

Amended

Initiative 2023-2024 Initiative 223: 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, and 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 general election voters can RANK ~~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.

~~**SECTION 2.** In Colorado Revised Statutes, **repeal** section 1-2-222 of article 2 of title 1.~~

~~**SECTION 3.** In Colorado Revised Statutes, **amend** section 1-2-218.5 as follows:~~

~~**Section 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.~~

~~**SECTION 4.** In Colorado Revised Statutes, **amend** section 1-2-219 of article 2 of title 1 as follows:~~

~~**Section 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 2. 5. In Colorado Revised Statutes, **repeal** part 1 of article 4 of title 1, and **enact** a new part 1 as follows:

Part 1. PRIMARY election.

Section 1-4-101. Definition. ~~AS USED IN THIS PART 1, ARTICLE 4, TITLE 1,~~ THE TERM 'PRIMARY ELECTION' MEANS AN ELECTION HELD ON THE FOURTH TUESDAY OF JUNE OF EVEN-NUMBERED YEARS TO DETERMINE WHICH CANDIDATES FOR ELECTED OFFICES FOR THE UNITED STATES AND COLORADO STATE GOVERNMENT SHALL BE ENTITLED TO APPEAR ON THE BALLOT IN THE SUCCEEDING GENERAL ELECTION.

Section 1-4-102. Ballot access. TO BE ENTITLED TO APPEAR ON THE PRIMARY ELECTION BALLOT, A CANDIDATE MUST NO LESS THAN NINETY DAYS PRIOR TO THE PRIMARY ELECTION:

- (1) BE NOMINATED BY A POLITICAL PARTY PURSUANT TO 1-4-104, OR
- (2) BE AN INCUMBENT SEEKING RE-ELECTION ~~TO THE OFFICE~~ AND NOTIFY THE SECRETARY OF STATE OF THEIR INTENTION TO SEEK RE-ELECTION, OR
- (3) SUBMIT A PETITION MEETING THE REQUIREMENTS OF SECTION 1-4-103.

Section 1-4-103. Petitions. (1) THE SECRETARY OF STATE SHALL MAKE AVAILABLE PETITIONS TO CANDIDATES SEEKING TO QUALIFY FOR PLACEMENT ON THE PRIMARY 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 WITH APPROPRIATE SECURITY SAFEGUARDS AS PART OF THE STATEWIDE VOTER REGISTRATION SYSTEM CREATED IN SECTION 1-2-301 A SECTION OF THE SYSTEM AT WHICH REGISTERED VOTERS MAY 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, AND 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 PRIMARY BALLOT PLACEMENT. THIS ONLINE SYSTEM FOR SIGNING PETITIONS SHALL BE OPERATIONAL NO LATER THAN JANUARY 1, 2026.

(3) PETITIONS SHALL IDENTIFY:

(A) THE OFFICE TO WHICH THE CANDIDATE SEEKS TO BE ELECTED; AND

(B) THE CANDIDATE’S NAME AND ADDRESS OF LEGAL RESIDENCE, AND:

(C) THE CANDIDATE’S PARTY AFFILIATION AS OF JANUARY 1 OF THAT YEAR, OR THE DESIGNATION “UNAFFILIATED,” CONSISTENT WITH THE DESIGNATION ON THEIR VOTER REGISTRATION AS OF JANUARY 1 OF THAT YEAR.

(4) PETITIONS SHALL 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.

(5) SELECTION OF A PARTY AFFILIATION 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.

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

(7) PETITIONS MAY BE SIGNED ONLY BY REGISTERED VOTERS. WITH RESPECT TO CANDIDATES FOR CONGRESS OR THE GENERAL ASSEMBLY, PETITIONS MAY BE SIGNED ONLY BY VOTERS REGISTERED IN THE DISTRICT IN WHICH THE CANDIDATE SEEKS TO BE PLACED ON THE BALLOT.

(8) IN ORDER TO OBTAIN PLACEMENT ON THE PRIMARY BALLOT, PETITIONS MUST BE SIGNED BY AT LEAST THE FOLLOWING NUMBER OF REGISTERED VOTERS:

(A) 1,000 PER CONGRESSIONAL DISTRICT FOR OFFICES ELECTED STATEWIDE.

(B) 1,000 FOR OFFICES ELECTED BY CONGRESSIONAL DISTRICT.

(C) 750 FOR OFFICES IN THE SENATE OF THE GENERAL ASSEMBLY.

(D) 500 FOR OFFICES IN THE HOUSE OF REPRESENTATIVES IN THE GENERAL ASSEMBLY.

(9) THE SECRETARY OF STATE SHALL DETERMINE WHETHER THE PETITIONS SUBMITTED, IN COMBINATION WITH THE SIGNATURES COLLECTED ONLINE, CONSTITUTE THE REQUISITE NUMBER OF REGISTERED VOTERS, AND, IN THE EVENT DETERMINES THAT THE NUMBER OF SIGNATURES IS INSUFFICIENT FOR BALLOT PLACEMENT, 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. THE CANDIDATE SHALL THEN HAVE 15 DAYS FROM SUCH NOTIFICATION TO COLLECT AND SUBMIT ADDITIONAL SIGNATURES. 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, AND, IF SO, SHALL PLACE THE CANDIDATE ON THE BALLOT.

Section 1-4-104. Political party nominations. (1) EACH POLITICAL PARTY QUALIFIED AS SUCH BY THE SECRETARY OF STATE IN COMPLIANCE WITH SECTION 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 OR ANY OFFICE BY NOTIFYING THE SECRETARY OF STATE OF THE NOMINATION (S) NO LATER THAN NINETY CALENDAR DAYS PRIOR TO THE PRIMARY ELECTION.

Section 1-4-105. Form of ballot. (1) FOR EACH CANDIDATE ON THE BALLOT, THE BALLOT MUST INCLUDE:

(A) THE CANDIDATE'S FULL LEGAL NAME;

(B) THE CANDIDATE'S CITY OF LEGAL RESIDENCE AS REFLECTED IN THE CANDIDATE'S VOTER REGISTRATION AS OF JANUARY 1 OF THAT YEAR, OR, IN THE EVENT THE CANDIDATE DOES NOT LIVE IN AN INCORPORATED CITY, THE CANDIDATE'S COUNTY OF LEGAL RESIDENCE;

(C) IF THE CANDIDATE WAS NOMINATED BY A POLITICAL PARTY, THE DESIGNATION "NOMINATED BY," FOLLOWED BY THE NAME OF THE PARTY;

(D) IF THE CANDIDATE IS A MEMBER OF A POLITICAL PARTY AS INDICATED BY THEIR VOTER REGISTRATION AS OF JANUARY 1 OF THAT YEAR, THE CANDIDATE'S POLITICAL PARTY AFFILIATION WITH THE WORDS 'MEMBER OF' FOLLOWED BY THE NAME OF THE PARTY.

(E) IF THE CANDIDATE IS NOT AFFILIATED WITH A POLITICAL PARTY AS INDICATED ON THEIR VOTER REGISTRATION AS OF JANUARY 1 OF THAT YEAR, THE DESIGNATION 'UNAFFILIATED.'

(F) IN THE EVENT A CANDIDATE QUALIFIES FOR THE PRIMARY BALLOT BOTH AS A CANDIDATE NOMINATED BY A PARTY AND ON THE BASIS OF A SUBMITTED PETITION, THE CANDIDATE SHALL BE LISTED ON THE BALLOT AS BEING NOMINATED BY THE PARTY THAT NOMINATED THEM.

(2) A CANDIDATE QUALIFIED TO BE PLACED ON THE BALLOT MAY WITHDRAW THEIR NAME FROM SUCH PLACEMENT ANYTIME PRIOR TO 45 DAYS PRIOR TO THE ELECTION, AND NOT THEREAFTER.

Section 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.

Section 1-4-107. Write-In candidates. THE SECRETARY SHALL PROVIDE FOR PLACEMENT ON THE BALLOT A PROVISION THROUGH WHICH VOTERS CAN WRITE-IN A

CANDIDATES FOR EACH OFFICE ON THE BALLOT, AND SHALL COUNT SUCH VOTES IN THE SAME MANNER AS THE VOTES CAST FOR CANDIDATES WHOSE NAMES ARE ON THE BALLOT.

Section 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.

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

SECTION 3. 6. In Colorado Revised Statutes, **amend** part 2 of article 4 of title 1 by **adding five** sections as follows:

Section 1-4-207. Candidates on the general election ballot. (1) THE FOUR CANDIDATES WITH THE HIGHEST NUMBER OF VOTES IN THE PRIMARY ELECTION AND ALL OTHER CANDIDATES WITH AT LEAST THREE PERCENT OF THE VOTES CAST IN THE PRIMARY ELECTION SHALL BE ON THE BALLOT.

(2) THE BALLOT SHALL PROVIDE FOR THE CASTING OF A WRITE-IN VOTE FOR EACH OFFICE.

Section 1-4-208. Ballot information. THE BALLOT SHALL LIST FOR EACH CANDIDATE THE SAME INFORMATION FOR THAT CANDIDATE THAT APPEARED ON THE PRIMARY 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 WORDS 'ENDORSED BY.'

Section 1-4-209. Order of candidates on ballot. CANDIDATES SHALL BE LISTED ON THE BALLOT IN THE SAME ORDER THEY APPEARED ON THE PRIMARY BALLOT.

Section 1-4-210. Write-In candidates. THE SECRETARY SHALL PROVIDE FOR PLACEMENT ON THE BALLOT A PROVISION THROUGH WHICH VOTERS CAN WRITE-IN A CANDIDATES FOR EACH OFFICE ON THE BALLOT, AND SHALL COUNT SUCH VOTES IN THE SAME MANNER AS THE VOTES CAST FOR CANDIDATES WHOSE NAMES ARE ON THE BALLOT.

SECTION 1-4-2110. 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.

Section 1-4-2121. Instant runoff voting. THE ELECTION SHALL BE CONDUCTED BY INSTANT RUNOFF VOTING . 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 INSTANT RUN-OFF ~~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 THE BALLOT INFORMATION BOOKLET AND EACH MAILED BALLOT.

~~SECTION 7. In Colorado Revised Statutes, repeal section 1-5-102.9 (3) (e) of part 1, (1) (h) and (n) of section 1-5-615 of article 5 of title 1.~~

~~SECTION 8. In Colorado revised statutes, amend parts 6 of article 5 of title 1 as follows:~~

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

~~**Section 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.~~

~~**Section 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 SPECIFIED IN 1-4-211.~~

SECTION 4. 9. Self-Executing And Severable. THE STATUTORY CHANGES HEREBY ENACTED ARE SELF-EXECUTING AND SEVERABLE, AND SUPERSEDE CONFLICTING STATUTES AND REGULATIONS. STATUTES AND REGULATIONS MAY BE ENACTED TO FACILITATE THE IMPLEMENTATION OF THESE AMENDED SECTIONS.

SECTION 5. 10. 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 OF THE COLORADO CONSTITUTION.