

2023-2024 # 231 (Final)

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

SECTION 1. Declaration of the People of Colorado. (1) Because primary elections are paid for by taxpayers, all eligible voters who want their voices to be heard should be able to participate fully in those elections. Although unaffiliated voters are currently permitted to select one major party's primary election ballot, they should be granted greater choice. Unaffiliated voters should be allowed to vote for a candidate in a major party's primary election for one particular office while simultaneously voting for a candidate in a different major party's primary election for a different office. Accordingly, unaffiliated voters should be allowed to vote in federal, state, and local primary elections by selecting by office the major political primary election they wish to participate in.

(2) Involving more voters in primary elections for various offices generates more competitive candidates for elective office, promotes more meaningful voter participation, and holds elected officials more accountable to the viewpoints of more Coloradans.

SECTION 2. In Colorado Revised Statutes, 1-4-101, **amend** (2)(b), as follows:

1-4-101. Primary elections - when - nominations - expenses. (2) (b) (I) The county clerk and recorder shall send to all active electors in the county who have not declared an affiliation a mailing that contains ~~ballots~~ A SINGLE PRIMARY ELECTION BALLOT LISTING ALL CANDIDATES of all of the major political parties FOR ALL OFFICES SPECIFIC TO THE DISTRICTS OF EACH ELECTOR'S REGISTRATION. In this mailing, the clerk shall also provide written instructions advising the elector of the manner in which the elector will be in compliance with the requirements of this code in selecting and casting the ballot ~~of a major political party~~. An UNAFFILIATED elector may cast the ballot ~~of only one major political party~~ CONSISTENT WITH THE FOLLOWING:

(A) THE ELECTOR MAY VOTE FOR ONLY ONE CANDIDATE PER OFFICE, EXCEPT THAT IN A CONTEST WHERE THERE IS MORE THAN ONE OPEN SEAT FOR AN OFFICE SPECIFIC TO THE DISTRICTS OF THE ELECTOR'S REGISTRATION, THE ELECTOR MAY VOTE FOR THE SAME NUMBER OF CANDIDATES AS OPEN SEATS FOR THAT OFFICE.

(B) THE ELECTOR IS NOT LIMITED TO VOTING ONLY FOR CANDIDATES LISTED UNDER ONE MAJOR POLITICAL PARTY FOR EVERY OFFICE.

(C) THE ELECTOR MAY VOTE FOR A CANDIDATE FOR ONE MAJOR POLITICAL PARTY RUNNING FOR A PARTICULAR OFFICE WHILE ALSO VOTING FOR A CANDIDATE FOR A DIFFERENT MAJOR POLITICAL PARTY RUNNING FOR A DIFFERENT OFFICE. BUT AN ELECTOR CANNOT VOTE IN MULTIPLE MAJOR POLITICAL PARTY CONTESTS FOR THE SAME OFFICE.

(II) After selecting and casting ~~a~~ THE ballot ~~of a single major political party~~, the elector shall return the ballot to the clerk. If an elector casts and returns to the clerk ~~the~~ a ballot ~~of more than one major political party~~, all such ballots returned will be rejected CONTAINING VOTES IN TWO OR

MORE MAJOR POLITICAL PARTY CONTESTS FOR THE SAME OFFICE, THEN THE ELECTOR'S VOTES IN THOSE CONTESTS SHALL BE DESIGNATED AS OVERVOTES and will not be counted.

SECTION 3. In Colorado Revised Statutes, 1-5-402, **add** (3), as follows:

1-5-402. Primary election ballots. (3) NO LATER THAN THIRTY-TWO DAYS BEFORE THE PRIMARY ELECTION, THE COUNTY CLERK AND RECORDER SHALL PREPARE A COMBINED PRIMARY ELECTION BALLOT CONTAINING MAJOR POLITICAL PARTY CANDIDATES FOR ALL OFFICES TO BE USED BY UNAFFILIATED ELECTORS. THE BALLOTS MUST BE PRINTED IN THE FOLLOWING MANNER:

(a) ALL OFFICIAL BALLOTS SHALL BE PRINTED ACCORDING TO THE PROVISIONS OF SECTIONS 1-4-101, 1-5-407 AND 1-5-408; ACROSS THE TOP OF EACH BALLOT SHALL BE PRINTED THE WORDS "PRIMARY ELECTION BALLOT FOR UNAFFILIATED VOTERS."

(b) THE POSITIONS OF CANDIDATES ON THE BALLOTS TO BE USED BY UNAFFILIATED ELECTORS MUST BE ARRANGED IN THE ORDER SPECIFIED IN SUBSECTION (1)(b) OF THIS SECTION; EXCEPT THAT CANDIDATES OF EACH MAJOR POLITICAL PARTY MUST BE CLEARLY IDENTIFIED FROM CANDIDATES OF OTHER MAJOR POLITICAL PARTIES AND GROUPED TOGETHER CONSISTENT WITH SECTION 1-4-101(2).

SECTION 4. In Colorado Revised Statutes, 1-7-201, **amend** (2.3) and (4), as follows:

1-7-201. Voting at primary election. (2.3) An eligible unaffiliated elector, including a preregistrant who is eligible under section 1-2-101 (2)(c), is entitled to vote FOR A CANDIDATE in the primary election of a major political party without affiliating with that political party. ~~To vote in a political party's primary election without declaring an affiliation with the political party, any eligible unaffiliated elector shall declare to the election judges the name of the political party in whose primary election the elector wishes to vote. Thereupon, the election judges shall deliver the appropriate party ballot to the elector.~~ In addition, any eligible unaffiliated elector may openly declare to the election judges the name of the political party with which the elector wishes to affiliate and complete the necessary forms. An eligible elector must separately date and sign or date and initial a declaration of affiliation with a political party form in such manner that the elector clearly acknowledges that the affiliation has been properly recorded. Thereupon, the election judges shall deliver the appropriate party ballot to the eligible elector.

(4) Party ballots shall be cast in the same manner as in general elections; EXCEPT THAT UNAFFILIATED VOTERS MAY VOTE FOR A CANDIDATE FOR ONE MAJOR POLITICAL PARTY RUNNING FOR A PARTICULAR OFFICE WHILE ALSO VOTING FOR A CANDIDATE FOR A DIFFERENT MAJOR POLITICAL PARTY RUNNING FOR A DIFFERENT OFFICE. An elector shall not vote for more candidates for any office than are to be elected at the general election as indicated on the ballot.

SECTION 5. Severability.

If any provision of this initiative, or the application of any provision of this initiative to any person, office, or circumstance, is held to be unconstitutional, the remainder of this initiative and the application of its provision to any person, office, or circumstance, shall not be affected by the holding.

SECTION 6. Effective Date.

This initiative takes effect at 12:01 a.m. on January 1, 2026.