

Proposed Initiative for 2016 ballot

## ELECTIONS FOR FEDERAL AND STATE OFFICE

Be it enacted by the People of the State of Colorado:

**SECTION 1. Statement of intent.** IT IS THE INTENT OF THIS INITIATIVE TO PERMIT POLITICAL PARTIES TO DETERMINE HOW TO NOMINATE CANDIDATES FOR PUBLIC OFFICE AND TO DO SO AT THEIR DISCRETION; TO CREATE A TWO-STAGE ELECTION SYSTEM IN WHICH ALL CANDIDATES FOR FEDERAL OR STATE OFFICES QUALIFY FOR THE BALLOT BY PARTY NOMINATION OR PETITION, COMPETE AGAINST EACH OTHER IN EACH STAGE REGARDLESS OF THEIR PARTY AFFILIATION OR NON-AFFILIATION, IN WHICH IN EACH STAGE EVERY REGISTERED VOTER CAN VOTE FOR ANY CANDIDATE ON THE BALLOT IN THEIR DISTRICT REGARDLESS OF THEIR DECLARED PARTY AFFILIATION OR NON-AFFILIATION, AND IN WHICH IN THE SECOND-STAGE VOTERS CAN VOTE FOR THEIR TOP THREE CHOICES AMONG THE CANDIDATES FOR EACH OFFICE, THE WINNER TO BE THE FIRST CANDIDATE IN A SERIES OF INSTANT RUNOFFS TO WIN AT LEAST 50 PERCENT OF THE VOTES; AND TO PROVIDE PUBLIC FUNDS TO POLITICAL PARTIES TO FINANCE THE COST OF THE NOMINATION SYSTEMS THEY ADOPT.

**SECTION 2.** In Colorado Revised Statutes, **repeal** 1-2-22 of article 2 of title 1, and **amend** 1-2-218.5 and 1-2-219 of article 2 of title 1 as follows:

**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 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.

**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 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 3.** In Colorado Revised Statutes, **repeal** part 1 of article 4 of title 1, and **enact** a new part 1 as follows:

**Part 1. First-round election.**

**1-4-101. Definition.** AS USED IN THIS PART 1, ARTICLE 4, TITLE 1, THE TERM ‘FIRST-ROUND ELECTION’ MEANS AN ELECTION HELD ON THE FIRST TUESDAY OF SEPTEMBER OF EVEN-NUMBERED YEARS TO DETERMINE WHICH CANDIDATES SHALL BE ENTITLED TO APPEAR ON THE BALLOT IN THE SUCCEEDING GENERAL ELECTION.

**1-4-102. Ballot access.** TO BE ENTITLED TO APPEAR ON THE FIRST-ROUND BALLOT, A CANDIDATE MUST:

(1) BE NOMINATED NO LESS THAN NINETY DAYS PRIOR TO THE FIRST-ROUND ELECTION BY A POLITICAL PARTY PURSUANT TO 1-4-104,

(2) BE AN INCUMBENT SEEKING RE-ELECTION TO THE OFFICE AND NOTIFY THE SECRETARY OF STATE NO LESS THAN NINETY DAYS PRIOR TO THE FIRST-ROUND BALLOTING OF THEIR INTENTION TO SEEK RE-ELECTION, OR

(3) HAVE SUBMITTED A PETITION MEETING THE REQUIREMENTS OF SECTION 1-4-103.

**1-4-103. Petitions.** (1) THE SECRETARY OF STATE SHALL MAKE AVAILABLE PETITIONS TO CANDIDATES SEEKING TO QUALIFY FOR PLACEMENT ON THE FIRST-ROUND BALLOT IN A MANNER AND FORM PRESCRIBED BY THE SECRETARY NO LATER THAN JANUARY 15 IN EVERY EVEN-NUMBERED YEAR.

(2) THE SECRETARY OF STATE SHALL CREATE, MAINTAIN AND OPERATE AS PART OF THE STATEWIDE VOTER REGISTRATION SYSTEM CREATED IN SECTION 1-2-301 A SECTION OF THE SYSTEM ON THE WORLD WIDE WEB AT WHICH REGISTERED VOTERS SHALL BE ABLE TO ENTER THE SITE WITH USER NAMES, PASSWORDS AND SECURITY QUESTIONS THEY CREATE AND ANSWER, AND GAIN ACCESS TO A LIST OF ALL THE CANDIDATES IN THEIR DISTRICT CIRCULATING PETITIONS, AND ELECTRONICALLY SIGN THE PETITIONS THEY WISH TO SIGN. THE SECRETARY SHALL ISSUE PERIODIC REPORTS ON THE NUMBER OF SIGNATURES SO COLLECTED, SHALL SEND EMAILS TO REGISTERED VOTERS WHO SUBMIT THEIR EMAIL ADDRESSES TO THE SITE, PROVIDING THEM WITH A LINK FROM WHICH THEY CAN ENTER THE SITE. THE SECRETARY SHALL ADD THE SIGNATURES SO COLLECTED TO THE SIGNATURES CANDIDATES SUBMIT FOR QUALIFICATION FOR FIRST-ROUND BALLOT PLACEMENT. THIS ONLINE SYSTEM FOR SIGNING PETITIONS SHALL BE OPERATIONAL NO LATER THAN JANUARY 1, 2018.

(3) PETITIONS SHALL:

(a) INDICATE THE NAME AND ADDRESS OF ANY CANDIDATE FOR THE OFFICE TO BE FILLED, AND:

(I) THE CANDIDATE’S PARTY AFFILIATION IF AS OF JANUARY 1 OF THAT YEAR, OR

(II). THE DESIGNATION “UNAFFILIATED.”

(b) CONTAIN ONLY THE NAME OF ONE CANDIDATE FOR ONE OFFICE, EXCEPT THAT ANY PETITION FOR A CANDIDATE FOR PRESIDENT OF THE UNITED STATES SHALL ALSO INCLUDE A CANDIDATE FOR VICE PRESIDENT, AND A CANDIDATE FOR GOVERNOR SHALL ALSO INCLUDE A CANDIDATE FOR LIEUTENANT GOVERNOR, AND TOGETHER THEY SHALL BE CONSIDERED JOINT CANDIDATES AT THE GENERAL ELECTION.

(c) SELECTION OF A PARTYAFFILIATION BY A CANDIDATE ON THEIR PETITIONS SHALL NOT CONSTITUTE OR IMPLY ENDORSEMENT OF THE CANDIDATE BY THE PARTY, AND NO CANDIDATE FOR THAT OFFICE SHALL BE DEEMED A NOMINATED CANDIDATE OF ANY PARTY BY THEIR PARTY AFFILIATION ON THE PETITIONS THEY CIRCULATE.

(D) ANY CANDIDATE FOR PRESIDENT OF THE UNITED STATES SHALL SUBMIT THE NAMES OF REGISTERED ELECTORS WHO ARE THUS NOMINATED AS PRESIDENTIAL ELECTORS.

(4). PETITIONS MAY BE SIGNED BY REGISTERED VOTERS RESIDING WITHIN THE STATE OR DISTRICT FROM WHICH THE OFFICER IS TO BE ELECTED.

(5) IN ORDER TO OBTAIN PLACEMENT ON THE FIRST-ROUND BALLOT, PETITIONS MUST BE SIGNED BY A REQUISITE NUMBER OF ELIGIBLE VOTERS, AS FOLLOWS:

(a) AT LEAST FIVE THOUSAND FOR THE OFFICE OF PRESIDENT AND VICE PRESIDENT;

(b) THE LESSER OF ONE THOUSAND OR TWO PERCENT OF THE VOTES CAST FOR ALL CANDIDATES FOR THAT OFFICE IN THE MOST RECENT GENERAL ELECTION FOR ANY STATEWIDE OFFICE;

(c) THE LESSER OF EIGHT HUNDRED OR TWO PERCENT OF THE VOTES CAST IN THE CONGRESSIONAL DISTRICT IN THE MOST RECENT GENERAL ELECTION FOR THE OFFICE OF MEMBER OF THE UNITED STATES HOUSE OF REPRESENTATIVES, MEMBER OF THE STATE BOARD OF EDUCATION FOR A CONGRESSIONAL DISTRICT, OR MEMBER OF THE BOARD OF REGENTS OF THE UNIVERSITY OF COLORADO FOR A CONGRESSIONAL DISTRICT;

(d) THE LESSER OF SIX HUNDRED OR TWO PERCENT OF THE VOTES CAST IN THE SENATE DISTRICT IN THE MOST RECENT GENERAL ELECTION FOR THE OFFICE OF MEMBER OF THE STATE SENATE;

(e) THE LESSER OF FOUR HUNDRED OR TWO PERCENT OF VOTES CAST IN THE HOUSE DISTRICT IN THE MOST RECENT GENERAL ELECTION FOR THE OFFICE OF MEMBER OF THE STATE HOUSE OF REPRESENTATIVES;

(f) THE LESSER OF SIX HUNDRED FIFTY OR TWO PERCENT OF THE VOTES CAST IN THE DISTRICT IN THE MOST RECENT GENERAL ELECTION FOR THE OFFICE OF DISTRICT ATTORNEY.

(6) CANDIDATES SEEKING PLACEMENT ON THE FIRST-ROUND BALLOT SHALL SUBMIT PETITIONS NO LATER THAN NINETY DAYS PRIOR TO THE FIRST-ROUND ELECTION.

(7) THE SECRETARY OF STATE SHALL DETERMINE WHETHER THE PETITIONS SUBMITTED, IN COMBINATION WITH THE SIGNATURES COLLECTED ONLINE, MEET THE NUMBER SPECIFIED IN 1-4-103 (5), AND, IN THE EVENT DETERMINES THAT THE NUMBER OF SIGNATURES IS INSUFFICIENT, SHALL NOTIFY THE CANDIDATE NO LESS THAN FIFTEEN DAYS AFTER THE PETITIONS ARE SUBMITTED OF THE AMOUNT OF DEFICIENCY AND THAT THEY HAVE AN ADDITIONAL FIFTEEN DAYS TO COLLECT THE ADDITIONAL SIGNATURES REQUIRED. UPON THE SUBMISSION OF ANY ADDITIONAL SIGNATURES, THE SECRETARY SHALL THEN DETERMINE ANEW WHETHER THE REQUIRED NUMBER OF SIGNATURES HAS BEEN SUBMITTED OR OBTAINED ONLINE.

**1-4-104. Political party nominations.** (1) EACH POLITICAL PARTY CERTIFIED AS SUCH BY THE SECRETARY OF STATE IN COMPLIANCE WITH SECTIONS 1-1-104 (22) OR PART 13 OF ARTICLE 4 MAY:

(a) ESTABLISH SUCH PROCEDURES AS THEY SEE FIT TO DETERMINE WHICH PARTY MEMBERS TO NOMINATE.

(b) NOMINATE ONE OR TWO PARTY MEMBERS FOR EACH OFFICE BY NOTIFYING THE SECRETARY OF STATE OF THE NOMINATION (S) NO LATER THAN NINETY CALENDAR DAYS PRIOR TO THE FIRST-ROUND ELECTION.

(c) WITH RESPECT TO CANDIDATES NOMINATED FOR THE OFFICES OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES, IN THE EVENT CANDIDATES SO NOMINATED DO NOT SUBSEQUENTLY SECURE THE NOMINATION AT THE NATIONAL CONVENTION OF THAT PARTY'S NATIONAL AFFILIATE, THE PARTIES MAY WITHDRAW THE CANDIDATE THE PARTY HAD NOMINATED AND NOMINATE THE CANDIDATE NOMINATED BY THE NATIONAL PARTY AT THE NATIONAL CONVENTION, UP TO THIRTY DAYS PRIOR TO THE FIRST-ROUND ELECTION.

**1-4-105. Form of ballot.** FOR EACH CANDIDATE ON THE BALLOT, THE BALLOT SHALL LIST:

- (1) THE CANDIDATE'S NAME;
- (2) THE CANDIDATE'S HOMETOWN, AS DETERMINED BY ZIP CODE OF LEGAL RESIDENCE;
- (3) THE NOMINATING POLITICAL PARTY, IF THE CANDIDATE WAS NOMINATED BY A POLITICAL PARTY, DESIGNATED BY THE WORDS "NOMINATED BY";
- (4) THE POLITICAL PARTY AFFILIATION OR THE DESIGNATION 'UNAFFILIATED,' BASED ON THE CANDIDATE'S VOTER REGISTRATION AS OF JANUARY 1.

**1-4-106. Order on ballot.** THE SECRETARY SHALL DETERMINE THE ORDER IN WHICH THE CANDIDATES FOR THE SAME OFFICE APPEAR ON THE BALLOT BY RANDOM SELECTION.

**1-4-107. Write-In candidates.** THE SECRETARY SHALL PROVIDE FOR PLACEMENT ON THE BALLOT A PROVISION THROUGH WHICH VOTERS CAN WRITE-IN UP TO TWO CANDIDATES FOR EACH OFFICE ON THE BALLOT.

**1-4-108. Who may vote.** ANY REGISTERED VOTER IS ELIGIBLE TO VOTE FOR ANY CANDIDATE ON THE BALLOT IN THEIR DISTRICT REGARDLESS OF HOW THE CANDIDATE SECURED BALLOT STATUS AND REGARDLESS OF THE VOTER'S PARTY AFFILIATION OR NON-AFFILIATION.

**1-4-109. Joint local elections.** COUNTIES MAY HOLD COUNTY, MUNICIPAL, SCHOOL DISTRICT AND SPECIAL DISTRICT ELECTIONS IN CONJUNCTION WITH THE FIRST-ROUND ELECTION, AND COUNTY CLERKS ARE AUTHORIZED TO HOLD SUCH COORDINATED ELECTIONS.

**SECTION 4.** In Colorado Revised Statutes, **amend** part 2 of article 4 of title 1 by **adding** four sections as follows:

**1-4-207. Candidates on the ballot.** (1) ANY CANDIDATE FOR THE OFFICE OF MEMBER OF THE UNITED STATES SENATE, A MEMBER OF THE UNITED STATES HOUSE OF REPRESENTATIVE, OR ANY STATE OFFICE WHO RECEIVED MORE THAN FIFTY PERCENT OF THE VOTES CAST IN THE FIRST-ROUND ELECTION SHALL BE THE ONLY CANDIDATE FOR THAT OFFICE ON THE BALLOT.

(2) IN CONTESTS FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES, AND IN ALL CONTESTS IN WHICH NO CANDIDATE RECEIVED MORE THAN 50 PERCENT OF THE VOTES IN THE FIRST-ROUND ELECTION, THE FOUR CANDIDATES WITH THE HIGHEST NUMBER OF VOTES IN THE FIRST-ROUND ELECTION AND ALL OTHER CANDIDATES WITH AT LEAST THREE PERCENT OF THE VOTES CAST IN THE FIRST-ROUND ELECTION SHALL BE ON THE BALLOT.

(3) IN ALL CONTESTS, THE BALLOT SHALL PROVIDE FOR THE CASTING OF UP TO TWO WRITE-IN VOTES FOR EACH OFFICE ON THE BALLOT.

**1-4-208. Ballot information.** THE BALLOT SHALL LIST FOR EACH CANDIDATE THE SAME INFORMATION FOR THAT CANDIDATE THAT APPEARED ON THE FIRST-ROUND ELECTION BALLOT, EXCEPT THAT NO LESS THAN 45 DAYS PRIOR TO THE ELECTION A PARTY MAY, ON A VOTE OF A MAJORITY OF THE MEMBERS OF ITS CENTRAL COMMITTEE, NOTIFY THE SECRETARY OF STATE THAT IT WITHDRAWS THE NOMINATION OF ANY CANDIDATE ON THE BALLOT, AND ENDORSE ANY CANDIDATE FROM THAT PARTY ON THE BALLOT. IN THE EVENT THE SECRETARY IS SO NOTIFIED, THE SECRETARY SHALL AMEND THE BALLOT DESIGNATIONS OF THESE CANDIDATES ACCORDINGLY, AND SHALL LIST ANY CANDIDATE SO ENDORSED WITH THE DESCRIPTION 'ENDORSED BY.'

**1-4-209. Order of candidates on ballot.** QUALIFYING CANDIDATES SHALL BE LISTED ON THE BALLOT IN THE SAME ORDER THEY APPEARED ON THE FIRST-ROUND BALLOT.

**1-4-210. Instant runoff voting.** THE ELECTION SHALL BE CONDUCTED BY THE RANKED VOTING METHOD 'INSTANT RUNOFF VOTING,' OFFERED AS A LOCAL OPTION IN 1-7-1003 (3). AS USED IN THIS SECTION FOR FEDERAL AND STATE ELECTIONS, THE FOLLOWING TERMS AND PROCEDURES SHALL APPLY:

- (1) "INSTANT RUNOFF VOTING" MEANS A METHOD OF CASTING AND TABULATING VOTES WHEREBY VOTERS CAN RANK CANDIDATES ACCORDING TO THE ORDER OF THEIR PREFERENCE, AND COUNTING PROCEEDS IN ROUNDS.
- (2) THE BALLOT SHALL ALLOW VOTERS TO RANK UP TO THREE CANDIDATES FOR EACH OFFICE, IN ORDER OF PREFERENCE.
- (3) THE BALLOTS SHALL BE COUNTED IN ROUNDS UNTIL TWO CANDIDATES REMAIN. THE CANDIDATE HAVING THE LARGEST NUMBER OF VOTES SHALL BE DECLARED THE WINNER.
- (4) IN EACH ROUND OF COUNTING BALLOTS, EACH BALLOT SHALL BE COUNTED AS A VOTE FOR THE REMAINING CANDIDATE RANKED HIGHEST BY THE VOTER, AND THE CANDIDATE WITH THE SMALLEST NUMBER OF VOTES SHALL BE ELIMINATED.
- (5) IF TWO OR MORE CANDIDATES TIE FOR THE SMALLEST NUMBER OF VOTES, THE CANDIDATE TO ELIMINATE SHALL BE CHOSEN BY LOT.
- (6) AN EXPLANATION OF RANKED VOTING AND INSTRUCTIONS FOR ELECTORS IN THE FORM APPROVED BY THE SECRETARY OF STATE BY RULE SHALL BE POSTED AT EACH POLLING LOCATION AND INCLUDED WITH EACH MAILED BALLOT.
- (7) THE ELECTION JUDGES SHALL NOT COUNT VOTES AT THE POLLING LOCATION BUT SHALL DELIVER ALL BALLOTS CAST IN THE ELECTION TO THE DESIGNATED ELECTION OFFICIAL, WHICH SHALL COUNT THE VOTES IN ACCORDANCE WITH THIS SECTION AND THE RULES ADOPTED BY THE SECRETARY OF STATE PURSUANT TO SECTION 1-7-1004 (1).
- (8) FOR ALL STATUTORY AND CONSTITUTIONAL PROVISIONS IN THE STATE PERTAINING TO THE RIGHTS OF POLITICAL PARTIES, THE NUMBER OF VOTES CAST FOR A PARTY'S CANDIDATE FOR AN OFFICE ELECTED BY RANKED VOTING METHOD IS THE NUMBER OF VOTES THAT CANDIDATE RECEIVES IN THE INITIAL ROUND OF COUNTING.

**SECTION 5.** In Colorado Revised Statutes, **repeal** 1-4-303, 1-4-502 (1), part 6, part 8, part 10, and (1.5) (2) (3) (4) and (5) of part 13 of article 4 of title 1, and amend **part** 11 as follows:

**1-4-1102. Time of filing affidavit**

- (1) Except as provided in subsection (2) of this section, the affidavit of intent shall be filed by the close of business ~~on the sixty-seventh day before a primary election and by the close of business on the one hundred tenth day before any other election.~~ NINETY DAYS PRIOR TO FIRST-ROUND ELECTION.

**SECTION 6.** In Colorado Revised Statutes, **repeal** 1-5-102.9 (3) (e) of part 1, (1) (h) and (n) of 1-5-615 of article 5 of title 1, and **amend** parts 2, 3, 4 and 6 of article 5 of title 1 as follows:

**1-5-203. Certification of ballot**

- (1) (a) No later than sixty days before ~~any primary election~~ THE FIRST-ROUND ELECTION, and no later than ~~fifty-seven~~ FORTY-FIVE days before any general or odd-year November election or congressional vacancy election, the secretary of state shall deliver by electronic transmission and registered mail to the county clerk and recorder of each county a certificate in writing of the ballot order and content for each county, as follows:

(I) For general elections, the certificate shall specify the national and state officers and the district officers of state concern for whom some or all of the eligible electors of the county are entitled to cast ballots at the general election. The certificate shall include the name and party or other designation of each candidate for whom some or all of the eligible electors of the county are entitled to cast ballots and for whom a petition or certificate of nomination has been filed with the secretary of state, the name and party of each candidate ~~nominated at the primary election~~ QUALIFIED BY THE RESULTS OF THE FIRST-ROUND ELECTION PURSUANT TO 1-4-207 for a national or state office or a district office of state concern, and the order of the ballot and the ballot content for the election. With regard to the election of members to the general assembly, the notice shall also specify the district number and the names of the members whose terms of office will expire.

~~(II) For primary elections, the certificate shall specify the offices for which nominations are to be made. The notice shall include a certified list of persons for whom certificates of designation or petitions have been filed with the secretary of state and the office for which each person is a candidate, together with the other details mentioned in the certificates of designation or petitions, and the order of the ballot for the primary election.~~

(III) For any election at which one or more ballot issues or ballot questions are to be submitted to the eligible electors of the entire state, the secretary of state shall certify the order of ballot and ballot content with respect to such ballot issues or ballot questions to the county clerk and recorder of each county of the state.

(b) The secretary of state shall be solely responsible for the accuracy of the information contained in the certificate.

(2) (Deleted by amendment, L. 2002, p. 1626, § 4, effective June 7, 2002.)

(3) (a) No later than sixty days before ~~any~~ THE FIRST-ROUND ELECTION AND FORTY-FIVE DAYS BEFORE THE GENERAL AND ANY OTHER election, the designated election official of each political subdivision that intends to conduct an election shall certify the order of the ballot and ballot content. Such certification shall be delivered to the county clerk and recorder of each county that has territory within the political subdivision if the election is coordinated with the clerk and recorder. The order of the ballot and ballot content shall include the name and office of each candidate for whom a petition has been filed with the designated election official and any ballot issues or ballot questions to be submitted to the eligible electors.

### **Part 3. Registration Books**

**1-5-302. Computer lists may be used in lieu of original registration records** For the purposes of all elections, the county clerk and recorder may substitute and supply computer lists of registered electors within the political subdivision for the original registration record. Following a ~~primary~~ FIRST-ROUND, general, or congressional vacancy election, the county clerk and recorder shall record the date of election ~~and, if a primary election,~~ the party ballot received on the registered elector's original registration record retained and stored as provided in section 1-1-104 (36).

### **Part 4. Ballots**

**1-5-402. ~~Primary Election~~ First-Round Ballots** (1) No later than thirty-two days before the ~~primary election~~ FIRST-ROUND ELECTION, the county clerk and recorder shall prepare a ~~separate ballot for each political party~~. The ballots shall be printed in the following manner:

~~(a) All official ballots shall be printed according to the provisions of sections 1-5-407 and 1-5-408; except that across the top of each ballot shall be printed the name of the political party for which the ballot is to be used.~~

~~(b)~~ (a) The positions on the ballot shall be arranged as follows: First, candidates for United States senator; next, congressional candidates; next, state candidates; next, legislative candidates; next, district attorney candidates; next, other candidates for district offices greater than a county office; next, candidates for county commissioners; next, county clerk and recorder candidates; next, county treasurer candidates; next, county assessor candidates; next, county sheriff candidates; next, county surveyor candidates; and next, county coroner candidates. When other offices are to be filled at the coming general election, the county clerk and recorder, in preparing the ~~primary~~ FIRST-ROUND ballot, shall use substantially the form prescribed by this section, stating the proper designation of the office and placing the names of the candidates for the office under the name of the office.

### **Part 6. Authorization And Use Of Voting Machines And Electronic Voting Systems**

**1-5-611. Requirements - non-punch card electronic voting systems** (1) No non-punch card electronic voting system shall be purchased, leased, or used unless it fulfills the following requirements:

(G) IT IS CAPABLE OF PERMITTING VOTING AND TABULATING THE RESULTS IN THE FORM OF VOTING AND TABULATING VOTES SPECIFIED IN 1-4-210.

**1-5-615. Electronic and electromechanical voting systems – requirements** (1) The secretary of state shall not certify any electronic or electromechanical voting system unless such system:

(q). IS CAPABLE OF PERMITTING AND TABULATING THE RESULTS IN THE FORM OF VOTING AND TABULATING VOTES SPECIFIED IN 1-4-210.

**SECTION 7.** In Colorado Revised Statutes, **repeal** 1-7-105, part 2, and 1-7-407 of article 7 of title 1.

**SECTION 8.** In Colorado Revised Statutes, **repeal** (3) and (4) of part 1 of article 11, and **amend** articles 7.5, 8.3, 8.5, 10, 10.5 and 11 of title 1 as follows:

**Part 1. Mail Ballot Elections**

**1-7.5-107. Procedures for conducting mail ballot election - ~~primary elections~~ FIRST-ROUND ELECTION- first-time voters casting a mail ballot after having registered by mail to vote - in-person request for ballot**

~~(2.3) (a) Not less than thirty days nor more than forty five days before a primary election FIRST ROUND ELECTION, the county clerk and recorder shall mail a notice by forwardable mail to each unaffiliated active registered eligible elector.~~

~~(b) The notice shall indicate that the unaffiliated elector has the ability to and must affiliate with a political party in order to vote in the primary election.~~

(2.5) (a) (I) No later than twenty days before a general, ~~primary~~ FIRST-ROUND, or other mail ballot election, the county clerk and recorder or designated election official shall provide notice by publication of a mail ballot election conducted pursuant to the provisions of this article, which notice shall state, as applicable for the particular election for which the notice is provided, the items set forth in section 1-5-205 (1) (a) to (1) (c).

~~(II) For a primary mail ballot election, in addition to the items described in the notice required by subparagraph (I) of this paragraph (a), such notice shall advise eligible electors who are not affiliated with a political party of the ability to declare an affiliation with a political party and vote in the primary election.~~

**1-7.5-116. Applications for absentee ballot**

(1) (a) An application for an absentee ballot must be made in writing, by electronic mail, or by fax, using the application form furnished by the designated election official or in the form of a letter that includes the applicant's printed name, signature, residence address, mailing address if the applicant wishes to receive the mail-in ballot by mail, and date of birth.

(b) If the application is made for a ~~primary election~~ FIRST-ROUND ballot, the application shall name the political party with which the applicant is affiliated or wishes to affiliate.

**Article 8.3. Uniform Military And Overseas Voters Act**

**1-8.3-103. Elections covered** (1) The voting procedures in this article apply to:

- (a) A general, congressional vacancy, or ~~primary election~~ FIRST-ROUND ELECTION for federal office;
- (b) A general, recall, or ~~primary election~~ FIRST-ROUND ELECTION for statewide or state legislative office or state ballot measure; and
- (c) Any other election coordinated by the county clerk and recorder.

**1-8.3-109. Timeliness and scope of application for ballot** An application for a ballot is timely if received by the designated election official no later than the close of business on the Friday immediately preceding the election; except that, if the applicant wishes to receive the ballot by mail, the application shall be received no later than the close of business on the seventh day before the election. An application for a ballot for a ~~primary election~~ FIRST-ROUND ELECTION, whether or not timely, is effective as an application for a ballot for the general election.

**1-8.3-115. Use of voter's electronic-mail address** (1) The local election official shall request an electronic-mail address from each covered voter who registers to vote after May 13, 2011. An electronic-

mail address provided by a covered voter shall not be made available to the public or any individual or organization other than an authorized agent of the local election official and is exempt from disclosure under article 72 of title 24, C.R.S. The address may be used only for official communication with the voter about the voting process, including transmitting ballots and election materials if the voter has requested electronic transmission, and verifying the voter's mailing address and physical location. The request for an electronic-mail address shall describe the purposes for which the electronic-mail address may be used and include a statement that any other use or disclosure of the electronic-mail address is prohibited.

(2) Unless a covered voter applies to be a permanent mail-in voter pursuant to section 1-8-104.5, the covered voter who provides an electronic-mail address may request that the voter's application for a military-overseas ballot be considered a standing request for electronic delivery of a ballot for all elections held through December 31 of the year following the calendar year of the date of the application or another shorter period the voter specifies. An election official shall provide a military-overseas ballot to a voter who makes a standing request for each election to which the request is applicable. A covered voter who is entitled to receive a ballot for ~~a primary election~~ THE FIRST-ROUND ELECTION under this subsection (2) is entitled to receive a ballot for the general election.

#### **Article 8.5. Provisional Ballots**

##### **1-8.5-105. Verification of provisional ballot information - counting procedure**

(5) The designated election official shall complete the verification and counting of all provisional ballots within ten days after ~~a primary election~~ THE FIRST-ROUND ELECTION and within fourteen days after a general, odd-year, or coordinated election. The designated election official shall count all regular ballots cast in an election before counting any provisional ballots.

#### **Article 10. Survey Of Returns**

##### **Part 1. Survey Of Returns - Partisan Elections**

**1-10-102. Official abstract of votes cast – certification.** (1) No later than the ~~thirteenth~~ TENTH day after ~~a primary election~~ THE FIRST-ROUND ELECTION and no later than the seventeenth day after any other election coordinated by the county clerk and recorder, the canvass board shall complete its duties.

**1-10-103. Transmitting returns to the secretary of state - total of results** (1) Immediately after the official abstract of votes cast has been certified and no later than the thirteenth day after ~~a primary election~~ THE FIRST-ROUND ELECTION and the eighteenth day after a general election, the county clerk and recorder shall transmit to the secretary of state the portion of the abstract of votes cast that contains the statewide abstract of votes cast.

(2) No later than the ~~twentieth~~ THIRTEENTH day after ~~a primary election~~ THE FIRST-ROUND ELECTION and no later than the thirtieth day after any other election, the secretary of state shall compile and total the returns received from all counties for all candidates, ballot issues, and ballot questions certified by the secretary of state, determine if a recount of any office, ballot issue, or ballot question is necessary, and order the appropriate recounts, if any.

#### **Article 10.5. Recounts**

##### **1-10.5-102. Recounts for congressional, state, and district offices, state ballot questions, and state ballot issues**

(1) If the secretary of state determines that a recount is required for the office of United States senator, representative in congress, any state office or district office of state concern, any state ballot question, or any state ballot issue certified for the ballot by the secretary of state, the secretary of state shall order a complete recount of all the votes cast for that office, state ballot question, or state ballot issue no later than THE TENTH DAY AFTER THE FIRST-ROUND ELECTION AND the thirtieth day after ~~the~~ ANY OTHER election.

**1-10.5-103. Recount for other offices, ballot issues, and ballot questions in an election coordinated by county clerk and recorder** In any election coordinated by the county clerk and recorder, if it appears, as evidenced by the official abstract of votes cast, that a recount is required for any office, ballot question, or ballot issue not included in section 1-10.5-102, the county clerk and recorder shall order a recount of the votes cast for the office, ballot question, or ballot issue. Any recount of the votes shall be completed no later than the thirtieth day after the

election. A political subdivision that referred a ballot issue or ballot question to the electors may waive the automatic recount provisions of this section if the ballot issue or ballot question fails by giving written notice to the county clerk and recorder within fourteen days after the ~~primary election~~ FIRST-ROUND ELECTION or eighteen days after any other election.

## **Article 11. Certificates Of Election And Election Contests**

### **Part 1. Tie Votes And Certificates Of Election**

**1-11-104. Certificates of election for county and precinct officers** Except in the case of offices for which a recount is required, immediately after the final abstract of votes cast for county and precinct officers has been prepared and certified, the county clerk and recorder shall make a certificate of election, ~~or a certificate of nomination in the case of a primary election,~~ for each person declared to be elected ~~or nominated~~ to each office and shall deliver the certificates to that person.

### **PART 2. Election contests**

#### **1-11-203. Contests arising out of ~~primary elections~~ THE FIRST-ROUND ELECTION**

- (1) All election contests arising out of ~~a primary election~~ THE FIRST-ROUND ELECTION, except contests for national or state offices, shall be summarily adjudicated by the district court sitting for the political subdivision within which a contest arises. The court which first acquires jurisdiction of any contest shall have original jurisdiction, subject to appellate review as provided by law and the Colorado appellate rules. In all cases involving contests for state offices, the supreme court shall take original jurisdiction for the purpose of summarily adjudicating any contest.

**SECTION 9.** In Colorado Revised Statutes, **amend** sections 103.7 and 108 of article 45 of title 1 as follows:

#### **1-45-103.7. Contribution limits - treatment of independent expenditure committees - contributions from limited liability companies - definitions - voter instructions on spending limits**

(3) A candidate committee may accept:

- (a) The aggregate contribution limit specified in section 3 (1) of article XXVIII of the state constitution for a ~~primary~~ FIRST-ROUND election at any time after the date of the ~~primary~~ FIRST-ROUND election in which the candidate in whose name the candidate committee is accepting contributions is on the ~~primary~~ FIRST-ROUND election ballot; or
- (b) The aggregate contribution limit specified in section 3 (1) of article XXVIII of the state constitution for a general election at any time prior to the date of the ~~primary~~ FIRST-ROUND election in which the candidate in whose name the candidate committee is accepting contributions is on the ~~primary~~ FIRST-ROUND election ballot.
- (4) A candidate committee may expend contributions received and accepted for a general election prior to the date of the ~~primary~~ FIRST-ROUND election in which the candidate in whose name the candidate committee is accepting contributions is on the ~~primary~~ FIRST-ROUND election ballot. A candidate committee established in the name of a candidate who wins the ~~primary~~ FIRST-ROUND election may expend contributions received and accepted for a ~~primary~~ FIRST-ROUND election in the general election.

#### **1-45-108. Disclosure - definition**

- (2) (a) (I) Except as provided in subsections (2.5), (2.7), and (6) of this section, such reports that are required to be filed with the secretary of state shall be filed:
- (B) On the first Monday in May and on each Monday every two weeks thereafter before the ~~primary~~ FIRST-ROUND election;
- (II) Such reports that are required to be filed with the municipal clerk and such reports required to be filed pursuant to section 1-45-109 (1) (a) (II) and (1) (c) shall be filed on the twenty-first day and on the Friday before and thirty days after the ~~primary~~ FIRST-ROUND election, where applicable, and the major election in election years and annually in off-election years on the first day of the month in which the anniversary of the major election occurs.
- (2.5) In addition to any report required to be filed with the secretary of state or municipal clerk under this section, all candidate committees, political committees, issue committees, and political parties shall file a report with the secretary of state of any contribution of one thousand dollars or more at any time within thirty days preceding the

date of the ~~primary~~ FIRST-ROUND election or general election. This report shall be filed with the secretary of state no later than twenty-four hours after receipt of said contribution.

**SECTION 10.** In Colorado Revised Statutes, **amend** part 3 of article 2 of title 2 as follows:

**Part 3. Organization - Operation**

**2-2-317. Expense, subsistence, and travel allowance**

(2) For purposes of this section, "legislative day" means any day during the legislative session, including legal holidays, ~~primary election days~~ FIRST-ROUND ELECTION, and Saturdays and Sundays.

**SECTION 11.** In Colorado Revised Statutes, **amend** part 2 of article 5 of title 29 as follows:

**Part 2. Collective Bargaining And Meet And Confer**

**29-5-203. Definitions as used in this part 2, unless the context otherwise requires:**

(11) "General election" means a general municipal election, regular special district board election, statewide ~~primary~~ FIRST-ROUND election, or statewide general election.

**SECTION 12. Funding.** (1) ON JANUARY 1 OF THE YEAR FOLLOWING THE EFFECTIVE DATE OF THIS STATUTE THE COLORADO DEPARTMENT OF REVENUE SHALL INCREASE THE RATES OF THE TAXES IMPOSED ON THE SALE OF SPIRITS, BEER, WINE, CIGARETTES AND TOBACCO PRODUCTS BY AMOUNTS SUFFICIENT TO GENERATE \$1.5 MILLION MORE IN REVENUES THAN DURING THE IMMEDIATE PRIOR FISCAL YEAR.

(2) ON JANUARY 1 OF EVEN-NUMBERED YEARS THE SECRETARY OF STATE SHALL PAY TO THE POLITICAL PARTIES REGISTERED PURSUANT TO – AND IN COMPLIANCE WITH - SECTIONS 1-1-104 (22) OR PART 13 OF ARTICLE 4, A SUM EQUIVALENT TO \$1 FOR EVERY REGISTERED ACTIVE VOTER AFFILIATED WITH THAT PARTY ON THAT DATE, AND ON JANUARY 1 OF EVERY EVEN-NUMBERED YEAR THEREAFTER SHALL INCREASE SUCH PAYMENT BY AN AMOUNT EQUIVALENT TO THE INCREASE OVER THE PRIOR TWO YEARS IN THE COLORADO CONSUMER PRICE INDEX.

(a) POLITICAL PARTIES RECEIVING THE FUNDS PROVIDED FOR IN SUBSECTION (2) SHALL USE THEM TO FINANCE THEIR NOMINATING CONTESTS, AND SHALL NO LATER THAN DECEMBER 31 OF EVERY EVEN-NUMBERED YEAR FILE WITH THE SECRETARY OF STATE A REPORT IDENTIFYING ON A FORM AND IN A FORMAT SET BY THE SECRETARY THEIR EXPENDITURE OF THESE FUNDS.

(3) ANY UNAFFILIATED CANDIDATE WHO CIRCULATES A PETITION SEEKING BALLOT ACCESS FOR THE FIRST-ROUND ELECTION MAY BY NO LATER THAN 60 DAYS PRIOR TO THE GENERAL ELECTION FILE A FINANCIAL AFFIDAVIT WITH THE SECRETARY OF STATE ITEMIZING ON A FORM AND IN A FORMAT SET BY THE SECRETARY THE EXPENSES THEY INCURRED IN OBTAINING SIGNATURES FOR THEIR BALLOT-ACCESS PETITIONS, AND THEREBY SEEK REIMBURSEMENT OF THOSE EXPENSES. THE SECRETARY SHALL ALLOCATE \$1 FOR EVERY REGISTERED ACTIVE UNAFFILIATED VOTER AS OF JANUARY 1 OF THAT YEAR AND INCREASE THAT AMOUNT EVERY EVEN NUMBERED YEAR BY A SUM EQUIVALENT TO THE INCREASE IN THE COLORADO CONSUMER PRICE INDEX OVER THE PREVIOUS TWO YEARS, DIVIDE THAT SUM BY THE NUMBER OF UNAFFILIATED CANDIDATES SEEKING REIMBURSEMENT FOR THEIR PETITION-CIRCULATION EXPENSES MULTIPLIED BY THE NUMBER OF SIGNATURES THEY COLLECTED, THEREBY DETERMINE THE 'PER-SIGNATURE' REIMBURSEMENT RATE, AND THEN REIMBURSE THE CANDIDATES FOR THESE EXPENSES ACCORDINGLY.

**SECTION 13. Self-Executing And Severable.** PROVISIONS OF THE CHANGES HEREBY ENACTED ARE SELF-EXECUTING AND SEVERABLE, AND SUPERSEDE CONFLICTING LAWS AND REGULATIONS. LAWS AND REGULATIONS MAY BE ENACTED TO FACILITATE THE IMPLEMENTATION OF THESE AMENDED SECTIONS.

**SECTION 14. Non-conforming amendments.** THE GENERAL ASSEMBLY SHALL ADOPT A BILL MAKING ANY NON-CONFORMING AMENDMENTS IT DEEMS NECESSARY TO CORRECT INCONSISTENCIES IN TECHNICAL LANGUAGE NOT ADDRESSED IN THE INITIATIVE BETWEEN THIS INITIATIVE AND EXISTING STATUTES.

**SECTION 15. Effective Date.** THESE AMENDED SECTIONS SHALL BECOME EFFECTIVE UPON OFFICIAL DECLARATION OF THE VOTE HEREON BY PROCLAMATION OF THE GOVERNOR PURSUANT TO SECTION 1 (4) OF ARTICLE V.