

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 16-1216.02 Bob Lackner x4350

HOUSE BILL 16-1454

HOUSE SPONSORSHIP

Moreno and Dore, Garnett

SENATE SPONSORSHIP

Guzman,

House Committees

State, Veterans, & Military Affairs
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PRIMARY ELECTIONS, AND, IN CONNECTION THEREWITH,**
102 **RESTORING A PRESIDENTIAL PRIMARY ELECTION IN COLORADO,**
103 **ALLOWING UNAFFILIATED VOTERS TO TEMPORARILY AFFILIATE**
104 **WITH A POLITICAL PARTY IN ORDER TO VOTE IN PRIMARY**
105 **ELECTIONS IN WHICH THE POLITICAL PARTY IS PARTICIPATING,**
106 **AND MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Restoration of the presidential primary election

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
April 28, 2016

From 1992 until 2000, the state held a presidential primary election. The state repealed its presidential primary election in 2003. **Section 2** of the bill restores this election. Specifically, it requires the state to hold a presidential primary election on a Tuesday on a date designated by the governor. The date selected for the primary must be no earlier than the date the national rules of the major political parties provide for state delegations to the party's national convention to be allocated without penalty and not later than the third Tuesday in March in years in which a United States presidential election will be held. In consultation with the secretary of state, the governor is required to select the date of the presidential primary election no later than September 1 in the year before the presidential primary election will be held.

Each major political party (political party) that has a qualified candidate entitled to participate in the presidential primary election is entitled to participate in the primary election and must 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 with which the elector has declared an affiliation. An unaffiliated eligible elector may declare an affiliation with a political party to the election judges at the presidential primary election.

A ballot used in a presidential primary election must only contain the names of candidates for the office of the president. The ballot shall not be used for the purpose of presenting any other issue or question to the electorate.

Not later than 60 days before the presidential primary election, the bill requires the secretary of state (secretary) to certify the names and party affiliations of the candidates to be placed on a presidential primary election ballot. The bill specifies eligibility requirements that candidates must meet to have their names placed on the primary election ballot, and requires the names of candidates appearing on the presidential primary election ballot to be in an order determined by lot. The secretary determines the method of drawing lots.

The bill permits the state chairperson of a political party to request that the secretary provide a place on the presidential primary election ballot for electors who have no presidential candidate preference to register a vote to send a noncommitted delegate to the political party's national convention in specified circumstances.

The bill permits legal challenges to the listing of any candidate on the presidential primary election ballot and specifies procedures governing such challenges.

The bill specifies circumstances under which a write-in vote will be counted, and additional procedures regarding the survey of presidential primary election returns and the certification of results. The bill also requires each political party to use the results of the presidential primary election to allocate delegate votes to presidential candidates in accordance

with state or national party rules.

Section 7 restricts a candidate in a presidential primary from circulating petitions before the first Monday in November of the year preceding the year in which the presidential primary election is held. This section also requires a candidate to file a petition no later than 85 days before the presidential primary election.

Section 11 requires the general assembly to appropriate moneys from the general fund to cover the costs of the election incurred by the state arising from the presidential primary election. Sections 1 and 5 further require the state, by means of an appropriation from the general fund, to reimburse the counties for all of the actual direct costs they incur arising from the preparation and conduct of such election. By rule, the secretary of state is required to determine the type of actual costs for which the counties are entitled to reimbursement under the bill.

Temporary affiliation by unaffiliated voters

Sections 3 and 6 create a new category of voter to be known as a "temporary affiliated elector", which the bill defines as "an unaffiliated person who is registered to vote and chooses to become affiliated with a political party on a temporary basis". Section 1 also clarifies that the nonpresidential primary election used to elect candidates for state office may also be referred to as the "state primary".

Under section 6, in connection with any primary election that is held on or after January 1, 2018, any unaffiliated registered elector may become a temporary affiliated elector by declaring an intent to temporarily affiliate with any major or minor political party. This intent may be declared when the elector desires to vote at a primary election or the elector may declare his or her intent to become a temporary unaffiliated elector at any other time during which electors are permitted to register.

An unaffiliated elector who has declared an intent to become a temporary affiliated elector is entitled to cast a ballot in any primary election held during a single general election cycle in which the political party with whom the elector has chosen to temporarily affiliate has one or more candidates on such ballot. The period of temporary affiliation commences 45 days before the presidential primary or state primary, as applicable. The period of temporary affiliation terminates 30 days after the date of the presidential primary or state primary, as applicable. At the end of the temporary affiliation period, the elector's temporary affiliation with a political party ends and the elector must declare again his or her intent to become a temporary affiliated elector for each subsequent general election cycle in which there is a primary election in which the elector wishes to participate.

The status of being a temporary affiliated elector does not entitle the elector to be eligible to run as a candidate of the political party with

which he or she is temporarily affiliated, to vote at any precinct caucus, to serve as a delegate to a party assembly or nominating convention of such political party at any state, local, or national level, to accept any public office, including appointment to any state board or commission, for which partisan affiliation is a requirement of appointment, or to accept any other public benefit or position for which affiliation with a political party is a requirement for acceptance of the same. A person who has become a temporary affiliated elector may accept any appointment for which unaffiliated status is a requirement of the appointment.

A voter who is unaffiliated may openly declare to the election judges at a voter service and polling center on the date of the presidential primary election or state primary, as applicable, that he or she intends to become a temporary affiliated voter with a particular political party and be presented with a party ballot of the political party with which he or she has chosen to temporarily affiliate. A person who has chosen to become a temporary affiliated elector with one political party is not entitled to change his or her temporary affiliation to affiliate with another political party less than 29 days before the presidential primary or state primary election, as applicable.

Section 4 allows an elector to choose to become a temporary affiliated elector by means of the online registration system.

Section 5 expands the questions an elector is asked on registering to vote in person to include whether the elector chooses to become a temporary affiliated elector.

Section 9 conforms existing statutory procedures that govern voting at a primary election to accommodate voting by persons who have become temporary affiliated electors.

Sections 8 and 10 conform existing statutory provisions governing the required notice that is given to voters before voting in primary elections to include voting in a presidential primary election and to accommodate voting in primary elections by persons who have become temporary affiliated electors.

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

2 **SECTION 1. Short title.** The short title of this act is the "Primary
3 Participation Act".

4 **SECTION 2.** In Colorado Revised Statutes, **recreate and**
5 **reenact, with amendments,** part 12 to article 4 of title 1 as follows:

6 **1-4-1201. Legislative declaration.** IN RECREATING AND
7 REENACTING THIS PART 12, IT IS THE INTENT OF THE GENERAL ASSEMBLY

1 THAT THE PROVISIONS OF THIS PART 12 CONFORM TO THE REQUIREMENTS
2 OF FEDERAL LAW AND NATIONAL POLITICAL PARTY RULES GOVERNING
3 PRESIDENTIAL PRIMARY ELECTIONS.

4 **1-4-1202. Definitions.** AS USED IN THIS PART 12, UNLESS THE
5 CONTEXT OTHERWISE REQUIRES:

6 (1) "POLITICAL PARTY", FOR PURPOSES OF THIS PART 12, HAS
7 THE SAME MEANING AS "POLITICAL PARTY" AS DEFINED IN SECTION
8 1-1-104 (25) AND AS SUCH TERM MAY BE USED ELSEWHERE IN THIS CODE.

9 (2) "PRESIDENTIAL PRIMARY ELECTION" MEANS A PRIMARY
10 ELECTION CONDUCTED IN A YEAR IN WHICH A UNITED STATES
11 PRESIDENTIAL ELECTION WILL BE HELD TO ALLOCATE DELEGATES TO
12 NATIONAL NOMINATING CONVENTIONS OF THE MAJOR POLITICAL PARTIES
13 SELECTED IN ACCORDANCE WITH SECTION 1-4-701 (1).

14 **1-4-1203. Presidential primary elections - when - conduct.**

15 (1) A PRESIDENTIAL PRIMARY ELECTION MUST BE HELD ON A TUESDAY ON
16 A DATE DESIGNATED BY THE GOVERNOR. THE DATE SELECTED FOR THE
17 PRIMARY MUST BE NO EARLIER THAN THE DATE THE NATIONAL RULES OF
18 THE MAJOR POLITICAL PARTIES PROVIDE FOR STATE DELEGATIONS TO THE
19 PARTY'S NATIONAL CONVENTION TO BE ALLOCATED WITHOUT PENALTY
20 AND NOT LATER THAN THE THIRD TUESDAY IN MARCH IN YEARS IN WHICH
21 A UNITED STATES PRESIDENTIAL ELECTION WILL BE HELD. THE GOVERNOR
22 SHALL, NO LATER THAN THE FIRST DAY OF SEPTEMBER IN THE YEAR
23 BEFORE THE PRESIDENTIAL PRIMARY ELECTION WILL BE HELD, IN
24 CONSULTATION WITH THE SECRETARY OF STATE, DESIGNATE THE DATE OF
25 THE PRESIDENTIAL PRIMARY ELECTION.

26 (2) EACH POLITICAL PARTY THAT HAS A QUALIFIED CANDIDATE
27 ENTITLED TO PARTICIPATE IN THE PRESIDENTIAL PRIMARY ELECTION

1 PURSUANT TO THIS SECTION IS ENTITLED TO PARTICIPATE IN THE PRIMARY
2 ELECTION AND MUST HAVE A SEPARATE PARTY BALLOT. AT THE
3 PRESIDENTIAL PRIMARY ELECTION, AN ELECTOR MAY VOTE ONLY FOR A
4 CANDIDATE ON THE BALLOT OF THE POLITICAL PARTY WITH WHICH THE
5 ELECTOR HAS DECLARED AN AFFILIATION. AN UNAFFILIATED ELIGIBLE
6 ELECTOR MAY DECLARE AN AFFILIATION WITH A POLITICAL PARTY TO THE
7 ELECTION JUDGES AT THE PRESIDENTIAL PRIMARY ELECTION IN
8 ACCORDANCE WITH SECTION 1-7-201. NOTWITHSTANDING ANY OTHER
9 PROVISION OF LAW, NO ELECTOR AFFILIATED WITH A MAJOR OR MINOR
10 POLITICAL PARTY OR POLITICAL ORGANIZATION MAY CHANGE OR
11 WITHDRAW HIS OR HER AFFILIATION IN ORDER TO VOTE IN THE
12 PRESIDENTIAL PRIMARY ELECTION OF ANOTHER POLITICAL PARTY UNLESS
13 THE ELECTOR HAS CHANGED OR WITHDRAWN SUCH AFFILIATION NO LATER
14 THAN THE TWENTY-NINTH DAY PRECEDING THE PRESIDENTIAL PRIMARY
15 ELECTION AS PROVIDED IN SECTION 1-2-219 (1).

16 (3) EXCEPT AS OTHERWISE PROVIDED IN THIS PART 12, A
17 PRESIDENTIAL PRIMARY ELECTION MUST BE CONDUCTED IN THE SAME
18 MANNER AS ANY OTHER PRIMARY ELECTION TO THE EXTENT STATUTORY
19 PROVISIONS GOVERNING OTHER PRIMARY ELECTIONS ARE APPLICABLE TO
20 THIS PART 12. THE ELECTION OFFICIALS AND COUNTY CLERK AND
21 RECORDERS HAVE THE SAME POWERS AND SHALL PERFORM THE SAME
22 DUTIES FOR PRESIDENTIAL PRIMARY ELECTIONS AS THEY PROVIDE BY LAW
23 FOR OTHER PRIMARY ELECTIONS AND GENERAL ELECTIONS.

24 (4) A BALLOT USED IN A PRESIDENTIAL PRIMARY ELECTION MUST
25 ONLY CONTAIN THE NAMES OF CANDIDATES FOR THE OFFICE OF THE
26 PRESIDENT OF THE UNITED STATES. THE BALLOT SHALL NOT BE USED FOR
27 THE PURPOSE OF PRESENTING ANY OTHER ISSUE OR QUESTION TO THE

1 ELECTORATE.

2 (5) IN ACCORDANCE WITH SECTION 24-21-104.5 (2), C.R.S., BY
3 MEANS OF AN APPROPRIATION FROM THE GENERAL FUND, THE STATE
4 SHALL REIMBURSE THE COUNTIES FOR ALL OF THE ACTUAL DIRECT COSTS
5 THEY INCUR ARISING FROM THE PREPARATION AND CONDUCT OF A
6 PRESIDENTIAL PRIMARY ELECTION IN ACCORDANCE WITH THIS PART 12. BY
7 RULE PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.,
8 THE SECRETARY OF STATE SHALL DETERMINE THE TYPE OF ACTUAL DIRECT
9 COSTS FOR WHICH THE COUNTIES ARE ENTITLED TO REIMBURSEMENT
10 PURSUANT TO THIS SUBSECTION (5) AND SECTION 24-21-104.5 (2), C.R.S.

11 **1-4-1204. Names on ballots - rules.** (1) NOT LATER THAN SIXTY
12 DAYS BEFORE THE PRESIDENTIAL PRIMARY ELECTION, THE SECRETARY OF
13 STATE SHALL CERTIFY THE NAMES AND PARTY AFFILIATIONS OF THE
14 CANDIDATES TO BE PLACED ON THE PRESIDENTIAL PRIMARY ELECTION
15 BALLOT. THE ONLY CANDIDATES WHOSE NAMES WILL BE PLACED ON
16 PRESIDENTIAL PRIMARY ELECTION BALLOTS ARE THOSE CANDIDATES WHO:

17 (a) ARE ELIGIBLE TO RECEIVE PAYMENTS PURSUANT TO THE
18 FEDERAL "PRESIDENTIAL PRIMARY MATCHING PAYMENT ACCOUNT ACT",
19 26 U.S.C. SEC. 9031 ET SEQ., OR ANY SUCCESSOR SECTION OF FEDERAL
20 LAW, AT THE TIME CANDIDATES' NAMES ARE TO BE CERTIFIED BY THE
21 SECRETARY OF STATE PURSUANT TO THIS SUBSECTION (1);

22 (b) ARE SEEKING THE NOMINATION OF A POLITICAL PARTY AS A
23 BONA FIDE CANDIDATE FOR PRESIDENT OF THE UNITED STATES PURSUANT
24 TO POLITICAL PARTY RULES AND ARE AFFILIATED WITH A POLITICAL PARTY
25 THAT RECEIVED AT LEAST TWENTY PERCENT OF THE VOTES CAST AT THE
26 LAST PRESIDENTIAL ELECTION BY ELECTORS REGISTERED IN COLORADO,
27 IN THE CASE OF A MAJOR POLITICAL PARTY, AND, IN THE CASE OF A MINOR

1 POLITICAL PARTY, SUCH PARTY HAS SATISFIED THE REQUIREMENTS
2 SPECIFIED IN 1-4-1303 (1) (a), C.R.S.; AND

3 (c) HAVE SUBMITTED TO THE SECRETARY OF STATE, NOT LATER
4 THAN EIGHTY-FIVE DAYS BEFORE THE PRESIDENTIAL PRIMARY ELECTION,
5 A NOTARIZED CANDIDATE'S STATEMENT OF INTENT TOGETHER WITH A
6 PETITION SIGNED BY AT LEAST ONE THOUSAND FIVE HUNDRED ELIGIBLE
7 ELECTORS AFFILIATED WITH THE CANDIDATE'S POLITICAL PARTY IN EACH
8 CONGRESSIONAL DISTRICT. CANDIDATE PETITIONS MUST MEET THE
9 REQUIREMENTS OF PARTS 8 AND 9 OF THIS ARTICLE, AS APPLICABLE.

10 (2) THE NAMES OF CANDIDATES APPEARING ON ANY PRESIDENTIAL
11 PRIMARY ELECTION BALLOT MUST BE IN AN ORDER DETERMINED BY LOT.
12 THE SECRETARY OF STATE SHALL DETERMINE THE METHOD OF DRAWING
13 LOTS.

14 (3) EXCEPT AS OTHERWISE MAY BE PROHIBITED BY POLITICAL
15 PARTY RULES, THE STATE CHAIRPERSON OF A POLITICAL PARTY MAY
16 REQUEST THAT THE SECRETARY OF STATE PROVIDE A PLACE ON THE
17 PRESIDENTIAL PRIMARY ELECTION BALLOT FOR ELECTORS WHO HAVE NO
18 PRESIDENTIAL CANDIDATE PREFERENCE TO REGISTER A VOTE TO SEND A
19 NONCOMMITTED DELEGATE TO THE POLITICAL PARTY'S NATIONAL
20 CONVENTION. TO BE VALID, THIS REQUEST MUST BE RECEIVED BY THE
21 SECRETARY OF STATE NOT LATER THAN EIGHTY-FIVE DAYS BEFORE THE
22 PRESIDENTIAL PRIMARY ELECTION.

23 (4) ANY CHALLENGE TO THE LISTING OF ANY CANDIDATE ON THE
24 PRESIDENTIAL PRIMARY ELECTION BALLOT MUST BE MADE IN WRITING AND
25 FILED WITH THE SECRETARY OF STATE NOT LATER THAN FIVE DAYS AFTER
26 THE FILING DEADLINE FOR CANDIDATES. ANY SUCH CHALLENGE MUST
27 PROVIDE NOTICE IN WRITING IN A SUMMARY MANNER OF THE ALLEGED

1 IMPROPRIETY THAT GIVES RISE TO THE COMPLAINT. THE SECRETARY SHALL
2 ADDRESS BY RULE, PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF
3 TITLE 24, C.R.S., OTHER REQUIREMENTS OF A VALID CHALLENGE. IN
4 RESPONSE TO A VALID CHALLENGE BROUGHT UNDER THIS SUBSECTION (4),
5 THE SECRETARY SHALL TRANSMIT NOTICE OF THE CHALLENGE FORTHWITH
6 TO ALL CANDIDATES APPEARING ON THE PRESIDENTIAL PRIMARY ELECTION
7 BALLOT AND TO THE STATE CHAIRPERSON OF EACH POLITICAL PARTY. NO
8 LATER THAN FIVE DAYS AFTER THE CHALLENGE IS FILED, A HEARING MUST
9 BE HELD AT WHICH TIME THE SECRETARY SHALL HEAR THE CHALLENGE
10 AND ASSESS THE VALIDITY OF ALL ALLEGED IMPROPRIETIES. THE
11 SECRETARY SHALL ISSUE FINDINGS OF FACT AND CONCLUSIONS OF LAW
12 NOT LATER THAN FORTY-EIGHT HOURS AFTER THE HEARING. THE PARTY
13 FILING THE CHALLENGE HAS THE BURDEN OF SUSTAINING THE CHALLENGE
14 BY A PREPONDERANCE OF THE EVIDENCE. THE SECRETARY'S DECISIONS
15 UPON MATTERS OF SUBSTANCE ARE OPEN TO REVIEW, IF PROMPT
16 APPLICATION IS MADE, AS PROVIDED IN SECTION 1-1-113.

17 **1-4-1205. Write-in candidate statement for presidential**
18 **primary.** A WRITE-IN VOTE FOR ANY CANDIDATE ON THE PRESIDENTIAL
19 PRIMARY ELECTION BALLOT SHALL NOT BE COUNTED UNLESS THE
20 CANDIDATE FOR WHOM THE WRITE-IN VOTE WAS CAST HAS FILED A
21 NOTARIZED CANDIDATE'S STATEMENT OF INTENT TO SEEK THE OFFICE OF
22 PRESIDENT OF THE UNITED STATES. ANY SUCH STATEMENT MUST BE FILED
23 WITH THE SECRETARY OF STATE NO LATER THAN THE CLOSE OF BUSINESS
24 ON THE SIXTY-SEVENTH DAY BEFORE THE PRESIDENTIAL PRIMARY
25 ELECTION.

26 **1-4-1206. Presidential primary ballots - survey of returns.**
27 EACH COUNTY CLERK AND RECORDER SHALL SURVEY ALL RETURNS

1 RECEIVED FROM THE PRESIDENTIAL PRIMARY ELECTION IN ALL COUNTY
2 PRECINCTS, AS PROVIDED IN THIS TITLE, AND SHALL CERTIFY THE RESULTS
3 OF THE PRESIDENTIAL PRIMARY ELECTION TO THE SECRETARY OF STATE NO
4 LATER THAN THIRTEEN DAYS AFTER THE PRIMARY ELECTION.

5 **1-4-1207. Election results - certification - allocation and**
6 **pledging of delegates.** (1) THE SECRETARY OF STATE SHALL COMPILE THE
7 NUMBER OF VOTES CAST FOR EACH CANDIDATE NAMED ON THE
8 PRESIDENTIAL PRIMARY ELECTION BALLOT AND THE VOTES CAST TO SEND
9 A NONCOMMITTED DELEGATE TO THE POLITICAL PARTY'S NATIONAL
10 CONVENTION, IF APPLICABLE, AND SHALL CALCULATE THE PERCENTAGE OF
11 VOTES RECEIVED BY EACH AS COMPARED TO THE NUMBER OF VOTES CAST
12 BY ELECTORS OF THE SAME POLITICAL PARTY.

13 (2) THE SECRETARY OF STATE SHALL CERTIFY THE RESULTS AND
14 PERCENTAGES CALCULATED PURSUANT TO SUBSECTION (1) OF THIS
15 SECTION TO THE STATE CHAIRPERSON AND TO THE NATIONAL COMMITTEE
16 OF EACH POLITICAL PARTY THAT HAD AT LEAST ONE CANDIDATE ON THE
17 PRESIDENTIAL PRIMARY ELECTION BALLOT.

18 (3) EXCEPT AS OTHERWISE PROHIBITED OR REQUIRED BY NATIONAL
19 POLITICAL PARTY RULES, EACH POLITICAL PARTY MUST USE THE RESULTS
20 OF THE PRESIDENTIAL PRIMARY ELECTION TO ALLOCATE DELEGATE VOTES
21 TO PRESIDENTIAL CANDIDATES IN ACCORDANCE WITH STATE OR NATIONAL
22 PARTY RULES. POLITICAL PARTIES NEED NOT ALLOCATE DELEGATE VOTES
23 TO CANDIDATES WHO RECEIVE LESS THAN FIFTEEN PERCENT OF THE VOTES
24 CAST IN THE PRESIDENTIAL PRIMARY ELECTION FOR THAT PARTY UNLESS
25 REQUIRED TO DO SO BY STATE OR NATIONAL PARTY RULES.

26 **SECTION 3.** In Colorado Revised Statutes, 1-1-104, **amend** (32);
27 **and add** (49.3) as follows:

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

3 (32) "Primary election" means the election held on the last
4 Tuesday in June of each even-numbered year. A PRIMARY ELECTION MAY
5 ALSO BE KNOWN AND REFERRED TO AS A "STATE PRIMARY ELECTION".

6 (49.3) "TEMPORARY AFFILIATED ELECTOR" MEANS AN
7 UNAFFILIATED ELECTOR WHO IS REGISTERED TO VOTE AND CHOOSES TO
8 BECOME AFFILIATED WITH A POLITICAL PARTY ON A TEMPORARY BASIS IN
9 ACCORDANCE WITH SECTION 1-2-218.7.

10 **SECTION 4.** In Colorado Revised Statutes, 1-2-202.5, **amend** (2)
11 as follows:

12 **1-2-202.5. Online voter registration - online changes in elector**
13 **information.** (2) The secretary of state shall make available on the
14 secretary of state's official website electronic forms for persons to apply
15 to register to vote, and for a registered elector to change his or her
16 residence or change or withdraw his or her affiliation, OR FOR AN
17 UNAFFILIATED ELECTOR TO CHOOSE TO BECOME A TEMPORARY AFFILIATED
18 ELECTOR IN ACCORDANCE WITH SECTION 1-2-218.7.

19 **SECTION 5.** In Colorado Revised Statutes, 1-2-204, **amend** (2)
20 (j) as follows:

21 **1-2-204. Questions answered by elector - rules.** (2) In addition,
22 each eligible elector shall be asked, and the elector shall correctly answer,
23 the following:

24 (j) The elector's affiliation, if any, if the eligible elector desires
25 EITHER to affiliate with any political party or political organization OR TO
26 BECOME A TEMPORARY AFFILIATED ELECTOR IN ACCORDANCE WITH
27 SECTION 1-2-218.7. If this question is not answered, the elector shall be

1 registered as "unaffiliated". Only the eligible elector personally shall
2 declare the eligible elector's affiliation.

3 **SECTION 6.** In Colorado Revised Statutes, add 1-2-218.7 as
4 follows:

5 **1-2-218.7. Temporary affiliation with a political party.**

6 (1) ANY UNAFFILIATED ELECTOR MAY BECOME A TEMPORARY AFFILIATED
7 ELECTOR BY DECLARING AN INTENT TO TEMPORARILY AFFILIATE WITH ANY
8 MAJOR POLITICAL PARTY OR MINOR POLITICAL PARTY. SUCH INTENT MAY
9 BE DECLARED WHEN THE ELECTOR DESIRES TO VOTE AT A PRIMARY
10 ELECTION, AS PROVIDED IN SECTION 1-7-201 (2), OR THE ELECTOR MAY
11 DECLARE HIS OR HER INTENT TO BECOME A TEMPORARY AFFILIATED
12 ELECTOR AT ANY OTHER TIME DURING WHICH ELECTORS ARE PERMITTED
13 TO REGISTER.

14 (2) AN ELECTOR WHO HAS DECLARED AN INTENT TO BECOME A
15 TEMPORARY AFFILIATED ELECTOR IS ENTITLED TO CAST A BALLOT IN ANY
16 PRIMARY ELECTION HELD DURING A SINGLE GENERAL ELECTION CYCLE IN
17 WHICH THE POLITICAL PARTY WITH WHOM THE ELECTOR HAS CHOSEN TO
18 TEMPORARILY AFFILIATE HAS ONE OR MORE CANDIDATES ON SUCH
19 BALLOT. THE PERIOD OF TEMPORARY AFFILIATION COMMENCES
20 FORTY-FIVE DAYS BEFORE THE PRESIDENTIAL PRIMARY ELECTION OR THE
21 STATE PRIMARY, AS APPLICABLE. THE PERIOD OF TEMPORARY AFFILIATION
22 TERMINATES THIRTY DAYS FOLLOWING THE DATE OF THE PRESIDENTIAL
23 PRIMARY ELECTION OR THE STATE PRIMARY ELECTION, AS APPLICABLE. AT
24 THE END OF THE TEMPORARY AFFILIATION PERIOD, THE ELECTOR'S
25 TEMPORARY AFFILIATION WITH A POLITICAL PARTY ENDS AND THE
26 ELECTOR MUST BE RETURNED TO UNAFFILIATED STATUS. IF THE ELECTOR
27 DESIRES TO PARTICIPATE IN ANY SUBSEQUENT PRIMARY ELECTION, HE OR

1 SHE MUST DECLARE AGAIN HIS OR HER INTENT TO BECOME A TEMPORARY
2 AFFILIATED ELECTOR FOR EACH SUBSEQUENT PRIMARY ELECTION IN
3 ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION. A DECLARATION OF
4 AFFILIATION OF EACH REGISTERED ELECTOR MUST BE RECORDED AND
5 MAINTAINED IN THE STATEWIDE VOTER REGISTRATION SYSTEM FROM THE
6 DATE THE DECLARATION OF INTENT IS RECEIVED BY THE COUNTY CLERK
7 AND RECORDER THROUGH AND INCLUDING THE CONCLUSION OF THE
8 PERIOD OF TEMPORARY AFFILIATION.

9 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
10 STATUS OF BEING A TEMPORARY AFFILIATED ELECTOR SHALL NOT ENTITLE
11 THE ELECTOR TO BE ELIGIBLE TO RUN AS A CANDIDATE OF THE POLITICAL
12 PARTY WITH WHICH HE OR SHE IS TEMPORARILY AFFILIATED, TO VOTE AT
13 ANY PRECINCT CAUCUS, TO SERVE AS A DELEGATE TO A PARTY ASSEMBLY
14 OR NOMINATING CONVENTION OF SUCH POLITICAL PARTY AT ANY STATE,
15 LOCAL, OR NATIONAL LEVEL, TO ACCEPT ANY PUBLIC OFFICE, INCLUDING
16 APPOINTMENT TO ANY STATE BOARD OR COMMISSION, FOR WHICH
17 PARTISAN AFFILIATION IS A REQUIREMENT OF APPOINTMENT, OR TO ACCEPT
18 ANY OTHER PUBLIC BENEFIT OR POSITION FOR WHICH AFFILIATION WITH A
19 POLITICAL PARTY IS A REQUIREMENT FOR ACCEPTANCE OF THE SAME. A
20 PERSON WHO HAS BECOME A TEMPORARY AFFILIATED ELECTOR MAY
21 ACCEPT ANY APPOINTMENT FOR WHICH UNAFFILIATED STATUS IS A
22 REQUIREMENT OF THE APPOINTMENT.

23 (4) IN ACCORDANCE WITH SECTION 1-7-201, A PERSON WHOSE
24 REGISTRATION AS OF TWENTY-NINE DAYS BEFORE THE PRESIDENTIAL
25 PRIMARY ELECTION OR STATE PRIMARY ELECTION, AS APPLICABLE, AS
26 SHOWN IN THE STATEWIDE VOTER REGISTRATION SYSTEM IS UNAFFILIATED
27 MAY OPENLY DECLARE TO THE ELECTION JUDGES AT A VOTER SERVICE AND

1 POLLING CENTER DURING THE PERIOD WHEN VOTER SERVICE AND POLLING
2 CENTERS ARE OPEN FOR A PRESIDENTIAL PRIMARY ELECTION OR STATE
3 PRIMARY ELECTION, AS APPLICABLE, THAT HE OR SHE INTENDS TO BECOME
4 A TEMPORARY AFFILIATED VOTER WITH A PARTICULAR POLITICAL PARTY
5 AND BE PRESENTED WITH A PARTY BALLOT OF THE POLITICAL PARTY WITH
6 WHICH HE OR SHE HAS CHOSEN TO TEMPORARILY AFFILIATE. A PERSON
7 WHO HAS CHOSEN TO BECOME A TEMPORARY AFFILIATED ELECTOR WITH
8 ONE POLITICAL PARTY SHALL NOT CHANGE HIS OR HER TEMPORARY
9 AFFILIATION TO AFFILIATE WITH ANOTHER POLITICAL PARTY LESS THAN
10 TWENTY-NINE DAYS BEFORE THE PRESIDENTIAL PRIMARY OR STATE
11 PRIMARY ELECTION, AS APPLICABLE.

12 **SECTION 7.** In Colorado Revised Statutes, 1-4-801, **amend (5)**
13 as follows:

14 **1-4-801. Designation of party candidates by petition.** (5) Party
15 petitions shall not be circulated nor any signatures be obtained prior to the
16 first Monday in February. A CANDIDATE IN A PRESIDENTIAL PRIMARY
17 ELECTION SHALL NOT BEGIN CIRCULATING PETITIONS BEFORE THE FIRST
18 MONDAY IN NOVEMBER OF THE YEAR PRECEDING THE YEAR IN WHICH THE
19 PRESIDENTIAL PRIMARY ELECTION IS HELD. Petitions ~~shall~~ MUST be filed
20 no later than eighty-five days before the PRESIDENTIAL primary election
21 OR STATE PRIMARY ELECTION, AS APPLICABLE.

22 **SECTION 8.** In Colorado Revised Statutes, 1-5-205, **amend as**
23 **added by Senate Bill 16-142 (4)** as follows:

24 **1-5-205. Published and posted notice of election - content.**
25 (4) For a primary mail ballot election, INCLUDING A PRESIDENTIAL
26 PRIMARY ELECTION, in addition to the items described in subsection (1)
27 of this section, the notice shall advise eligible electors who are not

1 affiliated with a political party of the electors' ability to declare an
2 affiliation with a political party and vote in the primary election AND THE
3 ELECTORS' ABILITY TO DECLARE AN INTENT TO BECOME A TEMPORARY
4 AFFILIATED ELECTOR IN ACCORDANCE WITH SECTION 1-2-218.7.

5 **SECTION 9.** In Colorado Revised Statutes, 1-7-201, **amend** (1)
6 and (2) as follows:

7 **1-7-201. Voting at primary election.** (1) Any registered elector
8 who has declared an affiliation with a political party that is participating
9 in a primary election, OR ANY REGISTERED ELECTOR WHO HAS DECLARED
10 AN INTENT IN ACCORDANCE WITH SECTION 1-2-218.7 TO BECOME A
11 TEMPORARY AFFILIATED ELECTOR WITH A POLITICAL PARTY THAT IS
12 PARTICIPATING IN THE PRIMARY ELECTION, and who desires to vote for
13 candidates of that party at a primary election shall show identification, as
14 defined in section 1-1-104 (19.5), write his or her name and address on
15 a form available at the voter service and polling center, and give the form
16 to one of the election judges.

17 (2) If the name is found on the registration list, the election judge
18 having charge of the list shall likewise repeat the elector's name and
19 present the elector with the party ballot of the political party affiliation
20 last recorded OR THE PARTY BALLOT OF THE POLITICAL PARTY WITH WHICH
21 THE ELECTOR HAS BECOME AFFILIATED AS A TEMPORARY AFFILIATED
22 ELECTOR IN ACCORDANCE WITH SECTION 1-2-218.7, AS APPLICABLE. If
23 unaffiliated, the eligible elector shall openly declare to the election judges
24 the name of the political party with which the elector wishes to affiliate,
25 complete the approved form for voter registration information changes,
26 and initial the registration list in the space provided. Declaration of
27 affiliation with a political party shall be separately dated and signed or

1 dated and initialed by the eligible elector in such manner that the elector
2 clearly acknowledges that the affiliation has been properly recorded.
3 Thereupon, the election judges shall deliver the appropriate party ballot
4 to the eligible elector. Eligible electors who decline to state an affiliation
5 with a political party that is participating in the primary, ~~shall~~ OR WHO
6 DECLINE TO BECOME A TEMPORARY AFFILIATED ELECTOR, ARE not ~~be~~
7 entitled to vote at the primary election.

8 **SECTION 10.** In Colorado Revised Statutes, 1-7.5-107, **amend**
9 (2.3) (a), (2.3) (b), and (2.3) (c) as follows:

10 **1-7.5-107. Procedures for conducting mail ballot election -**
11 **primary elections - first-time voters casting a mail ballot after having**
12 **registered by mail to vote - in-person request for ballot - repeal.**

13 (2.3) (a) Not less than thirty days nor more than ~~forty-five~~ SIXTY days
14 before a PRESIDENTIAL primary OR STATE PRIMARY election, the county
15 clerk and recorder shall mail a notice by forwardable mail to each
16 unaffiliated active ~~registered~~ eligible elector.

17 (b) The notice shall indicate that the unaffiliated elector has the
18 ability to and must affiliate with a political party in order to vote in the
19 primary election, AND THAT THE ELECTOR HAS THE ABILITY TO AND MAY
20 BECOME A TEMPORARY AFFILIATED ELECTOR IN ACCORDANCE WITH
21 SECTION 1-2-218.7.

22 (c) The notice shall have a returnable portion that allows the
23 elector to request affiliation with a political party OR TO DECLARE AN
24 INTENT TO BECOME A TEMPORARY AFFILIATED ELECTOR IN ACCORDANCE
25 WITH SECTION 1-2-218.7.

26 **SECTION 11.** In Colorado Revised Statutes, **amend**
27 24-21-104.5 as follows:

1 **24-21-104.5. General fund appropriation - cash fund**
2 **appropriation - elections.** (1) The general assembly is authorized to
3 appropriate moneys from the department of state cash fund to the
4 department of state to cover the costs of the local county clerk and
5 recorders relating to the conduct of general elections and November
6 odd-year elections. If the amount of moneys in the department of state
7 cash fund is insufficient to cover such costs, the general assembly may
8 appropriate additional general fund moneys to cover such costs after
9 exhausting all moneys in the department of state cash fund. The intent of
10 the general assembly is to authorize the appropriation of department of
11 state cash fund moneys and general fund moneys to the department of
12 state to offset some of the costs of local county clerk and recorders
13 associated with the additional election duties and requirements resulting
14 from the passage of section 20 of article X of the state constitution and
15 from the increased number of initiatives that are being filed.

16 (2) FOR A PRESIDENTIAL PRIMARY ELECTION, AS DEFINED IN
17 SECTION 1-4-1202 (2), C.R.S., THE GENERAL ASSEMBLY SHALL
18 APPROPRIATE MONEYS FROM THE GENERAL FUND TO COVER THE COSTS OF
19 THE ELECTION INCURRED BY THE STATE ARISING FROM THE PREPARATION
20 AND CONDUCT OF A PRESIDENTIAL PRIMARY ELECTION IN ACCORDANCE
21 WITH PART 12 OF ARTICLE 4 OF TITLE 1, C.R.S. IN ADDITION, BY MEANS OF
22 AN APPROPRIATION FROM THE GENERAL FUND, THE STATE SHALL ALSO
23 REIMBURSE THE COUNTIES FOR ALL OF THE ACTUAL DIRECT COSTS THEY
24 INCUR ARISING FROM THE PREPARATION AND CONDUCT OF SUCH ELECTION
25 IN ACCORDANCE WITH PART 12 OF ARTICLE 4 OF TITLE 1, C.R.S. BY RULE
26 PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF THIS TITLE, THE
27 SECRETARY OF STATE SHALL DETERMINE THE TYPE OF ACTUAL DIRECT

1 COSTS FOR WHICH THE COUNTIES ARE ENTITLED TO REIMBURSEMENT
2 PURSUANT TO SECTION 1-4-1203 (5), C.R.S., AND THIS SUBSECTION (2).

3 **SECTION 12.** Colorado Revised Statutes, 1-4-101 (2), as
4 amended by a ballot question submitted for the approval or rejection of
5 the registered voters voting at the statewide election to be held in
6 November 2016 that proposes to recreate a presidential primary and that
7 allows persons not permanently affiliated with a political party to vote in
8 a primary election in which the political party is participating, is further
9 amended to read as follows:

10 **1-4-101. Primary elections - when - nominations - expenses.**

11 (2) Each political party that is entitled to participate in the primary
12 election ~~shall~~ MUST have a separate party ballot. The primary election of
13 all political parties ~~shall~~ MUST be held at the same time and shall be
14 conducted by the same election officials. VOTING IN PRIMARY ELECTIONS
15 MUST BE CONDUCTED IN ACCORDANCE WITH SECTION 1-7-201. AN
16 UNAFFILIATED ELECTOR MAY BECOME A TEMPORARY AFFILIATED ELECTOR
17 IN ACCORDANCE WITH SECTION 1-2-218.7.

18 **SECTION 13.** Colorado Revised Statutes, 1-2-218.5 (2), as
19 amended by a ballot question submitted for the approval or rejection of
20 the registered voters voting at the statewide election to be held in
21 November 2016 that proposes to recreate a presidential primary and that
22 allows persons not permanently affiliated with a political party to vote in
23 a primary election in which the political party is participating, is further
24 amended to read as follows:

25 **1-2-218.5. Declaration of affiliation.** (2) Any eligible elector
26 who has not declared an affiliation with a political party or political
27 organization ~~shall be~~ IS designated on the registration records of the

1 county clerk and recorder as "unaffiliated". Any unaffiliated eligible
2 elector may declare a political party affiliation when the elector desires
3 to vote at a primary election, as provided in section 1-7-201 (2), or the
4 elector may declare his or her political party or political organization
5 affiliation at any other time during which electors are permitted to register
6 by submitting a letter or a form furnished by the county clerk and
7 recorder, either by mail or in person. AN UNAFFILIATED ELECTOR MAY
8 ALSO BECOME A TEMPORARY AFFILIATED ELECTOR IN ACCORDANCE WITH
9 SECTION 1-2-218.7. SUCH INTENT MAY BE DECLARED WHEN THE ELECTOR
10 DESIRES TO VOTE AT A PRIMARY ELECTION, AS PROVIDED IN SECTION
11 1-7-201 (2), OR THE ELECTOR MAY DECLARE HIS OR HER INTENT TO
12 BECOME A TEMPORARY AFFILIATED ELECTOR AT ANY OTHER TIME DURING
13 WHICH ELECTORS ARE PERMITTED TO REGISTER.

14 **SECTION 14.** Colorado Revised Statutes, 1-4-702, as added by
15 a ballot question submitted for the approval or rejection of the registered
16 voters voting at the statewide election to be held in November 2016 that
17 proposes to recreate a presidential primary and that allows persons not
18 permanently affiliated with a political party to vote in a primary election
19 in which the political party is participating, is further amended to read as
20 follows:

21 **1-4-702. Nomination of candidates for general election by**
22 **convention or assembly.** NOTWITHSTANDING ANY OTHER PROVISION OF
23 LAW, A POLITICAL PARTY MAY NOMINATE CANDIDATES FOR THE GENERAL
24 ELECTION BY ASSEMBLY OR CONVENTION IN ACCORDANCE WITH EXISTING
25 LAW.

26 **SECTION 15. Appropriation.** (1) For the 2016-17 state fiscal
27 year, \$121,306 is appropriated to the department of state. This

1 appropriation is from the department of state cash fund created in section
2 24-21-104 (3) (b), C.R.S. To implement this act, the department may use
3 this appropriation as follows:

4 (a) \$88,374 for personal services related to information
5 technology services;

6 (b) \$4,577 for use by the elections division for personal services,
7 which amount is based on an assumption that the division will require an
8 additional 0.1 FTE; and

9 (c) \$28,355 for use by the elections division for operating
10 expenses.

11 (2) Any money appropriated in this section not expended prior to
12 July 1, 2017, is further appropriated to the department for the 2017-18
13 state fiscal year for the same purpose.

14 **SECTION 16. Effective date - applicability.** (1) This act takes
15 effect April 1, 2017.

16 (2) Sections 3, 4, 5, 6, 8, and section 1-7.5-107 (2.3) (b) and (2.3)
17 (c) as contained in section 10 of this act that concern temporary affiliated
18 electors apply to any presidential primary election or state primary
19 election conducted on or after the effective date of this act.

20 (3) Sections 4, 5, 6, 8, 9, 12, 13, 14, section 1-1-104 (49.3) as
21 contained in section 3, and section 1-7.5-107 (2.3) (b) and (2.3) (c) as
22 contained in section 10 that concern temporary affiliated electors of this
23 act take effect only if, at the statewide election to be held in November
24 2016, a majority of the voters vote to approve a ballot question that
25 proposes to recreate a presidential primary and that allows persons not
26 permanently affiliated with a political party to vote in a primary election
27 in which the political party is participating.

1 **SECTION 17. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, and safety.

