

**ARTICLE 11**  
**MUNICIPAL INITIATIVES, REFERENDA,**  
**AND REFERRED MEASURES**

Section

- 31-11-101. Legislative declaration.
- 31-11-102. Applicability of article.
- 31-11-103. Definitions.
- 31-11-103.5. Computation of time.
- 31-11-104. Ordinances - initiative - conflicting measures.
- 31-11-105. Ordinances - when effective - referendum.
- 31-11-106. Form of petition sections.
- 31-11-107. Circulators - requirements.
- 31-11-108. Signatures.
- 31-11-109. Signature verification - statement of sufficiency.
- 31-11-110. Protest.
- 31-11-111. Initiatives, referenda, and referred measures - ballot titles.
- 31-11-112. Petitions - not election materials - no bilingual requirement.
- 31-11-113. Receiving money to circulate petitions - filing.
- 31-11-114. Unlawful acts - penalty.
- 31-11-115. Tampering with initiative or referendum petition.
- 31-11-116. Enforcement.
- 31-11-117. Retention of petitions.
- 31-11-118. Powers of clerk and deputy.

**31-11-101. Legislative declaration.**

It is the intention of the general assembly to set forth in this article the procedures for exercising the initiative and referendum powers reserved to the municipal electors in subsection (9) of section 1 of article V of the state constitution. It is not the intention of the general assembly to limit or abridge in any manner these powers but rather to properly safeguard, protect, and preserve inviolate for municipal electors these modern instrumentalities of democratic government.

*Source: L. 95: Entire article added, p. 422, § 1, effective May 8.*

**ANNOTATION**

*Annotator's note. For cases construing a similar provision that applied to state and municipal elections, see § 1-40-101.*

**31-11-102. Applicability of article.**

This article shall apply to municipal initiatives, referenda, and referred measures unless alternative procedures are provided by charter, ordinance, or resolution.

*Source: L. 95: Entire article added, p. 422, § 1, effective May 8.*

**ANNOTATION**

*Annotator's note. For cases construing a similar provision that applied to state and municipal elections, see § 1-40-103.*

### **31-11-103. Definitions.**

As used in this article, unless the context otherwise requires:

- (1) "Ballot title" means the language that is printed on the ballot that is comprised of the submission clause and the title.
- (2) "Final determination of petition sufficiency" means the date following passage of the period of time within which a protest must be filed pursuant to section 31-11-110 or the date on which any protest filed pursuant to section 31-11-110 results in a finding of sufficiency, whichever is later.
- (3) "Petition section" means the stapled or otherwise bound package of documents described in section 31-11-106.
- (4) "Submission clause" means the language that is attached to the title to form a question that can be answered by "yes" or "no".
- (5) "Title" means a brief statement that fairly and accurately represents the true intent and meaning of the proposed initiative, referendum, or referred measure.

*Source: L. 95: Entire article added, p. 422, § 1, effective May 8. L. 96: (2) amended, p. 1770, § 67, effective July 1.*  
**ANNOTATION**

*Annotator's note. For cases construing a similar provision that applied to state and municipal elections, see § 1-40-102.*

### **31-11-103.5. Computation of time.**

Except as otherwise provided in this article, calendar days shall be used in all computations of time made under the provisions of this article. In computing time for any act to be done before any municipal election, the first day shall be included, and the last or election day shall be excluded. Except when computing business days, Saturdays, Sundays, and legal holidays shall be included, but, if the time for any act to be done or the last day of any period is a Saturday, Sunday, or a legal holiday, the period is extended to include the next day that is not a Saturday, Sunday, or legal holiday. If the time for an act to be done under this article is referred to in business days, the time shall be computed by excluding Saturdays, Sundays, and legal holidays.

*Source: L. 2000: Entire section added, p. 799, § 22, effective August 2.*

### **31-11-104. Ordinances - initiative - conflicting measures.**

(1) Any proposed ordinance may be submitted to the legislative body of any municipality by filing written notice of the proposed ordinance with the clerk and, within one hundred eighty days after approval of the petition pursuant to section 31-11-106 (1), by filing a petition signed by at least five percent of the registered electors of the city or town on the date of such notice. The proposed ordinance may be adopted without alteration by the legislative body within twenty days following the final determination of petition sufficiency. If vetoed by the mayor, the proposed ordinance may be passed over the mayor's veto within ten days after the veto. If the proposed ordinance is not adopted by the legislative body, the legislative body shall forthwith publish the proposed ordinance

as other ordinances are published and shall refer the proposed ordinance, in the form petitioned for, to the registered electors of the municipality at a regular or special election held not less than sixty days and not more than one hundred fifty days after the final determination of petition sufficiency, unless otherwise required by the state constitution. The ordinance shall not take effect unless a majority of the registered electors voting on the measure at the election vote in favor of the measure.

(2) Alternative ordinances may be submitted at the same election, and, if two or more conflicting measures are approved by the people, the one that receives the greatest number of affirmative votes shall be adopted in all particulars as to which there is a conflict.

*Source: L. 95: Entire article added, p. 423, § 1, effective May 8. L. 96: (1) amended, p. 1770, § 68, effective July 1. L. 2000: (1) amended, p. 799, § 23, effective August 2.*

**ANNOTATION**

*Annotator's note. For cases construing a similar provision that applied to state and municipal elections, see §§ 1-40-128 and 1-40-129.*

**31-11-105. Ordinances - when effective - referendum.**

(1) No ordinance passed by the legislative body of any municipality shall take effect before thirty days after its final passage and publication, except an ordinance calling for a special election or necessary to the immediate preservation of the public peace, health, or safety, and not then unless the ordinance states in a separate section the reasons why it is necessary and unless it receives the affirmative vote of three-fourths of all the members elected to the legislative body taken by ayes and noes.

(2) Within thirty days after final publication of the ordinance, a referendum petition protesting against the effect of the ordinance or any part thereof may be filed with the clerk. The petition must be signed during the thirty-day period by at least five percent of the registered electors of the municipality registered on the date of final publication.

(3) If a referendum petition is filed, the ordinance or part thereof protested against shall not take effect, and, upon a final determination of petition sufficiency, the legislative body shall promptly reconsider the ordinance. If the petition is declared not sufficient by the clerk or found not sufficient in a protest, the ordinance shall forthwith take effect, unless otherwise provided therein.

(4) If, upon reconsideration, the ordinance or part thereof protested is not repealed, the legislative body shall submit the measure to a vote of the registered electors at a regular or special election held not less than sixty days and not more than one hundred fifty days after the final determination of petition sufficiency, unless otherwise required by the state constitution. The ordinance or part thereof shall not take effect unless a majority of the registered electors voting on the measure at the election vote in favor of the measure.

*Source: L. 95: Entire article added, p. 423, § 1, effective May 8.*

**ANNOTATION**

*Annotator's note. For cases construing a similar provision that applied to state and municipal elections, see § 1-40-127.*

### **31-11-106. Form of petition sections.**

(1) Each petition section shall be printed in a form consistent with the requirements of this article. No petition section shall be printed or circulated unless the form and the first printer's proof of the petition section have first been approved by the clerk. The clerk shall approve or reject the form and the first printer's proof of the petition no later than five business days following the date on which the clerk received such material. The clerk shall assure that the petition section contains only those elements required by this article and contains no extraneous material. The clerk may reject a petition or a section of a petition on the grounds that the petition or a section of the petition does not propose municipal legislation pursuant to section 1 (9) of article V of the state constitution.

(2) Each petition section shall designate by name and mailing address two persons who shall represent the proponents thereof in all matters affecting the petition and to whom all notices or information concerning the petition shall be mailed.

(3) (a) At the top of each page of every initiative or referendum petition section, the following shall be printed, in a form as prescribed by the clerk:

"WARNING:  
IT IS AGAINST THE LAW:

For anyone to sign any initiative or referendum petition with any name other than his or her own or to knowingly sign his or her name more than once for the same measure or to knowingly sign a petition when not a registered elector who is eligible to vote on the measure.

DO NOT SIGN THIS PETITION UNLESS YOU ARE A  
REGISTERED ELECTOR  
AND ELIGIBLE TO VOTE ON THIS MEASURE.  
TO BE A REGISTERED ELECTOR,  
YOU MUST BE A CITIZEN OF COLORADO  
AND REGISTERED TO VOTE.

Do not sign this petition unless you have read or have had read to you the proposed initiative or referred measure or the summary in its entirety and understand its meaning."

(b) A summary of the proposed initiative or ordinance that is the subject of a referendum petition shall be printed following the warning on each page of a petition section. The summary shall be true and impartial and shall not be an argument, or likely to create prejudice, either for or against the measure. The summary shall be prepared by the clerk.

(c) The full text of the proposed initiated measure or ordinance that is the subject of a referendum petition shall be printed following the summary on the first page or pages of the petition section that precede the signature page. Notwithstanding the requirement of paragraph (a) of this subsection (3), if the text of the proposed initiated measure or ordinance requires more than one page of a petition section, the warning and summary need not appear at the top of other than the initial text page.

(d) The signature pages shall consist of the warning and the summary, followed by ruled lines numbered consecutively for registered electors' signatures. If a petition section contains multiple

signature pages, all signature lines shall be numbered consecutively, from the first signature page through the last. The signature pages shall follow the page or pages on which the full text of the proposed initiated measure or ordinance that is the subject of the referendum petition is printed.

(e) (I) Following the signature pages of each petition section, there shall be attached a signed, notarized, and dated affidavit executed by the person who circulated the petition section, which shall include the following:

(A) The affiant's printed name, the address at which the affiant resides, including the street name and number, the municipality, the county, and the date the affiant signed the affidavit;

(B) That the affiant has read and understands the laws governing the circulation of petition;

(C) That the affiant was eighteen years of age or older at the time the section of the petition was circulated and signed by the listed electors;

(D) That the affiant circulated the section of the petition;

(E) That each signature thereon was affixed in the affiant's presence;

(F) That each signature thereon is the signature of the person whose name it purports to be;

(G) That, to the best of the affiant's knowledge and belief, each of the persons signing the petition section was, at the time of signing, a registered elector; and

(H) That the affiant has not paid or will not in the future pay and that the affiant believes that no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix the signer's signature to the petition.

(II) The clerk shall not accept for filing any section of a petition that does not have attached thereto the notarized affidavit required by subparagraph (I) of this paragraph (e). Any disassembly of a section of the petition that has the effect of separating the affidavit from the signature page or pages shall render that section of the petition invalid and of no force and effect.

(III) Any signature added to a section of a petition after the affidavit has been executed shall be invalid.

(4) All sections of any petition shall be prenumbered serially.

(5) Any petition section that fails to conform to the requirements of this article or that is circulated in a manner other than that permitted by this article shall be invalid.

*Source: L. 95: Entire article added, p. 424, § 1, effective May 8. L. 2000: (1) and (3)(e)(I) amended, p. 800, § 24, effective August 2.*

**ANNOTATION**

**Annotator's note. For cases construing a similar provision that applied to state and municipal elections, see § 1-40-110.**

### **31-11-107. Circulators - requirements.**

The circulation of any petition section other than personally by a circulator is prohibited. No section of a petition for any initiative or referendum measure shall be circulated by any person who is not at least eighteen years of age at the time the section is circulated.

*Source: L. 95: Entire article added, p. 426, § 1, effective May 8. L. 2000: Entire section amended, p. 801, § 25, effective August 2.*

### **31-11-108. Signatures.**

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

*Source: L. 95: Entire article added, p. 426, § 1, effective May 8.*

#### **ANNOTATION**

*Annotator's note. For cases construing a similar provision that applied to state and municipal elections, see § 1-40-111.*

### **31-11-109. Signature verification - statement of sufficiency.**

(1) The clerk shall inspect timely filed initiative or referendum petitions and the attached affidavits, and may do so by examining the information on signature lines for patent defects, by comparing the information on signature lines against a list of registered electors provided by the county, or by other reasonable means.

(2) After examining the petition, the clerk shall issue a statement as to whether a sufficient number of valid signatures have been submitted. A copy of the statement shall be mailed to the persons designated as representing the petition proponents pursuant to section 31-11-106 (2).

(3) The statement of sufficiency or insufficiency shall be issued no later than thirty calendar days after the petition has been filed. If the clerk fails to issue a statement within thirty calendar days, the petition shall be deemed sufficient.

*Source: L. 95: Entire article added, p. 427, § 1, effective May 8.*

#### **ANNOTATION**

*Annotator's note. For cases construing a similar provision that applied to state and municipal elections, see §§ 1-40-116 and 1-40-117.*

### **31-11-110. Protest.**

(1) Within forty days after an initiative or referendum petition is filed, a protest in writing under oath may be filed in the office of the clerk by any registered elector who resides in the municipality, setting forth specifically the grounds for such protest. The grounds for protest may include, but shall not be limited to, the failure of any portion of a petition or circulator affidavit to meet the requirements of this article. No signature may be challenged that is not identified in the protest by section and line number. The clerk shall forthwith mail a copy of such protest to the persons designated as representing the petition proponents pursuant to section 31-11-106 (2) and to the protester, together with a notice fixing a time for hearing such protest that is not less than five or more than ten days after such notice is mailed.

(2) The county clerk shall furnish a requesting protester with a list of the registered electors in the municipality and shall charge a fee to cover the cost of furnishing the list.

(3) Every hearing shall be held before the clerk with whom such protest is filed. The clerk shall serve as hearing officer unless some other person is designated by the legislative body as the hearing officer, and the testimony in every such hearing shall be under oath. The hearing officer shall have the power to issue subpoenas and compel the attendance of witnesses. The hearing shall be summary and not subject to delay and shall be concluded within sixty days after the petition is filed. No later than five days after the conclusion of the hearing, the hearing officer shall issue a written determination of whether the petition is sufficient or not sufficient. If the hearing officer determines that a petition is not sufficient, the officer shall identify those portions of the petition that are not sufficient and the reasons therefor. The result of the hearing shall be forthwith certified to the protester and to the persons designated as representing the petition proponents pursuant to section 31-11-106 (2). The determination as to petition sufficiency may be reviewed by the district court for the county in which such municipality or portion thereof is located upon application of the protester, the persons designated as representing the petition proponents pursuant to section 31-11-106 (2), or the municipality, but such review shall be had and determined forthwith.

*Source: L. 95: Entire article added, p. 427, § 1, effective May 8. L. 2000: (1) amended, p. 801, § 26, effective August 2.*

#### **ANNOTATION**

*Annotator's note. For cases construing a similar provision that applied to state and municipal elections, see §§ 1-40-118 and 1-40-119.*

### **31-11-111. Initiatives, referenda, and referred measures - ballot titles.**

(1) After an election has been ordered pursuant to section 31-11-104 or 31-11-105, the legislative body of the municipality or its designee shall promptly fix a ballot title for each initiative or referendum.

(2) The legislative body of any municipality may, without receipt of any petition, submit any proposed or adopted ordinance or resolution or any question to a vote of the registered electors of the municipality. The legislative body of the municipality or its designee shall fix a ballot title for the referred measure.

(3) In fixing the ballot title, the legislative body or its designee shall consider the public confusion that might be caused by misleading titles and shall, whenever practicable, avoid titles for which the general understanding of the effect of a "yes" or "no" vote would be unclear. The ballot title shall

not conflict with those titles selected for any other measure that will appear on the municipal ballot in the same election. The ballot title shall correctly and fairly express the true intent and meaning of the measure.

(4) Any protest concerning a ballot title shall be conducted as provided by local charter, ordinance, or resolution.

*Source: L. 95: Entire article added, p. 428, § 1, effective May 8.*

**ANNOTATION**

*Annotator's note. For cases construing a similar provision that applied to state and municipal elections, see §§ 1-40-106 and 1-40-107.*

*The fixing of a ballot title occurs upon the final action of a local government legislative body to settle or decide the wording of the ballot title. Under § 1-11-203.5, a person must, therefore, contest the form or content of a ballot title within five days of the legislative body's final action concerning the ballot title. Cacioppo v. Eagle County Sch. Dist. RE-50J, 92 P.3d 453 (Colo. 2004).*

**31-11-112. Petitions - not election materials - no bilingual requirement.**

The general assembly hereby determines that initiative and referendum petitions are not election materials or information covered by the federal "Voting Rights Act of 1965", and are therefore not required to be printed in any language other than English in order to be circulated in any municipality in Colorado.

*Source: L. 95: Entire article added, p. 428, § 1, effective May 8.*

*Cross references: For the federal "Voting Rights Act of 1965", see Pub.L. 89-110.*

**ANNOTATION**

*Annotator's note. For cases construing a similar provision that applied to state and municipal elections, see § 1-40-114.*

**31-11-113. Receiving money to circulate petitions - filing.**

The proponents of the petition shall file with the clerk a report disclosing the amount paid per signature and the total amount paid to each circulator. The filing shall be made at the same time the petition is filed with the clerk. Any payment made to circulators is an expenditure under article 45 of title 1, C.R.S.

*Source: L. 95: Entire article added, p. 428, § 1, effective May 8.*

**ANNOTATION**

*Annotator's note. For cases construing a similar provision that applied to state and municipal elections, see § 1-40-121.*

**31-11-114. Unlawful acts - penalty.**

(1) It is unlawful:

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

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

(c) For any person knowingly to sign any petition relating to an initiative or referendum in a municipality who is not a registered elector of that municipality at the time of signing the petition;

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

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

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

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

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

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

*Source: L. 95: Entire article added, p. 429, § 1, effective May 8.*

### **31-11-115. Tampering with initiative or referendum petition.**

(1) Any person commits a class 2 misdemeanor who:

(a) Willfully destroys, defaces, mutilates, or suppresses any initiative or referendum petition;

(b) Willfully neglects to file or delays the delivery of the initiative or referendum petition;

(c) Conceals or removes any initiative or referendum petition from the possession of the person authorized by law to have custody of the petition;

(d) Adds, amends, alters, or in any way changes the information on the petition as provided by the elector; or

(e) Aids, counsels, procures, or assists any person in doing any of such acts.

(2) Any person convicted of committing such a misdemeanor shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

(3) This section shall not preclude a circulator from striking a complete line on the petition if the circulator believes the line to be invalid.

*Source: L. 95: Entire article added, p. 430, § 1, effective May 8.*

### **31-11-116. Enforcement.**

(1) Any person may file with the district attorney an affidavit stating the name of any person who has violated any of the provisions of this article and stating the facts that constitute the alleged offense. Upon the filing of such affidavit, the district attorney shall forthwith investigate, and, if reasonable grounds appear therefor, the district attorney shall prosecute the same.

(2) The attorney general of the state shall have equal power with district attorneys to file information or complaints against any person for violating any provision of this article.

*Source: L. 95: Entire article added, p. 430, § 1, effective May 8.*

### **31-11-117. Retention of petitions.**

After a period of three years from the time of submission of the petitions to the clerk, if it is determined that the retention of the petitions is no longer necessary, the clerk may destroy the petitions.

*Source: L. 95: Entire article added, p. 430, § 1, effective May 8.*

### **31-11-118. Powers of clerk and deputy.**

(1) Except as otherwise provided in this article, the clerk shall render all interpretations and shall make all initial decisions as to controversies or other matters arising in the operation of this article.

(2) All powers and authority granted to the clerk by this article may be exercised by a deputy clerk in the absence of the clerk or in the event the clerk for any reason is unable to perform the duties of the clerk's office.

*Source: L. 2000: Entire section added, p. 801, § 27, effective August 2.*