

Amended Initiative 2023-2024 #120: Colorado Equal Election Access Amendment

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

SECTION 1. Declaration of the People of Colorado

(1) 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:

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(a) Participate in primary elections featuring all candidates for each state and federal office, with the top four candidates advancing to the general elections;

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(b) Vote for any candidate they prefer, regardless of political affiliation;

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(c) Participate in general elections where candidates must receive majority support from voters to win;

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(d) Sign petitions for any candidate to qualify for the all-candidate primary election; and

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(e) Vote in elections to fill vacancies in the state legislature.

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(2) 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.

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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.

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

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

(a) “COVERED OFFICE” MEANS THE OFFICE OF UNITED STATES SENATOR, REPRESENTATIVE TO THE UNITED 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.

(4) THE SECRETARY OF STATE SHALL PROMULGATE RULES, INCLUDING RULES ADDRESSING PETITION ACCESSIBILITY AND TECHNOLOGICAL ASSISTANCE, CONSISTENT WITH THIS SECTION.

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 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 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.

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(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 UNITED 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) IN ORDER TO ENSURE THE TIMELY REPORTING OF INSTANT RUNOFF VOTING ELECTION RESULTS, PROCESSING AND COUNTING OF MAIL BALLOTS SHALL BEGIN UPON RECEIPT, AND EVERY BALLOT RECEIVED BEFORE ELECTION DAY SHALL BE COUNTED BY ELECTION DAY.

(a) (I) RESULTS OF TABULATIONS OF THE INSTANT RUNOFF SHALL BE REPORTED ON ELECTION NIGHT ON A COUNTY BY COUNTY, DISTRICT BY DISTRICT, AND STATEWIDE BASIS, WHICHEVER IS APPLICABLE.

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(II) RESULTS OF TABULATIONS SHALL ALSO BE FIRST RELEASED AS SOON AS A REASONABLE NUMBER OF COUNTIES OR DISTRICTS HAVE REPORTED ON ELECTION NIGHT AND THEN PERIODICALLY RELEASED AT REGULAR INTERVALS UNTIL THE COUNTING OF BALLOTS IS COMPLETE.

(b) 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.

(c) 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.

(6) (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 TIMELY 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 Colorado Revised Statutes, 1-4-801 **amend** (2)(a.5), (b), and (c) as follows:

1-4-801. Designation of party candidates by petition. (2) The signature requirements for the petition are as follows:

(a.5) Every petition in the case of a candidate for a member of the United States house of representatives, member of the state board of education for a congressional district, or member of the board of regents of the university of Colorado for a congressional district must be signed by eligible electors resident within the district for which the officer is to be elected. The petition requires the lesser of ~~one thousand five hundred~~ SEVEN HUNDRED FIFTY signers or signers equal in number to ~~ten~~ FIVE percent of the votes cast in the district at the contested or uncontested

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primary election for the political party's candidate for the office for which the petition is being circulated or, if there was no primary election, at the last preceding general election for which there was a candidate for the office.

(b) (I) Every petition in the case of a candidate for member of the general assembly MUST BE SIGNED BY ELIGIBLE ELECTORS RESIDENT WITHIN THE DISTRICT FOR WHICH THE OFFICER IS TO BE ELECTED. THE PETITION REQUIRES THE LESSER OF FIVE HUNDRED SIGNERS OR SIGNERS EQUAL TO FIFTEEN PERCENT OF THE VOTES CAST IN THE DISTRICT AT THE CONTESTED OR UNCONTESTED PRIMARY ELECTION FOR THE POLITICAL PARTY'S CANDIDATE FOR THE OFFICE FOR WHICH THE PETITION IS BEING CIRCULATED OR, IF THERE WAS NO PRIMARY ELECTION, AT THE LAST PRECEDING GENERAL ELECTION FOR WHICH THERE WAS A CANDIDATE FOR THE OFFICE.

(II) EVERY PETITION IN THE CASE OF A CANDIDATE For any district office greater than a county office must be signed by eligible electors resident within the district for which the officer is to be elected. The petition requires the lesser of one thousand signers or signers equal to thirty percent of the votes cast in the district at the contested or uncontested primary election for the political party's candidate for the office for which the petition is being circulated or, if there was no primary election, at the last preceding general election for which there was a candidate for the office.

(c) (II) Every petition in the case of a candidate for the office of governor or the office of United States senator must be signed by at least ~~one thousand five hundred~~ SEVEN HUNDRED FIFTY eligible electors in each congressional district.

(c.5) Every petition in the case of a candidate for the office of secretary of state, attorney general, or state treasurer must be signed by at least ~~one thousand~~ FIVE HUNDRED eligible electors in each congressional district.

(c.7) Every petition in the case of a candidate for the office of an at-large seat on either the state board of education or the board of regents of the university of Colorado must be signed by at least ~~five hundred~~ TWO HUNDRED FIFTY eligible electors in each congressional district.

SECTION 7. In Colorado Revised Statutes, 1-4-802 **amend** (1)(c)(II), (III), (IV) and (V) as follows:

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:

(c) Every petition for the office of president and vice president, for statewide office, for congressional district office, for the office of member of the general assembly, for district attorney, and for county office must be signed by eligible electors residing within the district or political subdivision in which the officer is to be elected. Except as otherwise provided in subsection (2) of this section, the number of signatures of eligible electors on a petition is as follows:

(II) (A) At least ~~one thousand~~ FIVE HUNDRED in each congressional district for the offices of governor, secretary of state, attorney general, or treasurer, or the office of United States senator;

(B) At least ~~five hundred~~ TWO HUNDRED FIFTY in each congressional district for the office of an at-large seat on either the state board of education or the board of regents of the university of Colorado;

(III) The lesser of ~~one thousand five hundred~~ SEVEN HUNDRED FIFTY or ~~two and one half~~ ONE AND ONE-FOURTH percent of the votes cast in the congressional district in the most recent general election for the office of member of the United States house of representatives, member of the state board of education for a congressional district, or member of the board of regents of the university of Colorado for a congressional district;

(IV) The lesser of ~~one thousand~~ FIVE HUNDRED or ~~three and one third~~ ONE AND TWO-THIRDS percent of the votes cast in the senate district in the most recent general election for the office of member of the state senate;

(V) The lesser of ~~one thousand~~ FIVE HUNDRED or ~~five~~ TWO AND A HALF percent of votes cast in the house district in the most recent general election for the office of member of the state house of representatives;

SECTION 8. Effective date.

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

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