., Suite 101, Denver, CO 80204	(720) 913-8683
Dolores	409 N. Main St., Dove Creek, CO 81324-0058	(970) 677-2381
Douglas	301 Wilcox St., Castle Rock, CO 80104	(303) 660-7442
Eagle	500 Broadway, Eagle, CO 81631-0537	(970) 328-8710
Elbert	P.O. Box 37, Kiowa, CO 80117-0037	(303) 621-3116
El Paso	200 S. Cascade, Colorado Springs, CO 80903	(719) 520-6222
Fremont	615 Macon Ave. #102, Canon City, CO 81212	(719) 276-7330
Garfield	109 Eighth St. #200, Glenwood Spgs, CO 81601	(970) 945-2377
Gilpin	203 Eureka St., Central City, CO 80427-0429	(303) 582-5321
Grand	308 Byers Ave., Hot Sulpur Springs, CO 80451	(970) 725-3347
Gunnison	221 N. Wisconsin, Suite C, Gunnison, CO 81230	(970) 641-1516
Hinsdale	317 N. Henson St., Lake City, CO 81235-0009	(970) 944-2228
Huerfano	401 Main St. Ste 204, Walsenburg, CO 81089	(719) 738-2380
Jackson	396 La Fever St., Walden, CO 80480-0337	(970) 723-4334
Jefferson	100 Jefferson Cty. Pkwy. #2560, Golden, CO 80419	(303) 271-8111
Kiowa	1305 Goff St., Eads, CO 81036-0037	(719) 438-5421
Kit Carson	251 16th St., Burlington, CO 80807-0249	(719) 346-8638
Lake	505 Harrison Ave., Leadville, CO 80461-0917	(719) 486-1410
La Plata	1060 Second Ave., Durango, CO 81301	(970) 382-6294

Larimer	200 W. Oak St., Ft. Collins, CO 80522	(970) 498-7852
Las Animas	200 E. First St. Room 205, Trinidad, CO 81082	(719) 846-3314
Lincoln	103 Third Ave., Hugo, CO 80821-0067	(719) 743-2444
Logan	315 Main St., Sterling, CO 80751-4357	(970) 522-1544
Mesa	2424 Highway 6 & 50 Unit 414, Grand Junction, CO 81502-5007	(970) 244-1607
Mineral	1201 N. Main St., Creede, CO 81130	(719) 658-2440
Moffat	221 W. Victory Way #200, Craig, CO 81625	(970) 824-9104
Montezuma	109 W. Main St. Room 108, Cortez, CO 81321	(970) 565-3728
Montrose	320 S. First St., Montrose, CO 81401	(970) 249-3362
Morgan	231 Ensign, Ft. Morgan, CO 80701-1399	(970) 542-3521
Otero	13 W. Third St., La Junta, CO 81050-0511	(719) 383-3020
Ouray	541 Fourth St., Ouray, CO 81427	(970) 325-4961
Park	501 Main St., Fairplay, CO 80440-0220	(719) 836-4333
Phillips	221 S. Interocean Ave., Holyoke, CO 80734	(970) 854-3131
Pitkin	530 E. Main St. #101, Aspen, CO 81611	(970) 920-5180
Prowers	301 W. Main St., Lamar, CO 81052-0889	(719) 336-8011
Pueblo	215 W. 10th St., Pueblo, CO 81003-2992	(719) 583-6520
Rio Blanco	555 Main St., Meeker, CO 81641-1067	(970) 878-5068
Rio Grande	965 Sixth St., Del Norte, CO 81132-0160	(719) 657-3334
Routt	522 Lincoln Ave. Steamboat Springs, CO 80477	(970) 870-5556
Saguache	501 Fourth St., Saguache, CO 81149-0176	(719) 655-2512
San Juan	1557 Green St., Silverton, CO 81433-0466	(970) 387-5671
San Miguel	305 W. Colorado Ave., Telluride, CO 81435-0548	(970) 728-3954
Sedgwick	315 Cedar, Julesburg, CO 80737	(970) 474-3346
Summit	208 E. Lincoln, Breckenridge, CO 80424-1538	(970) 453-3475
Teller	101 W. Bennett Ave., Cripple Creek, CO 80813	(719) 689-2951
Washington	150 Ash, Akron, CO 80720	(970) 345-6565
Weld	1402 N. 17th Ave., Greeley, CO 80632	(970) 353-3840
Yuma	310 Ash St. #A, Wray, CO 80758-0426	(970) 332-5809