

CHAPTER 51

ELECTIONS

HOUSE BILL 02-1340

BY REPRESENTATIVE(S) Dean, Borodkin, Cadman, Cloer, Coleman, Daniel, Decker, Fairbank, Garcia, Hoppe, Jahn, Kester, Lawrence, Mace, Marshall, Paschall, Ragsdale, Romanoff, Sanchez, Spradley, Stengel, Weddig, Williams S., and Young; also SENATOR(S) Matsunaka, Hernandez, Lamborn, May, and Taylor.

AN ACT

CONCERNING CHANGES TO THE DATES OF CERTAIN EVENTS IN THE POLITICAL PARTY NOMINATION PROCESS FOR THE CALENDAR YEAR 2002 NECESSITATED BY THE REDRAWING OF THE GENERAL ELECTION PRECINCT BOUNDARIES IN ACCORDANCE WITH THE COURT-APPROVED REAPPORTIONMENT PLAN FOR SENATORIAL AND REPRESENTATIVE DISTRICTS OF MEMBERS OF THE GENERAL ASSEMBLY.

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

SECTION 1. 1-3-101 (3), Colorado Revised Statutes, is amended to read:

1-3-101. Party affiliation required - residence - repeal. (3) (a) No later than thirty days prior to the date of the precinct caucus, the county clerk and recorder shall furnish without charge to each major political party in the county a list of the registered electors in the county who are affiliated with that political party.

(b) (I) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION (3) TO THE CONTRARY, FOR PRECINCT CAUCUSES HELD IN THE CALENDAR YEAR COMMENCING JANUARY 1, 2002, THE COUNTY CLERK AND RECORDER SHALL FURNISH WITHOUT CHARGE TO EACH MAJOR POLITICAL PARTY IN THE COUNTY A PRELIMINARY LIST OF THE REGISTERED ELECTORS IN THE COUNTY WHO ARE AFFILIATED WITH THAT POLITICAL PARTY AS SOON AS PRACTICABLE AFTER THE DATE OF THE COLORADO SUPREME COURT'S APPROVAL OF THE REAPPORTIONMENT PLAN FOR SENATORIAL AND REPRESENTATIVE DISTRICTS OF MEMBERS OF THE GENERAL ASSEMBLY IN THE CALENDAR YEAR COMMENCING JANUARY 1, 2002. THE COUNTY CLERK AND RECORDER SHALL FURNISH A SUPPLEMENTAL LIST OF SUCH REGISTERED ELECTORS TO EACH MAJOR POLITICAL PARTY ON THE FRIDAY PRECEDING THE DATE OF THE PRECINCT CAUCUS.

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

(II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2002.

SECTION 2. 1-3-102 (1) (a), Colorado Revised Statutes, is amended to read:

1-3-102. Precinct caucuses - repeal. (1) (a) (I) Precinct committeepersons and delegates to county assemblies shall be elected at precinct caucuses that shall be held in a public place or in a private home that is open to the public during the caucus in or proximate to each precinct at a time and place to be fixed by the county central committee or executive committee of each political party on the second Tuesday in April in each even-numbered year, which day shall be known as "precinct caucus day".

(II) (A) NOTWITHSTANDING ANY PROVISION OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) TO THE CONTRARY, FOR THE CALENDAR YEAR COMMENCING JANUARY 1, 2002, PRECINCT COMMITTEEPERSONS AND DELEGATES TO COUNTY ASSEMBLIES SHALL BE ELECTED AT PRECINCT CAUCUSES THAT SHALL BE HELD ON TUESDAY, APRIL 23, 2002, IN A PUBLIC PLACE OR IN A PRIVATE HOME THAT IS OPEN TO THE PUBLIC DURING THE CAUCUS IN OR PROXIMATE TO EACH PRECINCT AT A TIME AND PLACE TO BE FIXED BY THE COUNTY CENTRAL COMMITTEE OR EXECUTIVE COMMITTEE OF EACH POLITICAL PARTY.

(B) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JULY 1, 2002.

SECTION 3. 1-3-103 (9), Colorado Revised Statutes, is amended to read:

1-3-103. Party committees - repeal. (9) (a) No later than ninety days after the organization of the state central committees of the two major political parties in each odd-numbered year, each committee shall adopt in its bylaws or rules its general guidelines and regulations for all county party matters. Such bylaws or rules shall establish a procedure for the selection of delegates to any party assembly that is consistent with party practice. Any method under such procedure for choosing or allocating delegates in a county based on the number of votes cast at an election for a particular candidate shall be uniform among the counties so that all types of ballots are counted or not counted for purposes of determining the number of votes cast. Any county central committee may adopt its own rules and regulations in conformance with those of the state central committee. In the absence of county rules pertaining to specific items, the party's state central committee's guidelines, rules, and regulations shall apply. Each state central committee shall file its party's bylaws or rules with the secretary of state no later than the first Monday in February in each even-numbered year and, if filed prior to that date, the bylaws or rules may be amended until that date. No bylaw or rule may be filed or amended after the first Monday in February in each even-numbered year. Where the bylaws or rules are not filed in accordance with this section, the party's state central committee, as well as the party's county central committee, shall be subject to the code through the general election of the same year.

(b) (I) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT THE DATES OF THE PRECINCT CAUCUSES, COUNTY ASSEMBLIES, AND CERTAIN EVENTS RELATED TO THE POLITICAL PARTY NOMINATION PROCESS SPECIFIED IN THIS CODE MUST BE CHANGED FOR THE CALENDAR YEAR COMMENCING JANUARY 1, 2002, IN ORDER TO FACILITATE THE REDRAWING OF GENERAL ELECTION PRECINCT BOUNDARIES CAUSED

BY THE REAPPORTIONMENT PLAN FOR SENATORIAL AND REPRESENTATIVE DISTRICTS APPROVED AND FILED IN THE YEAR 2002. THE GENERAL ASSEMBLY RECOGNIZES THAT CERTAIN RULES AND BYLAWS OF THE TWO MAJOR POLITICAL PARTIES MAY BE IN CONFLICT WITH SUCH STATUTORY CHANGES BUT FINDS THAT SUCH CHANGES MUST SUPERSEDE THOSE RULES AND BYLAWS FOR PURPOSES OF IMPLEMENTING THE REAPPORTIONMENT PLAN IN THE YEAR 2002.

(II) TO THE EXTENT THAT THE PROVISIONS OF SECTION 1-3-101 (3) (b), 1-3-102 (1) (a) (II), 1-4-602 (1) (a) (II), 1-4-602 (4) (b), OR 1-5-103 (1) (b) OF THIS CODE CONFLICT WITH ANY PARTY RULE OR BYLAW, THE PROVISIONS OF SUCH SECTION OR SECTIONS SHALL CONTROL.

(III) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2002.

SECTION 4. 1-4-602 (1) (a) and (4), Colorado Revised Statutes, are amended to read:

1-4-602. Delegates to party assemblies - repeal. (1) (a) (I) County assemblies shall be held not less than ten days nor more than thirty days after the precinct caucuses held on the second Tuesday in April. The county central committee or executive committee shall fix the number of delegates from each precinct to participate in the county assembly pursuant to the procedure for the selection of delegates contained in the state party central committee's bylaws or rules. The persons receiving the highest number of votes at the precinct caucus shall be the delegates to the county assembly from the precinct. If two or more candidates receive an equal number of votes for the last available place in the election of delegates to county assemblies at the precinct caucuses, the delegate shall be determined by lot by the candidates. Except as provided in subsections (2) and (6) of this section, delegates to all other party assemblies shall be selected by the respective county assemblies from among the members of the county assemblies pursuant to the state party central committee's bylaws or rules.

(II) (A) NOTWITHSTANDING ANY PROVISION OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) TO THE CONTRARY, FOR THE CALENDAR YEAR COMMENCING JANUARY 1, 2002, COUNTY ASSEMBLIES SHALL BE HELD ON ANY DATE AFTER THE PRECINCT CAUCUSES HELD ON APRIL 23, 2002, BUT NO LATER THAN MAY 18, 2002. ALL OTHER PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), EXCEPT AS TO THE DATES OF COUNTY ASSEMBLIES, SHALL APPLY TO COUNTY ASSEMBLIES HELD IN THE CALENDAR YEAR COMMENCING JANUARY 1, 2002.

(B) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JULY 1, 2002.

(4) (a) All places established for holding precinct caucuses shall be designated by a sign conspicuously posted no later than twelve days before the precinct caucuses. The sign shall be substantially in the following form: "Precinct caucus place for precinct no." The lettering on the sign and the precinct number shall be black on a white background with all letters and numerals at least four inches in height. Any precinct caucus subsequently removed and held in a place other than the place stated on the sign is null and void.

(b) (I) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION

(4) TO THE CONTRARY, FOR THE CALENDAR YEAR COMMENCING JANUARY 1, 2002, ALL PLACES ESTABLISHED FOR HOLDING PRECINCT CAUCUSES SHALL BE DESIGNATED BY A SIGN CONSPICUOUSLY POSTED NO LATER THAN SEVEN DAYS BEFORE THE PRECINCT CAUCUSES. THE SIGN SHALL BE SUBSTANTIALLY IN THE FOLLOWING FORM: "PRECINCT CAUCUS PLACE FOR PRECINCT NO." THE LETTERING ON THE SIGN AND THE PRECINCT NUMBER SHALL BE BLACK ON A WHITE BACKGROUND WITH ALL LETTERS AND NUMERALS AT LEAST FOUR INCHES IN HEIGHT. ANY PRECINCT CAUCUS SUBSEQUENTLY REMOVED AND HELD IN A PLACE OTHER THAN THE PLACE STATED ON THE SIGN IS NULL AND VOID.

(II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2002.

SECTION 5. 1-5-103 (1), Colorado Revised Statutes, is amended to read:

1-5-103. Changes in boundaries - partisan elections - repeal. (1) (a) Changes in the boundaries of precincts or the creation of new precincts for partisan elections shall be completed no later than twenty-nine days prior to the precinct caucus day, except in cases of precinct changes resulting from changes in county boundaries.

(b) (I) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION (1) TO THE CONTRARY, FOR THE CALENDAR YEAR COMMENCING JANUARY 1, 2002, CHANGES IN THE BOUNDARIES OF PRECINCTS OR THE CREATION OF NEW PRECINCTS FOR PARTISAN ELECTIONS SHALL BE COMPLETED PRIOR TO THE PRECINCT CAUCUSES ON APRIL 23, 2002.

(II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2002.

SECTION 6. 1-6-103 (1), Colorado Revised Statutes, is amended to read:

1-6-103. Recommendations by county chairperson - repeal. (1) (a) No later than the last Tuesday of April in even-numbered years, the county chairperson of each major political party in the county shall certify to the county clerk and recorder the names and addresses of registered electors recommended to serve as election judges for each precinct in the county.

(b) (I) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION (1) TO THE CONTRARY, FOR THE CALENDAR YEAR COMMENCING JANUARY 1, 2002, THE COUNTY CHAIRPERSON OF EACH MAJOR POLITICAL PARTY IN THE COUNTY SHALL CERTIFY TO THE COUNTY CLERK AND RECORDER THE NAMES AND ADDRESSES OF REGISTERED ELECTORS RECOMMENDED TO SERVE AS ELECTION JUDGES FOR EACH PRECINCT IN THE COUNTY NO LATER THAN MAY 14, 2002.

(II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2002.

SECTION 7. 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: March 27, 2002