



Elections

During the 2017 legislative session, the General Assembly considered measures related to ballot access, campaign finance, the conduct of elections, initiatives and the ballot information booklet, and local elections.

Ballot Access

Senate Bill 17-209 makes various changes to how candidates get on the ballot and how political parties fill candidate vacancies, including:

- prohibiting election officials from certifying a candidate for placement on the ballot if the official determines the candidate does not meet residency requirements;
- modifying the time frame for circulating candidate petitions to designate party candidates in a primary election;
- allowing the Department of State to set rules for correcting petition circulator affidavits; and
- updating procedures for political parties to fill candidate vacancies before and after a primary election.

House Bill 17-1088 requires the Secretary of State to conduct signature verification for candidate petitions beginning in 2018. Previously, the Secretary of State validated voter information, including address and eligibility, on candidate petitions, but did not compare signatures to those on file. Under

the bill, petition signatures will be compared with voters' signatures stored in SCORE, the statewide voter registration system.

Additionally, House Bill 17-1088 creates a process to notify candidates of signature and circulator affidavit deficiencies and give them the opportunity to correct them.

In the 2016 election, voters approved two citizen initiatives, Propositions 107 and 108, that modified the way the state conducts primary elections. Proposition 107 restored the state's presidential primary election. Under *Senate Bill 17-305*, the state will reimburse counties for the direct costs of conducting this election. Additionally, the bill clarifies the timeline for candidates to declare their candidacy in a presidential primary election.

Proposition 108 allowed unaffiliated voters to participate in primaries other than the presidential primary. Under Senate Bill 17-305, the voter registration form will include a question for unaffiliated voters to indicate which party's primary ballot they would like to receive. For unaffiliated voters who have not indicated which party ballot they would like to receive, the bill requires county clerks to send a ballot packet containing the ballots of all major political parties and to record in SCORE which party's ballot the voter returned.

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House Bill 17-1328 would have required candidates for president and vice president of the United States to file with the Secretary of State their federal income tax returns for the last five completed tax years. This bill was postponed indefinitely by the Senate State, Veterans, and Military Affairs Committee.

The General Assembly also considered two measures requesting a constitutional convention to create term limits for members of the U.S. Congress. *House Joint Resolution 17-1034* was postponed indefinitely by the House State, Veterans, and Military Affairs Committee, and *Senate Joint Memorial 17-008* was lost in the Senate.

Campaign Finance

House Bill 17-1155 provides a process for candidates to correct errors and omissions in campaign finance disclosures, in cases where a campaign committee or party treasurer has made a good faith effort to make timely disclosures and is otherwise in substantial compliance with statutory disclosure requirements. When the Department of State receives a complaint alleging that a campaign finance disclosure report contains errors or omissions, the bill requires the department to provide notice of the alleged deficiencies to the committee or party treasurer who submitted the report. Upon receipt of this notice, the committee may request postponement of the complaint hearing and has 15 business days to file an addendum to the report to correct the deficiencies. Once the addendum is filed, an administrative law judge must hold a hearing within 30 days to determine whether all issues in the complaint have been resolved. Additionally, the judge must impose a civil fine on any committee that fails to demonstrate good faith or substantial compliance at this hearing.

Several additional campaign finance bills were considered but not passed. The following bills were all postponed indefinitely by the Senate State, Veterans, and Military Affairs Committee. *House Bill 17-1259* would

have prohibited candidates from establishing, financing, or maintaining independent expenditure committees. *House Bill 17-1260* would have set campaign contribution limits for county offices. *House Bill 17-1261* would have required additional disclaimers on electioneering communications costing more than \$1,000, and *House Bill 17-1262* would have expanded the time period in which additional disclosures on electioneering communication are required.

Conduct of Elections

House Bill 17-1014, known as the “ballot selfie” bill, eliminates the criminal penalty for a voter disclosing the contents of his or her ballot.

Two bills would have made changes to state law concerning voter services and polling centers (VSPCs), which replaced precinct polling places in Colorado’s all-mail ballot system. *Senate Bill 17-037* would have required clerks in counties with at least 25,000 active voters to measure and report the amount of time it takes to vote at each VSPC. This bill was postponed indefinitely by the Senate State, Veterans, and Military Affairs Committee. *Senate Bill 17-071* would have changed the number of VSPCs that must be open, and the hours they must be open, in each county prior to election day. This bill was deemed lost in the Senate.

Senate Bill 17-138 would have made a variety of changes to state law governing election watchers, who monitor various aspects of the election process starting before the polls open and continuing through the vote count and the announcement of the election results. The bill was deemed lost in the Senate.

Senate Bill 16-099 would have entered Colorado into the national popular vote agreement. Under this agreement, once certain standards were met, the state’s presidential electors would be obligated to vote for the presidential candidate receiving the most votes in the national popular vote.

Elections (cont'd)

This bill was postponed indefinitely by the Senate State, Veterans, and Military Affairs Committee.

Initiatives and Ballot Information Booklet

The Colorado Constitution provides for citizen-initiated measures that can amend either statutes or the state constitution. For statewide initiatives, the General Assembly publishes and distributes a statewide ballot information booklet known as the “blue book.” Also included in the blue book are judicial performance evaluations prepared by state and judicial performance commissions.

Amendment 71, which was approved by voters in 2016, added new requirements for initiated constitutional amendments, including requiring that signatures be collected from all 35 state senate districts and requiring 55 percent of the vote to pass a constitutional amendment. *Senate Bill 17-152* implements these changes by requiring the Title Board to determine if a proposed constitutional amendment repeals all or part of a provision in the constitution. Proponents may appeal for a rehearing on these decisions. Additionally, the bill modifies the existing random sampling process for verifying signatures to incorporate district-level verification of all signatures if a minimal statistical threshold is met. Also under the bill, the Department of State must notify initiative proponents of the current number of state senate districts, boundaries, and the number of registered voters in each at the time a constitutional initiative petition is approved for signature collection. When certifying a petition for the ballot, the department must issue a statement indicating whether the proponents have submitted the required number of signatures overall and from each senate district.

Senate Bill 17-079 would have limited the General Assembly’s ability to amend, repeal, or supersede an initiated statutory law. In the first three years after a citizen initiative was approved, a two-thirds vote of each legislative chamber would be required to make such a

change. This bill was postponed indefinitely by the Senate State, Veterans, and Military Affairs Committee.

House Bill 17-1303 makes changes to the state and district judicial performance evaluation systems. These changes include modifying the membership of and appointment to the state commission on judicial performance, adding to the list of judges who are evaluated, standardizing the requirements for initial evaluations, and updating data gathering and reporting procedures. For purposes of the blue book, the bill changes judicial performance recommendation language from “retain,” “do not retain” and “no opinion” to “meets performance standard” and “does not meet performance standard.”

Local Elections

A county can propose a public safety improvement tax by passing a resolution to submit a ballot question to the voters. Previously such questions could only be on the ballot in general elections (even-numbered years). *House Bill 17-1342* allows counties to propose such ballot questions at biennial county elections or elections held in November of odd-numbered years at the request of the board of county commissioners.

House Bill 17-1281 would have authorized local governments, including counties, municipalities, school districts, and special districts, to use approval voting in nonpartisan elections. In an approval voting election, a voter would be allowed to cast a vote for as many candidates for an office as the voter chooses. The winner of the office would be the candidate receiving the most votes. This bill was postponed indefinitely by the House Appropriations Committee.