

CHAPTER 95

ELECTIONS

HOUSE BILL 98-1110

BY REPRESENTATIVES Tupa, Paschall, Piffner, Anderson, and Udall;
also SENATORS Bishop and Phillips.

AN ACT

CONCERNING BALLOT ACCESS FOR MINOR POLITICAL PARTIES.

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

SECTION 1. Article 4 of title 1, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

**PART 13
MINOR POLITICAL PARTIES**

1-4-1301. Formation of minor political party. (1) A MINOR POLITICAL PARTY SHALL ADOPT A CONSTITUTION OR SET OF BYLAWS TO GOVERN ITS ORGANIZATION AND THE CONDUCT OF ITS AFFAIRS AND SHALL EXERCISE THEREUNDER ANY POWER NOT INCONSISTENT WITH THE LAWS OF THIS STATE. THE CONSTITUTION OR SET OF BYLAWS SHALL BE FILED WITH THE SECRETARY OF STATE. ANY MINOR POLITICAL PARTY FAILING TO FILE ITS CONSTITUTION OR SET OF BYLAWS PURSUANT TO THIS SECTION SHALL NOT BE QUALIFIED AS A MINOR POLITICAL PARTY. THE CONSTITUTION OR SET OF BYLAWS SHALL CONTAIN THE FOLLOWING:

(a) A METHOD OF NOMINATING CANDIDATES FOR THE PARTISAN OFFICES SPECIFIED IN SECTION 1-4-1304 (1);

(b) A METHOD FOR CALLING AND CONDUCTING CONVENTIONS;

(c) A METHOD FOR SELECTING DELEGATES TO CONVENTIONS;

(d) A METHOD FOR THE SELECTION OF MEMBERS AND A CHAIRPERSON TO THE STATE CENTRAL COMMITTEE AND FOR THE SELECTION OF OTHER PARTY OFFICERS;

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

- (e) A METHOD FOR FILLING VACANCIES IN PARTY OFFICES;
- (f) THE POWERS AND DUTIES OF PARTY OFFICERS;
- (g) THE STRUCTURE OF THE STATE AND COUNTY PARTY ORGANIZATIONS, IF ANY;
- (h) A STATEMENT THAT ANY MEETING TO ELECT PARTY OFFICERS, INCLUDING DELEGATES, SHALL BE HELD AT A PUBLIC PLACE AT THE TIME SPECIFIED BY THE PARTY CHAIRPERSON AND THAT THE TIME AND PLACE OF SUCH MEETING SHALL BE PUBLISHED ONCE, FIFTEEN DAYS PRIOR TO SUCH MEETING, IN A NEWSPAPER OF GENERAL CIRCULATION IN EACH COUNTY WHEREIN THE MEMBERS OF THE MINOR POLITICAL PARTY RESIDE;
- (i) A STATEMENT THAT THE PARTY CHAIRPERSON OR HIS OR HER DESIGNEE SHALL BE THE PERSON WHO SHALL COMMUNICATE ON BEHALF OF THE MINOR POLITICAL PARTY; AND
- (j) A METHOD FOR AMENDING THE CONSTITUTION OR SET OF BYLAWS.

(2) THE CHAIRPERSON OF THE PARTY SHALL FILE ANY AMENDMENTS TO THE CONSTITUTION OR SET OF BYLAWS WITH THE SECRETARY OF STATE WITHIN FIFTEEN DAYS AFTER THE AMENDMENTS ARE ADOPTED.

(3) THE NAME OF THE MINOR POLITICAL PARTY SHALL CONTAIN NO MORE THAN THREE WORDS IN ADDITION TO THE WORD "PARTY". THE NAME OF THE MINOR POLITICAL PARTY SHALL NOT USE, IN WHOLE OR IN PART, THE NAME OF ANY EXISTING POLITICAL PARTY.

1-4-1302. Petition to allow minor political party to nominate candidates.

(1) A PETITION TO ALLOW A MINOR POLITICAL PARTY TO NOMINATE CANDIDATES ACCORDING TO ITS CONSTITUTION OR SET OF BYLAWS SHALL BE SIGNED BY AT LEAST TENTH THOUSAND REGISTERED ELECTORS AND SHALL BE SUBMITTED TO THE SECRETARY OF STATE NO LATER THAN MAY 1 OF THE ELECTION YEAR FOR WHICH THE MINOR POLITICAL PARTY SEEKS TO QUALIFY.

(2) THE PETITION SHALL CONTAIN THE NAME OF THE MINOR POLITICAL PARTY, AND THE HEADING OF THE PETITION SHALL STATE THAT THE SIGNERS THEREOF DESIRE THAT THE MINOR POLITICAL PARTY BE ALLOWED TO NOMINATE CANDIDATES ACCORDING TO ITS CONSTITUTION OR SET OF BYLAWS.

(3) EACH REGISTERED ELECTOR SIGNING A PETITION PURSUANT TO THIS SECTION SHALL PRINT THE ELECTOR'S NAME AND ADDRESS, INCLUDING THE STREET AND NUMBER, IF ANY. THERE SHALL BE ATTACHED TO EACH PETITION AN AFFIDAVIT OF A REGISTERED ELECTOR WHO CIRCULATED THE PETITION STATING:

- (a) THE ELECTOR'S ADDRESS;
- (b) THAT THE ELECTOR IS A REGISTERED ELECTOR;
- (c) THAT THE ELECTOR CIRCULATED THE PETITION;

(d) THAT EACH SIGNATURE ON THE PETITION WAS AFFIXED IN THE ELECTOR'S PRESENCE AND IS THE SIGNATURE OF THE PERSON WHOSE NAME IT PURPORTS TO BE; AND

(e) THAT TO THE BEST OF THE ELECTOR'S KNOWLEDGE AND BELIEF, EACH OF THE PERSONS SIGNING THE PETITION WAS A REGISTERED ELECTOR AT THE TIME OF SIGNING.

(4) (a) UPON FILING, THE SECRETARY OF STATE SHALL REVIEW ALL PETITION INFORMATION AND VERIFY THE INFORMATION AGAINST THE REGISTRATION RECORDS. THE SECRETARY OF STATE SHALL ESTABLISH GUIDELINES FOR VERIFYING PETITION ENTRIES.

(b) NOT MORE THAN TWENTY-ONE DAYS AFTER RECEIPT OF THE PETITION, THE SECRETARY OF STATE SHALL NOTIFY THE MINOR POLITICAL PARTY SEEKING TO QUALIFY OF THE NUMBER OF VALID SIGNATURES AND WHETHER THE PETITION APPEARS TO BE SUFFICIENT OR INSUFFICIENT.

(c) IN CASE A PETITION TO ALLOW A MINOR POLITICAL PARTY TO NOMINATE CANDIDATES IS NOT SUFFICIENT, IT MAY BE AMENDED ONCE AT ANY TIME PRIOR TO 3 P.M. ON THE SEVENTH DAY FOLLOWING THE NOTIFICATION OF INSUFFICIENCY. IF SUCH PETITION IS AMENDED PRIOR TO 3 P.M. ON THE SEVENTH DAY FOLLOWING THE NOTIFICATION OF INSUFFICIENCY, THE SECRETARY OF STATE SHALL NOTIFY THE MINOR POLITICAL PARTY OF WHETHER THE PETITION IS SUFFICIENT OR INSUFFICIENT NO LATER THAN THE FOURTEENTH DAY FOLLOWING THE NOTIFICATION OF INSUFFICIENCY.

(d) UPON DETERMINING THAT THE PETITION IS SUFFICIENT:

(I) THE SECRETARY OF STATE SHALL NOTIFY THE MINOR POLITICAL PARTY AND THE CLERK AND RECORDER OF EACH COUNTY THAT SUCH PARTY IS QUALIFIED TO NOMINATE MINOR POLITICAL PARTY CANDIDATES; AND

(II) ELIGIBLE ELECTORS SHALL BE ABLE TO REGISTER AS AFFILIATED WITH SUCH MINOR POLITICAL PARTY.

1-4-1303. Qualifications to nominate by constitution or bylaws. (1) SUBJECT TO THE PROVISIONS OF SUBSECTION (2) OF THIS SECTION, A MINOR POLITICAL PARTY MAY NOMINATE CANDIDATES ACCORDING TO THE PROVISIONS OF ITS CONSTITUTION OR SET OF BYLAWS IF THE PARTY SATISFIES THE REQUIREMENTS OF SECTION 1-4-1302 OR ANY ONE OF THE FOLLOWING CONDITIONS:

(a) ANY OF ITS CANDIDATES FOR ANY OFFICE VOTED ON STATEWIDE IN EITHER OF THE LAST TWO PRECEDING GENERAL ELECTIONS RECEIVED AT LEAST FIVE PERCENT OF THE TOTAL VOTES CAST FOR SUCH OFFICE;

(b) ONE THOUSAND OR MORE REGISTERED ELECTORS ARE AFFILIATED WITH THE MINOR POLITICAL PARTY PRIOR TO JULY 1 OF THE ELECTION YEAR FOR WHICH THE MINOR POLITICAL PARTY SEEKS TO NOMINATE CANDIDATES.

(2) A MINOR POLITICAL PARTY SHALL CONTINUE TO BE QUALIFIED AS A MINOR POLITICAL PARTY IF:

(a) A CANDIDATE OF THE PARTY FOR STATEWIDE OFFICE HAS RECEIVED AT LEAST ONE PERCENT OF THE TOTAL VOTES CAST FOR ANY STATEWIDE OFFICE IN EITHER OF THE LAST TWO PRECEDING GENERAL ELECTIONS; OR

(b) ONE THOUSAND OR MORE REGISTERED ELECTORS ARE AFFILIATED WITH THE MINOR POLITICAL PARTY PRIOR TO JULY 1 IN EITHER OF THE LAST TWO PRECEDING GENERAL ELECTIONS FOR WHICH THE PARTY SEEKS TO NOMINATE CANDIDATES.

(3) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PREVENT A MINOR POLITICAL PARTY NOT MEETING THE CONDITIONS SET FORTH IN SUBSECTION (1) OF THIS SECTION FROM PLACING CANDIDATES ON THE BALLOT BY A PETITION TO NOMINATE UNAFFILIATED CANDIDATES UNDER SECTION 1-4-802.

1-4-1304. Nomination of candidates. (1) A MINOR POLITICAL PARTY MAY NOMINATE CANDIDATES IN ACCORDANCE WITH SECTIONS 1-4-302, 1-4-402 (1) (a), AND 1-4-502 (1) AND THIS ARTICLE.

(2) NOMINATIONS BY A MINOR POLITICAL PARTY, TO BE VALID, SHALL BE MADE IN ACCORDANCE WITH THE PARTY'S CONSTITUTION OR SET OF BYLAWS. NO NOMINATION UNDER THIS SECTION SHALL BE VALID FOR ANY GENERAL ELECTION HELD AFTER JANUARY 1, 1999, UNLESS THE NOMINEE:

(a) IS A REGISTERED ELECTOR;

(b) HAS BEEN AFFILIATED FOR A PERIOD OF TWELVE MONTHS IMMEDIATELY PRECEDING THE DATE OF NOMINATION WITH THE MINOR POLITICAL PARTY THAT IS MAKING THE NOMINATION AS SHOWN IN THE REGISTRATION BOOKS OF THE COUNTY CLERK AND RECORDER; AND

(c) HAS NOT BEEN REGISTERED AS A MEMBER OF A MAJOR POLITICAL PARTY FOR AT LEAST TWELVE MONTHS PRIOR TO THE DATE OF NOMINATION.

(3) ANY MINOR POLITICAL PARTY NOMINATING CANDIDATES IN ACCORDANCE WITH THIS PART 13 SHALL FILE A CERTIFICATE OF DESIGNATION WITH THE DESIGNATED ELECTION OFFICIAL NO LATER THAN THE TWENTY-EIGHTH DAY PRIOR TO THE PRIMARY ELECTION. THE CERTIFICATE OF DESIGNATION SHALL STATE THE NAME OF THE OFFICE FOR WHICH EACH PERSON IS A CANDIDATE AND THE CANDIDATE'S NAME AND ADDRESS, SHALL DESIGNATE IN NOT MORE THAN THREE WORDS THE NAME OF THE MINOR POLITICAL PARTY THAT THE CANDIDATE REPRESENTS, AND SHALL CERTIFY THAT THE CANDIDATE IS A MEMBER OF THE MINOR POLITICAL PARTY. THE CANDIDATE'S PARTY AFFILIATION AS SHOWN ON THE REGISTRATION BOOKS OF THE COUNTY CLERK AND RECORDER IS PRIMA FACIE EVIDENCE OF PARTY MEMBERSHIP.

(4) ANY PERSON NOMINATED IN ACCORDANCE WITH THIS PART 13 SHALL FILE A WRITTEN ACCEPTANCE WITH THE DESIGNATED ELECTION OFFICIAL BY MAIL OR HAND DELIVERY. THE WRITTEN ACCEPTANCE MUST BE POSTMARKED OR RECEIVED BY THE DESIGNATED ELECTION OFFICIAL WITHIN TEN BUSINESS DAYS AFTER THE FILING OF THE CERTIFICATE OF DESIGNATION REQUIRED UNDER SUBSECTION (3) OF THIS SECTION. IF AN ACCEPTANCE IS NOT FILED WITHIN THE SPECIFIED TIME, THE CANDIDATE SHALL BE DEEMED TO HAVE DECLINED THE NOMINATION.

(5) NOTHING IN THIS PART 13 SHALL BE CONSTRUED TO ALLOW A MINOR POLITICAL PARTY TO NOMINATE MORE THAN ONE CANDIDATE FOR ANY ONE OFFICE.

1-4-1305. Disqualification of minor political party. (1) IN THE EVENT A MINOR POLITICAL PARTY CEASES TO QUALIFY AS SUCH A PARTY PURSUANT TO SECTION 1-4-1303 (2) AND FAILS TO SUBSEQUENTLY QUALIFY AS SUCH A PARTY PURSUANT TO SECTION 1-4-1303, THE SECRETARY OF STATE SHALL NOTIFY THE CHAIRPERSON OF SUCH PARTY AND THE CLERK AND RECORDER OF EACH COUNTY OF SUCH DISQUALIFICATION.

(2) SUCH NOTICE OF DISQUALIFICATION SHALL BE PROVIDED BY THE SECRETARY OF STATE TO THE CHAIRPERSON OF THE MINOR POLITICAL PARTY AND TO EACH CLERK AND RECORDER NO LATER THAN JULY 1 OF AN ELECTION YEAR IN WHICH A MINOR POLITICAL PARTY MAY QUALIFY CANDIDATES FOR THE BALLOT. NO CERTIFICATE OF DESIGNATION OF CANDIDATES PURSUANT TO SECTION 1-4-1304 (3) SHALL BE ACCEPTED BY THE SECRETARY OF STATE FROM THE MINOR POLITICAL PARTY FOR THE ELECTION FOR WHICH SUCH PARTY HAS CEASED TO QUALIFY.

(3) UPON NOTIFICATION OF DISQUALIFICATION OF A MINOR POLITICAL PARTY, EACH REGISTERED ELECTOR THAT IS AFFILIATED WITH SUCH MINOR POLITICAL PARTY SHALL BE DESIGNATED ON THE REGISTRATION BOOKS OF THE COUNTY CLERK AND RECORDER AS "UNAFFILIATED".

SECTION 2. 1-1-104 (22), (23), and (25), Colorado Revised Statutes, are amended to read:

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

(22) "Major political party" means ~~one of the two~~ ANY political parties whose ~~candidate for governor~~ PARTY THAT at the last preceding gubernatorial election ~~received the first and second greatest number of votes~~ WAS REPRESENTED ON THE OFFICIAL BALLOT EITHER BY POLITICAL PARTY CANDIDATES OR BY INDIVIDUAL NOMINEES AND WHOSE CANDIDATE AT THE LAST PRECEDING GUBERNATORIAL ELECTION RECEIVED AT LEAST TEN PERCENT OF THE TOTAL GUBERNATORIAL VOTES CAST.

(23) "Minor political party" means a political party other than a major political party THAT SATISFIES ONE OF THE CONDITIONS SET FORTH IN SECTION 1-4-1303 (1) OR HAS SUBMITTED A PETITION IN ACCORDANCE WITH SECTION 1-4-1302.

(25) "Political party" means ~~any political organization whose candidate at the last preceding gubernatorial election received at least ten percent of the total gubernatorial vote cast~~ EITHER A MAJOR POLITICAL PARTY OR A MINOR POLITICAL PARTY.

SECTION 3. Article 3 of title 1, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

1-3-100.3. Definition. AS USED IN THIS ARTICLE:

(1) "POLITICAL PARTY" MEANS A MAJOR POLITICAL PARTY AS DEFINED IN SECTION

1-1-104 (22).

SECTION 4. 1-4-101 (1), (2), and (3), Colorado Revised Statutes, are amended to read:

1-4-101. Primary election nominations made. (1) A primary election shall be held at the regular polling places in each precinct on the second Tuesday of August in even-numbered years to nominate candidates of MAJOR political parties to be voted for at the succeeding general election. ONLY A MAJOR POLITICAL PARTY, AS DEFINED IN SECTION 1-1-104 (22), SHALL BE ENTITLED TO NOMINATE CANDIDATES IN A PRIMARY ELECTION.

(2) Each MAJOR political party is entitled to participate in the primary election and shall have a separate party ballot. The primary election of all MAJOR political parties shall be held at the same time and at the same polling places and shall be conducted by the same election officials.

(3) All nominations by MAJOR political parties for candidates for United States senator, representative in congress, all elective state, district, and county officers, and members of the general assembly shall be made by primary elections. Neither the secretary of state nor any county clerk and recorder shall place on the official general election ballot the name of any person as a candidate of any MAJOR political party who has not been nominated in accordance with the provisions of this article, or who has not been affiliated with the MAJOR political party for at least twelve months unless otherwise provided by law, or who does not meet residency requirements for the office, if any. The information found on the voter registration record of the person seeking to be placed on the ballot is admissible as prima facie evidence of compliance with this article.

SECTION 5. 1-4-104, Colorado Revised Statutes, is amended to read:

1-4-104. Party nominees. Candidates voted on for offices at primary elections who receive a plurality of the votes cast shall be the respective party nominees for the respective offices. If more than one office of the same kind is to be filled, the number of candidates equal to the number of offices to be filled receiving the highest number of votes shall be the nominees of the MAJOR political party for the offices. The names of the nominees shall be printed on the official ballot prepared for the ensuing general election.

SECTION 6. 1-4-502 (1), Colorado Revised Statutes, is amended to read:

1-4-502. Methods of nomination for partisan candidates. (1) Nominations for United States senator, representative in congress, governor, lieutenant governor, secretary of state, state treasurer, attorney general, member of the state board of education, regent of the university of Colorado, member of the general assembly, district attorney, and all county officers to be elected at the general election may be made ~~either~~ by primary election BY MAJOR POLITICAL PARTIES, ~~or~~ by petition for nomination of an unaffiliated candidate as provided in section 1-4-802, OR BY A MINOR POLITICAL PARTY AS PROVIDED IN SECTION 1-4-1304 (2).

SECTION 7. 1-4-601, Colorado Revised Statutes, is amended BY THE

ADDITION OF A NEW SUBSECTION to read:

1-4-601. Designation of candidates for primary election. (5) AS USED IN THIS SECTION, "POLITICAL PARTY" MEANS A MAJOR POLITICAL PARTY AS DEFINED IN SECTION 1-1-104 (22).

SECTION 8. 1-4-603, Colorado Revised Statutes, is amended to read:

1-4-603. Designation of major political party candidates by petition. Candidates for MAJOR political party nominations may be placed on the primary election ballot by petition, as provided in part 8 of this article.

SECTION 9. 1-4-1002 (5), Colorado Revised Statutes, is amended, and the said 1-4-1002 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

1-4-1002. Vacancies in designation or nomination. (4.5) ANY VACANCY IN A NOMINATION FOR A MINOR POLITICAL PARTY CANDIDATE OCCURRING AFTER THE FILING OF THE CERTIFICATE OF DESIGNATION PURSUANT TO SECTION 1-4-1304 (3) AND MORE THAN FIFTY-FIVE DAYS BEFORE THE GENERAL OR CONGRESSIONAL VACANCY ELECTION, WHICH IS CAUSED BY THE DECLINATION, DEATH, OR WITHDRAWAL OF ANY PERSON NOMINATED BY THE MINOR POLITICAL PARTY, MAY BE FILLED BY THE PERSON OR PERSONS DESIGNATED IN THE CONSTITUTION OR BYLAWS OF THE MINOR POLITICAL PARTY TO FILL VACANCIES.

(5) (a) The persons designated to fill any of the vacancies in subsections (1) to ~~(4)~~ (4.5) of this section shall file any certificate of designation or nomination to fill the vacancy, together with a written acceptance signed by the person designated or nominated, with the designated election official with whom the original certificate or petition was filed. This filing shall be done no later than the close of business on the fifty-fifth day before the election affected by the vacancy.

(b) If the persons designated to fill any of the vacancies in subsections (1) to ~~(4)~~ (4.5) of this section decide not to fill a vacancy, they shall in like manner file a certificate setting forth the occurrence of the vacancy, stating they do not intend to fill the vacancy.

(7.5) ANY VACANCY IN A STATEWIDE OR COUNTY OFFICE, IN THE OFFICE OF DISTRICT ATTORNEY, OR IN THE OFFICE OF A STATE SENATOR OCCURRING DURING A TERM OF OFFICE SHALL BE FILLED AT THE NEXT GENERAL ELECTION WITH NOMINATION OR DESIGNATION BY A MINOR POLITICAL PARTY PURSUANT TO THE CONSTITUTION OR BYLAWS OF THE MINOR POLITICAL PARTY.

SECTION 10. 1-4-1201, Colorado Revised Statutes, is amended to read:

1-4-1201. Definitions. As used in this part 12, unless the context otherwise requires:

(1) "POLITICAL PARTY" MEANS A MAJOR POLITICAL PARTY AS DEFINED IN SECTION 1-1-104 (22).

(2) "Presidential primary election" means a primary election conducted pursuant to section 1-4-1202.

SECTION 11. 1-5-404, Colorado Revised Statutes, is amended to read:

1-5-404. Arrangement of names on ballots for partisan elections. (1) In all partisan elections, the names of all candidates and joint candidates who have been duly nominated for office shall be arranged on the ballot under the designation of the office in ~~two~~ THREE groups AS FOLLOWS:

(a) The names of the candidates of the two major political parties shall be placed on the general election ballot in an order established by lot and shall comprise the first group; except that the joint candidates for president and vice president and the joint candidates for governor and lieutenant governor shall be arranged in the alphabetical order of the names of the candidates for president and governor.

(b) THE NAMES OF THE CANDIDATES AND JOINT CANDIDATES OF THE MINOR POLITICAL PARTIES SHALL BE LISTED IN AN ORDER ESTABLISHED BY LOT AND SHALL COMPRISE THE SECOND GROUP; EXCEPT THAT THE JOINT CANDIDATES FOR PRESIDENT AND VICE PRESIDENT AND THE JOINT CANDIDATES FOR GOVERNOR AND LIEUTENANT GOVERNOR SHALL BE ARRANGED IN THE ALPHABETICAL ORDER OF THE NAMES OF THE CANDIDATES FOR PRESIDENT AND GOVERNOR.

(c) The names of the candidates and joint candidates of the remaining ~~political parties or~~ political organizations shall be listed in an order established by lot and shall comprise the ~~second~~ THIRD group; except that the joint candidates for president and vice president and the joint candidates for governor and lieutenant governor shall be arranged in the alphabetical order of the names of the candidates for president and governor.

(2) Between July 1 and July 15 of each election year, the officer in receipt of the original designation, nomination, or petition of each candidate shall inform the two major political parties, EACH MINOR POLITICAL PARTY, and the representative of each political organization on file with the secretary of state of the time and place of the lot-drawing for offices to appear on the general election ballot. Ballot positions shall be assigned to the major political party, MINOR POLITICAL PARTY, or political organization in the order in which they are drawn. The name of the candidate shall be inserted on the ballot prior to the ballot certification.

(3) The arrangement of names on ballots for congressional vacancy elections shall be established by lot at any time prior to the certification of ballots for the congressional vacancy election. The officer in receipt of the original designation, nomination, or petition of each candidate shall inform the two major political parties, EACH MINOR POLITICAL PARTY, and the representatives of each political organization on file with the secretary of state of the time and place of the lot-drawing for the congressional election ballot. Ballot positions shall be assigned to the major political party, MINOR POLITICAL PARTY, or political organization in the order in which they are drawn.

SECTION 12. 1-7-201 (1), (2), and (5), Colorado Revised Statutes, are amended to read:

1-7-201. Voting at primary election. (1) Any registered elector who has declared a MAJOR POLITICAL party affiliation and who desires to vote for candidates of that party at a primary election shall write his or her name and address on a form available at the polling place and give the form to one of the election judges, who shall clearly and audibly announce the name.

(2) If the name is found on the registration list, the election judge having charge of the list shall likewise repeat the elector's name and present the elector with the party ballot of the MAJOR POLITICAL party affiliation last recorded. If unaffiliated, the eligible elector shall openly declare to the election judges the name of the MAJOR political party with which the elector wishes to affiliate, complete the approved form for voter registration information changes, and initial the registration list in the space provided. Declaration of affiliation with a MAJOR political party shall be separately dated and signed or dated and initialed by the eligible elector in such manner that the elector clearly acknowledges that the party affiliation has been properly recorded. Thereupon, the election judges shall deliver the appropriate party ballot to the eligible elector. Eligible electors who decline to state a MAJOR POLITICAL party affiliation shall not be entitled to vote at the primary election.

(5) Instead of voting for a candidate whose name is printed on the party ballot, an elector may cast a write-in vote for any eligible candidate who is a member of the MAJOR political party and who has filed an affidavit of intent of write-in candidacy pursuant to section 1-4-1101. When no candidate has been designated by an assembly or by petition, a write-in candidate for nomination by any MAJOR political party must receive at least the number of votes at any primary election that is required by section 1-4-801 (2) to become designated as a candidate by petition.

SECTION 13. 1-7-202, Colorado Revised Statutes, is amended to read:

1-7-202. Count and certification. As soon as the polls are closed, the election judges shall count the total number of ballots cast and shall then count all the ballots for each MAJOR political party separately, using the accounting forms furnished in accordance with section 1-7-203 and continuing until the count is completed. In no case shall party ballots be intermingled. After all ballots have been counted, the election judges shall certify the number of votes cast according to the method designated for the type of voting equipment used.

SECTION 14. 1-7-203, Colorado Revised Statutes, is amended to read:

1-7-203. Accounting forms. The county clerk and recorder shall furnish each precinct with two sets of accounting forms for each MAJOR political party having candidates at the primary election. The forms shall be furnished at the same time and in the same manner as ballots. All accounting forms shall have the proper party designation at the top thereof and shall state the precinct, county, and date of the primary election. The secretary of state shall prescribe the accounting forms to be used.

SECTION 15. 1-12-203 (1) and (3), Colorado Revised Statutes, are amended to read:

1-12-203. Vacancies in general assembly. (1) In the event of a vacancy in the

general assembly caused by the death or resignation of a member who has been sworn into office or caused by the death or resignation of a member who has been elected to a seat but who has not yet been sworn into office, the vacancy shall be filled by the appropriate vacancy committee, if any, as provided in section 1-3-103 (1) (d), of the same political party and of the same representative or senatorial district represented by the former member whose seat is vacant. IF THE MEMBER WAS AFFILIATED WITH A MINOR POLITICAL PARTY, THEN THE VACANCY SHALL BE FILLED BY THE VACANCY COMMITTEE DESIGNATED IN THE CONSTITUTION OR BYLAWS OF THE MINOR POLITICAL PARTY. If the member was unaffiliated with a political party, then the vacancy shall be filled by the vacancy committee designated on the petition for nomination pursuant to section 1-4-802 (1) (e). The vacancy shall be filled until the next general election after the vacancy occurs, when the vacancy shall be filled by election.

(3) The vacancy committee, by a majority vote of its members present and voting at a meeting called for that purpose, shall select a person who possesses the constitutional qualifications for a member of the general assembly and who is affiliated with the same political party OR MINOR POLITICAL PARTY, if any, shown on the registration books of the county clerk and recorder as the former member whose seat is vacant. No meeting shall be held until a quorum is present consisting of two-thirds of the voting membership of the vacancy committee. No member of the vacancy committee may vote by proxy. The committee shall certify the selection to the secretary of state within ten days from the date the vacancy occurs. If the vacancy committee fails to certify a selection within ten days, the governor, within five days, shall fill the vacancy by appointing a person having the qualifications set forth in this subsection (3). The name of the person selected or appointed shall be certified to the secretary of state, who shall certify the name to the appropriate house of the general assembly. The person, after having qualified and taken the oath of office, shall immediately assume the duties of office and shall serve until the next convening of the general assembly following the election certification and qualification of a successor.

SECTION 16. 1-12-206 (5), Colorado Revised Statutes, is amended, and the said 1-12-206 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

1-12-206. Vacancies in the office of county commissioner. (4.5) IF THE VACATING COMMISSIONER IS AFFILIATED WITH A MINOR POLITICAL PARTY, THEN A REGISTERED ELECTOR AFFILIATED WITH THE SAME MINOR POLITICAL PARTY SHALL BE APPOINTED AS THE SUCCESSOR PURSUANT TO THE CONSTITUTION OR BYLAWS OF THE MINOR POLITICAL PARTY.

(5) Any person appointed to a vacancy in the office of county commissioner under this section shall be a resident of the county and reside within the district, if any, in which the vacancy exists and shall be a member of the same political party OR MINOR POLITICAL PARTY, if any, shown on the registration books of the county clerk and recorder as the vacating commissioner. Any person appointed pursuant to this section shall hold the office until the next general election or until the vacancy is filled by election according to law.

SECTION 17. No appropriation. The general assembly has determined that this

act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

SECTION 18. Applicability. The provisions of this act shall apply to minor political parties existing on or after the effective date of this act.

SECTION 19. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 13, 1998