

## CHAPTER 324

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**ELECTIONS**

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**HOUSE BILL 10-1271**

BY REPRESENTATIVE(S) Curry, Court, Looper, Roberts, Ryden, Labuda;  
also SENATOR(S) Morse.

**AN ACT**

**CONCERNING THE REGISTRATION DATE FOR ELIGIBILITY OF A PERSON SEEKING TO BE PLACED IN  
NOMINATION AS A CANDIDATE FOR A PARTISAN OFFICE.**

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

**SECTION 1.** 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; except that, for general elections occurring after January 1, 2001, nominations by major political parties for candidates for lieutenant governor shall not be made by primary elections and shall be made pursuant to section 1-4-502 (3). 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~~ FOR THE PERIOD OF TIME REQUIRED BY SECTION 1-4-601, 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 2.** 1-4-502 (3) (b), Colorado Revised Statutes, is amended to read:

**1-4-502. Methods of nomination for partisan candidates.** (3) For general elections occurring after January 1, 2001:

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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.*

(b) No person shall be eligible for a major political party nomination for lieutenant governor unless such person is a registered elector and has been affiliated for a period of at least twelve months immediately preceding the date of the nomination, with the major political party making the nomination, as shown in the record books of the county clerk and recorder, NO LATER THAN THE FIRST BUSINESS DAY OF THE JANUARY IMMEDIATELY PRECEDING THE ELECTION FOR WHICH THE PERSON DESIRES TO BE PLACED IN NOMINATION.

**SECTION 3.** 1-4-601 (2) and (4) (a), Colorado Revised Statutes, are 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 SUBSECTION (4) OF THIS SECTION if the party has no such rule. The candidate's 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.

(4) (a) No person is SHALL BE eligible for designation by assembly as a candidate for nomination at any primary election unless the person has been WAS affiliated with the political party holding the assembly for a period of at least twelve months immediately preceding the date of the assembly, as shown by ON the registration books of the county clerk and recorder NO LATER THAN THE FIRST BUSINESS DAY OF THE JANUARY IMMEDIATELY PRECEDING THE PRIMARY ELECTION, unless otherwise provided by party rules.

**SECTION 4.** 1-4-801 (3), Colorado Revised Statutes, is amended to read:

**1-4-801. Designation of party candidates by petition.** (3) No person shall be placed in nomination by petition on behalf of any political party unless the person has been WAS affiliated with the political party for at least twelve months prior to

~~the date of filing the petition;~~ as shown by ON the registration books of the county clerk and recorder, NO LATER THAN THE FIRST BUSINESS DAY OF THE JANUARY IMMEDIATELY PRECEDING THE ELECTION FOR WHICH THE PERSON DESIRES TO BE PLACED IN NOMINATION.

**SECTION 5.** 1-4-802 (1) (g), Colorado Revised Statutes, is 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:

(g) (I) FOR CONGRESSIONAL VACANCY ELECTIONS, 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~~ AND was registered as affiliated with a minor political party or as unaffiliated, as shown on the REGISTRATION 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.~~

(II) FOR GENERAL ELECTIONS, 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 REGISTRATION BOOKS OF THE COUNTY CLERK AND RECORDER, NO LATER THAN THE FIRST BUSINESS DAY OF THE JANUARY IMMEDIATELY PRECEDING THE GENERAL ELECTION FOR WHICH THE PERSON DESIRES TO BE PLACED IN NOMINATION; 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 REGISTRATION BOOKS OF THE COUNTY CLERK AND RECORDER, ON THE DATE OF THE EARLIEST SIGNATURE ON THE PETITION.

**SECTION 6.** 1-4-1304 (2), Colorado Revised Statutes, is amended to read:

**1-4-1304. Nomination of candidates.** (2) Nominations by a minor political party, to be valid, shall be made in accordance with the party's constitution or bylaws. No nomination under this section shall be valid for any general election held after January 1, 1999, unless the nominee:

(a) Is a registered elector;

(b) ~~Has been~~ WAS REGISTERED AS affiliated ~~for a period of twelve months immediately preceding the date of nomination~~ with the minor political party that is making the nomination, as shown in the registration books of the county clerk and recorder, NO LATER THAN THE FIRST BUSINESS DAY OF THE JANUARY IMMEDIATELY PRECEDING THE GENERAL ELECTION FOR WHICH THE PERSON WAS NOMINATED,

unless otherwise provided in the constitution or bylaws of the minor political party;  
and

(c) Has not been registered as a member of a major political party ~~for at least twelve months prior to the date of nomination~~ AT ANY TIME AFTER THE FIRST BUSINESS DAY OF THE JANUARY IMMEDIATELY PRECEDING THE GENERAL ELECTION FOR WHICH THE PERSON WAS NOMINATED, unless otherwise provided in the constitution or bylaws of the minor political party.

**SECTION 7. Applicability.** This act shall apply to the 2012 general election and each subsequent general or congressional vacancy election.

**SECTION 8. 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: May 27, 2010