

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 20-1163.01 Megan Waples x4348

HOUSE BILL 20-1359

HOUSE SPONSORSHIP

Garnett and Neville,

SENATE SPONSORSHIP

Fenberg and Holbert,

House Committees
Judiciary

Senate Committees
State, Veterans, & Military Affairs

A BILL FOR AN ACT

101 **CONCERNING MODIFICATIONS TO PARTY CANDIDATE DESIGNATION**
102 **REQUIREMENTS TO ACCOMMODATE PUBLIC HEALTH CONCERNS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill extends various deadlines related to ballot access requirements in 2020 due to public health concerns. Parties may amend their bylaws as needed during 2020 to allow remote participation in assemblies and conventions and to fill vacancies. Delegates to assemblies may participate remotely if allowed by the party, and parties may reduce or waive any quorum requirements to allow assemblies to proceed.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 3rd Reading
March 13, 2020

HOUSE
Amended 2nd Reading
March 12, 2020

Members of vacancy committees may participate in meetings remotely if allowed by the party, and parties may determine whether to allow proxies at vacancy committee meetings. The ability of the state chair to fill a vacancy is extended to situations in which the vacancy occurs because the designation was not filled by the assembly or the vacancy committee. The modifications are repealed effective December 31, 2020.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-3-103, **amend**
3 (9)(a); and **add** (9)(c) as follows:

4 **1-3-103. Party committees - repeal.** (9) (a) No later than ninety
5 days after the organization of the state central committees of the major
6 political parties in each odd-numbered year, each committee shall adopt
7 in its bylaws or rules its general guidelines and regulations for all county
8 party matters. Such bylaws or rules shall establish a procedure for the
9 selection of delegates to any party assembly that is consistent with party
10 practice. Any method under such procedure for choosing or allocating
11 delegates in a county based on the number of votes cast at an election for
12 a particular candidate shall be uniform among the counties so that all
13 types of ballots are counted or not counted for purposes of determining
14 the number of votes cast. Any county central committee may adopt its
15 own rules in conformance with those of the state central committee. In the
16 absence of county rules pertaining to specific items, the party's state
17 central committee's guidelines and rules shall apply. Each state central
18 committee shall file its party's bylaws or rules with the secretary of state
19 no later than the first Monday in February in each even-numbered year
20 and, if filed prior to that date, the bylaws or rules may be amended until
21 that date. EXCEPT AS PROVIDED IN SUBSECTION (9)(c) OF THIS SECTION, no
22 bylaw or rule may be filed or amended after the first Monday in February

1 in each even-numbered year. Where the bylaws or rules are not filed in
2 accordance with this section, the party's state central committee, as well
3 as the party's county central committee, are subject to the code through
4 the general election of the same year. Each state central committee shall
5 compile and provide to the secretary of state information concerning the
6 membership of the county central committees of the party in addition to
7 the bylaws or rules of each county central committee.

8 (c) (I) NOTWITHSTANDING SUBSECTION (9)(a) OF THIS SECTION,
9 DUE TO PUBLIC HEALTH CONCERNS, A PARTY MAY AMEND ITS BYLAWS AS
10 NECESSARY IN 2020 TO PROVIDE FOR REMOTE ACCESS TO AND
11 PARTICIPATION IN PARTY ASSEMBLIES AND CONVENTIONS AND TO FILL
12 VACANCIES. IF A PARTY AMENDS ITS BYLAWS TO ALLOW REMOTE ACCESS
13 AND PARTICIPATION, THE BYLAWS MUST INCLUDE PROVISIONS REQUIRING
14 THE CREATION OF A VERIFIABLE RECORD OF ALL REMOTE ACCESS AND
15 PARTICIPATION.

16 (II) THIS SUBSECTION (9)(c) IS REPEALED, EFFECTIVE DECEMBER
17 31, 2020.

18 **SECTION 2.** In Colorado Revised Statutes, 1-3-105, **add** (3) as
19 follows:

20 **1-3-105. Powers of central committees - repeal.**

21 (3) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, DUE TO
22 PUBLIC HEALTH CONCERNS, FOR THE 2020 ELECTION, TO THE EXTENT THAT
23 STATE POLITICAL PARTIES HAVE ANY RESTRICTIONS IN THEIR RULES OR
24 BYLAWS GOVERNING THE TIMING OF ANY REQUIRED NOTICE FOR MEETINGS
25 OF EITHER THE STATE CENTRAL COMMITTEE OR ANY MEETING AT WHICH
26 THE RULES OR BYLAWS WILL BE AMENDED, SUCH TIMING REQUIREMENTS
27 MAY BE DISREGARDED AS LONG AS NO LESS THAN THREE DAYS NOTICE IS

1 PROVIDED.

2 (b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE DECEMBER 31,
3 2020.

4 **SECTION 3.** In Colorado Revised Statutes, 1-4-601, **amend** (1)
5 and (2) as follows:

6 **1-4-601. Designation of candidates for primary election -**
7 **repeal.** (1) (a) Assemblies of the major political parties may make
8 assembly designations of candidates for nomination on the primary
9 election ballot. EXCEPT AS PROVIDED IN SUBSECTION (1)(b) OF THIS
10 SECTION, an assembly shall be held no later than seventy-three days
11 preceding the primary election.

12 (b) (I) NOTWITHSTANDING SUBSECTION (1)(a) OF THIS SECTION,
13 DUE TO PUBLIC HEALTH CONCERNS, FOR THE 2020 PRIMARY ELECTION, A
14 PARTY ASSEMBLY SHALL BE HELD ON OR BEFORE APRIL 25, 2020.

15 (II) THIS SUBSECTION (1)(b) IS REPEALED, EFFECTIVE DECEMBER
16 31, 2020.

17 (2) (a) An assembly must take no more than two ballots for party
18 candidates for each office to be filled at the next general election. Every
19 candidate receiving thirty percent or more of the votes of all duly
20 accredited assembly delegates who are present and voting on that office
21 must be certified by affidavit of the presiding officer and secretary of the
22 assembly. If no candidate receives thirty percent or more of the votes of
23 all duly accredited assembly delegates who are present and voting, a
24 second ballot must be cast on all the candidates for that office. If on the
25 second ballot no candidate receives thirty percent or more of the votes
26 cast, the two candidates receiving the highest number of votes must be
27 certified as candidates for that office by the assembly. The certificate of

1 designation by assembly must state the name of the office for which each
2 person is a candidate and the candidate's name and address, must
3 designate in not more than three words the name of the political party
4 which the candidate represents, and must certify that the candidate has
5 been a member of the political party for the period of time required by
6 party rule or by subsection (4) of this section if the party has no such rule.
7 The candidate's affiliation, as shown in the statewide voter registration
8 system, is prima facie evidence of political party membership. The
9 certificate of designation must indicate the order of the vote received at
10 the assembly by candidates for each office, but no assembly shall declare
11 that any one candidate has received the nomination of the assembly. The
12 certificate of designation must be filed in accordance with section
13 1-4-604. If two or more candidates receiving designation under this
14 subsection (2) have received an equal number of votes, the order of
15 certification of designation is determined by lot by the candidates. The
16 assembly shall select a vacancy committee for vacancies in designation
17 or nomination only.

18 (b) (I) NOTWITHSTANDING ANY REQUIREMENT IN SUBSECTION
19 (2)(a) OF THIS SECTION TO THE CONTRARY, DUE TO PUBLIC HEALTH
20 CONCERNS, IN ANY ASSEMBLY HELD IN 2020:

21 (A) A DELEGATE MAY PARTICIPATE IN THE ASSEMBLY REMOTELY,
22 INCLUDING CASTING HIS OR HER VOTE BY E-MAIL, MAIL, TELEPHONE, OR
23 THROUGH AN INTERNET-BASED APPLICATION IF ALLOWED BY THE PARTY;

24 (B) A PERSON WHO IS PHYSICALLY PRESENT MAY CARRY UP TO
25 FIVE PROXIES, IF PROXIES ARE ALLOWED BY THE PARTY; AND

26 (C) IF THE PARTY HAS A REQUIREMENT FOR A QUORUM, THE STATE
27 PARTY MAY PROVIDE PROCEDURES TO AUTHORIZE THE REDUCTION OR

1 WAIVER OF THE QUORUM REQUIREMENT IN ORDER TO ALLOW THE
2 ASSEMBLY TO PROCEED.

3 (II) THIS SUBSECTION (2)(b) IS REPEALED, EFFECTIVE DECEMBER
4 31, 2020.

5 **SECTION 4.** In Colorado Revised Statutes, 1-4-602, **amend**
6 (1)(a)(I); and **add** (1)(a)(III) as follows:

7 **1-4-602. Delegates to party assemblies - definition - repeal.**

8 (1) (a) (I) EXCEPT AS PROVIDED IN SUBSECTION (1)(a)(III) OF THIS
9 SECTION, county assemblies shall be held no later than twenty-five days
10 after precinct caucuses. If a political party holds its precinct caucuses on
11 the first Tuesday in February in a year in which a presidential election
12 will be held, the county assemblies of the political party shall be held not
13 less than fifteen days nor more than fifty days after the precinct caucuses.
14 The county central committee or executive committee shall fix the
15 number of delegates from each precinct to participate in the county
16 assembly pursuant to the procedure for the selection of delegates
17 contained in the state party central committee's bylaws or rules. The
18 persons receiving the highest number of votes at the precinct caucus shall
19 be the delegates to the county assembly from the precinct. If two or more
20 candidates receive an equal number of votes for the last available place
21 in the election of delegates to county assemblies at the precinct caucuses,
22 the delegate shall be determined by lot by the candidates. Except as
23 provided in subsections (2) and (6) of this section, delegates to all other
24 party assemblies shall be selected by the respective county assemblies
25 from among the members of the county assemblies pursuant to the state
26 party central committee's bylaws or rules.

27 (III) (A) NOTWITHSTANDING SUBSECTION (1)(a)(I) OF THIS

1 SECTION, DUE TO PUBLIC HEALTH CONCERNS, COUNTY ASSEMBLIES IN 2020
2 SHALL BE ~~COMPLETED~~ NO LATER THAN THIRTY-FIVE DAYS AFTER PRECINCT
3 CAUCUSES. COUNTY ASSEMBLIES HELD IN 2020 MAY BE HELD OVER A
4 PERIOD OF DAYS, NOT TO EXCEED SEVEN DAYS, TO PERMIT REMOTE
5 PARTICIPATION AS ALLOWED BY THE PARTY.

6 (B) THIS SUBSECTION (1)(a)(III) IS REPEALED, EFFECTIVE
7 DECEMBER 31, 2020.

8 **SECTION 5.** In Colorado Revised Statutes, 1-4-604, **amend**
9 (6)(a) as follows:

10 **1-4-604. Filing of petitions and certificates of designation by**
11 **assembly - legislative declaration - repeal.** (6) (a) (I) EXCEPT AS
12 PROVIDED IN SUBSECTION (6)(a)(II) OF THIS SECTION, no later than four
13 days after the adjournment of the assembly, the state central committee
14 of each political party, utilizing the information described in ~~paragraph~~
15 ~~(b) of subsection (1)~~ SUBSECTION (1)(b) of this section, shall file with the
16 secretary of state a compilation of the certificates of designation of each
17 assembly that nominated candidates for any national or state office or for
18 member of the general assembly, district attorney, or district office greater
19 than a county office. Such a compilation of certificates of designation
20 may be transmitted by facsimile transmission; however, the original
21 compilation must also be filed and postmarked no later than ten days after
22 the adjournment of the assembly.

23 (II) (A) NOTWITHSTANDING SUBSECTION (6)(a)(I) OF THIS
24 SECTION, DUE TO PUBLIC HEALTH CONCERNS, IN 2020 THE STATE CENTRAL
25 COMMITTEE OF EACH POLITICAL PARTY SHALL FILE THE INFORMATION
26 REQUIRED BY SUBSECTION (6)(a)(I) OF THIS SECTION WITH THE SECRETARY
27 OF STATE NO LATER THAN SIXTY DAYS BEFORE THE PRIMARY ELECTION.

1 THE ORIGINAL COMPILATION MUST BE FILED AND POSTMARKED NO LATER
2 THAN SIXTY DAYS BEFORE THE PRIMARY ELECTION.

3 (B) THIS SUBSECTION (6)(a)(II) IS REPEALED, EFFECTIVE
4 DECEMBER 31, 2020.

5 **SECTION 6.** In Colorado Revised Statutes, 1-4-801, **amend** (5)
6 as follows:

7 **1-4-801. Designation of party candidates by petition - repeal.**

8 (5) (a) Party petitions shall not be circulated nor any signatures be
9 obtained prior to the third Tuesday in January. EXCEPT AS PROVIDED IN
10 SUBSECTION (5)(b)(I) OF THIS SECTION, petitions must be filed no later
11 than the third Tuesday in March.

12 (b) (I) NOTWITHSTANDING SUBSECTION (5)(a) OF THIS SECTION, IN
13 2020, IF THE DESIGNATED ELECTION OFFICIAL WITH WHOM A PETITION IS
14 TO BE FILED IS UNABLE TO ACCEPT THE FILING BECAUSE OF CLOSURES OR
15 RESTRICTIONS DUE TO PUBLIC HEALTH CONCERNS, THE DESIGNATED
16 ELECTION OFFICIAL MAY EXTEND THE DEADLINE TO FILE THE PETITION OR
17 DESIGNATE AN ALTERNATE LOCATION FOR FILING THE PETITION OR BOTH;
18 EXCEPT THAT A SIGNATURE GATHERED AFTER THE THIRD TUESDAY IN
19 MARCH IS INVALID AND SHALL NOT BE COUNTED.

20 (II) THIS SUBSECTION (5)(b) IS REPEALED, EFFECTIVE DECEMBER
21 31, 2020.

22 **SECTION 7.** In Colorado Revised Statutes, 1-4-1002, **amend** (1);
23 and **add** (6) as follows:

24 **1-4-1002. Vacancies in major party designation up to the**
25 **sixty-eighth day before primary election day - repeal.** (1) For the
26 purposes of this section, a vacancy is caused by:

27 (a) The declination, death, disqualification, or withdrawal of the

1 person designated by a party assembly as a candidate for nomination; or

2 (b) The failure of a party assembly to make designation of any
3 candidate for nomination; OR

4 (c) (I) THE INABILITY OF A POLITICAL PARTY TO CONDUCT AN
5 ASSEMBLY BECAUSE A COMPETENT GOVERNMENTAL AUTHORITY
6 PROHIBITS GATHERINGS OVER A CERTAIN SIZE OR RESTRICTS THE USE OF
7 PUBLIC FACILITIES DUE TO A PUBLIC HEALTH CONCERN, IF EFFORTS TO
8 CONDUCT AN ASSEMBLY PURSUANT TO SECTIONS 1-4-601, 1-4-602, OR
9 1-4-604, AS AMENDED BY HOUSE BILL 20-1359, ENACTED IN 2020, HAVE
10 BEEN UNAVAILING.

11 (II) THIS SUBSECTION (1)(c) IS REPEALED, EFFECTIVE DECEMBER
12 31, 2020.

13 (6) (a) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO
14 THE CONTRARY, DUE TO PUBLIC HEALTH CONCERNS, FOR ANY VACANCY
15 OCCURRING IN 2020:

16 (I) A MEMBER OF A VACANCY COMMITTEE MAY PARTICIPATE IN A
17 VACANCY COMMITTEE MEETING REMOTELY, INCLUDING CASTING HIS OR
18 HER VOTE BY E-MAIL, MAIL, TELEPHONE, OR THROUGH AN
19 INTERNET-BASED APPLICATION IF ALLOWED BY THE PARTY;

20 (II) A PARTY MAY DETERMINE WHETHER TO ALLOW A PERSON WHO
21 IS PHYSICALLY PRESENT TO CARRY PROXIES AT A VACANCY COMMITTEE
22 MEETING;

23 (III) THE STATE CHAIR OF A PARTY MAY FILL A VACANCY IN
24 ACCORDANCE WITH SUBSECTION (3)(b)(IV) OF THIS SECTION IF THE
25 VACANCY OCCURS BECAUSE THE DESIGNATION WAS NOT MADE BY THE
26 ASSEMBLY, THE POLITICAL PARTY WAS UNABLE TO CONDUCT AN
27 ASSEMBLY BECAUSE A COMPETENT GOVERNMENTAL AUTHORITY

1 PROHIBITS GATHERINGS OVER A CERTAIN SIZE OR RESTRICTS THE USE OF
2 PUBLIC FACILITIES DUE TO A PUBLIC HEALTH CONCERN, OR THE VACANCY
3 WAS NOT FILLED BY THE VACANCY COMMITTEE; AND

4 (IV) THE DESIGNATION AND ACCEPTANCE OF THE PERSON
5 SELECTED TO FILL A VACANCY MUST BE SUBMITTED TO THE DESIGNATED
6 ELECTION OFFICIAL NO LATER THAN TEN DAYS FROM EITHER THE DATE OF
7 THE VACANCY COMMITTEE MEETING OR FROM THE DATE OF APPOINTMENT
8 BY THE STATE CHAIR PURSUANT TO SUBSECTION (6)(a)(III) OF THIS
9 SECTION, AS APPLICABLE; EXCEPT THAT SUCH CERTIFICATION MUST IN ALL
10 CASES BE SUBMITTED NO LATER THAN THE SIXTIETH DAY BEFORE THE
11 DATE OF THE PRIMARY ELECTION.

12 (b) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE DECEMBER 31,
13 2020.

14 **SECTION 8.** In Colorado Revised Statutes, 1-4-1003, **amend** (1)
15 as follows:

16 **1-4-1003. Vacancies in major party designation occurring**
17 **between the sixty-seventh day before a primary election and the**
18 **earliest day to mail primary election ballots - repeal.** (1) (a) For the
19 purposes of this section, a vacancy is caused by the declination, death,
20 disqualification, or withdrawal of the person designated by the assembly
21 as a candidate for nomination.

22 (b) (I) FOR THE PURPOSES OF THIS SECTION, A VACANCY IS CAUSED
23 BY THE INABILITY OF A POLITICAL PARTY TO CONDUCT AN ASSEMBLY
24 BECAUSE A COMPETENT GOVERNMENTAL AUTHORITY PROHIBITS
25 GATHERINGS OVER A CERTAIN SIZE OR RESTRICTS THE USE OF PUBLIC
26 FACILITIES DUE TO A PUBLIC HEALTH CONCERN.

27 (II) THIS SUBSECTION (1)(b) IS REPEALED, EFFECTIVE DECEMBER

1 31, 2020.

2 **SECTION 9.** In Colorado Revised Statutes, 1-5-203, **amend**
3 (1)(a) introductory portion; and **add** (1)(c) as follows:

4 **1-5-203. Certification of ballot - repeal.** (1) (a) EXCEPT AS
5 PROVIDED IN SUBSECTION (1)(c) OF THIS SECTION, no later than sixty days
6 before any primary election, and no later than fifty-seven days before any
7 general or odd-year November election or congressional vacancy election,
8 the secretary of state shall deliver by electronic transmission and
9 registered mail to the county clerk and recorder of each county a
10 certificate in writing of the ballot order and content for each county, as
11 follows:

12 (c) (I) DUE TO PUBLIC HEALTH CONCERNS, FOR THE 2020 STATE
13 PRIMARY ELECTION, THE SECRETARY OF STATE SHALL DELIVER THE
14 CERTIFICATE OF THE BALLOT REQUIRED BY SUBSECTION (1)(a) OF THIS
15 SECTION ON OR BEFORE MAY 7, 2020.

16 (II) THIS SUBSECTION (1)(c) IS REPEALED, EFFECTIVE DECEMBER
17 31, 2020.

18 **SECTION 10.** In Colorado Revised Statutes, 1-4-1304, **amend**
19 (1.5)(b)(I); and **add** (1.5)(f) as follows:

20 **1-4-1304. Nomination of candidates - repeal.** (1.5) (b) (I) A
21 minor political party may nominate candidates for offices to be filled at
22 a general election by assembly. EXCEPT AS PROVIDED IN SUBSECTION
23 (1.5)(f) OF THIS SECTION, an assembly shall be held no later than
24 seventy-three days preceding the primary election.

25 (1.5) (f) (I) NOTWITHSTANDING SUBSECTION (1.5)(b)(I) OF THIS
26 SECTION, DUE TO PUBLIC HEALTH CONCERNS, FOR THE 2020 ELECTION, AN
27 ASSEMBLY OF A MINOR POLITICAL PARTY SHALL BE HELD ON OR BEFORE

1 APRIL 25, 2020.

2 (II) THIS SUBSECTION (1.5)(f) IS REPEALED, EFFECTIVE DECEMBER
3 31, 2020.

4 **SECTION 11. Safety clause.** The general assembly hereby finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, or safety.