

Initiative 2023-2024 #98: Colorado Equal Election Access Amendment

Be it Enacted by the People of the State of Colorado:

SECTION 1. Declaration of the People of Colorado

IT IS IN THE INTEREST OF THE PEOPLE OF THE STATE OF COLORADO TO MODERNIZE OUR ELECTION SYSTEM SO THAT ALL VOTERS AND CANDIDATES HAVE EQUAL ACCESS IN STATE AND FEDERAL ELECTIONS AND VOTERS ELECT CANDIDATES WITH MAJORITY SUPPORT. IN FURTHERANCE OF THIS OBJECTIVE, THE PEOPLE OF THE STATE OF COLORADO ESTABLISH THAT ALL VOTERS HAVE THE RIGHT TO:

- (A) PARTICIPATE IN PRIMARY ELECTIONS FEATURING ALL CANDIDATES FOR EACH STATE AND FEDERAL OFFICE, WITH THE TOP FOUR CANDIDATES ADVANCING TO THE GENERAL ELECTIONS;
- (B) VOTE FOR ANY CANDIDATE THEY PREFER, REGARDLESS OF POLITICAL AFFILIATION;
- (C) PARTICIPATE IN GENERAL ELECTIONS WHERE CANDIDATES MUST RECEIVE MAJORITY SUPPORT FROM VOTERS TO WIN;
- (D) SIGN PETITIONS FOR ANY CANDIDATE TO QUALIFY FOR THE ALL-CANDIDATE PRIMARY ELECTION; AND
- (E) VOTE IN ELECTIONS TO FILL VACANCIES IN THE STATE LEGISLATURE.

EQUAL ACCESS PROVIDES VOTERS MORE CHOICES, GENERATES MORE QUALIFIED AND COMPETITIVE CANDIDATES FOR ELECTIVE OFFICE, PROMOTES MEANINGFUL VOTER PARTICIPATION, HOLDS ELECTED OFFICIALS ACCOUNTABLE, AND ENSURES THAT COLORADO OFFICIALS ARE ELECTED WITH SUPPORT FROM A MAJORITY OF VOTERS.

SECTION 2. In constitution of the state of Colorado, **add** section 13 to article VII as follows:

SECTION 13. CANDIDATE ACCESS TO PRIMARY ELECTION BALLOT. (1) EVERY CANDIDATE FOR A COVERED OFFICE, REGARDLESS OF THAT CANDIDATE’S POLITICAL AFFILIATION, MUST PETITION ONTO THE BALLOT FOR THE ALL-CANDIDATE PRIMARY ELECTION BY COLLECTING SIGNATURES FROM REGISTERED ELECTORS.

(2) A CANDIDATE FOR A COVERED OFFICE MAY OBTAIN SIGNATURES FROM BOTH ELECTORS AFFILIATED WITH A POLITICAL PARTY AND ELECTORS UNAFFILIATED WITH A POLITICAL PARTY.

(3) FOR PURPOSES OF THIS SECTION AND SECTIONS 14 AND 15:

(a) “COVERED OFFICE” MEANS THE OFFICE OF UNITED STATES SENATOR, REPRESENTATIVE TO THE UNITES STATES HOUSE OF REPRESENTATIVES, STATE OFFICER, AND STATE SENATOR OR STATE REPRESENTATIVE SERVING IN THE GENERAL ASSEMBLY.

(b) “STATE OFFICER” MEANS THE GOVERNOR AND LIEUTENANT GOVERNOR, THE SECRETARY OF STATE, THE STATE TREASURER, THE ATTORNEY GENERAL, MEMBERS OF THE STATE BOARD OF EDUCATION, AND REGENTS OF THE UNIVERSITY OF COLORADO.

SECTION 3. In constitution of the state of Colorado, **add** section 14 to article VII as follows:

SECTION 14. ALL-CANDIDATE PRIMARY ELECTIONS. (1) THE ALL-CANDIDATE PRIMARY ELECTIONS FOR COVERED OFFICES SHALL BE CONDUCTED WHEREBY ALL CANDIDATES WHO QUALIFY FOR THE BALLOT, REGARDLESS OF POLITICAL PARTY AFFILIATION OR NOMINATION OR LACK THEREOF, SHALL APPEAR ON THE SAME BALLOT AND EACH ELECTOR, REGARDLESS OF POLITICAL PARTY PREFERENCE OR AFFILIATION OR LACK THEREOF, IS ELIGIBLE TO VOTE FOR ONE CANDIDATE PER EACH COVERED OFFICE SPECIFIC TO THE DISTRICTS OF THE ELECTOR'S REGISTRATION. THE FOUR CANDIDATES THAT RECEIVE THE GREATEST NUMBER OF VOTES FOR EACH COVERED OFFICE ADVANCE TO THE GENERAL ELECTION.

(2) ANY ELECTOR MAY CAST THEIR ALL-CANDIDATE PRIMARY BALLOT FOR ANY CANDIDATE FOR EACH OF THE COVERED OFFICES REGARDLESS OF THE POLITICAL PARTY PREFERENCE OR AFFILIATION OR LACK THEREOF OF THE VOTER OR ANY POLITICAL PARTY AFFILIATION OR NOMINATION OR LACK THEREOF INDICATED BY THE CANDIDATE. THE ALL-CANDIDATE PRIMARY ELECTION DOES NOT SERVE TO DETERMINE THE NOMINEE OF A POLITICAL PARTY OR POLITICAL GROUP BUT INSTEAD SERVES TO NARROW THE NUMBER OF CANDIDATES WHOSE NAME WILL APPEAR ON THE BALLOT AT THE GENERAL ELECTION. NOTHING IN THIS SECTION SHALL PREVENT POLITICAL PARTIES, ORGANIZATIONS, OR OTHER GROUPS FROM NOMINATING OR ENDORSING A CANDIDATE OR CANDIDATES OF THEIR CHOICE FOR COVERED OFFICES NOR SHALL IT PREVENT A CANDIDATE FROM ACCEPTING OR REJECTING ANY NUMBER OF SUCH NOMINATIONS OR ENDORSEMENTS.

(3) CANDIDATES WHO QUALIFY FOR THE ALL-CANDIDATE PRIMARY ELECTION BALLOT SHALL BE PLACED ON THE BALLOT IN AN ORDER ESTABLISHED BY LOT WITH THEIR POLITICAL PARTY AFFILIATION, IF ANY, NEXT TO THEIR NAME. CANDIDATES ADVANCING FROM THE PRIMARY ELECTION TO THE GENERAL ELECTION FOR THESE COVERED OFFICES SHALL BE DETERMINED AS FOLLOWS:

(a) AT THE PRIMARY ELECTION FOR THESE COVERED OFFICES, ONLY THE FOUR CANDIDATES RECEIVING THE GREATEST NUMBER OF VOTES SHALL ADVANCE TO THE GENERAL ELECTION FOR THESE COVERED OFFICES.

(b) IF, HOWEVER, THERE ARE FOUR OR FEWER CANDIDATES FOR ONE OF THE COVERED OFFICES, THE PRIMARY ELECTION FOR THAT COVERED OFFICE SHALL STILL BE HELD AND THE RESULTS MADE PUBLIC, AND ALL CANDIDATES MUST BE DECLARED THE CANDIDATES FOR THE GENERAL ELECTION.

(c) IN THE EVENT IT CANNOT BE DETERMINED WHICH FOUR CANDIDATES RECEIVED THE GREATEST NUMBER OF VOTES DUE TO A TIE FOR THE FINAL ADVANCING POSITION, THE TIED CANDIDATE OR CANDIDATES WHO WILL PROCEED TO THE GENERAL ELECTION WILL BE DETERMINED BY LOT.

(d) IF ANY CANDIDATE WHO ADVANCES FROM THE PRIMARY ELECTION BECOMES UNABLE, BEFORE BALLOTS ARE PRINTED FOR THE GENERAL ELECTION, TO APPEAR ON THE GENERAL ELECTION BALLOT DUE TO WITHDRAWAL, DISQUALIFICATION, DEATH OR OTHER REASON, THE CANDIDATE RECEIVING THE NEXT GREATEST NUMBER OF VOTES AT THE PRIMARY ELECTION, BUT WHO DID NOT ORIGINALLY ADVANCE TO THE GENERAL ELECTION, TAKES THE WITHDRAWING CANDIDATE'S PLACE ON THE GENERAL ELECTION BALLOT.

(4) THE SECRETARY OF STATE SHALL PROMULGATE RULES, INCLUDING RULES FOR WITHDRAWING CANDIDATES AND WRITE-IN CANDIDATES, FOR THE ALL-CANDIDATE PRIMARY ELECTIONS AND THE PROCESS BY WHICH CANDIDATES ARE PLACED ON THE GENERAL ELECTION BALLOT CONSISTENT WITH THIS SECTION.

SECTION 4. In constitution of the state of Colorado, **add** section 15 to article VII as follows:

SECTION 15. TOP FOUR GENERAL ELECTIONS. (1) EACH ELECTOR MAY VOTE IN THE GENERAL ELECTION FOR EACH COVERED OFFICE FOR THE CANDIDATES ADVANCING FROM THE ALL-CANDIDATE PRIMARY ELECTION. EACH GENERAL ELECTION FOR COVERED OFFICE SHALL BE CONDUCTED BY INSTANT RUNOFF VOTING WHEREBY EVERY VOTER MAY RANK THE ADVANCING CANDIDATES IN ORDER OF PREFERENCE. VACANCY ELECTIONS FOR REPRESENTATIVE TO THE UNITES STATES HOUSE OF REPRESENTATIVES ALSO SHALL BE CONDUCTED USING INSTANT RUNOFF VOTING.

(2) THE GENERAL ELECTION BALLOT FOR COVERED OFFICES SHALL BE FORMATTED AS FOLLOWS:

(a) THE NAMES OF THE CANDIDATES ADVANCING FROM THE ALL-CANDIDATE PRIMARY ELECTION ALONG WITH THEIR POLITICAL PARTY AFFILIATION, IF ANY, SHALL BE PLACED ON THE BALLOT FOR THE GENERAL ELECTION.

(b) THE GENERAL ELECTION BALLOTS SHALL BE DESIGNED SO THAT THE VOTER MAY RANK CANDIDATES IN ORDER OF PREFERENCE.

(3) A VOTER MAY CHOOSE TO RANK AS MANY OR AS FEW CANDIDATES FOR THE COVERED OFFICES ON THE GENERAL ELECTION BALLOT AS THE VOTER WISHES, INCLUDING SELECTING JUST ONE CANDIDATE PER COVERED OFFICE.

(4) IF A CANDIDATE FOR A COVERED OFFICE RECEIVES A MAJORITY OF THE TOP-RANKED VOTES, THAT CANDIDATE WINS THE GENERAL ELECTION FOR THAT COVERED OFFICE.

(5) (a) THE SECRETARY OF STATE SHALL PROMULGATE RULES, INCLUDING RULES FOR WITHDRAWING CANDIDATES AND WRITE-IN CANDIDATES, CONSISTENT WITH THIS SECTION. THE RULES SHALL PRESCRIBE THE METHODS AND PROCEDURES FOR TABULATING, AUDITING, AND REPORTING RESULTS IN AN ELECTION USING INSTANT RUNOFF VOTING.

(b) THE SECRETARY OF STATE SHALL PROVIDE GUIDANCE AND ADVICE TO THE DESIGNATED ELECTION OFFICIALS ON THE CONDUCT OF ELECTIONS USING INSTANT RUNOFF VOTING.

SECTION 5. In constitution of the state of Colorado, **add** section 16 to article VII as follows:

SECTION 16. PROHIBITION ON USE OF VACANCY COMMITTEES FOR FILLING VACANCIES IN THE GENERAL ASSEMBLY. (1) IN THE EVENT OF A VACANCY IN THE GENERAL ASSEMBLY CAUSED BY THE DEATH OR RESIGNATION OF A MEMBER WHO HAS BEEN SWORN INTO OFFICE, OR CAUSED BY THE DEATH OR RESIGNATION OF A MEMBER WHO HAS BEEN ELECTED TO A SEAT BUT WHO HAS NOT YET

BEEN SWORN INTO OFFICE, THE USE OF A VACANCY COMMITTEE TO FILL THAT VACANCY IS PROHIBITED.

(2) VACANCIES IN THE GENERAL ASSEMBLY SHALL BE FILLED BY AN ELECTION CONDUCTED THROUGH A PROCESS WHEREBY THE CANDIDATE RECEIVING A MAJORITY OF VOTES IS ELECTED.

(3) THE SECRETARY OF STATE SHALL PROMULGATE RULES CONSISTENT WITH THIS SECTION FOR VACANCY ELECTIONS IN WHICH THE CANDIDATE RECEIVING A MAJORITY OF VOTES IS ELECTED.

SECTION 6. In constitution of the state of Colorado, **add** section 17 to article VII as follows:

SECTION 17. TIMELY REPORTING OF ELECTION RESULTS. (1) IT IS THE INTENT OF THE PEOPLE OF COLORADO THAT ALL VOTES LAWFULLY CAST ARE COUNTED BEFORE 11:59 P.M. ON ELECTION DAY, AND WHEN NOT REASONABLY POSSIBLE, AS SOON AS IS PRACTICABLE.

(2) (a) IN ORDER TO ENSURE THE TIMELY PROCESSING AND REPORTING OF ELECTION RESULTS, INCLUDING RESULTS FROM GENERAL ELECTIONS CONDUCTED USING INSTANT RUNOFF VOTING, COUNTING OF MAIL BALLOTS SHALL BEGIN UPON RECEIPT, AND EVERY BALLOT RECEIVED BEFORE ELECTION DAY SHALL BE COUNTED BY ELECTION DAY.

(b) ELECTION OFFICIALS SHALL USE ALL REASONABLE EFFORTS, INCLUDING REQUESTING SUFFICIENT STAFF AND RESOURCES, TO FOSTER THE TIMELY REPORTING OF ELECTION RESULTS BEGINNING AT 7 P.M. ON ELECTION DAY.

(3) NO INFORMATION CONCERNING THE COUNT SHALL BE RELEASED BY THE ELECTION OFFICIALS OR WATCHERS UNTIL AFTER 7 P.M. ON ELECTION DAY.

(4) FOR GENERAL ELECTIONS CONDUCTED USING INSTANT RUNOFF VOTING, RESULTS OF ALL TABULATIONS OF THE INSTANT RUNOFF SHALL BE REPORTED ON A COUNTY BY COUNTY, DISTRICT BY DISTRICT, AND STATEWIDE BASIS, WHICHEVER IS APPLICABLE.

(5) THE SECRETARY OF STATE SHALL ESTABLISH RULES TO ENSURE THE TIMELY TABULATION OF VOTES.

(6) THE GENERAL ASSEMBLY SHALL PROVIDE THE NECESSARY FUNDING SO THAT COUNTIES HAVE ADEQUATE STAFFING, SYSTEMS, AND TECHNOLOGY TO TIMELY COMPLETE THE COUNTING AND REPORTING OF ELECTION RESULTS.

(7) NOTHING IN THIS SECTION SHALL IMPACT A VOTER'S ABILITY TO CURE A SIGNATURE DEFICIENCY OR INCONSISTENCY, OR THE PROCESSING OF VOTES BY A UNIFORM-SERVICE VOTER, AN OVERSEAS VOTER, AND DEPENDENTS OF EITHER GROUP.

SECTION 7. EFFECTIVE DATE.

THIS INITIATIVE TAKES EFFECT AT 12:01 A.M. ON JANUARY 1, 2026.