

CHAPTER 56

**ELECTIONS**

**HOUSE BILL 99-1152**

BY REPRESENTATIVES Takis, Coleman, Tochtrop, Vigil, and Zimmerman;  
also SENATORS Nichol, Hernandez, and Weddig.

**AN ACT**

CONCERNING CLARIFICATION OF AFFILIATION REQUIREMENTS FOR ELECTORS.

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

**SECTION 1.** 1-1-104 (1) and (23.6), Colorado Revised Statutes, are amended, and the said 1-1-104 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

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

(1) ~~"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.~~ "AFFILIATION" MEANS AN ELECTOR'S DECISION TO AFFILIATE WITH EITHER A POLITICAL PARTY OR A POLITICAL ORGANIZATION, AS DEFINED IN SUBSECTIONS (24) AND (25) OF THIS SECTION.

(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.

(22.5) "MAJOR POLITICAL PARTY AFFILIATION" MEANS AN ELECTOR'S DECISION TO AFFILIATE WITH A MAJOR POLITICAL PARTY, AS DEFINED IN SUBSECTION (22) OF THIS SECTION.

(23.6) "Partisan election" means an election in which the names of the candidates are printed on the ballot along with their ~~political party~~ affiliation. The existence of

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

a partisan election for the state or for a political subdivision as a part of a coordinated election does not cause an otherwise nonpartisan election of another political subdivision to become a partisan election.

**SECTION 2.** 1-2-204 (2) (j), Colorado Revised Statutes, is amended to read:

**1-2-204. Questions answered by elector.** (2) In addition, each eligible elector shall be asked, and the elector shall correctly answer, the following:

(j) The elector's ~~party~~ affiliation, if any, if the eligible elector desires to affiliate with any political party OR POLITICAL ORGANIZATION. If this question is not answered, the elector shall be registered as "unaffiliated". Only the eligible elector personally shall declare the eligible elector's party affiliation. ~~Any elector appearing in person to register shall also state on the notice of registration whether or not the elector wishes the party affiliation to be continued from the county of prior residence in this state to the new county of residence. If such is the case, the county clerk and recorder shall proceed to forward the party affiliation and original date of affiliation with that party as provided in section 1-2-221. Party affiliation shall not be continued from another state.~~

**SECTION 3.** Part 2 of article 2 of title 1, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**1-2-218.5. Declaration of affiliation.** (1) THE DECLARATION OF AFFILIATION OF EACH REGISTERED ELECTOR SHALL REMAIN AS RECORDED IN THE REGISTRATION RECORD UNTIL THE ELECTOR CHANGES OR WITHDRAWS HIS OR HER 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.

**SECTION 4.** 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 party 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 ~~during which electors are permitted to register~~ 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 party affiliation status, and the requested change in party 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 party affiliation on the registration record. If the party affiliation is withdrawn, the designation on the registration record shall be changed to "unaffiliated". If an elector changes party 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 party affiliation may not be made by anyone other than the elector.

**SECTION 5.** 1-2-222 (1) and (2), Colorado Revised Statutes, are amended to read:

**1-2-222. Errors in recording of affiliation.** (1) If an elector goes to the elector's legal voting place to vote at any primary election or to the office of the county clerk and recorder and contends that an error has been made in the recording of the elector's party affiliation on the registration book or that the party affiliation has been unlawfully changed or withdrawn, the election judges or the county clerk and recorder shall allow the elector to make and sign an affidavit, which shall be substantially in the form provided in subsection (4) of this section. Any election judge or the county clerk and recorder has authority to administer the oath and take the acknowledgment of the elector's affidavit. When the affidavit is completed, the ~~election judge or the county clerk and recorder shall make the change as specified in the affidavit and shall enter after the elector's party affiliation on the registration book the words "changed by affidavit", giving the date of the change~~ USING THE DATE OF THE AFFIDAVIT AS THE NEW AFFILIATION DATE.

(2) ~~No affidavit shall be allowed or received by the election judges or the county clerk and recorder if the date and the elector's signature, initials, or properly witnessed mark appear on the registration record in or adjacent to the space provided for recording party affiliation or on a form furnished by the county clerk and recorder for declaring party affiliation, as provided in section 1-2-206, evidencing the elector's acknowledgment of the accuracy of the recorded party affiliation or evidencing a written request for the same party affiliation as shown on the registration record.~~

**SECTION 6.** 1-3-102 (2) (d) (II), Colorado Revised Statutes, is amended to read:

**1-3-102. Precinct caucuses.** (2) (d) The person elected as committeeperson at the caucus shall assume the office immediately following the caucus. Causes for removal of the elected committeeperson from office shall include, but not be limited to, the following:

(II) In the case of removal by the county central committee, the person has moved from the precinct or has changed party affiliation.

**SECTION 7.** 1-4-101 (3), Colorado Revised Statutes, is amended to read:

**1-4-101. Primary election nominations made.** (3) All nominations by major political parties for candidates for United States senator, representative in congress, all elective state, district, and county officers, and members of the general assembly shall be made by primary elections. Neither the secretary of state nor any county clerk and recorder shall place on the official general election ballot the name of any person as a candidate of any major political party who has not been nominated in

accordance with the provisions of this article, or who has not been affiliated with the major political party for at least twelve months unless otherwise provided by law, or who does not meet residency requirements for the office, if any. The information found on the voter registration record of the COUNTY OF CURRENT OR PREVIOUS RESIDENCE OF THE person seeking to be placed on the ballot is admissible as prima facie evidence of compliance with this article.

**SECTION 8.** 1-4-402 (1) (d) (II), Colorado Revised Statutes, is amended to read:

**1-4-402. Nominations of political party candidates.**

(1) (d) (II) Notwithstanding the provisions of subparagraph (I) of this paragraph (d), if a political party has established a rule regarding the length of party affiliation which is necessary to be eligible for nomination by convention for the office of representative in congress, the party rule shall apply.

**SECTION 9.** 1-4-601 (2), Colorado Revised Statutes, is amended to read:

**1-4-601. Designation of candidates for primary election.** (2) An assembly shall take no more than two ballots for party candidates for each office to be filled at the next general election. Every 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 certified by affidavit of the presiding officer and secretary of the assembly. If no candidate receives thirty percent or more of the votes of all duly accredited assembly delegates who are present and voting, a second ballot shall be cast on all the candidates for that office. If on the second ballot no candidate receives thirty percent or more of the votes cast, the two candidates receiving the highest number of votes shall be certified as candidates for that office by the assembly. The certificate of designation by assembly shall state the name of the office for which each person is a candidate and the candidate's name and address, shall designate in not more than three words the name of the political party which the candidate represents, and shall certify that the candidate has been a member of the political party for the period of time required by party rule or by law if the party has no such rule. The candidate's party affiliation, as shown on the registration books of the county clerk and recorder, is prima facie evidence of POLITICAL party membership. The certificate of designation shall indicate the order of the vote received at the assembly by candidates for each office, but no assembly shall declare that any one candidate has received the nomination of the assembly. The certificate of designation shall be filed in accordance with section 1-4-604. If two or more candidates receiving designation under the provisions of this subsection (2) have received an equal number of votes, the order of certification of designation shall be determined by lot by the candidates. The assembly shall select a vacancy committee for vacancies in designation or nomination only.

**SECTION 10.** 1-4-1002 (8), Colorado Revised Statutes, is amended to read:

**1-4-1002. Vacancies in designation or nomination.** (8) Notwithstanding any provisions to the contrary, if a political party has established a rule regarding the length of party affiliation required for a candidate for the office of United States senator or representative in congress, and a vacancy in that office occurs, then the party rule applies.

**SECTION 11.** 1-4-1202 (2), Colorado Revised Statutes, is amended to read:

**1-4-1202. Presidential primary elections - when - conduct.** (2) Each political party which has a qualified candidate entitled to participate in the Colorado presidential primary election pursuant to section 1-4-1203 is entitled to participate in the primary election and shall have a separate party ballot. At the presidential primary election, an elector may vote only for a candidate on the ballot of the political party to which the elector has declared an affiliation. An unaffiliated eligible elector may declare ~~a party~~ AN affiliation to the election judges at the presidential primary election as provided in section 1-7-201. The presidential primary election for all 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 12.** 1-4-1304 (3), Colorado Revised Statutes, is amended to read:

**1-4-1304. Nomination of candidates.** (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 the twenty-eighth day prior to the primary election. 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, 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 ~~party~~ affiliation as shown on the registration books of the county clerk and recorder is prima facie evidence of party membership.

**SECTION 13.** 1-6-104 (3), Colorado Revised Statutes, is amended to read:

**1-6-104. Appointment of election judges by the county clerk and recorder and designated election officials.** (3) If, at the time the county clerk and recorder appoints election judges for a precinct, the list of recommended election judges submitted in accordance with section 1-6-102 contains an insufficient number of names for a major political party's share of the total number of election judges as required in section 1-6-109, the designated election official shall appoint any additional election judges necessary following the ~~party~~ affiliation requirements of section 1-6-109 to the extent possible.

**SECTION 14.** 1-6-108 (1), Colorado Revised Statutes, is amended to read:

**1-6-108. Lists of election judges.** (1) The designated election official shall make and maintain a master list of election judges who have filed an acceptance form in accordance with section 1-6-101 (4). The master list shall include the name, ~~party~~ affiliation, and precinct number of each election judge who has filed an acceptance form, including whether such judge is unaffiliated, affiliated with a minor political party, or affiliated with a qualified political organization.

**SECTION 15.** 1-6-114 (3), Colorado Revised Statutes, is amended to read:

**1-6-114. Oath of judges.** (3) For nonpartisan elections, the election judges shall not be required to declare their ~~party~~ affiliation on the oath or affirmation.

**SECTION 16.** 1-7-109 (2), Colorado Revised Statutes, is amended to read:

**1-7-109. Judges to keep pollbooks.** (2) When preprinted signature cards are provided for each eligible elector containing the elector's name, address, birthdate, and for primary elections the elector's party affiliation, the use of a pollbook shall not be required. The ballot stub number of the ballot issued to the elector shall be written on the preprinted signature card. The preprinted signature cards may also constitute the computer list of eligible electors.

**SECTION 17.** 1-7-201 (2), Colorado Revised Statutes, is amended to read:

**1-7-201. Voting at primary election.** (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 party 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 political party affiliation shall not be entitled to vote at the primary election.

**SECTION 18.** 1-8-105, Colorado Revised Statutes, is amended to read:

**1-8-105. Change of registration record.** A change of name, residence, or party affiliation request may be submitted to the county clerk and recorder at the same time the eligible elector requests an application for an absentee ballot if the elector has moved within the county and states that the move occurred more than thirty days before the election and that the elector has lived at the new residence for at least thirty days. The request shall include the elector's old and new addresses within the county, the elector's printed name and signature, and the date of the request. Upon receipt of the request, the county clerk and recorder shall verify the registration of the elector, amend the registration record, and mail to the elector an official absentee ballot as provided in this part 1.

**SECTION 19.** 1-8-205 (2), Colorado Revised Statutes, is amended to read:

**1-8-205. Procedures and personnel for early voters' polling place.** (2) For partisan elections, the county clerk and recorder shall appoint at least three receiving judges who meet the party affiliation requirements contained in section 1-6-109. Regular employees of the county clerk and recorder may serve as receiving judges as long as they meet the party affiliation requirements of section 1-6-109.

**SECTION 20.** 2-3-204 (1), Colorado Revised Statutes, is amended to read:

**2-3-204. Staff director, assistants, and consultants.** (1) The committee shall interview persons applying for the position of staff director as to qualifications and ability and shall make recommendations thereon to the executive committee, which shall appoint the staff director as provided in section 2-3-303 (3). The staff director shall be responsible to the committee for the collection and assembling of all data and

the preparation of reports and recommendations. The staff director shall also be responsible for preparing for consideration by the committee analyses of all requests for funds. With the approval of the committee, the staff director may appoint such additional professional, technical, clerical, or other employees necessary to perform the functions assigned to the committee. The staff director and such additional personnel shall be appointed without reference to party affiliation and solely on the basis of ability to perform the duties of the position. They shall be employees of the general assembly and shall not be subject to the state personnel system laws. The committee shall establish appropriate qualifications and compensation for all positions. With the consent of the committee, the chairperson may contract for professional services by private consultants as needed.

**SECTION 21.** 2-3-304 (1), Colorado Revised Statutes, is amended to read:

**2-3-304. Director of research - assistants.** (1) The council shall interview persons applying for the position of director of research as to qualifications and ability and shall make recommendations thereon to the executive committee, which shall appoint the director of research as provided in section 2-3-303 (3) (d). The director of research shall be responsible to the council for the collection and assembling of all data and for the preparation of reports, recommendations, and bills. The director shall, subject to the general policies of the council, have administrative direction over the activities of the council. The director shall be paid a salary determined by the executive committee in accordance with section 2-3-303 (3) (a). The director shall be an employee of the general assembly and shall not be subject to the state personnel system laws. The director shall be appointed without reference to party affiliation and solely on the basis of such director's ability to perform the duties of the position.

**SECTION 22.** 2-3-503 (1), Colorado Revised Statutes, is amended to read:

**2-3-503. Director - staff - revisor.** (1) The committee shall interview persons applying for the position of staff director as to qualifications and ability and shall make recommendations thereon to the executive committee, which shall appoint the director as provided in section 2-3-303 (3). The director of the office of legislative legal services shall be an attorney-at-law. The director shall be responsible to the committee for the provision of staff assistance in the performance of the committee's duties and functions. The director, with the approval of the committee, may appoint such attorneys-at-law and technical and clerical personnel as may be necessary for the efficient operation of the office. The director and all employees of the office shall be appointed without regard to party affiliation and solely on the basis of their ability to perform their duties. They shall be employees of the general assembly and shall not be subject to the state personnel system laws. The director shall be paid a salary determined by the executive committee in accordance with section 2-3-303 (3).

**SECTION 23.** 24-2-102 (1), Colorado Revised Statutes, is amended to read:

**24-2-102. Appointment of officers, assistants, and employees.** (1) Except as otherwise provided by law, such officers, assistants, and employees as may be necessary in each principal department shall be appointed by the head of each such department in conformity with section 13 of article XII of the constitution of the state and the laws enacted in accordance therewith. Before any such appointment shall be

effective, the head of the principal department making the appointment shall make and sign a certificate stating the position to be thus filled by appointment and the necessity for each such appointment, which certificate shall be delivered to the governor who within ten days thereafter shall approve or disapprove the same in writing. It shall not be necessary for the head of any such department to reveal the name or party affiliation in such certificate of any appointee, the approval or disapproval of the governor being limited expressly to the necessity for such appointment in the public service. In the event such appointment is disapproved by the governor in writing within said ten-day period, such disapproval shall be final. The failure of the governor to approve or disapprove any such appointment within said period shall be deemed a disapproval thereof and shall be in all respects as final as if disapproved in writing.

**SECTION 24.** 31-10-302 (1), Colorado Revised Statutes, is amended to read:

**31-10-302. Nomination of municipal officers.** (1) Candidates for municipal offices shall be nominated, without regard to ~~political party~~ party affiliation, by petition on forms supplied by the clerk. A petition of nomination may consist of one or more sheets, but it shall contain the name and address of only one candidate and shall indicate the office to which the candidate is seeking election. The petition may designate one or more persons as a committee to fill a vacancy in the nomination.

**SECTION 25.** 32-16-105 (1) (c), Colorado Revised Statutes, is amended to read:

**32-16-105. Board of directors - membership - qualifications.** (1) The authority shall be governed by a board of directors, which shall consist of twelve directors appointed as follows:

(c) Six directors appointed without regard to ~~party~~ party affiliation by the governing body of each county or city and county included in the territory of the authority.

**SECTION 26.** 37-46-137 (6), Colorado Revised Statutes, is amended to read:

**37-46-137. Conduct of election.** (6) No consideration shall be given nor distinction made with reference to any person's ~~political party~~ party affiliation or the lack thereof.

**SECTION 27.** 37-48-179 (6), Colorado Revised Statutes, is amended to read:

**37-48-179. Conduct of election.** (6) No consideration shall be given nor distinction made with reference to any person's ~~political party~~ party affiliation or the lack thereof.

**SECTION 28. Repeal.** 1-2-206, 1-2-220, and 1-2-221, Colorado Revised Statutes, are repealed.



**SECTION 29. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: March 25, 1999