

Proposition 108
Unaffiliated Voter Participation in Primary Elections

1 **Proposition 108 proposes amending the Colorado statutes to:**

- 2 ◆ change the primary election process in Colorado to allow unaffiliated
3 voters to vote in a nonpresidential primary election of a single political
4 party; and
- 5 ◆ allow political parties to opt out of holding a primary election and instead
6 choose to nominate candidates by assembly or convention.

7 **Summary and Analysis**

8 **Background.** Under current law, a voter must be affiliated with a political party in
9 order to vote in that party's primary election. Unaffiliated voters, sometimes referred
10 to as independent voters, are not registered members of any political party. An
11 unaffiliated voter may affiliate with a political party at any point up to, and including
12 election day, and be eligible under current law to participate in a party's primary
13 election. In Colorado, primary elections to select party nominees for state, county,
14 and federal offices other than president (nonpresidential primaries) are held on the
15 last Tuesday in June in even-numbered years. These primary elections are conducted
16 by county election officials at a cost of about \$5.0 million every two years.

17 **Primary election process open to unaffiliated voters.** Under Proposition 108,
18 voters will no longer be required to affiliate with a political party in order to vote in a
19 party's nonpresidential primary election. Instead, unaffiliated voters will receive a
20 combined ballot that shows all candidates for elected office for each political party.
21 The combined ballot must clearly separate candidates for each political party, and
22 unaffiliated voters may only vote in contests for one political party. If a voter selects
23 candidates of more than one political party on the combined ballot, his or her ballot will
24 not be counted. In counties that determine that a combined ballot is not practical,
25 unaffiliated voters will receive separate ballots for all major political parties
26 participating in the primary election and may return the ballot for one party.

27 **Option for closed party nominations.** The measure allows political parties,
28 which are private organizations, to opt out of holding a primary election that is open to
29 unaffiliated voters. Instead, they may choose to nominate candidates in an assembly
30 or convention that is limited to voters affiliated with that party. The decision to opt out
31 of holding a primary election must be made by the party's state central committee by a
32 three-fourths majority vote.

1 **Impact on minor parties.** Under current law, the Democratic and Republican
2 Parties, having met certain vote thresholds in prior elections, are classified as major
3 parties; all other parties, such as the American Constitution Party, the Green Party,
4 and the Libertarian Party, are classified as minor parties. Under Proposition 108,
5 minor parties participating in the primary election will be included on the combined
6 ballot sent to unaffiliated voters. However, a minor party may opt to exclude
7 unaffiliated voters from participating in its primary election. In such cases, only voters
8 affiliated with the minor party will receive that party's primary election ballot. The
9 provision allowing the exclusion of unaffiliated voters only applies to minor parties.

*For information on those issue committees that support or oppose the measures on the ballot at the **November 8, 2016**, election, go to the Colorado Secretary of State's elections center web site hyperlink for ballot and initiative information:*

<http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html>

9 **Arguments For**

10 1) Proposition 108 gives unaffiliated voters, who are Colorado taxpayers, the
11 opportunity to vote in publicly financed primary elections. Unaffiliated voters make up
12 more than one-third of all registered voters in the state. Proposition 108 gives
13 unaffiliated voters a role in selecting candidates for the general election and makes
14 voting in primary elections easier and more accessible for these voters.

15 2) Allowing unaffiliated voters to participate in primary elections may result in
16 candidates who better represent all Coloradans. In a closed primary, voter
17 participation is typically low and the candidates selected often appeal to a small
18 number of their party's more active members. Opening the primary election may
19 result in candidates who are more responsive to a broader range of interests.

20 **Arguments Against**

21 1) Proposition 108 uses a combined ballot system for unaffiliated voters that will
22 likely result in about 7 percent of unaffiliated voter ballots not being counted, which
23 could change election winners, and would raise costs for taxpayers. On a combined
24 ballot, unaffiliated voters must vote for only one party's candidates. People who vote
25 for candidates in both parties will have their ballots disqualified, and their ballots will
26 not be counted. In Washington state, where combined ballots are used, 7 percent of
27 ballots are disqualified. This can change election results, and may result in contested
28 elections and litigation. Producing and processing a separate combined ballot only for
29 unaffiliated voters creates administrative and financial burdens for counties, especially
30 smaller or rural counties.

9 2) Colorado law already allows unaffiliated voters who wish to vote in a political
10 party's primary election to easily change their party affiliation at any point during the
11 election, up to and including on election day. Political parties are membership
12 organizations that have the right to select their own candidates without influence from
13 people who choose not to affiliate with the party.

1 **Estimate of Fiscal Impact**

2 **State government spending.** Proposition 108 increases state spending by
3 \$160,000, with costs split evenly between budget year 2016-17 and
4 budget year 2017-18. This is a one-time cost for the Secretary of State's Office to
5 make information technology system modifications to the statewide voter database
6 and other voting systems.

7 **Local government spending.** Proposition 108 increases local government
8 spending by counties by \$750,000 every two years by requiring that ballots be mailed
9 to unaffiliated voters and eliminating a required notification currently sent to
10 unaffiliated voters prior to a primary election. This estimate assumes that all political
11 parties continue to nominate candidates through the primary election process. In the
12 event some or all political parties opt out of conducting primary elections and instead
13 choose to nominate candidates by assembly or convention, counties may have total
14 statewide savings of up to \$5.0 million every two years.