

**First Regular Session
Sixty-fourth General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 03-0861.01 John Hershey

SENATE BILL 03-188

SENATE SPONSORSHIP

Teck, Owen, and Reeves

HOUSE SPONSORSHIP

Witwer, Plant, and Young

Senate Committees
State Veterans & Military Affairs

House Committees
State, Veterans, & Military Affairs

A BILL FOR AN ACT

101 **CONCERNING THE ELIMINATION OF THE PRESIDENTIAL PRIMARY**
102 **ELECTION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Budget Reduction Bill. Eliminates the presidential primary election. Directs the state treasurer to transfer a specified amount of moneys from the department of state cash fund to the general fund.

Makes conforming amendments.

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

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.*

Unamended 3rd Reading

HOUSE
February 7, 2003

2nd Reading Unamended

HOUSE
February 6, 2003

3rd Reading Unamended

SENATE
February 3, 2003

2nd Reading Unamended

SENATE
February 3, 2003

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

3 **1-1-104. Definitions.** As used in this code, unless the context
4 otherwise requires:

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

8 **SECTION 2.** The introductory portion to 1-5-203 (1), Colorado
9 Revised Statutes, is amended to read:

10 **1-5-203. Certification of ballot.** (1) No later than ~~fifty days~~
11 ~~before any presidential primary, no later than~~ fifty-five days before any
12 primary, general, or odd-year November election, and no later than
13 fifty-five days before any congressional vacancy election, the secretary
14 of state shall deliver by electronic transmission and registered mail to the
15 county clerk and recorder of each county a certificate in writing of the
16 ballot order and content for each county, as follows:

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

19 **1-8-202. When eligible electors may vote by early ballot.** Early
20 voting shall be made available to any eligible elector in the manner
21 provided in this part 2 during regular business hours for ten days before
22 ~~the presidential primary election, the~~ A primary election and a special
23 legislative election and for fifteen days before ~~any~~ A general election or
24 other November election conducted by the county clerk and recorder.
25 ~~Early voting shall not be permitted for the presidential primary election~~
26 ~~after the close of the business day on the Tuesday immediately preceding~~
27 ~~the election.~~ The board of county commissioners may by resolution

1 increase the hours that the early voters' polling place may be open.
2 Eligible electors who appear in person at the early voters' polling place
3 during this time may cast their ballots in the same manner as any ballot
4 would be cast in a precinct polling place on election day.

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

7 **24-21-104. Fees of secretary of state - repeal.**
8 (3) (d) (XI) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (b) OF
9 THIS SUBSECTION (3) TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS
10 SUBPARAGRAPH (XI), THE STATE TREASURER SHALL DEDUCT TWO MILLION
11 TWO HUNDRED THOUSAND DOLLARS FROM THE DEPARTMENT OF STATE
12 CASH FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

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

15 **24-21-104.5. General fund appropriation - cash fund**
16 **appropriation - elections.** The general assembly is authorized to
17 appropriate moneys from the department of state cash fund to the
18 department of state to cover the costs of the local county clerk and
19 recorders relating to the conduct of ~~presidential primary elections~~, general
20 elections and November odd-year elections. If the amount of moneys in
21 the department of state cash fund is insufficient to cover such costs, the
22 general assembly may appropriate additional general fund moneys to
23 cover such costs after exhausting all moneys in the department of state
24 cash fund. Any appropriation made pursuant to this section shall not be
25 used in calculating the fees provided for in section 24-21-104 (3) (b).
26 The intent of the general assembly is to authorize the appropriation of
27 department of state cash fund moneys and general fund moneys to the

1 department of state to offset some of the costs of local county clerk and
2 recorders associated with the additional election duties and requirements
3 resulting from the passage of section 20 of article X of the state
4 constitution ~~from the preparation and conduct of the presidential primary~~
5 ~~election pursuant to section 1-4-1202, C.R.S.,~~ and from the increased
6 number of initiatives that are being filed.

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

9 **SECTION 7. Safety clause.** The general assembly hereby finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, and safety.