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Colorado Revised Statutes Annotated Constitution of the State of Colorado Article V Legislative Department

Section 1. GENERAL ASSEMBLY - INITIATIVE AND REFERENDUM

(1) The legislative power of the state shall be vested in the general assembly consisting of a senate and house of representatives, both to be elected by the people, but the people reserve to themselves the power to propose laws and amendments to the constitution and to enact or reject the same at the polls independent of the general assembly and also reserve power at their own option to approve or reject at the polls any act or item, section, or part of any act of the general assembly.

(2) The first power hereby reserved by the people is the initiative, and signatures by registered electors in an amount equal to at least five percent of the total number of votes cast for all candidates for the office of secretary of state at the previous general election shall be required to propose any measure by petition, and every such petition shall include the full text of the measure so proposed. Initiative petitions for state legislation and amendments to the constitution, in such form as may be prescribed pursuant to law, shall be addressed to and filed with the secretary of state at least three months before the general election at which they are to be voted upon.

(2.5) In order to make it more difficult to amend this constitution, a petition for an initiated constitutional amendment shall be signed by registered electors who reside in each state senate district in Colorado in an amount equal to at least two percent of the total registered electors in the senate district provided that the total number of signatures of registered electors on the petition shall at least equal the number of signatures required by subsection (2) of this section. For purposes of this subsection (2.5), the number and boundaries of the senate districts and the number of registered electors in the senate districts shall be those in effect at the time the form of the petition has been approved for circulation as provided by law.

(3) The second power hereby reserved is the referendum, and it may be ordered, except as to laws necessary for the immediate preservation of the public peace, health, or safety, and appropriations for the support and maintenance of the departments of state and state institutions, against any act or item, section, or part of any act of the general assembly, either by a petition signed by registered electors in an amount equal to at least five percent of the total number of votes cast for all candidates for the office of the secretary of state at the previous general election or by the general assembly. Referendum petitions, in such form as may be prescribed pursuant to law, shall be addressed to and filed with the secretary of state not more than ninety days after the final adjournment of the session of the general assembly that passed the bill on which the referendum is demanded. The filing of a referendum petition against any item, section, or part of any act shall not delay the remainder of the act from becoming operative.

(4)

(a) The veto power of the governor shall not extend to measures initiated by or referred to the people. All elections on measures initiated by or referred to the people of the state shall be held at the biennial regular general election, and all such measures shall become the law or a part of the constitution, when approved by a majority of the votes cast thereon or, if applicable the number of votes required pursuant to paragraph (b) of this subsection (4), and not otherwise, and shall take effect from and after the date of the official declaration of the vote thereon by proclamation of the governor, but not later than thirty days after the vote has been canvassed. This section shall not be construed to deprive the general assembly of the power to enact any measure.

(b) In order to make it more difficult to amend this constitution, an initiated constitutional amendment shall not become part of this constitution unless the amendment is approved by at least fifty-five percent of the votes cast thereon; except that this paragraph (b) shall not apply to an initiated constitutional amendment that is limited to repealing, in whole or in part, any provision of this constitution.

(5) The original draft of the text of proposed initiated constitutional amendments and initiated laws shall be submitted to the legislative research and drafting offices of the general assembly for review and comment. No later than two weeks after submission of the original draft, unless withdrawn by the proponents, the legislative research and drafting offices of the general assembly shall render their comments to the proponents of the proposed measure at a meeting open to the public, which shall be held only after full and timely notice to the public. Such meeting shall be held prior to the fixing of a ballot title. Neither the general assembly nor its committees or agencies shall have any power to require the amendment, modification, or other alteration of the text of any such proposed measure or to establish deadlines for the submission of the original draft of the text of any proposed measure.

(5.5) No measure shall be proposed by petition containing more than one subject, which shall be clearly expressed in its title; but if any subject shall be embraced in any measure which shall not be expressed in the title, such measure shall be void only as to so much thereof as shall not be so expressed. If a measure contains more than one subject, such that a ballot title cannot be fixed that clearly expresses a single subject, no title shall be set and the measure shall not be submitted to the people for adoption or rejection at the polls. In such circumstance, however, the measure may be revised and resubmitted for the fixing of a proper title without the necessity of review and comment on the revised measure in

accordance with subsection (5) of this section, unless the revisions involve more than the elimination of provisions to achieve a single subject, or unless the official or officials responsible for the fixing of a title determine that the revisions are so substantial that such review and comment is in the public interest. The revision and resubmission of a measure in accordance with this subsection (5.5) shall not operate to alter or extend any filing deadline applicable to the measure.

(6) The petition shall consist of sheets having such general form printed or written at the top thereof as shall be designated or prescribed by the secretary of state; such petition shall be signed by registered electors in their own proper persons only, to which shall be attached the residence address of such person and the date of signing the same. To each of such petitions, which may consist of one or more sheets, shall be attached an affidavit of some registered elector 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 said petition was, at the time of signing, a registered elector. Such petition so verified shall be prima facie evidence that the signatures thereon are genuine and true and that the persons signing the same are registered electors.

(7) The secretary of state shall submit all measures initiated by or referred to the people for adoption or rejection at the polls, in compliance with this section. In submitting the same and in all matters pertaining to the form of all petitions, the secretary of state and all other officers shall be guided by the general laws.

(7.3) Before any election at which the voters of the entire state will vote on any initiated or referred constitutional amendment or legislation, the nonpartisan research staff of the general assembly shall cause to be published the text and title of every such measure. Such publication shall be made at least one time in at least one legal publication of general circulation in each county of the state and shall be made at least fifteen days prior to the final date of voter registration for the election. The form and manner of publication shall be as prescribed by law and shall ensure a reasonable opportunity for the voters statewide to become informed about the text and title of each measure.

(7.5)

(a) Before any election at which the voters of the entire state will vote on any initiated or referred constitutional amendment or legislation, the nonpartisan research staff of the general assembly shall prepare and make available to the public the following information in the form of a ballot information booklet:

(I) The text and title of each measure to be voted on;

(II) A fair and impartial analysis of each measure, which shall include a summary and the major arguments both for and against the measure, and which may include any other information that would assist understanding the purpose and effect of the measure. Any person may file written comments for consideration by the research staff during the preparation of such analysis.

(b) At least thirty days before the election, the research staff shall cause the ballot information booklet to be distributed to active registered voters statewide.

(c) If any measure to be voted on by the voters of the entire state includes matters arising under section 20 of article X of this constitution, the ballot information booklet shall include the information and the

titled notice required by section 20 (3)(b) of article X, and the mailing of such information pursuant to section 20 (3)(b) of article X is not required.

(d) The general assembly shall provide sufficient appropriations for the preparation and distribution of the ballot information booklet pursuant to this subsection (7.5) at no charge to recipients.

(8) The style of all laws adopted by the people through the initiative shall be, "Be it Enacted by the People of the State of Colorado".

(9) The initiative and referendum powers reserved to the people by this section are hereby further reserved to the registered electors of every city, town, and municipality as to all local, special, and municipal legislation of every character in or for their respective municipalities. The manner of exercising said powers shall be prescribed by general laws; except that cities, towns, and municipalities may provide for the manner of exercising the initiative and referendum powers as to their municipal legislation. Not more than ten percent of the registered electors may be required to order the referendum, nor more than fifteen percent to propose any measure by the initiative in any city, town, or municipality.

(10) This section of the constitution shall be in all respects self-executing; except that the form of the initiative or referendum petition may be prescribed pursuant to law.

History

Source: Entire article added, effective August 1, 1876, see **L. 1877,** P. 37. **L. 10, Ex. Sess.:** Entire section amended, p. 11. **L. 79:** Entire section amended, p. 1672, effective upon proclamation of the Governor, **L. 81,** P. 2051, December 19, 1980. **L. 93:** (5.5) added, p. 2152, effective upon proclamation of the Governor, **L. 95,** P. 1428, January 19, 1995. **L. 94:** (7) amended and (7.3) and (7.5) added, p. 2850, effective upon proclamation of the Governor, **L. 95,** P. 1431, January 19, 1995. **Initiated 2016:** (2.5) added and (4) amended, Amendment 71, effective upon proclamation of the Governor, L. 2017, p. 2800, December 28, 2016.

Annotations

Research References & Practice Aids

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Editor's note: The "legislative research and drafting offices" referred to in this section are the Legislative Council and Office of Legislative Legal Services, respectively.

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Colo. L. Rev. 47 (1995). For article, "The Voice of the Crowd — Colorado's Initiative: Ennobling Direct Democracy", see 78 U. Colo. L. Rev. 1341 (2007). For article, "The Voice of the Crowd — Colorado's Initiative: The Educative Effects of Direct Democracy: A Research Primer for Legal Scholars", see 78 U. Colo. L. Rev. 1371 (2007). For article, "The Voice of the Crowd — Colorado's Initiative: Representation and the Spatial Bias of Direct Democracy", see 78 U. Colo. L. Rev. 1395 (2007). For article, "The Voice of the Crowd — Colorado's Initiative: When Good Voters Make Bad Policies: Assessing and Improving the Deliberative Quality of Initiative Elections", see 78 U. Colo. L. Rev. 1435 (2007). For article, "The Voice of the Crowd — Colorado's Initiative: The Citizen Assembly: Alternative to the Initiative", see 78 U. Colo. L. Rev. 1489 (2007). For article, "The Voice of the Crowd — Colorado's Initiative: Initiatives, Referenda, and the Problem of Democratic Inclusion: A Reply to John Gastril and Kevin O'Leary", see 78 U. Colo. L. Rev. 1537 (2007). For article, "Colorado Election Law Update", see 46 Colo. Law. 53 (Aug.-Sept. 2017). For article, "Ballot Measures: The Scope of Authority in Statutory Counties", see 52 Colo. Law 22 (May 2023).

Annotator's note. For additional cases concerning the initiative and referendum power, see the annotations under article 40 of title 1.

Amendment with most votes prevails. In order to carry out the meaning and purpose of this section, if inconsistent amendments are submitted to the voters, the one which received the most votes must prevail. That, in the view of the supreme court, is what the "republican" form of government means with respect to the right of the people to amend the constitution. In re Interrogatories Propounded by Senate Concerning House Bill 1078, 189 Colo. 1, 536 P.2d 308 (1975).

Right of state or city to exercise legislative authority for common good. One who owns, or who acquires property, must be ever mindful of the right of the state or city to exercise its legislative authority for the common good. Bird v. City of Colo. Springs, 176 Colo. 32, 489 P.2d 324 (1971).

Extent of legislative powers of general assembly. The language preserving the right of the general assembly to "enact any measure" is broad and comprehensive. Schwartz v. People, 46 Colo. 239, 104 P. 92 (1909); In re Senate Resolution No. 4, 54 Colo. 262, 130 P. 333 (1913).

Power to define criminal conduct and to establish the legal components of criminal liability is vested with the general assembly. Hendershott v. People, 653 P.2d 385 (Colo. 1982); People v. Aragon, 653 P.2d 715 (Colo. 1982); People v. Low, 732 P.2d 622 (Colo. 1987).

The legislative power over appropriations granted the general assembly by this section is absolute. Colo. Gen. Assembly v. Lamm, 700 P.2d 508 (Colo. 1985).

County and board of county commissioners have only such powers and authority as are granted by general assembly, and they must carry out the will of the state as expressed by the general assembly. Colo. State Bd. of Soc. Servs. v. Billings, 175 Colo. 380, 487 P.2d 1110 (1971).

General assembly may delegate power to promulgate rules and regulations. While the general assembly may not delegate the power to make or define a law, it may delegate the power to promulgate rules and regulations to executive agencies so long as sufficient standards are set forth for the proper exercise of the agency's rule-making function. Colo. Auto & Truck Wreckers Ass'n v. Dept. of Rev., 618 P.2d 646 (Colo. 1980).

Section 42-6-134 is not invalid as an improper delegation of legislative authority to the department of revenue. Colo. Auto & Truck Wreckers Ass'n v. Dept. of Rev., 618 P.2d 646 (Colo. 1980).

The provisions of the Land Use Act do not unconstitutionally delegate legislative power to local governments since the act contains procedural safeguards which protect against the uncontrolled exercise of power. Denver v. Bd. of County Comm'rs, 782 P.2d 753 (Colo. 1989).

Colorado Constitution inhibits delegation of legislative power to body like railroad commission. Colo. & S. Ry. v. State Rd. Comm'n, 54 Colo. 64, 129 P. 506 (1912).

All power has been reserved by people through initiative and referendum. In re Legislative Reapportionment, 150 Colo. 380, 374 P.2d 66 (1962).

Under the Colorado Constitution, all political power is vested in the people and derives from them, and an aspect of that power is the initiative, which is the power reserved by the people to themselves to propose laws by petition and to enact or reject them at the polls independent of the legislative assembly. Colo. Project-Common Cause v. Anderson, 178 Colo. 1, 495 P.2d 220 (1972).

People's right to legislate reserved. By this section, the people have reserved for themselves the right to legislate. McKee v. City of Louisville, 200 Colo. 525, 616 P.2d 969 (1980).

Power of initiative is a fundamental right. McKee v. City of Louisville, 200 Colo. 525, 616 P.2d 969 (1980).

Purpose of initiative and referendum embodied in the constitution is to expeditiously permit the free exercise of legislative powers by the people, and the procedural statutes enacted in

connection therewith were adopted to facilitate the execution of the law. Brownlow v. Wunsch, 103 Colo. 120, 83 P.2d 775 (1938).

The power to call referendum and initiative elections is a direct check on the exercise or nonexercise of legislative power by elected officials. Margolis v. District Court, 638 P.2d 297 (Colo. 1981).

Provisions for initiative and referendum entitled to liberal construction. It has generally been held by the courts of all jurisdictions that a constitutional provision for the initiative and referendum, and statutes enacted in connection therewith, should be liberally construed. Brownlow v. Wunsch, 103 Colo. 120, 83 P.2d 775 (1938); Baker v. Bosworth, 122 Colo. 356, 222 P.2d 416 (1950).

Initiative and referendum are fundamental rights of a republican form of government which the people have reserved unto themselves and must be liberally construed in favor of the right of the people to exercise them. Conversely, limitations on the power of referendum must be strictly construed. Margolis v. District Court, 638 P.2d 297 (Colo. 1981).

But there are no constitutional initiative powers reserved to the people over countywide legislation. Bd. of County Comm'rs v. County Road Users Ass'n, 11 P.3d 432 (Colo. 2000).

Right of initiative pertains to any measure, whether constitutional or legislative, and, in the case of municipalities, it encompasses legislation of every character. McKee v. City of Louisville, 200 Colo. 525, 616 P.2d 969 (1980).

This section, as well as the statutes which implement it, must be liberally construed so as not to unduly limit or curtail the exercise of the initiative and referendum rights constitutionally reserved to the people. Colo. Project-Common Cause v. Anderson, 178 Colo. 1, 495 P.2d 220 (1972); Billings v. Buchanan, 192 Colo. 32, 555 P.2d 176 (1976).

Initiated provisions shall be liberally construed in order to effectuate their purpose, to facilitate and not to hamper the exercise by the electors of rights granted thereby. Yenter v. Baker, 126 Colo. 232, 248 P.2d 311 (1952).

The terms of this article, being a reservation to the people, are not to be narrowly construed. Burks v. City of Lafayette, 142 Colo. 61, 349 P.2d 692 (1960).

But grant of authority which would nullify referendum should be strictly construed. Burks v. City of Lafayette, 142 Colo. 61, 349 P.2d 692 (1960); City of Aurora v. Bogue, 176 Colo. 198, 489 P.2d 1295 (1971).

And restrictions not specified in constitution or home rule charter should not be implied or incorporated. Burks v. City of Lafayette, 142 Colo. 61, 349 P.2d 692 (1960).

The interpretative approach to the power of referendum gives broad effect to the reservation in the people and refrains from implying or incorporating restrictions not specified in the constitution or a

charter, for a reservation to the people should not be narrowly construed. City of Ft. Collins v. Dooney, 178 Colo. 25, 496 P.2d 316 (1972).

General assembly may repeal initiated law approved by people. An act repealing an act is a measure, and, as the general assembly is not deprived of the right to enact any measure, it clearly has the power to repeal any statute law, however adopted or passed, and thus may repeal even an initiated act, approved by the people. In re Senate Resolution No. 4, 54 Colo. 262, 130 P. 333 (1913); People ex rel. Tate v. Prevost, 55 Colo. 199, 134 P. 129 (1913).

Statutory cities and towns derive their sole powers from constitutional authority which must be defined by general law. City of Aurora v. Bogue, 176 Colo. 198, 489 P.2d 1295 (1971).

Home rule city may reserve or restrict referendum. Inasmuch as a home rule city has the power to adopt its own charter and can within its sphere exercise as much legislative power as the general assembly, such a city may either restrict the power of referendum by allowing its council to declare health and safety exceptions or it may validly reserve a full measure of referendum authority by not restricting it, and by providing that it shall be exercisable with respect to any measure, even measures already effective. Burks v. City of Lafayette, 142 Colo. 61, 349 P.2d 692 (1960).

A home rule city has unlimited authority to reserve to its electors the referendum power and the manner of exercising the same. Leach & Arnold Homes, Inc. v. City of Boulder, 32 Colo. App. 16, 507 P.2d 476 (1973).

City charter provisions held complete within themselves for filing of referendum petition. Leach & Arnold Homes, Inc. v. City of Boulder, 32 Colo. App. 16, 507 P.2d 476 (1973).

Reservations of power by constitution and city charter independent of one another. The declaration that this provision does not affect or limit the referendum power reserved to the people of any city by its charter does not limit the constitutional reservation, nor enlarge powers reserved by such charter. The two reservations are independent of each other. The constitutional reservation goes to the full extent expressed by its language. If the charter differs from the constitution in any respect, it does not thereby diminish the power reserved by the constitution, but may give the people affected additional powers there described. Burks v. City of Lafayette, 142 Colo. 61, 349 P.2d 692 (1960).

While city charter provisions may not limit the referendum and initiative powers reserved in the Colorado Constitution, the powers reserved by city charter may exceed those reserved by the Colorado Constitution. Margolis v. District Court, 638 P.2d 297 (Colo. 1981); Witcher v. Canon City, 716 P.2d 445 (Colo. 1986).

This section is made self-executing. Cook v. City of Delta, 100 Colo. 7, 64 P.2d 1257 (1937); Baker v. Bosworth, 122 Colo. 356, 222 P.2d 416 (1950); Christensen v. Baker, 138 Colo. 27, 328 P.2d 951 (1958).

The initiative and referendum provision is in all respects self-executing. It is not a mere framework, but contains the necessary detailed provisions for carrying into immediate effect the enjoyment of the rights therein established without legislative action. Yenter v. Baker, 126 Colo. 232, 248 P.2d 311 (1952).

The initiative provisions are expressly declared to be self-executing, and, as such, only legislation which will further the purpose of the constitutional provision or facilitate its operation, is permitted. Colo. Project-Common Cause v. Anderson, 178 Colo. 1, 495 P.2d 220 (1972).

And this section applies only to acts which are legislative in character. City of Aurora v. Zwerdlinger, 194 Colo. 192, 571 P.2d 1074 (1977); Vagneur v. City of Aspen, 2013 CO 13, 295 P.3d 493.

Legislative power is defined by the work product that it generates, laws of general applicability based on the weighing of broad competing policy considerations rather than the specific facts of individual cases. Executive acts are typically based on individualized case-specific considerations, and decisions that require specialized training and experience or intimate knowledge of the fiscal or other affairs of government to make a rational choice may be properly characterized as administrative. Vagneur v. City of Aspen, 2013 CO 13, 295 P.3d 493.

The constitution does not reserve to the people the right to exercise executive or administrative power through an initiative. As a result, an initiative may be subjected to pre-election judicial review to determine whether it seeks to exercise administrative power and, consequently, is not an exercise of the constitutional right to legislate by way of an initiative. City of Idaho Springs v. Blackwell, 731 P.2d 1250 (Colo. 1987); City of Colo. Springs v. Bull, 143 P.3d 1127 (Colo. App. 2006); Vagneur v. City of Aspen, 2013 CO 13, 295 P.3d 493.

A voter initiative must be a valid exercise of legislative power. And municipal initiatives that sought to overturn prior city, state executive agency, and federal executive agency decisions regarding the design and construction of a state highway entrance to the city of Aspen were administrative in character and outside the scope of the initiative power reserved to the people under this section. Vagneur v. City of Aspen, 2013 CO 13, 295 P.3d 493.

The formation of contracts by a city and amendments of contracts to which a city is a party to further its policies are administrative matters not suitable for an initiative.

Vagneur v. City of Aspen, 232 P.3d 222 (Colo. App. 2009), aff'd, 2013 CO 13, 295 P.3d 493.

In determining whether a proposed ordinance should be classified as legislative or administrative, the central inquiry is whether the proposed legislation announces new public policy or is simply the implementation of a previously declared policy. City of Colo. Springs v. Bull, 143 P.3d 1127 (Colo. App. 2006).

Two tests have been developed to guide this inquiry. First, actions that relate to subjects of a permanent or general character are legislative, while those that are temporary in operation and effect are not. Second, acts that are necessary to carry out existing legislative policies and purposes or that are properly characterized as executive are deemed to be administrative, while acts constituting a declaration of public policy are deemed to be legislative. Charter provisions, ordinances, policies, and administrative practices all have some degree of permanence. City of Colo. Springs v. Bull, 143 P.3d 1127 (Colo. App. 2006).

Administrative matters may be severed from the balance of an initiative if the following conditions are met: (1) Standing alone, the remainder of the measure can be given legal effect; (2) deleting the impermissible portion would not substantially change the spirit of the measure; and (3) it is evident from the content of the measure and the circumstances surrounding its proposal that the sponsors and subscribers would prefer the measure to stand as altered, rather than to be invalidated in its entirety. City of Colo. Springs v. Bull, 143 P.3d 1127 (Colo. App. 2006).

Object of self-execution. A constitutional provision is a higher form of statutory law, which the people may provide shall be self-executing, the object being to put it beyond the power of the general assembly to render it nugatory by refusing to pass laws to carry it into effect. An equally important object of self-execution is to put it beyond the power of the general assembly to render it nugatory by passing restrictive laws. Yenter v. Baker, 126 Colo. 232, 248 P.2d 311 (1952).

But it is clearly contemplated that legislation may be enacted to further operation of this section. Brownlow v. Wunsch, 103 Colo. 120, 83 P.2d 775 (1938); Baker v. Bosworth, 122 Colo. 356, 222 P.2d 416 (1950).

Such legislation must facilitate provision. The fact that a constitutional provision is self-executing does not necessarily preclude legislation on the same subject. Such provision may be supplemented by appropriate laws designed to make it more effective. Yenter v. Baker, 126 Colo. 232, 248 P.2d 311 (1952).

All legislation must be subordinate to this section, and only such legislation is permissible as is in furtherance of the purpose, or as will facilitate the enforcement of such provision, and legislation which will impair, limit or destroy rights granted by the provision is not permissible. Yenter v. Baker, 126 Colo. 232, 248 P.2d 311 (1952).

As general assembly may not reduce authority of voters to exercise referendum below that which is set forth in this section. Burks v. City of Lafayette, 142 Colo. 61, 349 P.2d 692 (1960).

Or initiative. But no statute can limit or curtail the constitutional provisions with regard to the initiative. Colo. Project-Common Cause v. Anderson, 178 Colo. 1, 495 P.2d 220 (1972).

General assembly may enact provisions regarding the exercise of the initiative and referendum, so long as it does not diminish those rights. Urevich v. Woodard, 667 P.2d 760 (Colo. 1983).

The general assembly may adopt measures to prevent abuse, mistake, or fraud in the initiative process, but such measures shall not unduly diminish the citizens' rights to the initiative process. Comm. for Better Health Care v. Meyer, 830 P.2d 884 (Colo. 1992).

A legislative body may establish procedures relating to the proper exercise of the referendum. Although the right to refer a law enacted by a legislative body to the electorate for rejection or approval is fundamental, the legislative body may implement procedures to prevent abuse of the referendum process. Clark v. City of Aurora, 782 P.2d 771 (Colo. 1989).

Regulation of charter amendments. Subsection (9) of this section and art. XX, § 6, authorize a home rule municipality to enact legislation relating to charter amendments. McCarville v. City of Colo. Springs, 2013 COA 169, 338 P.3d 1033; Citizens for Cmty. Rights v. Colo. Springs, 2015 COA 120, 360 P.3d 271.

Legislative adoption of statutes to prevent fraud, mistake, or abuse in the initiative process may not create an undue burden on the exercise of the initiative process. Comm. for Better Health Care v. Meyer, 830 P.2d 884 (Colo. 1992).

Both legislative bills and initiated measures properly "referred to the people of the state". This section does not only refer to legislative bills referred to the people under the referendum provision. The words "referred to the people of the state" should not be given such a narrow construction. Both legislative bills and initiated measures are "referred to the people of the state" for their approval or rejection at the polls. It is in that sense that the words are used. Armstrong v. Mitten, 95 Colo. 425, 37 P.2d 757 (1934).

Under this section people have power to adopt initiated reapportionment bill. Armstrong v. Mitten, 95 Colo. 425, 37 P.2d 757 (1934).

Although proposed bill must meet constitutional requirements. The initiative device provides a practicable political remedy to obtain relief against alleged legislative malapportionment in Colorado, but an individual's constitutionally protected right to cast an equally weighted vote cannot be denied even by a vote of a majority of a state's electorate by initiative and referendum if the apportionment scheme adopted by the voters fails to measure up to the requirements of the equal protection clause. Lucas v. Forty-Fourth Gen. Ass'y, 377 U.S. 713 (1964).

Ordinances pertaining to proprietary functions subject to referendum. Nowhere in the constitution, the charter, nor in Colorado case law is there any exception to the referendum right made for ordinances pertaining to proprietary functions. City of Aurora v. Zwerdlinger, 38 Colo. App. 106, 558 P.2d 998 (1976), rev'd on other grounds, 194 Colo. 192, 571 P.2d 1074 (1977).

Zoning and rezoning decisions, no matter what the size of the parcel of land involved, are legislative in character and subject to the referendum and initiative provisions of the Colorado Constitution. Margolis v. District Court, 638 P.2d 297 (Colo. 1981); Citizens v. City of Steamboat Springs, 807 P.2d 1197 (Colo. App. 1990).

Submission of land use ordinances does not constitute referendum. Where an amendment of the soil conservation act provides for submission of land use ordinance to qualified voters of soil erosion district and requires 75 percent vote for adoption, the submission of an ordinance does not constitute a referendum under this section. People ex rel. Cheyenne Soil Erosion Dist. v. Parker, 118 Colo. 13, 192 P.2d 417 (1948).

Soil erosion district of Cheyenne was not a city, town, or municipality under this provision of the constitution. People ex rel. Cheyenne Soil Erosion Dist. v. Parker, 118 Colo. 13, 192 P.2d 417 (1948).

The presumption of prima facie validity established by this article applies only to properly verified petitions. Comm. for Better Health Care v. Meyer, 830 P.2d 884 (Colo. 1992).

There is no constitutional right of initiative for electors at the county level. This section expressly authorizes initiatives at the state and municipal level but does not do so at the county level. The general assembly has authorized county-wide initiatives only with respect to home-rule counties or as to specific, defined subjects such as the adoption of sales tax ordinances. There is no statutory authority for initiatives at the county level concerning housing growth limits. Dellinger v. Bd. of County Comm'rs for County of Teller, 20 P.3d 1234 (Colo. App. 2000).

In general, counties in Colorado are simply political subdivisions of the state government that possess only those functions that are granted to them by the constitution or by statute, along with implied powers necessary to carry those functions out. Pennobscot, Inc. v. Bd. of County Comm'rs,

642 P.2d 915 (Colo. 1982); Dellinger v. Bd. of County Comm'rs, 20 P.3d 1234 (Colo. App. 2000); Save Palisade FruitLands v. Todd, 279 F.3d 1204 (10th Cir. 2002).

The equal protection clause of the fourteenth amendment to the U.S. Constitution does not command Colorado to grant the power of initiative to the electors of statutory counties simply because it has granted that power to the electors of home rule counties. Save Palisade FruitLands v. Todd, 279 F.3d 1204 (10th Cir. 2002).

Applied in Blitz v. Moran, 17 Colo. App. 253, 67 P. 1020 (1902); Jackson v. Colo., 294 F. Supp. 1065 (D. Colo. 1968); Cimarron Corp. v. Bd. of County Comm'rs, 193 Colo. 164, 563 P.2d 946 (1977); Mtn. States Legal Found. v. Denver Sch. Dist. No. 1, 459 F. Supp. 357 (D. Colo. 1978); In re Interrogatories of Governor Regarding Sweepstakes Races Act, 196 Colo. 353, 585 P.2d 595 (1978); People v. Gallegos, 644 P.2d 920 (Colo. 1982); In re Reapportionment of Colo. Gen. Ass'y, 647 P.2d 191 (Colo. 1982); Slack v. City of Colo. Springs, 655 P.2d 376 (Colo. 1982); Matter of Election Reform Amendment, 852 P.2d 28 (Colo. 1993).

II. INITIATIVE AND REFERENDUM PROCEDURE.

Law reviews. For comment, "Montero v. Meyer: Official English, Initiative Petitions and the Voting Rights Act", see 66 Den. U. L. Rev. 619 (1989). For comment, "Another View of Montero v. Meyer and the English-Only Movement: Giving Language Prejudice the Sanction of the Law", see 66 Den. U. L. Rev. 633 (1989). For article, "Colorado's Citizen Initiative Again Scrutinized by the U.S. Supreme Court", see 28 Colo. Law. 71 (June 1999).

This section grants initiative and referendum powers to legal voters and to municipality manner of exercising it. Francis v. Rogers, 182 Colo. 430, 514 P.2d 311 (1973).

Phrase "that it shall be in all respects self-executing" merely means that the power of initiative and referendum rests with the people whether or not the general assembly implements the power. It does not prevent the general assembly from enacting legislation which will strengthen that power. In re Interrogatories Propounded by Senate Concerning House Bill 1078, 189 Colo. 1, 536 P.2d 308 (1975).

Power of initiative liberally construed. The initiative power reserved by the people is to be liberally construed to allow the greatest possible exercise of this valuable right. City of Glendale v.

Buchanan, 195 Colo. 267, 578 P.2d 221 (1978); Comm. for Better Health Care v. Meyer, 830 P.2d 884 (Colo. 1992).

But subsection (6) requires initiative petition signatures to be collected in person even when a disaster emergency has been declared in response to a global pandemic. The requirements that petitions must be signed by registered electors in their proper persons and that signatures must be verified by another registered elector must be read together to require in-person signing in the presence of a petition circulator. The Colorado Disaster Emergency Act authorizes the governor to suspend certain types of statutes, rules, and regulations during a declared disaster emergency but does not authorize the suspension of constitutional provisions, and the governor therefore cannot issue an executive order allowing initiative petition signatures to be collected by mail or email. Ritchie v. Polis, 2020 CO 69, 467 P.3d 339.

It is not unconstitutional to base direct democracy signature requirements on total population. No equal protection problem exists if votes are cast in equally populated state legislative districts that are drawn based on census population data. And just as it is not unconstitutional to apportion seats in a state legislature based on districts of equal total population, it is not unconstitutional to base direct democracy signature requirements on total population. Subsection (2.5) therefore is not unconstitutional. The state's thirty-five state senate districts are approximately equal in total population. Semple v. Griswold, 934 F.3d 1134 (10th Cir. 2019).

The first amendment is not implicated by a state law that makes it more difficult to pass a ballot initiative. Subsection (2.5) merely determines the process by which initiative legislation is enacted in the state. It is not content based. Thus, even assuming subsection (2.5) makes it more difficult and costly to amend the state constitution because it requires initiative proponents to collect signatures from all districts in the state, that process requirement does not give rise to a cognizable first amendment claim. Semple v. Griswold, 934 F.3d 1134 (10th Cir. 2019).

The failure of a ballot initiative is not an adverse government action that discourages or penalizes the exercise of first amendment rights. The requirement that proponents must interact with voters in all state senate districts and, if they fail to do so, their proposed initiative will not appear on the statewide ballot does not erect a barrier to the expression of ideas and beliefs. The communication of the ideas and beliefs underlying a proposed initiative is not dependent on whether the initiative ultimately appears on the statewide ballot. Thus, the consequence is not the type of state-mandated penalty necessary to establish a compelled speech claim because that consequence has only a minimal impact on first amendment rights. Semple v. Griswold, 934 F.3d 1134 (10th Cir. 2019).

The provisions of article X, §20, of the state constitution supersede the general

provisions of article V, §1, only with respect to issues of government financing, spending, and taxation governed by article X, §20; when the provisions of article X, §20, are not applicable, article V, §1, and implementing legislation controls. Zaner v. City of Brighton, 917 P.2d 280 (Colo. 1996).

Amendment may relate back. Although under subsection (4) an initiative or referendum takes effect up to 30 days after canvassing of the vote, once effective, its terms can relate back to conduct occurring the day after the election. Bolt v. Arapahoe County Sch. Dist. No. 6, 898 P.2d 525 (Colo. 1995).

The "full and timely" notice requirement of subsection (5) is not violated despite the short time between the public posting and the time when the meeting was held where petitioners had actual notice of the meeting and could not articulate how they were cognizably prejudiced by such short notice. Matter of Ballot Title 1997-98 No. 113, 962 P.2d 970 (Colo. 1998).

Duties of initiative title setting review board set forth in statutory provisions. The people have reserved to themselves the right of initiative in this section, and the duties of the initiative title setting review board with respect to initiatives are in §§ 1-40-101 et seq. In re Second Initiated Constitutional Amendment, 200 Colo. 141, 613 P.2d 867 (1980); Spelts v. Klausing, 649 P.2d 303 (Colo. 1982).

The clear title requirement seeks to accomplish the two overarching goals of preventing voter confusion and ensuring that the title of a proposed initiative adequately expresses the intended purpose of the initiative so that the voters, even if they are not familiar with the subject matter, can intelligently determine whether to support or oppose the proposed initiative. Robinson v. Dierking, 2016 CO 56, 413 P.3d 151.

Title must clearly express the single subject of an initiative; correctly and fairly express the true meaning and intent of the initiative; enable the electorate, whether familiar or unfamiliar with the subject matter of a particular proposal, to determine intelligently whether to support or oppose the proposal; and be brief. The title board is given discretion in resolving interrelated problems of length, complexity, and clarity in designating a title and must summarize the central features of a proposed initiative fairly. In re Title, Ballot Title & Submission Clause for 2019-2020 #315, 2020 CO 61, 500 P.3d 363.

Title board is vested with considerable discretion in setting the title, ballot title and submission clause, and summary and, therefore, court must liberally construe the single subject and title requirements for initiatives. Matter of Title, Ballot Title, 917 P.2d 292 (Colo. 1996).

Plaintiff has a liberty right to challenge the decision of the title board. As to all initiatives

and referanda hearings governed by § 1-40-101 et seq. occurring after April 27, 1992, defendants are ordered to publish pre-hearing and post-hearing notices to electors at least sufficient to meet the fair notice requirements of due process of law under the fourteenth amendment to the United States Constitution. Montero v. Meyer, 790 F. Supp. 1531 (D. Colo. 1992).

Standards for reviewing actions of initiative title setting review board. (1) Court must not in any way concern itself with the merit or lack of merit of the proposed initiative since, under our system of government, that resolution rests with the electorate; (2) all legitimate presumptions must be indulged in favor of the propriety of the board's action; and (3) only in a clear case should a title prepared by the board be held invalid. In re Proposed Initiative on Parental Notification of Abortions for Minors, 794 P.2d 238 (Colo. 1990).

Neither a court nor the board may go beyond ascertaining the intent of the initiative so as to interpret the meaning of the proposed language or suggest how it would be applied if adopted. Role of reviewing court is to determine whether the title and the ballot title and submission clause correctly and fairly reflect the purpose of the proposed amendment. In re Proposed Initiative on Parental Notification of Abortions for Minors, 794 P.2d 238 (Colo. 1990).

The board has considerable discretion in exercising its judgment on whether to include a fiscal impact statement in the summary of a proposed measure; however, this discretion is not unlimited and must have some support in the record. Matter of Title, Ballot Title et al., 831 P.2d 1301 (Colo. 1992).

Failure to raise an issue before the title board in a motion for rehearing or at the rehearing itself precludes the court from considering the issue in a matter to reverse the action of the title board. In re Ballot Title 1999-2000 No. 265, 3 P.3d 1210 (Colo. 2000).

In reviewing the board's title setting process, the court does not address the merits of the proposed initiative and should not interpret the meaning of proposed language or suggest how it will be applied if adopted by the electorate; should resolve all legitimate presumptions in favor of the board; will not interfere with the board's choice of language if the language is not clearly misleading; and must ensure that the title, ballot title, submission clause, and summary fairly reflect the proposed initiative so that petition signers and voters will not be misled into support for or against a proposition by reason of the words employed by the board. In re Proposed Initiated Constitutional Amendment Concerning Limited Gaming in the Town of Burlington, 830 P.2d 1023 (Colo. 1992); Matter of Election Reform Amendment, 852 P.2d 28 (Colo. 1993).

There is no requirement that the board state the effect an initiative will have on other constitutional and statutory provisions or describe every feature of a proposed measure in the titles. In re Proposed Initiated Constitutional Amendment Concerning Limited Gaming in Manitou Springs, 826 P.2d 1241 (Colo. 1992); Initiated Constitutional Amendment Concerning Limited Gaming in the Town of Burlington, 830 P.2d 1023 (Colo. 1992); Matter of Election Reform

Amendment, 852 P.2d 28 (Colo. 1993).

However, where the title and summary fail to convey to voters the initiative's likely impact on state spending on state programs, the title and summary may not be presented to voters as currently written. Matter of Title, Ballot Title & Sub. Cl., & Summary for 1999-2000 No. 37, 977 P.2d 845 (Colo. 1999).

The board is charged with the duty to act with utmost dedication to the goal of producing documents which will enable the electorate, whether familiar or unfamiliar with the subject matter of a particular proposal, to determine intelligently whether to support or oppose such a proposal. In re Proposed Initiative Concerning "State Personnel System", 691 P.2d 1121 (Colo. 1984); Matter of Election Reform Amendment, 852 P.2d 28 (Colo. 1993).

Title board has considerable discretion in setting the titles for a ballot initiative, the supreme court will employ all legitimate presumptions in favor of the propriety of the board's actions, and the board's designation of a title will be reversed only if the title is insufficient, unfair, or misleading. In re Ballot Title 2011-2012 No. 3, 2012 CO 25, 274 P.3d 562; In re Ballot Title 2013-2014 No. 129, 2014 CO 53, 333 P.3d 101; Robinson v. Dierking, 2016 CO 56, 413 P.3d 151; In re Proposed Ballot Initiative 2019-2020 No. 3 "State Fiscal Policy", 2019 CO 107, 454 P.3d 1056.

Title language employed by the title board will be rejected only if it is misleading, inaccurate, or fails to reflect the central features of the proposed measure. In re Ballot Title 1999-2000 No. 215 (Prohibiting Certain Open Pit Mining), 3 P.3d 11 (Colo. 2000).

Brief title for measure to repeal a single complex constitutional provision can satisfy the clear title requirement. Title set for a proposed measure to repeal the Taxpayer's Bill of Rights (TABOR) as "an amendment to the Colorado constitution concerning the repeal of the Taxpayer's Bill of Rights, article X, § 20, of the Colorado constitution" satisfies the clear title requirement. The title clearly specifies the purpose of the measure and allows voters to determine intelligently whether to support it. Listing specific features of the provision being repealed would have made the title longer and more difficult to read, and picking and choosing which provisions to list would likely have led to contentions that the title is not impartial. "Taxpayer's Bill of Rights" is not a prohibited catchphrase because it does no more than invoke the name of the constitutional provision that the measure would repeal and properly and impartially explains to voters what the measure seeks to achieve. In re Proposed Ballot Initiative 2019-2020 No. 3 "State Fiscal Policy", 2019 CO 107, 454 P.3d 1056.

In fixing titles and summaries, the board's duty is to capture, in short form, the proposal in plain, understandable, accurate language enabling informed voter choice. In re Ballot Title 1999-2000 No. 29, 972 P.2d 257 (Colo. 1999); Matter of Title, Ballot Title & Sub. Cl., &

Summary for 1999-2000 No. 37, 977 P.2d 845 (Colo. 1999); Matter of Title, Ballot Title & Sub. Cl., & Summary for 1999-2000 No. 38, 977 P.2d 849 (Colo. 1999).

Failure of title, ballot title, and submission clause to include definition of abortion which would impose a new legal standard which is likely to be controversial made title, ballot title, and submission clause deficient in that they did not fully inform signers of initiative petitions and voters and did not fairly reflect the contents of the proposed initiative. In re Proposed Initiative on Parental Notification of Abortions for Minors, 794 P.2d 238 (Colo. 1990).

Illogical and inherently confusing title does not satisfy clear title requirement even if it substantially tracks the actual language of a proposed initiative and thus may faithfully express its intent. Where ballot title language suggested that a proposed initiative would prohibit the issuance of liquor licenses only to food stores that already have such licenses, voters would be confused as to the intent of the initiative and would be prevented from intelligently choosing whether to vote for or against it. Robinson v. Dierking, 2016 CO 56, 413 P.3d 151.

Absence of definitions was distinguishable from situation in In re Proposed Initiative on Parental Notification of Abortions for Minors, 794 P.2d 238 (Colo. 1990), since although the definitions may have been broader than common usage in some respects and narrower in others, they appeared to be included for sake of brevity and they would not adopt a new or controversial legal standard which would be of significance to all concerned with the issues surrounding election reform. Matter of Election Reform Amendment, 852 P.2d 28 (Colo. 1993).

Title satisfied the clear title requirement. Where an initiative includes both constitutional amendments and statutory changes, the title need not specifically indicate that a provision establishing a new sales tax on tobacco-derived nicotine vapor products is statutory rather than constitutional. Where the initiative would also reallocate existing funding from several programs to a new preschool program, it was sufficient for the title board to summarize generally the category of programs from which funding would be reallocated rather than listing all of the programs or "key" programs. In re Title, Ballot Title & Submission Clause for 2019-2020 #315, 2020 CO 61, 500 P.3d 363.

Title and summary of proposed initiative reflected central features of measure in a clear and concise manner by sufficiently indicating that conditions under which gaming could occur in Parachute might differ from conditions currently imposed for gaming in other towns. Matter of Title, Ballot Title et al., 831 P.2d 457 (Colo. 1992).

Title, ballot title and submission clause, and summary concerning a proposed tax increase on cigarettes and tobacco products correctly and fairly represented the true intent and meaning of the

proposed initiative. The inclusion of rule-making authority would increase length of title and submission clause, while providing little information to voters. Language concerning an increase in taxes was not misleading and was sufficient to apprise voters that taxes on cigarettes and tobacco products would increase under the proposed measure. The designation of teacher training programs was not a central feature of the proposed initiative and it was within the board's discretion to omit such specificity. The summary was sufficient even though it did not include every detail of the proposed measure. An indeterminate fiscal impact statement was sufficient. In re Proposed Initiative Concerning a Tobacco Tax, 830 P.2d 984 (Colo. 1992).

Titles set by the board were insufficient in that they did not state that the proposal would impose mandatory fines for willful violations of the campaign contribution and election reforms, they did not state that the proposal would prohibit certain campaign contributions from certain sources, they did not state that the proposal would make both procedural and substantive changes to the petition process, and they did not specifically list the changes to the numbers of seats in the house of representatives and the senate. Matter of Election Reform Amendment, 852 P.2d 28 (Colo. 1993).

Title set by the title board was misleading and inaccurate and would be modified where the intent of the proposed measure was to prohibit the modification of certain mining permits to allow the expansion of mining operations but the title could be construed as prohibiting the expansion of mining operations under an existing, unmodified mining permit. In re Ballot Title 1999-2000 No. 215 (Prohibiting Certain Open Pit Mining), 3 P.3d 11 (Colo. 2000).

Title did not satisfy clear title requirement. The title set by the title board did not satisfy subsection (5.5)'s requirement that an initiative's single subject be clearly expressed in its title because it did not alert voters to central elements of the initiative, was misleading as to other elements, and unnecessarily recited existing law. Matter of Title, Ballot Title, & Sub. Clause for 2015-2016 No. 73, 2016 CO 24, 369 P.3d 565.

Titles were not insufficient for failure to contain the general subject matter of the proposed constitutional amendment or because the provisions of the proposed amendment were listed chronologically rather than in order of significance. Matter of Election Reform Amendment, 852 P.2d 28 (Colo. 1993).

Title concerning a just cause requirement for discharging or suspending an employee fairly expresses the purpose of the proposed initiative. The title board is neither obligated nor authorized to construe the future legal effects of an initiative as part of the ballot title. In re Ballot Title 2007-2008 No. 62, 184 P.3d 52 (Colo. 2008).

Title setting board had proper jurisdiction to set title and summary of proposed initiative

as advancing date of hearing conducted by legislative offices by one day did not defeat public purpose served by presentation of comments and review in a public meeting when notice of the date change was posted five days before new hearing date. Matter of Title, Ballot Title et al., 831 P.2d 457 (Colo. 1992).

General assembly may control procedure of submitting measures. The phrase "until legislation shall be especially provided therefor" was intended to, and does, refer merely to the submission of initiated and referendum measures and matters pertaining to the form of petitions, so the general assembly has authority to provide for these matters by statute. Yenter v. Baker, 126 Colo. 232, 248 P.2d 311 (1952).

But may not avoid constitutional minimums. Legislation enacted to facilitate the carrying out of the provisions of the constitution as to time of filing or the necessary number of petitioners and to prevent fraud may not avoid or restrict the minimum requirements set out in the constitution. Yenter v. Baker, 126 Colo. 232, 248 P.2d 311 (1952).

As certain procedures fixed by constitution. It was not the intent of the people, in making this constitutional provision self-executing, to leave the fixing of the time within which petitions must be filed either to the general assembly or to the courts. The people reserved to themselves the power of initiative enactment. Yenter v. Baker, 126 Colo. 232, 248 P.2d 311 (1952).

This section fixes the time within which a petition must be filed with the secretary of state, and requires a certain number of signatures of legal voters to be affixed thereto before a matter can be submitted to the voters at an election. Christensen v. Baker, 138 Colo. 27, 328 P.2d 951 (1958).

And general assembly may not impose limitation other than that provided in this section. Where the general assembly is vested with power, subject to limitation, it has authority to make any restriction not less than that named in such limitation; but where, as here, the general assembly is divested of all discretionary authority and the constitution as part of a self-executing provision sets a limitation, the general assembly may not make any other limitation than that provided in the constitution. Yenter v. Baker, 126 Colo. 232, 248 P.2d 311 (1952).

The general assembly may not impose restrictions which limit in any way the right of the people to initiate proposed laws and amendments except as those limitations are provided in the constitution itself. Colo. Project-Common Cause v. Anderson, 177 Colo. 402, 495 P.2d 218 (1972).

The statutory requirement that the signing and circulating of petitions must be by registered electors rather than permitting qualified electors to carry on these functions is a limitation not authorized by the constitution and is impermissible. Colo. Project-Common Cause v. Anderson, 178 Colo. 1, 495 P.2d 220 (1972).

Governmental officials have no power to prohibit the exercise of the initiative by

prematurely passing upon the substantive merits of an initiated measure. McKee v. City of Louisville, 200 Colo. 525, 616 P.2d 969 (1980).

Courts may not interfere with the exercise of the right of initiative by declaring unconstitutional or invalid a proposed measure before the process has run its course and the measure is actually adopted. McKee v. City of Louisville, 200 Colo. 525, 616 P.2d 969 (1980).

Legislation not to restrict right to vote on initiatives. Legislative acts which prescribe the procedure to be used in voting on initiatives may not restrict the free exercise of that voting right. City of Glendale v. Buchanan, 195 Colo. 267, 578 P.2d 221 (1978).

The 1989 amendments to §§ 1-40-106, 1-40-107, and 1-40-109 (now §§ 1-40-110, 1-40-111, 1-40-113, 1-40-116, 1-40-117, 1-40-118, and 1-40-120) are constitutional as tending to further the provisions of this section and are not unduly restrictive of the right of initiative. Comm. for Better Health Care v. Meyer, 830 P.2d 884 (Colo. 1992).

"Read and understand" requirement of § 1-40-111 and § 1-40-113 is a formal requirement to which the court will not apply strict scrutiny in a constitutional challenge: Although requirements limit the power of initiative, the limitation is not substantive. Loonan v. Woodley, 882 P.2d 1380 (Colo. 1994).

"Read and understand" requirement of § 1-40-111 and § 1-40-113 enhances the integrity of the election process and does not unconstitutionally infringe on the right to petition. Loonan v. Woodley, 882 P.2d 1380 (Colo. 1994).

Substantial compliance is the standard the court must apply in assessing the effect of the deficiencies that caused the district court to hold petition signatures invalid. Fabec v. Beck, 922 P.2d 330 (Colo. 1996).

Discrepancies in the day or month of the circulator's date of signing and the date of notary acknowledgment render the relevant petitions invalid absent evidence that explains the differences in question. Petitions containing such discrepancies do not provide the necessary safeguards against abuse and fraud in the initiative process. Fabec v. Beck, 922 P.2d 330 (Colo. 1996).

Absent evidence that the change in signing was the product of the signing party, changes to a circulator's signing date do not represent substantial compliance with § 1-40-111 (2) and serve to invalidate the signatures within the affected petitions. The district court properly held invalid signatures that were tainted by a change in the circulator's date of signing,

where the date of signing was not accompanied by the initials of the circulator or other evidence in the record establishing that the circulator made the change. Fabec v. Beck, 922 P.2d 330 (Colo. 1996).

The district court erred in invalidating petitions that did not contain a notary seal. The purpose of the notarized affidavit provision in § 1-40-111 (2) was substantially achieved despite the proponents' failure to secure a notary seal on petitions affecting 92 signatures. The record contains evidence that the affidavits with omitted seals were notarized by individuals with the same signature and commission expiration found on other affidavits with proper seals. Fabec v. Beck, 922 P.2d 330 (Colo. 1996).

The initiative proponents substantially complied with the requirements for a circulator's affidavit even though the circulator did not include a date of signing. When the circulator simply omits the date of signing, there is no reason to believe that the affidavit was not both subscribed and sworn to before the notary public on the date indicated in the jurat. Fabec v. Beck, 922 P.2d 330 (Colo. 1996).

People in exercise of their referendum powers, are bound by same rules as general assembly, and, as such, the power of referendum in approving lotteries is limited by § 2 of art. XVIII, Colo. Const. In re Interrogatories of Governor Regarding Sweepstakes Races Act, 196 Colo. 353, 585 P.2d 595 (1978).

Stages of procedure are separate and consecutive. In the process of getting matters before the people for their action there are several consecutive stages. The preparation of petitions and securing the required signatures is one step, the publishing is one, and the subsequent submission to the vote of electors is another separate step in the full procedure. In re House Resolution No. 10, 50 Colo. 71, 114 P. 293 (1911).

Exception from rule proscribing premature judicial interference. A judicial declaration that an initiated or referred ordinance is administrative in character is an exception to such rule and does not infringe the fundamental right of the people to legislate. City of Idaho Springs v. Blackwell, 731 P.2d 1250 (Colo. 1987).

Determination of legislative or administrative character of initiated ordinance. The central inquiry is whether the proposed legislation announces new public policy or is the implementation of a previously declared policy. City of Idaho Springs v. Blackwell, 731 P.2d 1250 (Colo. 1987).

Two tests for determining character of initiated ordinance. First, actions that relate to subjects of a permanent or general character are legislative, while those that are temporary in

operation and effect are not; second, acts that are necessary to carry out existing legislative policies and purposes or which are properly characterized as executive are deemed to be administrative, while acts constituting a declaration of public policy are deemed to be legislative. City of Idaho Springs v. Blackwell, 731 P.2d 1250 (Colo. 1987).

No geographical distribution of petition signers is required. A constitutional amendment may be initiated by petition of eight percent of the legal voters. Lisco v. Love, 219 F. Supp. 922 (D. Colo. 1963), rev'd on other grounds sub nom. Lucas v. Forty-Fourth Gen. Ass'y, 377 U.S. 713 (1964).

No requirement that affidavit as to signatures should appear on each sheet of petition. There is no constitutional or statutory requirement that the affidavit as to signatures on a petition to initiate a measure should appear on each of the sheets making up the petition. Brownlow v. Wunsch, 103 Colo. 120, 83 P.2d 775 (1938).

Qualified electors rather than registered voters required. It is constitutionally impermissible under this section to require that persons signing and circulating petitions for a statewide initiative be registered voters, rather than qualified electors. Francis v. Rogers, 182 Colo. 430, 514 P.2d 311 (1973).

This section permits a city to require only that signer of a recall petition be a qualified elector, and a city charter provision requiring that person who signs a recall petition be a registered voter is unconstitutional. Valdez v. Election Comm'n, 184 Colo. 384, 521 P.2d 165 (1974).

All circulators of initiative petitions must be registered electors, as required in both this section and § 1-40-112. Although the secretary of state was at one time enjoined by federal action from enforcing this requirement, after the injunction was lifted, she properly disallowed petitions circulated by nonregistered voters. McClellan v. Meyer, 900 P.2d 24 (Colo. 1995).

Required signatures must be timely filed with petition. A petition timely filed but lacking the required number of signatures and supplemented by additional signatures filed too late, is not filed in compliance with this provision, and this section mandatorily forecloses the acceptance of tardy supplements to a petition for an initiated amendment to the constitution to supply the required signatures. Christensen v. Baker, 138 Colo. 27, 328 P.2d 951 (1958).

Deadline set forth in subsection (2) for filing original petition is not applicable to a petition cured and refiled in accordance with § 1-40-109 (2). Montero v. Meyer, 795 P.2d 242 (Colo. 1990) (decided under law in effect prior to 1989 amendment to § 1-40-109 (2)).

Court refused to allow certification of ballot measure to the ballot without a showing that

the valid signature requirement specified in this section has been met. Allowing the certification would require voters to decide on an initiative that has not met a basic constitutional requirement for placement on the ballot and would fail to protect the integrity of the right of initiative contemplated by the constitution. Thus, the court would not allow certification of the measure prior to completion of the line-by-line verification, even though the date for certification of ballot issues for the next general election had passed. Buckley v. Chilcutt, 968 P.2d 112 (Colo. 1998).

Effect of failure of signers to insert streets and numbers of their residences in petition. There is nothing in the constitution, statutes, or decisions justifying the rejection of signatures solely by reason of the failure of signers, under the circumstances prevailing, to insert in the petition streets and numbers of their residences. Case v. Morrison, 118 Colo. 517, 197 P.2d 621 (1948).

And of newspaper pages cut and reassembled for inclusion in petition. Where newspaper pages, on which were printed petition forms in three parts which were used to secure signatures in support of a petition to place a proposed constitutional amendment on the ballot, were cut into the separate parts and then reassembled and bound together for inclusion in the petition presented to the secretary of state, this procedure did not invalidate the signatures since there was no showing or intimation that the separation of the forms involved any alteration, irregularity, or fraud. Billings v. Buchanan, 192 Colo. 32, 555 P.2d 176 (1976).

Minority language provisions of the federal Voting Rights Act not applicable to initiative petitions. With respect to initiative petitions, electoral process to which the minority language provisions of the Voting Rights Act would apply did not commerce under state law until the measure was certified as qualified for placement on the ballot. Furthermore, the signing of petitions did not constitute "voting" under the act. Montero v. Meyer, 861 F.2d 603 (10th Cir. 1988) (decided prior to 1989 enactment of § 1-40-107.5).

Heavy burden when challenging ballot title after election. The burden for invalidating an amendment, because of its title, after adoption by the people in a general election, is heavy because the general assembly has provided procedures for challenging a ballot title prior to elections. The expense and inconvenience of holding an election on a proposal is sufficiently burdensome to justify requiring that objections to ballot titles be made before the election — unless the challengers to the amendment can prove that so many voters were actually misled by the title that the result of the election might have been different. City of Glendale v. Buchanan, 195 Colo. 267, 578 P.2d 221 (1978).

Public officers are guided by "general laws" in submitting new measures. This section makes it the duty of public officers, in submitting new measures, to be guided by the "general laws", that is, the "general statutes", under which questions generally are submitted, until the general assembly itself may provide special legislation for forms of petitions, and for submitting initiative and referendum measures only. In re House Resolution No. 10, 50 Colo. 71, 114 P. 293 (1911).

III. POWER TO INITIATE CONSTITUTIONAL AMENDMENTS.

This section reserves power to propose constitutional amendments to people independent of the general assembly, and there is nothing in the section that modifies this independence in any way, except that the section shall not be construed so as to deprive the general assembly of the right to enact any measure. People ex rel. Tate v. Prevost, 55 Colo. 199, 134 P. 129 (1913).

The rights reserved by the people include that to enact constitutional amendments "independent of the general assembly". Yenter v. Baker, 126 Colo. 232, 248 P.2d 311 (1952).

But this reservation does not interfere with general assembly's right to propose constitutional amendments. This section does not affect what the general assembly may do, save that, with certain exceptions, any act or part of any act of the general assembly may be referred to the people and by them adopted or rejected at the polls. It was not intended that the general assembly should be interfered with in its right to propose constitutional amendments. People ex rel. Tate v. Prevost, 55 Colo. 199, 134 P. 129 (1913).

The power of the general assembly to propose constitutional amendments is not subject to provisions of this article regulating the introduction and passage of ordinary legislative enactments. Nesbit v. People, 19 Colo. 441, 36 P. 221 (1894).

Bill that eliminated appropriations for health-related purposes in effect on January 1, 2005 did not conflict with this section despite plaintiffs' contention that it thwarted citizens' right to pass as intended by its proponents and understood by the voters an initiated amendment providing that revenues to be generated by new cigarette and tobacco taxes would be used to supplement and not to supplant such appropriations. Colo. Cmty. Health Network v. Colo. Gen. Assembly, 166 P.3d 280 (Colo. App. 2007).

There is no limitation as to number of amendments which may be proposed. This section does not, on its face, place upon the required percentage of voters any limitation as to the number of amendments that may be so proposed. It affirmatively appears that no limit was intended on the number that may be proposed from language that, "The secretary of state shall submit all measures initiated by the people". People ex rel. Tate v. Prevost, 55 Colo. 199, 134 P. 129 (1913).

And section, in positive terms, requires submission of all proposed. When the secretary of state was directed in positive terms to submit all amendments it cannot be said that he shall submit only a certain number, and if all must be submitted it cannot be said that those above a certain number that are submitted are on that account void. No one has any right to say that the people intended that all that are proposed shall be submitted to them, but that only a certain number of those that are submitted and perhaps adopted should be valid. People ex rel. Tate v. Prevost, 55 Colo. 199, 134 P. 129 (1913).

Where conflicting amendments on same ballot. Amendment nos. 6 and 9, proposed constitutional amendments relating to reapportionment on the ballot at the general election held on November 5, 1975, are in conflict where the former, a housekeeping amendment, among many other things, provides that the general assembly is to establish district boundaries and that there is to be no more than a five percent population deviation from the mean in each district while the latter, dealing exclusively with reapportionment, provides for a commission to promulgate a plan of reapportionment which the supreme court either approves or, in effect, orders modified as required by the court and for a maximum five percent deviation between the most populous and the least populous district in each house. In re Interrogatories Propounded by Senate Concerning House Bill 1078, 189 Colo. 1, 536 P.2d 308 (1975).

Amendment with most votes prevails. In order to carry out the meaning and purpose of this section, the one of two inconsistent amendments which received the most votes must prevail. That, in the view of the supreme court, is what the "republican" form of government means with respect to the right of the people to amend the constitution. In re Interrogatories Propounded by Senate Concerning House Bill 1078, 189 Colo. 1, 536 P.2d 308 (1975).

Passage of initiated amendment does not determine validity. An amendment is not valid just because the people voted for it. The initiative gives the people of a state no power to adopt a constitutional amendment which violates the federal constitution. Lisco v. Love, 219 F. Supp. 922 (D. Colo. 1963), rev'd on grounds sub nom. Lucas v. Forty-Fourth Gen. Ass'y, 377 U.S. 713 (1964).

The fact that an apportionment plan is adopted in a popular referendum is insufficient to sustain its constitutionality or to induce a court of equity to refuse to act. Lucas v. Forty-Fourth Gen. Ass'y, 377 U.S. 713 (1964).

IV. LEGISLATION NOT SUBJECT

TO REFERENDUM.

Referendum not granted to mere resolution. By the precise words of this section by which the referendum is extended to any act, or part of an act, the referendum is not granted to a mere resolution. Prior v. Noland, 68 Colo. 263, 188 P. 729 (1920).

So no referendum on resolution ratifying amendment to federal constitution. The people, having no power to ratify amendments to the federal constitution, cannot exercise the referendum upon such a resolution which ratifies such, adopted by the general assembly. Prior v. Noland, 68 Colo. 263, 188 P. 729 (1920).

Referendum power applies only to acts which are legislative in character. Wright v. City of Lakewood, 43 Colo. App. 480, 608 P.2d 361 (1979); Margolis v. District Court, 638 P.2d 297 (Colo. 1981).

For criteria used in determining whether actions of a municipal governing body are administrative, legislative, or quasi-judicial in nature, see Margolis v. District Court, 638 P.2d 297 (Colo. 1981).

Neither adoption of rezoning ordinance nor approval of amendment to master plan constitutes legislative act which is subject to the referendum power contained in the Colorado Constitution. Wright v. City of Lakewood, 43 Colo. App. 480, 608 P.2d 361 (1979).

Utility rate ordinances are administrative in character and are not subject to referendum powers of this section. City of Aurora v. Zwerdlinger, 194 Colo. 192, 571 P.2d 1074 (1977); City of Colo. Springs v. Bull, 143 P.3d 1127 (Colo. App. 2006).

Three-part test employed to determine whether a specific municipal act is legislative or administrative. The court looks at whether the act is of a permanent or temporary character, whether the act is necessary to carry out existing policies, and whether the act is an amendment to an original legislative act. Finding that the lease amendment is of a temporary nature, that no new legislative policy is declared, and that the amendment of the lease agreement is the amendment of an administrative act, the court holds that the amendment is not subject to the referendum power in this section. Witcher v. Canon City, 716 P.2d 445 (Colo. 1986).

Statute containing "safety clause" cannot be referred to the people. An act declaring that every sentence and clause thereof is "necessary for the immediate preservation of the public peace, health, and safety", cannot be referred to the people. The clause in question, commonly called the "safety clause", is part of the act and may be enacted by a mere majority vote. In re Senate

Resolution No. 4, 54 Colo. 262, 130 P. 333 (1913); People ex rel. Keifer v. Ramer, 61 Colo. 422, 158 P. 146 (1916).

This section is specific in excepting from the referendum reservation laws necessary for the immediate preservation of the public peace, health, and safety. This provision is applicable to the general assembly and to state laws. Shields v. City of Loveland, 74 Colo. 27, 218 P. 913 (1923); Burks v. City of Lafayette, 142 Colo. 61, 349 P.2d 692 (1960).

Declaration of safety clause conclusive and nonreviewable. A declaration by the general assembly that an enactment is "necessary for the immediate preservation of the public peace, health, and safety", is conclusive, and not subject to review by the courts. Van Kleeck v. Ramer, 62 Colo. 4, 156 P. 1108 (1916); Cavanaugh v. State, Dept. of Soc. Servs., 644 P.2d 1 (Colo. 1982).

A legislative declaration in a statute that it is necessary for the immediate preservation of the public peace, health, and safety is conclusive upon all departments of government and all parties, so far as it abridges the right to invoke the referendum. In re Senate Resolution No. 4, 54 Colo. 262, 130 P. 333 (1913); Van Kleeck v. Ramer, 62 Colo. 4, 156 P. 1108 (1916); In re Interrogatories by Governor, 66 Colo. 319, 181 P. 197 (1919).

In absence of safety clause, all laws subject to reference. In the absence of the so-called "safety clause", all acts of the general assembly, although they carry the emergency clause declaring that they shall take effect from and after their passage, are still subject to reference. In re Interrogatories by Governor, 66 Colo. 319, 181 P. 197 (1919).

If the general assembly were to decide that a measure should be subject to referendum it can omit the safety clause and by so doing subject the measure to referendum regardless of whether it in fact affects the health and safety. The discretionary authority to dispense with the safety clause, except from appropriation measures, supports the view that the power of referendum is not completely circumscribed by the authority of the general assembly or council to declare that a statute or ordinance is one governed by considerations of public health and safety. Burks v. City of Lafayette, 142 Colo. 61, 349 P.2d 692 (1960).

Right of initiative always available. There is nothing to deter those citizens who oppose an enacted law from pursuing the constitutional right of initiative. Thus, although invoking the emergency language in the enactment precludes citizen referendum on the law, the initiative power is available to redress the concerns of the citizens of the state. Cavanaugh v. State, Dept. of Soc. Servs., 644 P.2d 1 (Colo. 1982).

Safety exception may not be implied in home rule charter. A home rule city may adopt a charter which reserves to the voters authority to refer all measures, and which does withhold from the council power to thwart referendum by the expedient of declaring health and safety. Such a

charter provision is valid and there is no reason for implied incorporation within it of the safety exception. Burks v. City of Lafayette, 142 Colo. 61, 349 P.2d 692 (1960).

V. SINGLE-SUBJECT REQUIREMENT.

A. In General.

Law reviews. For article, "The Single-Subject Requirement For Initiatives", see 29 Colo. Law. 65 (May 2000).

The single-subject rule prevents two dangers associated with omnibus initiatives. First, combining subjects with no necessary or proper connection for the purposes of garnering support for an initiative from various factions that may have different or even conflicting interests could lead to the enactment of measures that would fail on their own merits. Second, the single-subject rule helps avoid voter surprise and fraud occasioned by the inadvertent passage of a surreptitious provision coiled up in the folds of a complex initiative. In re Ballot Title 2011-2012 No. 45, 2012 CO 26, 274 P.3d 576; In the Matter of the Title, Ballot Title & Sub. Clause for 2015-2016 No. 63, 2016 CO 34, 370 P.3d 628.

The single-subject requirement serves two functions: It ensures that each proposed measure depends upon its own merits for passage by preventing inclusion in one measure subjects having no necessary or proper connection for the purpose of enlisting support for the measure from separate advocates for each of the subjects, and it prevents fraud and surprise from being practiced upon voters through the inadvertent passage of a surreptitious provision coiled up in the folds of a complex measure. Title, Ballot Title & Sub. Clause for 2015-2016 No. 132, 2016 CO 55, 374 P.3d 460.

First, it is intended to forbid the treatment of incongruous subjects in the same measure, especially the practice of putting in one measure subjects having no necessary or proper connection, for the purpose of enlisting in support of the measure the advocates of each measure, and thus securing the enactment of measures that could not be carried upon their merits. Second, the single-subject requirement seeks to prevent surreptitious measures and apprise the people of the subject of each measure by the title, that is, to prevent surprise and fraud from being practiced upon voters. In re Ballot Title 2019-2020 No. 3, 2019 CO 57, 442 P.3d 867.

Flexible level of scrutiny applies to challenge of subsection (5.5) and the statutory title-setting procedures implementing it. Under this standard, courts must weigh the "character and magnitude of the asserted injury to the rights protected by the first and fourteenth amendments that the plaintiff seeks to vindicate" against the "precise interests put forward by the state as justifications for the burden imposed by its rule", taking into consideration "the extent to which

those interests make it necessary to burden the plaintiff's rights". Anderson v. Celebrezze, 460 U.S. 780 (1983); Campbell v. Buckley, 11 F. Supp. 2d 1260 (D. Colo. 1998).

Single-subject requirement in subsection (5.5) and the statutory title-setting procedures implementing it do not violate initiative proponents' free speech or associational rights under the first amendment nor do they discriminate against proponents in violation of the fourteenth amendment's equal protection clause. Campbell v. Buckley, 11 F. Supp. 2d 1260 (D. Colo. 1998), aff'd, 203 F.3d 738 (10th Cir. 2000); In re Ballot Title 2011-2012 No. 3, 2012 CO 25, 274 P.3d 562.

The summary, single-subject and title requirements serve to prevent voter confusion and promote informed decisions by narrowing the initiative to a single matter and providing information on that single subject. Campbell v. Buckley, 203 F.3d 738 (10th Cir. 2000).

The requirements serve to prevent a provision that would not otherwise pass from becoming law by "piggybacking" it on a more popular proposal or concealing it in a long and complex initiative. Campbell v. Buckley, 203 F.3d 738 (10th Cir. 2000).

The supreme court employs all legitimate presumptions in favor of the propriety of the title board's actions and will overturn the title board's finding that a proposed initiative contains a single subject only in a clear case. Title, Ballot Title & Sub. Clause for 2015-2016 No. 132, 2016 CO 55, 374 P.3d 460.

In determining whether a proposed measure contains more than one subject, the court may not interpret the language of the measure or predict its application if it is adopted. In re Ballot Title 1999-2000 No. 255, 4 P.3d 485 (Colo. 2000).

In conducting a single-subject review, the court may not address a proposed measure's merits or the possible manner of its application if enacted. In re Ballot Title 2001-02 No. 43, 46 P.3d 438 (Colo. 2002); In re Ballot Title 2011-2012 No. 3, 2012 CO 25, 274 P.3d 562; In re Ballot Title 2011-2012 No. 45, 2012 CO 26, 274 P.3d 576; Title, Ballot Title & Sub. Clause for 2015-2016 No. 132, 2016 CO 55, 374 P.3d 460.

The court may not address the merit of a proposed initiative or construe its future legal effects. In re Ballot Title 2005-06 No. 55, 138 P.3d 273 (Colo. 2006).

In order to violate the single-subject requirement, the text of the measure must relate to more than one subject and have at least two distinct and separate purposes which are not dependent upon or connected with each other. The single-subject requirement is not

violated if the matters included are necessarily or properly connected to each other. In re Proposed Ballot Initiative on Parental Rights, 913 P.2d 1127 (Colo. 1996).

An initiative violates the single-subject requirement if it relates to more than one subject and has at least two distinct and separate purposes that are not dependent upon or connected with each other. While the inquiry into single-subject compliance is case-specific, an initiative may not hide purposes unrelated to its central theme or group distinct purposes under a broad theme. An initiative may contain several purposes, but those purposes must be interrelated. In re Ballot Title 2005-06 No. 55, 138 P.3d 273 (Colo. 2006); In re Ballot Title 2011-2012 No. 45, 2012 CO 26, 274 P.3d 576.

Single-subject requirement in subsection (5.5) eliminates the practice of combining several unrelated subjects in a single measure for the purpose of enlisting support from advocates of each subject and thus securing the enactment of measures that might not otherwise be approved by voters on the basis of the merits of those discrete measures. In re Petitions, 907 P.2d 586 (Colo. 1995); In re Proposed Initiative 1996-4, 916 P.2d 528 (Colo. 1996).

The single-subject requirement is not violated if a measure intends to have more than one beneficial effect. That does not mean that it embraces more than one subject. Matter of Ballot Title 1997-98 No. 113, 962 P.2d 970 (Colo. 1998).

A proposed measure impermissibly includes more than one subject if its text relates to more than one subject and if the measure has at least two distinct and separate purposes that are not dependent upon or connected with each other. In re Proposed Initiative 1996-4, 916 P.2d 528 (Colo. 1996); Title, Ballot Title & Sub. Clause for 2015-2016 No. 132, 2016 CO 55, 374 P.3d 460.

A proposal that has at least two distinct and separate purposes which are not dependent upon or connected with each other violates the single-subject requirement of the state constitution. In re "Public Rights in Waters II", 898 P.2d 1076 (Colo. 1995); Matter of Title, Ballot Title and Sub. Cl., & Summary for 1999-2000 No. 104, 987 P.2d 249 (Colo. 1999); In re Ballot Title 1999-2000 No. 235(a), 3 P.3d 1219 (Colo. 2000).

Grouping the provisions of a proposed initiative under a broad concept that potentially misleads voters will not satisfy the single-subject requirement. In re Proposed Initiative 1996-4, 916 P.2d 528 (Colo. 1996); In re Ballot Title 1999-2000 Nos. 245(b), 245(c), 245(d), & 245(e), 1 P.3d 720 (Colo. 2000); In re Ballot Title 1999-2000 Nos. 245(f) and 245(g), 1 P.3d 739 (Colo. 2000).

In order to pass constitutional muster, a proposed initiative must concern only one subject. In other words, it must effect or carry out only one general object or purpose. In re Ballot Title 2005-2006 No. 73, 135 P.3d 736 (Colo. 2006); In re Ballot Title 2005-2006 No. 74, 136 P.3d 237 (Colo. 2006).

An initiative that has separate and unconnected purposes will not be saved by a proponent's attempt to characterize the initiative under an overarching theme. In re Ballot Title 2001-02 No. 43, 46 P.3d 438 (Colo. 2002); In re Ballot Title 2005-06 No. 55, 138 P.3d 273 (Colo. 2006); In re Ballot

Title 2011-2012 No. 3, 2012 CO 25, 274 P.3d 562; In re Ballot Title 2011-2012 No. 45, 2012 CO 26, 274 P.3d 576; Title, Ballot Title & Sub. Clause for 2015-2016 No. 132, 2016 CO 55, 374 P.3d 460; In re Ballot Title 2019-2020 No. 3, 2019 CO 57, 442 P.3d 867.

Such umbrella proposals are unconstitutional. In re Ballot Title 2013-2014 No. 76, 2014 CO 52, 333 P.3d 76.

Where multiple provisions are directly connected and related to, and are intended to achieve, the initiative's central purpose, the provisions do not constitute separate subjects. In re Title, Ballot Title, Sub. Cl. for 2009-2010 No. 45, 234 P.3d 642 (Colo. 2010); In the Matter of the Title, Ballot Title & Sub. Clause for 2015-2016 No. 63, 2016 CO 34, 370 P.3d 628.

A proposed initiative presents only one subject if it tends to effect or carry out one general objective or purpose. Minor provisions necessary to effectuate the single objective or purpose of the initiative may be properly included. Title, Ballot Title & Sub. Clause for 2015-2016 No. 132, 2016 CO 55, 374 P.3d 460; In re Ballot Title 2019-2020 No. 3, 2019 CO 57, 442 P.3d 867.

The intent of the single-subject requirement is to prevent voters from being confused or misled and to ensure that each proposal is considered on its own merits. Matter of Ballot Title 1997-98 No. 74, 962 P.2d 927 (Colo. 1998).

City's ordinance requiring a single subject to be expressed in ballot initiatives does not offend the Colorado constitution. Bruce v. City of Colo. Springs, 252 P.3d 30 (Colo. App. 2010).

The single-subject requirement must be liberally construed so as not to impose undue restrictions on the initiative process. Matter of Ballot Title 1997-98 No. 74, 962 P.2d 927 (Colo. 1998).

The single-subject requirement is not violated simply because an initiative with a single, distinct purpose spells out details relating to its implementation. As long as the procedures specified have a necessary and proper relationship to the substance of the initiative, they are not a separate subject. Matter of Ballot Title 1997-98 No. 74, 962 P.2d 927 (Colo. 1998); In re Ballot Title 1999-2000 No. 255, 4 P.3d 485 (Colo. 2000).

A proposed measure that tends to effect or to carry out one general purpose presents only one subject. Consequently, minor provisions necessary to effectuate the purpose of the measure are properly included within its text. In re Ballot Title 1999-2000 No. 256, 12 P.3d 246 (Colo. 2000).

Just because a proposal may have different effects or makes policy choices that are not invariably interconnected does not mean that it necessarily violates the single-subject requirement. It is enough that the provisions of a proposal are connected. Here, the initiative addresses numerous issues in a detailed manner. However, all of these issues relate to the management of development. In re Ballot Title 1999-2000 No. 256, 12 P.3d 246 (Colo. 2000).

To evaluate whether or not an initiative effectuates or carries out only one general object or purpose, supreme court looks to the text of the proposed initiative. The single-subject requirement is not violated if the "matters encompassed are necessarily or properly connected to each other rather than disconnected or incongruous". Stated another way, the single-subject requirement is not violated unless the text of the measure "relates to more than one subject and has at least two distinct and separate purposes that are not dependent upon or connected with each other". Mere implementation or enforcement details directly tied to the initiative's single subject will not, in and of themselves, constitute a separate subject. Finally, in order to pass the single-subject test, subject of the initiative should also be capable of being expressed in the initiative's title. In re Ballot Title 2005-2006 No. 73, 135 P.3d 736 (Colo. 2006); In re Ballot Title 2005-2006 No. 74, 136 P.3d 237 (Colo. 2006).

The fact that provisions of measure may affect more than one statutory provision does not itself mean that measure contains multiple subjects. Where initiative requiring background checks at gun shows also authorizes licensed gun dealers who conduct such background checks to charge a fee, the initiative contains a single subject. In re Ballot Title 1999-2000 No. 255, 4 P.3d 485 (Colo. 2000).

Neither subsection (5.5) of this section nor § 1-40-106.5 creates any exemptions for initiatives that attempt to repeal constitutional provisions. Also, no special permission exists for initiatives that seek to address constitutional provisions adopted prior to the enactment of the single-subject requirement. In re Proposed Initiative 1996-4, 916 P.2d 528 (Colo. 1996).

The term "measure" includes initiatives that either enact or repeal. In re Proposed Initiative 1996-4, 916 P.2d 528 (Colo. 1996).

No exception to single subject requirement for repeal measures. In ruling that an initiative to repeal TABOR in full satisfies the single subject requirement, the supreme court is not adopting an exception to the single-subject rule for repeal measures. In re Ballot Title 2019-2020 No. 3, 2019 CO 57, 442 P.3d 867.

In cases of repeal, the underlying constitutional provision to be repealed must be examined in order to determine whether the repealing and reenacting initiative contains a single subject. If a provision contains multiple subjects and an initiative proposes to repeal the entire underlying provision, then the initiative contains multiple subjects. On the other hand, if an initiative proposes anything less than a total repeal, it may satisfy the single-subject requirement. In re Proposed Initiative 1996-4, 916 P.2d 528 (Colo. 1996), disapproved in In re Ballot Title 2019-2020 No. 3, 2019 CO 57, 442 P.3d 867.

A proposed initiative contains multiple subjects not only when it proposes new provisions constituting multiple subjects, but also when it proposes to repeal multiple subjects. In re Proposed Initiative 1996-4, 916 P.2d 528 (Colo. 1996); In re Proposed Initiative 1997-1998 No. 64, 960 P.2d 1192 (Colo. 1998); Matter of Title, Ballot Title & Sub. Cl., & Summary for 1999-2000 No. 104, 987 P.2d 249 (Colo. 1999); all disapproved in In re Ballot Title 2019-2020 No. 3, 2019 CO 57, 442 P.3d 867.

An initiative that does nothing more than repeal in full a multiple-subject constitutional provision does not itself necessarily contain multiple subjects. A one-sentence initiative to repeal TABOR in full, which is itself arguably a multi-subject provision, meets all of the requirements of a single subject and, on its face, reflects a single subject. In re Ballot Title 2019-2020 No. 3, 2019 CO 57, 442 P.3d 867 (disapproving In re Proposed Initiative 1996-4, 916 P.2d 528 (Colo. 1996); Matter of Title, Ballot Title, & Sub. Cl., & Summary for 1999-2000 No. 104, 987 P.2d 249 (Colo. 1999); and In re Ballot Title 2013-14 No. 76, 2014 CO 52, 333 P.3d 76).

The board may not set the title of a proposed initiative or submit it to the voters if it contains multiple subjects. In re Ballot Title 1999-2000 Nos. 245(b), 245(c), 245(d), and 245(e), 1 P.3d 720 (Colo. 2000); In re Ballot Title 1999-2000 Nos. 245(f) & 245(g), 1 P.3d 739 (Colo. 2000).

Title-setting board has no duty to advise proponents concerning possible solutions to a single-subject violation. Comment by the board is within its sound discretion; requiring comment would unconstitutionally expand the board's authority and shift initiative-drafting responsibility from proponents to the board. In re Proposed Initiative 1996-4, 916 P.2d 528 (Colo. 1996).

If the title-setting board rejects an initiative for violating the single-subject requirement, then proponents may pursue one of two courses of action. They may either (1) commence a new review and comment process, or (2) present a revised title to the board. In re Proposed Initiative 1996-4, 916 P.2d 528 (Colo. 1996).

The title board is not required to spell out every detail of a proposed initiative in order to convey its meaning accurately and fairly. Only where the language chosen is clearly misleading will the court revise the title board's formulation. Matter of Ballot Title 1997-98 No. 74, 962 P.2d 927 (Colo. 1998).

Title and summary failed to clearly express the meaning of the initiative, perhaps because the original text of the proposed initiative is difficult to comprehend. In re Title, Ballot Title & Sub. Cl., & Summary for 1999-2000 No. 44, 977 P.2d 856 (Colo. 1999).

Single-subject requirement for ballot initiatives met where provisions in initiative make reference to the initiative's subject and the provisions are sufficiently connected to the subject. Matter of Title, Ballot Title, 917 P.2d 292 (Colo. 1996).

An election provision in a measure does not constitute a separate subject if there is a

sufficient connection between the provision and the subject of the initiative. In re Ballot Title 1999-2000 No. 235(a), 3 P.3d 1219 (Colo. 2000).

The single-subject requirement does not apply to municipal initiatives. Bruce v. City of Colo. Springs, 200 P.3d 1140 (Colo. App. 2008).

B. Initiatives Found to Contain a Single Subject.

Proposed initiative does not contain more than one subject. Proposed initiative that establishes as inalienable the rights of parents to direct and control the upbringing, education, values, and discipline of their children relates to a single subject and does not encompass multiple, unrelated matters. In re Proposed Ballot Initiative on Parental Rights, 913 P.2d 1127 (Colo. 1996).

Proposed initiatives that concern an employee's right to a secret ballot in employee representation elections do not violate the single-subject requirement. The first sentence of the initiative states a principle that is broad in scope, but the second sentence confines its reach by discussing the application of the first sentence, therefore the initiative does not violate the single-subject rule. In re Ballot Title 2009-2010 No. 24, 218 P.3d 350 (Colo. 2009).

Proposed initiative concerning the qualification of Colorado judicial officers which also addresses the qualifications of senior judges does not present a separate subject unrelated to the qualification of state judicial officers because senior judges are judicial officers, and provisions governing the qualifications of senior judges is within the single subject of the qualifications of state judicial personnel. Matter of Title, Ballot Title & Sub. Cl., & Summary for 1999-2000 No. 104, 987 P.2d 249 (Colo. 1999).

Proposed initiative concerning the qualifications, appointment, and retention of judges which also addresses the dissemination of information about judges standing for removal or retention elections does not violate the constitutional prohibition against single subjects. Matter of Title, Ballot Title & Sub. Cl., & Summary for 1999-2000 No. 104, 987 P.2d 249 (Colo. 1999).

The recall of judges is within the single subject of an initiative proposing to alter the manner in which judges are qualified, appointed, and retained. The recall of judges is necessarily connected with the purpose of altering how judges are retained. Matter of Title, Ballot Title & Sub. Cl., & Summary for 1999-2000 No. 104, 987 P.2d 249 (Colo. 1999).

Proposed initiative that requires a woman to provide written certification that she has received certain information and to give her informed consent before a physician may perform an abortion, and that requires referring physicians or physicians who perform abortions to report certain statistics regarding women who have abortions to the health department on an annual basis does not violate the single-subject requirement. Matter of Title, Ballot Title & Sub. Cl., & Summary for 1999-2000 No. 200A, 992 P.2d 27 (Colo. 2000).

Proposed initiative that employs a growth formula limiting the rate of future development, delineates a system of measurement to determine the "base developed" area of each jurisdiction, allows for alternative treatment of commenced but not completed projects, excludes low-income housing, public parks and open space, and historic landmarks, and establishes a procedure for exemptions does not violate the constitutional prohibition against single subjects. In re Ballot Title No. 235(a), 3 P.3d 1219 (Colo. 2000).

Proposed initiative that prohibits school districts from requiring schools to provide bilingual education programs while allowing parents to transfer children from an English immersion program to a bilingual program does not contain more than one subject. In re Ballot Title 1999-2000 No. 258(A), 4 P.3d 1094 (Colo. 2000).

Enforcement provision under which election will be declared void and revenues that are collected pursuant to election will be refunded is directly tied to initiative's purpose of eliminating pay-to-play contributions and, therefore, is not a separate subject. Clause in question should be interpreted as nothing more than an enforcement or implementation clause that does nothing more than incorporate inherent right of taxpayers to challenge tax, spending, or bond measures when they have standing to do so. Thus, enforcement provision is not a separate subject but rather is tied directly to initiative's single subject. In re Ballot Title 2005-2006 No. 73, 135 P.3d 736 (Colo. 2006).

A proposed initiative that extends existing criminal liability of business entities to include its agents or high managerial agents that also contains a civil penalty and the enforcement of the penalty through a private right of action contains a single subject. Civil remedies are often attached to criminal statutes and enforced through private actions, and therefore do not create voter surprise. In re Ballot Title 2007-2008 No. 57, 185 P.3d 142 (Colo. 2008).

Proposed initiative that creates a new legal regime, the Colorado public trust doctrine, to govern the public's rights in waters of natural streams contains a single subject. The proposed initiative does not contain an array of disconnected subjects joined together to garner support from various factions and does not contain surreptitious provisions that will surprise voters. In re Ballot Title 2011-2012 No. 3, 2012 CO 25, 274 P.3d 562.

Proposed initiative that modifies only the existing rights and interests in water between private individuals and the public is a cohesive proposal to create a new water regime and contains a single subject of public control of waters. Its provisions are necessarily and properly connected to each other because they define the purpose of the initiative, describe the broadened scope of the public's control over the state's water resources, and outline how to implement and enforce a new dominant public water estate. In re Ballot Title 2011-2012 No. 45, 2012 CO 26, 274 P.3d 576.

Proposed initiative that requires a statewide setback for new oil and gas development in this state and establishes that the statewide setback requirement is not a taking of private property under the state constitution contains a single subject. The "not a taking" provision applies only to the statewide setback requirement that would be established and is, therefore, properly connected to the requirement. In re Ballot Title 2013-2014 Nos. 85, 86, 87, 2014 CO 62, 328 P.3d 136.

Proposed initiative that establishes a fundamental right to a healthy environment contains a single subject. Provisions that broadly define the term "local government" require the state and local governments to assign protection of a healthy environment the highest priority, provide that when a state law and a local law address the same topic the law that is more protective of a healthy environment governs, and create a cause of action for enforcement are directly tied to and implement the central focus of the initiative. In the Matter of the Title, Ballot Title & Sub. Clause for 2015-2016 No. 63, 2016 CO 34, 370 P.3d 628.

Proposed initiative that creates a new preschool program and funds the program by establishing a new sales tax on tobacco-derived nicotine vapor products and reallocating to the program a portion of existing state cigarette and tobacco product tax revenue, including cigarette tax revenue made newly available by withholding distributions of such revenue that would otherwise be made from any municipality that bans tobacco and nicotine products in any form, has a single subject of creating and administering a state preschool program funded by state taxes on nicotine and tobacco products. In re Title, Ballot Title & Submission Clause for 2019-2020 #315, 2020 CO 61, 500 P.3d 363.

Measure to recognize marriage between a man and a woman as valid does not contravene the single-subject requirement of § 1(5.5). In re Ballot Title 1999-2000 No. 227 and No. 228, 3 P.3d 1 (Colo. 2000).

Proposed initiative that establishes a just cause requirement for discharging or suspending an employee does not contain more than one subject. Because the petitioner's argument is comprised of speculation about the potential effects of the initiative and because the initiative relates in its entirety to the establishment of a just cause requirement, the court affirms the decision of the title board that it contains only one subject. In re Ballot Title 2007-2008 No. 62, 184 P.3d 52 (Colo. 2008).

Subjecting proposed initiative to a limitation imposed by the U.S. constitution, as interpreted by the U.S. supreme court, does not violate single-subject requirement. All state statutory and constitutional measures are subject to implicit limitation that the U.S. constitution, as interpreted by the U.S. supreme court, may require otherwise; a finding that such limitation violates the single-subject requirement would result in no measure satisfying the single-subject requirement. In re Ballot Title 2007-2008 No. 61, 184 P.3d 747 (Colo. 2008).

Likewise, provision allowing state to act in accordance with the U.S. constitution, as interpreted by U.S. supreme court, does not violate single-subject requirement. In re Ballot Title 2007-2008 No. 61, 184 P.3d 747 (Colo. 2008).

Measure is not deceptive or surreptitious merely because its content depends on the U.S. constitution, as interpreted by the U.S. supreme court. In re Ballot Title 2007-2008 No. 61, 184 P.3d 747 (Colo. 2008).

Proposed initiative that defines "fee" for purposes of all Colorado constitutional provisions, laws, administrative rules, directives, and public legal documents as "a voluntarily incurred government charge in exchange for a specific benefit conferred on the taxpayer, which fee should reasonably approximate the payer's fair share of the costs incurred by the government in providing said specific benefit" contains a single subject. In re Ballot Title 2013-2014 No. 129, 2014 CO 53, 333 P.3d 101.

Measure to limit housing growth has a single subject. Measure to amend this constitution to give every county or municipality the right to limit housing growth by initiative and referendum subject to specified petition signature requirements, cap annual housing growth in ten specified counties at one percent per year for two years, and temporarily prohibit the issuance of building permits for new, privately owned residential housing units in the same ten counties has a single subject of limiting housing growth in the state. In the Matter of the Title, Ballot Title & Sub. Clause for 2017-2018 No. 4, 2017 CO 57, 395 P.3d 318.

One-sentence initiative to repeal in full TABOR) has a single subject. The initiative meets all of the requirements of a single subject and, on its face, reflects a single subject. While TABOR itself is arguably a multi-subject provision, statements in prior state supreme court cases that an initiative that repeals a multi-subject constitutional provision includes multiple subjects were dicta and are not binding precedent. In re Ballot Title 2019-2020 No. 3, 2019 CO 57, 442 P.3d 867 (disapproving In re Proposed Initiative 1996-4, 916 P.2d 528 (Colo. 1996); Matter of Title, Ballot Title, & Sub. Cl., & Summary for 1999-2000 No. 104, 987 P.2d 249 (Colo. 1999); and In re Ballot Title 2013-14 No. 76, 2014 CO 52, 333 P.3d 76).

C. Initiatives Found to Contain More Than One Subject.

Proposed initiative contains more than one subject. Citizen initiative that retroactively creates "fundamental rights" in charter and constitutional amendments approved after 1990, requires the word "shall" in such amendments be mandatory regardless of the context, establishes standards for judicial review of filed petitions, provides that challenges to petitions can be upheld only if beyond a reasonable doubt by a unanimous supreme court, and contains other substantive and procedural provisions relating to recall, referendum, and initiative petitions. Amendment to Const. Sect. 2 to Art. VII, 900 P.2d 104 (Colo. 1995).

Proposed initiatives contained at least four separate and unrelated purposes in violation of the single-subject requirement. There was no necessary connection between the initiatives' central purpose of modifying the process by which initiative and referendum petitions are placed on the ballot and the additional purposes of modifying the content of initiative and referendum petitions that are placed on the ballot, preventing the repeal of the TABOR amendment in a single initiative, and protecting private property rights from the referendum process. In re Ballot Title 2001-02 No. 43, 46 P.3d 438 (Colo. 2002).

Proposed initiative contains at least two subjects in violation of subsection (5.5) by: (1) Creating and administering a beverage container tax, and (2) prohibiting the general assembly from exercising its legislative authority over the basin roundtables and interbasin compact committee until the year 2015, while embedding these entities within the water sections of the constitution and vesting them with significant new authority. Sub. Clause for 2009-2010 No. 91, 235 P.3d 1071 (Colo. 2010).

There is no necessary and proper connection between the establishment and administration of a beverage container tax and a prolonged prohibition on the exercise of the general assembly's authority over the basin roundtables and the interbasin compact committee. Sub. Clause for 2009-2010 No. 91, 235 P.3d 1071 (Colo. 2010).

Proposed initiative contains two distinct subjects — the sale of wine in grocery stores and the home delivery of all alcohol by third-party delivery services — that are not necessarily and properly connected. The mere fact that both topics involve the regulation of alcohol is not enough. In re Ballot Titles for 2021-22 Nos. 67, 115, & 128, 2022 CO 37, 526 P.3d 927.

Proposed initiative that creates a tax cut, imposes new criteria for voter approval of tax, spending, and debt increases, and imposes likely reductions in state spending on state programs contains at least three subjects. Matter of Title, Ballot Title & Sub. Cl., & Summary for 1999-2000 No. 37, 977 P.2d 845 (Colo. 1999).

Proposed initiative that establishes a tax credit and sets forth procedural requirements for future ballot titles contains more than one subject. Matter of Title, Ballot Title & Sub. Cl., 900 P.2d 121 (Colo. 1995).

Proposed initiative that makes tax cuts and imposes new criteria for voter approval of revenue and spending increases under article X, section 20, of the constitution contains more than one subject. Matter of Title, Ballot Title, & Sub. Cl. for 1997-98 No. 45, 960 P.2d 648 (Colo. 1998).

Initiative that contains both tax cuts and mandatory reductions in state spending on state programs violates the single-subject requirement. Matter of Title, Ballot Title for 1997-98 No. 88, 961 P.2d 1106 (Colo. 1998).

Proposed initiative violates the single-subject requirement because it (1) provides for tax cuts and (2) imposes mandatory reductions in state spending on state programs. Matter of Proposed Initiative 1997-98 No. 86, 962 P.2d 245 (Colo. 1998).

Initiatives that provide for tax cuts and impose mandatory reductions in state spending on state programs include two subjects that are distinct and have separate purposes. Matter of Title, Ballot

Title for 1997-98 No. 84, 961 P.2d 345 (Colo. 1998).

Proposed initiative that creates a tax cut and imposes new criteria for voter approval of tax, spending, and debt increases contains at least two subjects. Matter of Title, Ballot Title & Sub. Cl., & Summary for 1999-2000 No. 38, 977 P.2d 849 (Colo. 1999).

Initiative contains multiple subjects where it creates a tax cut and, in addition, imposes new criteria for voter approval of tax, spending, and debt increases. In re Title, Ballot Title & Sub. Cl., & Summary for 1999-2000 No. 44, 977 P.2d 856 (Colo. 1999).

There is no difference legally between a reduction and a restriction in state spending. Both limit state spending, which is not necessarily and properly related to the subject of local tax cuts. In re Title, Ballot Title & Sub. Cl., & Summary for 1999-2000 No. 172, No. 173, No. 174, & No. 175, 987 P.2d 243 (Colo. 1999).

Provision requiring the state to enforce and audit each tax and spending limit for each political subdivision of the state is unrelated to the tax cuts proposed by initiatives. In re Title, Ballot Title & Sub. Cl., & Summary for 1999-2000 No. 172, No. 173, No. 174, & No. 175, 987 P.2d 243 (Colo. 1999).

Proposed initiative that would change the qualifications to serve as a state judge or justice, change the qualifications to serve as a member of the judicial discipline commission, and change the jurisdiction of county judges of the city and county of Denver contains three subjects that serve distinct and separate purposes and therefore, violates the single-subject requirement. In re Ballot Title 1990-2000 No. 29, 972 P.2d 257 (Colo. 1999); In re Ballot Title 1999-2000 No. 41, 975 P.2d 180 (Colo. 1999).

Proposed initiative that modifies provisions concerning the qualifications, removal, and retention of judges and reallocates the city and county of Denver's governmental authority and control over its county judges to the state contains more than one subject. The alteration of the city and county of Denver's constitutional power over its county court constitutes a discrete and independent subject from that of the qualifications, removal, and retention of judges. Matter of Title, Ballot Title & Sub. Cl., & Summary for 1999-2000 No. 104, 987 P.2d 249 (Colo. 1999).

Proposed initiative concerning Colorado judicial officers and the powers of the judicial discipline commission includes two subjects because the commission is an independent constitutional body whose members are not judicial officers. Matter of Title, Ballot Title & Sub. Cl., & Summary for 1999-2000 No. 104, 987 P.2d 249 (Colo. 1999).

Proposed initiative has more than single subject and, therefore, is unconstitutional. Initiative presents multiple subjects: (1) Time limits for tax measures; (2) time limits for public debt authorizations; and (3) time limits for voter-authorized relief from spending limits. While voters may well be receptive to a broadly applicable 10-year limitation upon the duration of any tax increases, they may not realize that they will be simultaneously limiting their ability to incur multiple-fiscal year district debt obligation to fund public projects. Voters would also be limiting prospectively the duration of all future ballot issues designed to provide relief from TABOR's wholly independent spending caps. Voters are entitled to have each of these separate subjects considered upon its own merits. In re Ballot Title 2005-2006 No. 74, 136 P.3d 237 (Colo. 2006).

Initiative contains multiple subjects when its broad theme of prohibiting the provision of non-emergency government services to people not lawfully present in the United States includes two unrelated purposes: Decreasing taxpayer expenditures that benefit the welfare of those not lawfully present in the United States and denying them access to other unrelated administrative services. The theme of restricting non-emergency government services is too broad and general to make the purposes part of the same subject. In re Ballot Title 2005-06 No. 55, 138 P.3d 273 (Colo. 2006).

Initiative contains multiple subjects when its central theme is incorporating livestock into the animal cruelty statutes but it also includes a provision that redefines "sexual act with an animal" in a way that addresses the bodily integrity of all animals, not just livestock. In re Title, Ballot Title & Submission Clause for 2021-2022 No. 16, 2021 CO 55, 489 P.3d 1217.

A tax cut and provisions impacting voter-approved revenue and spending increases

resulted in there being two subject matters in voter initiative. Matter of Title, Ballot Title for 1997-

98 No. 30, 959 P.2d 822 (Colo. 1998).

Proposed initiative contained multiple subjects because it proposed both the creation of a new Colorado department of environmental conservation and the creation of a mandatory public trust standard that would have required the department to resolve conflicts between economic interest and public ownership and public conservation values in lands, waters, public resources, and wildlife in favor of public ownerships and public values. In re Ballot Title 2007-2008 No. 17, 172 P.3d 871 (Colo. 2007).

Multiple subject matters were combined in a manner that could result in voter surprise or fraud. Voters could be enticed to vote for the tax cut while not realizing passage of the measure would achieve a purpose not necessarily related to a tax cut. Matter of Title, Ballot Title for 1997-98 No. 30, 959 P.2d 822 (Colo. 1998).

Title board erred by fixing the titles and summary of an initiative that proposed substantial changes to the judicial branch where those parts of the initiative constituted separate and discrete subjects that: repealed the constitutional requirement that each judicial district have a minimum of one district court judge; deprived the city and county of Denver of control over Denver county court judgeships; immunized from liability persons who criticize a judicial officer regarding his or her qualifications; and altered the composition and powers of the commission on judicial discipline. Matter of Title, Ballot Title for 1997-98 No. 64, 960 P.2d 1192 (Colo. 1998); Matter of Title, Ballot Title for 1997-98 No. 95, 960 P.2d 1204 (Colo. 1998).

Title board also erred where the initiative proposed to make all municipal court judges subject to its term of office and retention provisions; and expanded the jurisdiction of the commission on judicial discipline to include municipal court judges. Matter of Title, Ballot Title for 1997-98 No. 95, 960 P.2d 1204 (Colo. 1998).

A proposed initiative to liberalize the procedure for initiative and referendum petitions contained multiple subjects because it also included a substantive provision prohibiting attorneys from setting ballot titles. In re Title for 2003-2004 Nos. 32 & 33, 76 P.3d 460 (Colo. 2003); In re Title for 2003-2004 Nos. 53 & 54, 77 P.3d 747 (Colo. 2003).

Proposed initiative to comprehensively revamp constitutional recall provisions and allow recall of non-elected state and local officers had two subjects. Inclusion of both provisions was constitutionally prohibited logrolling because a voter might favor alteration of procedural requirements for recalls but oppose expansion of the class of public officials eligible to be recalled to include non-elected officers or vice versa. In re Ballot Title 2013-2014 No. 76, 2014 CO 52, 333 P.3d 76.

Two proposed initiatives intended to modify the process for redistricting state legislative districts contained multiple subjects. While the provisions of the proposed initiatives collectively constituted a single subject that would change the criteria to be used in drawing legislative districts; restructure the Colorado reapportionment commission; subject the restructured commission to open meetings and open records laws; require a two-thirds vote for commission action; modify the process for drafting, approval, and judicial review of redistricting plans; and allow the commission to adopt rules to govern its administration and operation, both initiatives also included a second subject of significantly changing the mission and role of the supreme court nominating commission by requiring it to recommend unaffiliated or minor party members to serve on the restructured reapportionment commission. In addition, one of the proposed initiatives also included a third subject of transferring the power to redistrict the state's congressional districts from the general assembly to a newly created redistricting commission. Title, Ballot Title & Sub. Clause for 2015-2016 No. 132, 2016 CO 55, 374 P.3d 460.

Research References & Practice Aids

Cross references:

For statutory provisions regarding initiatives and referenda, see article 40 of title 1; for distribution of governmental powers, see article III of this constitution; for proposing constitutional amendments by convention or vote of the general assembly, see article XIX of this constitution; for the procedure and requirements for adoption of home rule charters, see § 9 of article XX of this constitution; for organization and operation of the general assembly, see part 3 of article 2 of title 2.

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