

CHAPTER 172

ELECTIONS

HOUSE BILL 03-1142

BY REPRESENTATIVE(S) Crane, Clapp, Fairbank, Fritz, Harvey, Hefley, King, Lee, May M., Mitchell, Rhodes, Schultheis, Spence, Stafford, White, Hoppe, and Stengel;
also SENATOR(S) Chlouber, Lamborn, Andrews, Arnold, Cairns, Entz, Jones, Kester, and May R.

AN ACT**CONCERNING MINOR POLITICAL PARTIES.**

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

SECTION 1. 1-1-104 (1.3) and (23), Colorado Revised Statutes, are amended to read:

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

(1.3) "Assembly" means a meeting of delegates of a political party, organized in accordance with the rules and regulations of the political party, held for the purpose of designating candidates for nominations. ~~at a primary election.~~

(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 SUFFICIENT petition in accordance with section 1-4-1302.

SECTION 2. 1-2-218.5 (2), Colorado Revised Statutes, is amended to read:

1-2-218.5. Declaration of affiliation. (2) Any eligible elector who has not declared an affiliation with a political party or political organization shall be designated on the registration records of the county clerk and recorder as "unaffiliated". Any unaffiliated eligible elector may declare a ~~major~~ political party affiliation when the elector desires to vote at a primary election, as provided in section 1-7-201 (2), or the elector may declare his or her political party or political organization affiliation at any other time during which electors are permitted to register by submitting a letter or a form furnished by the county clerk and recorder, either by mail or in person.

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

SECTION 3. 1-2-219 (1), Colorado Revised Statutes, is amended to read:

1-2-219. Changing or withdrawing declaration of affiliation. (1) Any eligible elector desiring to change or withdraw the elector's affiliation may do so by completing and signing a prescribed request for the change or withdrawal and filing it with the county clerk and recorder or by submitting a personal letter written by the elector to the county clerk and recorder at any time up to and including the twenty-ninth day preceding an election. The prescribed form or personal letter for the change shall include the elector's printed name, address within the county, birth date, social security number, if the elector wishes to state it, and signature, the date, the elector's previous affiliation status, and the requested change in affiliation status. A prescribed form shall be furnished by the county clerk and recorder upon the elector's oral or written request. Upon receiving the request, the county clerk and recorder shall change the elector's affiliation on the registration record. If the affiliation is withdrawn, the designation on the registration record shall be changed to "unaffiliated". If an elector changes affiliation, the elector is entitled to vote, at any primary election, only the ballot of the **major** political party to which the elector is currently affiliated. A change or withdrawal of affiliation may not be made by anyone other than the elector.

SECTION 4. 1-4-101 (1) and (2), 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. EXCEPT AS PROVIDED BY SECTION 1-4-1304 (1.5), 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 THAT 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.

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) Except as otherwise provided in paragraphs (b) and (c) of subsection (3) of this section, 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 by primary election by major political parties, 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. The introductory portion to 1-4-802 (1) and 1-4-802 (1) (a), (1) (d), (1) (e), (1) (f), and (1) (g), Colorado Revised Statutes, are amended to read:

1-4-802. Petitions for nominating minor political party and unaffiliated candidates for a partisan office. (1) Candidates for partisan public offices to be filled at a general or congressional vacancy election who do not wish to affiliate with a MAJOR political party may be nominated, other than by a primary election or a convention, in the following manner:

(a) A petition for nominating MINOR POLITICAL PARTY OR unaffiliated candidates shall be prepared, ~~which shall contain~~ INDICATING the name and address of any candidate for the office to be filled. The petition shall INDICATE THE NAME OF THE MINOR POLITICAL PARTY OR designate in not more than three words the political or other name ~~which the signers select~~ SELECTED BY THE SIGNERS TO IDENTIFY AN UNAFFILIATED CANDIDATE. No name of any political party shall be used, in whole or in part, ~~for this purpose~~ TO IDENTIFY AN UNAFFILIATED CANDIDATE.

(d) (I) No petition TO NOMINATE AN UNAFFILIATED CANDIDATE, except petitions for candidates for vacancies to unexpired terms of representatives in congress and for presidential electors, shall be circulated or any signatures obtained thereon earlier than one hundred sixty-five days before the general election.

(II) NO PETITION TO NOMINATE A MINOR POLITICAL PARTY CANDIDATE SHALL BE CIRCULATED NOR ANY SIGNATURES OBTAINED THEREON EARLIER THAN THE FIRST MONDAY IN APRIL IN THE GENERAL ELECTION YEAR.

(e) The petition TO NOMINATE AN UNAFFILIATED CANDIDATE may designate or appoint upon its face one or more unaffiliated registered electors as a committee to fill vacancies in accordance with section 1-4-1002 (4) and (5). However, in the case of a petition for the office of state senator or state representative, the petition shall designate or appoint upon its face three or more unaffiliated registered electors as a committee to fill vacancies in accordance with section 1-4-1002 (4) and (5) and section 1-12-203.

(f) (I) EXCEPT AS PROVIDED BY SUBPARAGRAPH (II) OF THIS PARAGRAPH (f), petitions shall be filed not later than 3 p.m. on the one hundred twentieth day before the general election or 3 p.m. on the fifty-fifth day preceding the congressional vacancy election.

(II) PETITIONS TO NOMINATE CANDIDATES OF MINOR POLITICAL PARTIES SHALL BE FILED NOT LATER THAN 3 P.M. ON THE SEVENTIETH DAY BEFORE THE PRIMARY ELECTION AS SPECIFIED IN SECTION 1-4-101.

(g) No person shall be placed in nomination by petition unless the person is an

eligible elector of the political subdivision or district in which the officer is to be elected and unless the person was registered as AFFILIATED WITH A MINOR POLITICAL PARTY OR AS unaffiliated, as shown on the books of the county clerk and recorder, for at least twelve months prior to the last date the petition may be filed; except that, if such nomination is for a nonpartisan election, the person shall be an eligible elector of the political subdivision or district and be a registered elector, as shown on the books of the county clerk and recorder, on the date of the earliest signature on the petition.

SECTION 8. 1-4-904 (2), Colorado Revised Statutes, is amended to read:

1-4-904. Signatures on the petitions. (2) (a) For ~~partisan~~ petitions TO NOMINATE CANDIDATES FROM A MAJOR POLITICAL PARTY IN A PARTISAN ELECTION, each signer shall be affiliated with the major political party named in the petition and shall state the following to the circulator: That the signer has been affiliated with the major political party named in the petition for at least twenty-nine days as shown on the registration books of the county clerk and recorder; and that the signer has not signed any other petition for any other candidate for the same office.

(b) PETITIONS TO NOMINATE CANDIDATES FROM A MINOR POLITICAL PARTY OR UNAFFILIATED CANDIDATES IN A PARTISAN ELECTION MAY BE SIGNED BY ANY ELIGIBLE ELECTOR WHO HAS NOT SIGNED ANY OTHER PETITION FOR ANY OTHER CANDIDATE FOR THE SAME OFFICE.

SECTION 9. 1-4-1301 (1) (b), (1) (c), and (1) (h), Colorado Revised Statutes, are amended to read:

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:

(b) A method for calling and conducting ASSEMBLIES AND conventions;

(c) A method for selecting delegates to ASSEMBLIES AND conventions;

(h) A statement that any meeting to elect party officers, including delegates, AND ANY ASSEMBLY TO NOMINATE CANDIDATES, 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, no later than fifteen days before such meeting, in a newspaper of general circulation in each county wherein the members of the minor political party reside;

SECTION 10. 1-4-1302 (1), (2), and (4) (d) (I), Colorado Revised Statutes, are amended to read:

1-4-1302. Petition to qualify as a minor political party. (1) A petition to ~~allow~~ QUALIFY AS a minor political party ~~to nominate candidates according to its~~

~~constitution or set of bylaws~~ shall be signed by at least ten thousand registered electors and shall be submitted to the secretary of state no later than ~~May~~ MARCH 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~~ IT BE QUALIFIED AS A minor political party. ~~be allowed to nominate candidates according to its constitution or set of bylaws.~~

(4) (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

SECTION 11. The introductory portion to 1-4-1303 (1) and 1-4-1303 (3), Colorado Revised Statutes, are amended to read:

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~~ QUALIFIES AS A MINOR POLITICAL PARTY if the party satisfies the requirements of section 1-4-1302 or any one of the following conditions:

(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.~~

SECTION 12. 1-4-1304 (1) and (3), Colorado Revised Statutes, are amended, and the said 1-4-1304 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

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)~~ SECTIONS 1-4-302, 1-4-402 (1) (a), 1-4-502 (1), AND 1-4-802 and this article.

(1.5) (a) A MINOR POLITICAL PARTY MAY NOMINATE CANDIDATES FOR OFFICES TO BE FILLED AT A GENERAL ELECTION BY PETITION IN ACCORDANCE WITH SECTION 1-4-802.

(b) (I) A MINOR POLITICAL PARTY MAY NOMINATE CANDIDATES FOR OFFICES TO BE FILLED AT A GENERAL ELECTION BY ASSEMBLY. AN ASSEMBLY SHALL BE HELD NO LATER THAN SIXTY-FIVE DAYS PRECEDING THE PRIMARY ELECTION.

(II) EACH CANDIDATE RECEIVING THIRTY PERCENT OR MORE OF THE VOTES OF ALL DULY ACCREDITED ASSEMBLY DELEGATES WHO ARE PRESENT AND VOTING ON THAT OFFICE SHALL BE DESIGNATED BY THE ASSEMBLY AND CERTIFIED PURSUANT TO SUBSECTION (3) OF THIS SECTION.

(c) IF AN ASSEMBLY DESIGNATES MORE THAN ONE CANDIDATE FOR AN OFFICE, OR

IF AN ASSEMBLY DESIGNATES ONE OR MORE CANDIDATES AND ONE OR MORE CANDIDATES QUALIFIES BY PETITION, THE CANDIDATE OF THE MINOR POLITICAL PARTY FOR THAT OFFICE SHALL BE NOMINATED AT A PRIMARY ELECTION HELD IN ACCORDANCE WITH THIS CODE.

(d) IF ONLY ONE CANDIDATE IS DESIGNATED FOR AN OFFICE BY PETITION OR ASSEMBLY, THAT CANDIDATE SHALL BE THE CANDIDATE OF THE MINOR POLITICAL PARTY IN THE GENERAL ELECTION.

(e) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PREVENT ANY ELIGIBLE ELECTOR ASSOCIATED WITH A POLITICAL ORGANIZATION THAT DOES NOT QUALIFY AS A MINOR POLITICAL PARTY IN AN ELECTION FROM QUALIFYING FOR THE BALLOT BY PETITION AS AN UNAFFILIATED CANDIDATE UNDER SECTION 1-4-802.

(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 ~~one hundred twenty days before the general election~~ FOUR DAYS AFTER THE ASSEMBLY WAS HELD AT WHICH THE CANDIDATE WAS DESIGNATED. 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, the date on which the assembly was held at which the candidate was designated, 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 affiliation as shown on the registration books of the county clerk and recorder is prima facie evidence of party membership.

SECTION 13. 1-7-201 (1) and (2), Colorado Revised Statutes, are amended to read:

1-7-201. Voting at primary election. (1) Any registered elector who has declared ~~a major~~ AN AFFILIATION WITH A political party ~~affiliation~~ THAT IS PARTICIPATING IN A PRIMARY ELECTION 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 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~~ AN AFFILIATION WITH A political party ~~affiliation~~ THAT IS PARTICIPATING IN THE PRIMARY shall not be entitled to vote at the primary election.

SECTION 14. 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 22, 2003