

**Initiative #98
Open Primary Elections**

1 **Proposition ? proposes amending the Colorado statutes to:**

- 2 ♦ create an open primary election process in Colorado that allows
3 unaffiliated voters to vote in a nonpresidential primary election of a
4 single political party; and
- 5 ♦ allow political parties to opt out of holding an open primary election and
6 instead choose to nominate candidates by assembly or convention.

7 **Summary and Analysis**

8 **Background.** Under current law, a voter must be affiliated with a political party in
9 order to vote in that party's primary election. Unaffiliated voters, sometimes referred
10 to as independent voters, are not registered members of any political party. An
11 unaffiliated voter may affiliate with a political party at any point up to, and including
12 election day, and be eligible under current law to participate in a party's primary
13 election. In Colorado, primary elections to select party nominees for state, county,
14 and federal offices, other than president (nonpresidential primaries), are held on the
15 last Tuesday in June in even-numbered years. These primary elections are conducted
16 by county election officials and funded by taxpayers.

17 **Creation of an open primary.** Under Proposition ?, voters will no longer be
18 required to affiliate with a political party in order to vote in a party's nonpresidential
19 primary election. Instead, unaffiliated voters will receive a combined ballot that shows
20 all candidates for elected office for each political party. The combined ballot must
21 clearly separate candidates for each political party and unaffiliated voters may only
22 vote in contests for one political party. If a voter selects candidates of more than one
23 political party on the combined ballot, his or her ballot will not be counted. In counties
24 that determine that a combined ballot is not practical, unaffiliated voters will receive
25 separate ballots for all major political parties participating in the primary election and
26 may return the ballot for one party.

27 **Option for closed party nominations.** The measure allows political parties,
28 which are private organizations, to opt out of holding an open primary election.
29 Instead, they may choose to nominate candidates in an assembly or convention that is
30 limited to voters affiliated with that party. The decision to opt out of using an open
31 primary must be made by the party's state central committee by a three-fourths
32 majority vote.

1 **Impact on minor parties.** Under current law, the Democratic and Republican
2 parties, having met certain vote thresholds in prior elections, are classified as major
3 parties; all other parties, such as the American Constitution Party, the Green Party,
4 and the Libertarian Party, are classified as minor parties. Under Proposition ?, minor
5 parties participating in the primary election will be included on the combined ballot sent
6 to unaffiliated voters. However, a minor party may opt to exclude unaffiliated voters
7 from participating in its primary election. In such cases, only voters affiliated with the
8 minor party will receive that party's primary election ballot.

*For information on those issue committees that support or oppose the measures on the ballot at the **November 8, 2016**, election, go to the Colorado Secretary of State's elections center web site hyperlink for ballot and initiative information:*

<http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html>

9 **Arguments For**

10 1) Proposition ? gives unaffiliated voters, who are Colorado taxpayers, the
11 opportunity to vote in publicly financed primary elections. Unaffiliated voters make up
12 more than one-third of all registered voters in the state. Proposition ? gives
13 unaffiliated voters a role in selecting candidates for the general election and makes
14 voting in primary elections easier and more accessible for these voters.

15 2) Allowing unaffiliated voters to participate in primary elections results in
16 candidates who better represent all Coloradans. In a closed primary, voter
17 participation is typically low and the candidates selected often appeal to a small
18 number of their party's more active members. Opening the primary election to more
19 voters has the potential to increase voter turnout and allow for candidates who are
20 more responsive to a broader range of interests.

21 **Arguments Against**

22 1) Political parties are private organizations that have the right to select their own
23 candidates without influence from people who choose not to affiliate with the party.
24 Under current law, unaffiliated voters who wish to vote in a political party's primary
25 election can easily change their party affiliation at any point prior to the election.

26 2) Proposition ? increases costs for taxpayers and creates voter confusion by
27 requiring that a separate ballot be mailed to all unaffiliated voters. Producing and
28 processing a separate combined ballot for unaffiliated voters creates administrative
29 and financial burdens for some counties, especially smaller or rural counties. The
30 combined ballot for unaffiliated voters also increases the likelihood of voters
31 improperly marking their ballots and their vote not being counted.

1 **Estimate of Fiscal Impact**

2 **State government spending.** Proposition ? increases state spending by
3 \$160,000, with costs split evenly between budget year 2016-17 and budget year
4 2017-18. This is a one-time cost for the Secretary of State's Office to make
5 information technology system modifications to the statewide voter database and
6 other voting systems.

7 **Local government spending.** Proposition ? increases local government
8 spending by counties by \$750,000 every two years by requiring that ballots be mailed
9 to unaffiliated voters and eliminating a required notification currently sent to
10 unaffiliated voters prior to a primary election. This estimate assumes that all political
11 parties continue to nominate candidates through the primary election process. In the
12 event some or all political parties opt out of conducting open primary elections and
13 instead choose to nominate candidates by assembly or convention, counties may
14 have total statewide savings of up to \$5.0 million every two years.