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SENATE BILL 03-188

BY SENATOR(S) Teck, Owen, Reeves, Anderson, Andrews, Arnold, Cairns, and Jones;
also REPRESENTATIVE(S) Witwer, Plant, Young, Berry, Butcher, Cloer, Coleman, Fairbank, Frangas, Hall, Jahn, Merrifield, Spence, and Williams S.

CONCERNING THE ELIMINATION OF THE PRESIDENTIAL PRIMARY ELECTION.

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

SECTION 1. 1-1-104 (32), Colorado Revised Statutes, is amended to read:

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

(32) "Primary election" means ~~the presidential primary election and~~ the election held on the second Tuesday of August in each even-numbered year.

SECTION 2. The introductory portion to 1-5-203 (1), Colorado

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

Revised Statutes, is amended to read:

1-5-203. Certification of ballot. (1) No later than ~~fifty days before any presidential primary, no later than~~ fifty-five days before any primary, general, or odd-year November election, and no later than fifty-five days before any congressional vacancy election, the secretary of state shall deliver by electronic transmission and registered mail to the county clerk and recorder of each county a certificate in writing of the ballot order and content for each county, as follows:

SECTION 3. 1-8-202, Colorado Revised Statutes, is amended to read:

1-8-202. When eligible electors may vote by early ballot. Early voting shall be made available to any eligible elector in the manner provided in this part 2 during regular business hours for ten days before ~~the presidential primary election, the~~ A primary election and a special legislative election and for fifteen days before ~~any~~ A general election or other November election conducted by the county clerk and recorder. ~~Early voting shall not be permitted for the presidential primary election after the close of the business day on the Tuesday immediately preceding the election.~~ The board of county commissioners may by resolution increase the hours that the early voters' polling place may be open. Eligible electors who appear in person at the early voters' polling place during this time may cast their ballots in the same manner as any ballot would be cast in a precinct polling place on election day.

SECTION 4. 24-21-104 (3) (d), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

24-21-104. Fees of secretary of state - repeal. (3) (d) (XI) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (b) OF THIS SUBSECTION (3) TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (XI), THE STATE TREASURER SHALL DEDUCT TWO MILLION TWO HUNDRED THOUSAND DOLLARS FROM THE DEPARTMENT OF STATE CASH FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 5. 24-21-104.5, Colorado Revised Statutes, is amended to read:

24-21-104.5. General fund appropriation - cash fund appropriation - elections. The general assembly is authorized to appropriate moneys from the department of state cash fund to the department of state to cover the costs of the local county clerk and recorders relating to the conduct of ~~presidential primary elections~~, general elections and November odd-year elections. If the amount of moneys in the department of state cash fund is insufficient to cover such costs, the general assembly may appropriate additional general fund moneys to cover such costs after exhausting all moneys in the department of state cash fund. Any appropriation made pursuant to this section shall not be used in calculating the fees provided for in section 24-21-104 (3) (b). The intent of the general assembly is to authorize the appropriation of department of state cash fund moneys and general fund moneys to the department of state to offset some of the costs of local county clerk and recorders associated with the additional election duties and requirements resulting from the passage of section 20 of article X of the state constitution ~~from the preparation and conduct of the presidential primary election pursuant to section 1-4-1202, C.R.S.~~, and from the increased number of initiatives that are being filed.

SECTION 6. Repeal. Part 12 of article 4 of title 1, Colorado Revised Statutes, is repealed.

SECTION 7. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

John Andrews
PRESIDENT OF
THE SENATE

Lola Spradley
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Mona Heustis
SECRETARY OF
THE SENATE

Judith Rodrigue
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

Bill Owens
GOVERNOR OF THE STATE OF COLORADO