

Final Draft

Initiative #98 Unaffiliated Voter Participation in Primary Elections

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

- 2 ♦ change the primary election process in Colorado to allow unaffiliated
3 voters to vote in a nonpresidential primary election of a single political
4 party; and

5 ♦ allow political parties to opt out of holding a primary election and instead
6 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 at a cost of about \$5.0 million every two years.

17 **Primary election process open to unaffiliated voters.** Under Proposition ?,
18 voters will no longer be required to affiliate with a political party in order to vote in a
19 party's nonpresidential primary election. Instead, unaffiliated voters will receive a
20 combined ballot that shows all candidates for elected office for each political party.
21 The combined ballot must clearly separate candidates for each political party, and
22 unaffiliated voters may only vote in contests for one political party. If a voter selects
23 candidates of more than one political party on the combined ballot, his or her ballot will
24 not be counted. In counties that determine that a combined ballot is not practical,
25 unaffiliated voters will receive separate ballots for all major political parties
26 participating in the primary election and 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 a primary election that is open to
29 unaffiliated voters. Instead, they may choose to nominate candidates in an assembly
30 or convention that is limited to voters affiliated with that party. The decision to opt out
31 of holding a primary election must be made by the party's state central committee by a
32 three-fourths majority vote.

Final Draft

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. The provision allowing the
9 exclusion of unaffiliated voters only applies to minor parties.

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 may create 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.

Final Draft

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
4 budget year 2017-18. This is a one-time cost for the Secretary of State's Office to
5 make information technology system modifications to the statewide voter database
6 and 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 primary elections and instead
13 choose to nominate candidates by assembly or convention, counties may have total
14 statewide savings of up to \$5.0 million every two years.

Last Draft as Mailed to Interested Parties

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.

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

15 2) Allowing unaffiliated voters to participate in primary elections results in candidates who better represent all Coloradans. In a closed primary, voter participation is typically low and the candidates selected often appeal to a small number of their party's more active members. Opening the primary election to more voters has the potential to increase voter turnout and allow for candidates who are 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 candidates without influence from people who choose not to affiliate with the party. Under current law, unaffiliated voters who wish to vote in a political party's primary election can easily change their party affiliation at any point prior to the election.

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

1 Estimate of Fiscal Impact

Last Draft as Mailed to Interested Parties

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

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

Last Draft Comments from Interested Parties

Initiative #98 Unaffiliated Voter Participation in Primary Elections

Curtis Hubbard, representing Let Colorado Vote as the proponent:

Initiative 98 Response to DRAFT 3

PAGE 1

Title: If you won't change "Open Primary Elections" to "Semi-Open Primary Elections." (Open primaries are those in which any voter can vote in any party's primary), we would ask that you say "Open Primary Elections to Unaffiliated Voters"

Line 2: change "open primary" to "semi-open primary."

Line 6: "...instead choose to nominate ADD **all of its** END ADD candidates ADD by assembly or convention." (This is a critical component of the 'opt out')

Line 13: "election. ADD **To return to unaffiliated status, they must unaffiliate from a party after the election.**" (We think it's important for voters to understand that there are 2 steps necessary)

Line 16: . We would also ask that the background be expanded to include the costs to the state and counties for taxpayer-financed primary elections that are closed to unaffiliated voters.

Line 17: Change "Creation of an open primary" to "Creation of a semi-open primary" or "Creation of a primary that is open to unaffiliated voters"

Line 28: replace "open primary election." with "semi-open primary election."

Line 29: ..."choose to nominate ADD **all of its** END ADD in an assembly..."

Line 30: "open primary " with "semi-open primary"

PAGE 2

Line 25: "at any point prior to the election. ADD **They must take steps to return to unaffiliated status after the election.**"

Line 29: Change "creates administrative and financial burdens," to "creates administrative and financial costs" ("burdens" is subjective)

INITIATIVE #98
UNAFFILIATED VOTER PARTICIPATION IN PRIMARY ELECTIONS
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Initiative 98
Unaffiliated Voter Participation in Primary Elections

1 **Ballot Title:** Shall there be a change to the Colorado Revised Statutes concerning the process of
2 selecting candidates representing political parties on a general election ballot, and, in connection
3 therewith, allowing an unaffiliated elector to vote in the primary election of a political party without
4 declaring an affiliation with that party and permitting a political party in specific circumstances to
5 select all of its candidates by assembly or convention instead of by primary election?

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

7 **SECTION 1. Declaration of the people of Colorado**

8 BECAUSE PRIMARY ELECTIONS ARE PAID FOR BY TAXPAYERS, ALL ELIGIBLE VOTERS WHO WANT
9 THEIR VOICES TO BE HEARD SHOULD BE ABLE TO VOTE IN THOSE ELECTIONS.

10 CURRENTLY, THE 35% OF COLORADO VOTERS WHO ARE INDEPENDENT OF A POLITICAL PARTY MUST
11 JOIN A PARTY IF THEY WANT TO PARTICIPATE IN THE SELECTION OF OUR GENERAL ELECTION CANDIDATES. IN
12 FACT, COLORADO IS IN THE MINORITY OF STATES THAT LIMIT PARTICIPATION IN PRIMARY ELECTIONS TO ONLY
13 THOSE AFFILIATED WITH A MAJOR POLITICAL PARTY.

14 BECAUSE PRIMARY ELECTION TURNOUT IS DECLINING, INVOLVING MORE VOTERS CAN INCREASE
15 PARTICIPATION AND ENCOURAGE CANDIDATES WHO ARE RESPONSIVE TO THE VIEWPOINTS OF MORE
16 COLORADANS.

17 ACCORDINGLY, ALL VOTERS SHOULD BE ALLOWED TO VOTE IN STATE AND LOCAL PRIMARY ELECTIONS
18 WITH THE SAME EASE AS THOSE VOTERS AFFILIATED WITH A MAJOR POLITICAL PARTY.

19 **SECTION 2.** In Colorado Revised Statutes, 1-2-218.5, **amend** (2) as follows:

20 **1-2-218.5. Declaration of affiliation.** (2) Any eligible elector who has not declared an
21 affiliation with a political party or political organization shall be designated on the registration records
22 of the county clerk and recorder as "unaffiliated". Any unaffiliated eligible elector may, BUT IS NOT
23 REQUIRED TO, declare a political party affiliation when the elector desires to vote at a primary election,
24 as provided in section 1-7-201 (2), or the elector may declare his or her political party or political
25 organization affiliation at any other time during which electors are permitted to register by submitting
26 a letter or a form furnished by the county clerk and recorder, either by mail, or in person, OR ONLINE
27 IN ACCORDANCE WITH SECTION 1-2-202.5.

28 **SECTION 3.** In Colorado Revised Statutes, 1-4-101, **amend** (2) as follows:

29 **1-4-101. Primary elections - when - nominations - expenses.** (2) Each political party that
30 is entitled to participate in the primary election shall have a separate party ballot FOR USE BY
31 ELECTORS AFFILIATED WITH THAT POLITICAL PARTY. IN ADDITION, ALL POLITICAL PARTIES THAT ARE ENTITLED
32 TO PARTICIPATE IN THE PRIMARY ELECTION SHALL HAVE THEIR CANDIDATES PLACED ON A SINGLE COMBINED
33 BALLOT TO BE USED BY UNAFFILIATED ELECTORS THAT CONTAINS THE NAMES OF THE CANDIDATES OF EACH
34 OF THE POLITICAL PARTIES AND THAT ARE CLEARLY AND CONSPICUOUSLY SEGREGATED FROM THE NAMES
35 OF THE CANDIDATES OF ANY OTHER POLITICAL PARTY. ALL CANDIDATES OF A POLITICAL PARTY SHALL BE
36 GROUPED TOGETHER AND SEPARATED BY THE OFFICE EACH CANDIDATE IS SEEKING. SUCH BALLOTS SHALL
37 CLEARLY ADVISE THAT AN ELECTOR MAY CAST THE BALLOT OF ONLY ONE MAJOR POLITICAL PARTY AND THAT

1 ANY BALLOT IN WHICH VOTES HAVE BEEN CAST IN THE PRIMARY OF MORE THAN ONE PARTY SHALL BE VOID
2 AND NOT COUNTED. HOWEVER, AN ELECTOR IS NOT REQUIRED TO VOTE IN THE SAME PARTY PRIMARY AS
3 THE ELECTOR VOTED IN AS PART OF A PRESIDENTIAL PRIMARY ELECTION OCCURRING IN THAT SAME YEAR,
4 IF SUCH AN ELECTION IS HELD;

5 (a) IF IT IS NOT PRACTICABLE FOR A COUNTY TO USE A SINGLE COMBINED BALLOTT THAT CONTAINS
6 THE NAMES OF THE CANDIDATES OF EACH OF THE POLITICAL PARTIES, THE COUNTY CLERK AND RECORDER
7 SHALL SEND TO ALL ACTIVE ELECTORS IN THE COUNTY WHO HAVE NOT DECLARED AN AFFILIATION WITH A
8 POLITICAL PARTY A MAILING THAT CONTAINS THE BALLOTT OF ALL OF THE MAJOR POLITICAL PARTIES. IN THIS
9 MAILING, THE CLERK SHALL ALSO PROVIDE WRITTEN INSTRUCTIONS ADVISING THE ELECTOR OF THE MANNER
10 IN WHICH THE ELECTOR WILL BE IN COMPLIANCE WITH THE REQUIREMENTS OF THIS CODE IN SELECTING AND
11 CASTING THE BALLOTT OF A MAJOR POLITICAL PARTY. AN ELECTOR MAY CAST THE BALLOTT OF ONLY ONE
12 MAJOR POLITICAL PARTY. AFTER SELECTING AND CASTING A BALLOTT OF A SINGLE MAJOR POLITICAL PARTY,
13 THE ELECTOR SHALL RETURN THE BALLOTT TO THE CLERK. IF AN ELECTOR CASTS AND RETURNS TO THE
14 CLERK THE BALLOTT OF MORE THAN ONE MAJOR POLITICAL PARTY, ALL SUCH BALLOTTS RETURNED WILL BE
15 VOID AND WILL NOT BE COUNTED.

16 (b) THE SECRETARY OF STATE MAY BY RULE ADOPT ADDITIONAL BALLOTT REQUIREMENTS NECESSARY
17 TO AVOID VOTER CONFUSION IN VOTING IN PRIMARY ELECTIONS.

18 (c) The primary election of all political parties shall be held at the same time and shall be
19 conducted by the same election officials.

20 **SECTION 4.** In Colorado Revised Statutes, 1-4-502, **amend** (1) as follows:

21 **1-4-502. Methods of nomination for partisan candidates.** (1) Except as otherwise
22 provided in paragraphs (b) and (c) of subsection (3) of this section, nominations for United States
23 senator, representative in congress, governor, lieutenant governor, secretary of state, state
24 treasurer, attorney general, member of the state board of education, regent of the university of
25 Colorado, member of the general assembly, district attorney, and all county officers to be elected
26 at the general election may be made by primary election UNDER SECTION 1-4-101 OR BY ASSEMBLY
27 OR CONVENTION UNDER SECTION 1-4-702 by major political parties, by petition for nomination as
28 provided in section 1-4-802, or by a minor political party as provided in section 1-4-1304.

29 **SECTION 5.** In Colorado Revised Statutes, **add** 1-4-702 as follows:

30 **1-4-702. Nominations of candidates for general election by convention.** (1)
31 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A POLITICAL PARTY MAY CHOOSE TO CHANGE FROM THE
32 NOMINATION OF CANDIDATES BY PRIMARY ELECTION TO THE NOMINATION OF CANDIDATES BY ASSEMBLY OR
33 CONVENTION FOR ALL OFFICES INCLUDING, BUT NOT LIMITED TO, UNITED STATES SENATOR,
34 REPRESENTATIVE IN CONGRESS, ALL ELECTIVE STATE, DISTRICT, AND COUNTY OFFICERS, AND MEMBERS OF
35 THE GENERAL ASSEMBLY IF AT LEAST THREE-FOURTHS OF THE TOTAL MEMBERSHIP OF THE PARTY'S STATE
36 CENTRAL COMMITTEE VOTES TO USE THE ASSEMBLY OR CONVENTION NOMINATION PROCESS; EXCEPT THAT
37 NOMINATIONS BY MAJOR POLITICAL PARTIES FOR CANDIDATES FOR LIEUTENANT GOVERNOR SHALL BE MADE
38 BY THE PARTY'S CANDIDATE FOR GOVERNOR PURSUANT TO SECTION 1-4-502 (3). SUCH VOTE OF THE PARTY
39 CENTRAL COMMITTEE SHALL OCCUR NO LATER THAN OCTOBER 1 OF THE YEAR PRECEDING THE YEAR IN
40 WHICH AN ASSEMBLY OR CONVENTION NOMINATING PROCESS IS TO BE USED.

41 (2) A POLITICAL PARTY NOMINATING CANDIDATES BY PARTY ASSEMBLY OR CONVENTION SHALL

1 NOMINATE THE CANDIDATES OF THE PARTY AND MAKE SUCH NOMINATIONS PUBLIC NOT LATER THAN
2 SEVENTY-FIVE DAYS BEFORE THE GENERAL ELECTION.

3 (3) WHICHEVER METHOD OF CANDIDATE SELECTION IS CHOSEN BY A MAJOR POLITICAL PARTY AS BETWEEN
4 PRIMARY ELECTION, ASSEMBLY OR CONVENTION, ALL OF THE CANDIDATES FOR THAT PARTY AT ANY LEVEL
5 OF OFFICE IN THAT ELECTION YEAR MUST BE SELECTED BY SUCH METHOD, EXCEPT THAT THE REQUIREMENTS
6 OF THIS PROVISION SHALL NOT APPLY TO A PRIMARY FOR PRESIDENT OF THE UNITED STATES IF SUCH AN
7 ELECTION IS HELD.

8 **SECTION 6.** In Colorado Revised Statutes, 1-4-1002, **amend** (2.3)(a) as follows:

9 **1-4-1002. Vacancies in designation or nomination.** (2.3)(a) A vacancy in a party
10 nomination, other than a vacancy for a party nomination for lieutenant governor for a general
11 election occurring after January 1, 2001, that occurs after the day of the primary election or AFTER
12 NOMINATION BY ASSEMBLY OR CONVENTION UNDER SECTION 1-4-702 and more than eighteen days
13 before the general election may be filled by the respective party assembly vacancy committee of
14 the district, county, or state, as appropriate, depending upon the office for which the vacancy in
15 nomination has occurred in accordance with the provisions of subsection (9) of this section. A
16 vacancy in a party nomination for lieutenant governor for a general election occurring after January
17 1, 2001, shall be filled by a replacement candidate for lieutenant governor nominated by the party's
18 candidate for governor. A vacancy may be caused by the declination, death, disqualification,
19 resignation, or withdrawal of the person nominated at the primary election or by the declination,
20 death, disqualification, resignation, or withdrawal of an elective officer after a primary election at
21 which a nomination could have been made for the office had the vacancy then existed. No person
22 is eligible for appointment to fill a vacancy in the party nomination unless the person meets all of the
23 requirements of candidacy as of the date of the primary election. When a vacancy is filled pursuant
24 to this paragraph (a), the designated election official shall provide notice by publication of the
25 replacement nomination in the same manner as the notice required by section 1-5-205.

26 **SECTION 7.** In Colorado Revised Statutes, 1-4-1304, **amend** (1.5)(c) as follows:

27 1-4-1304. Nomination of candidates. (1.5) (c) If an assembly designates more than one candidate
28 for an office, or if an assembly designates one or more candidates and one or more candidates
29 qualifies by petition, the candidate of the minor political party for that office shall be nominated at
30 a primary election held in accordance with this code. A MINOR POLITICAL PARTY MAY PROHIBIT
31 UNAFFILIATED ELECTORS FROM VOTING IN THE PARTY'S PRIMARY ELECTION SO LONG AS THE PROHIBITION IS
32 IN ACCORDANCE WITH THE PARTY'S CONSTITUTION, BYLAWS, OR OTHER APPLICABLE RULES. ANY MINOR
33 PARTY CHOOSING TO PROHIBIT UNAFFILIATED ELECTORS FROM VOTING IN ITS PRIMARY ELECTION MUST
34 NOTIFY THE SECRETARY OF STATE OF THE PROHIBITION NOT LESS THAN SEVENTY-FIVE DAYS PRIOR TO THE
35 PRIMARY ELECTION.

36 **SECTION 8.** In Colorado Revised Statutes, 1-5-402, **add** (2) as follows:

37 **1-5-402. Primary election ballots.** (2) NO LATER THAN FORTY-FIVE DAYS BEFORE THE PRIMARY
38 ELECTION, THE COUNTY CLERK AND RECORDER SHALL PREPARE A COMBINED PRIMARY ELECTION BALLOT TO
39 BE USED BY UNAFFILIATED ELECTORS. THE BALLOT MUST BE PRINTED IN THE FOLLOWING MANNER:(a) ALL
40 OFFICIAL BALLOTS MUST BE PRINTED ACCORDING TO THE PROVISIONS OF SECTIONS 1-4-101, 1-5-407, AND
41 1-5-408. ACROSS THE TOP OF EACH BALLOT THE WORDS "PRIMARY ELECTION BALLOT FOR UNAFFILIATED
42 VOTERS" SHALL BE PRINTED.

(b) THE POSITIONS OF CANDIDATES ON THE BALLOTS TO BE USED BY UNAFFILIATED ELECTORS MUST BE ARRANGED IN THE ORDER SPECIFIED IN PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION; EXCEPT THAT THE CANDIDATES OF EACH POLITICAL PARTY MUST BE CLEARLY AND CONSPICUOUSLY SEGREGATED FROM THE CANDIDATES OF ANY OTHER POLITICAL PARTY AND GROUPED TOGETHER ACCORDING TO SECTION 1-4-101(2).

SECTION 9. In Colorado Revised Statutes, 1-7-201, amend (2); and add (2.3) as follows:

1-7-201. Voting at primary election. (2) If the name is found on the registration list, the election judge having charge of the list shall likewise repeat the elector's name and present the elector with the party ballot of the political party affiliation last recorded. If unaffiliated, the eligible elector shall openly declare to the election judges the name of the political party with which the elector wishes to affiliate, complete the approved form for voter registration information changes, and initial the registration list in the space provided. Declaration of affiliation with a political party shall be separately dated and signed or dated and initialed by the eligible elector in such manner that the elector clearly acknowledges that the affiliation has been properly recorded. Thereupon, the election judges shall deliver the appropriate party ballot to the eligible elector. Eligible electors who decline to state an affiliation with a political party that is participating in the primary shall not be entitled to vote at the primary election.

(2.3) AN ELIGIBLE UNAFFILIATED ELECTOR IS ENTITLED TO VOTE IN THE PRIMARY ELECTION OF A MAJOR POLITICAL PARTY WITHOUT AFFILIATING WITH THAT POLITICAL PARTY. TO VOTE IN A POLITICAL PARTY'S PRIMARY ELECTION WITHOUT DECLARING AN AFFILIATION WITH THE POLITICAL PARTY, ANY ELIGIBLE UNAFFILIATED ELECTOR SHALL BE GIVEN A COMBINED BALLOT, IF APPLICABLE. IF A COMBINED BALLOT IS NOT AVAILABLE, THE ELECTOR SHALL DECLARE TO THE ELECTION JUDGES THE NAME OF THE POLITICAL PARTY IN WHOSE PRIMARY ELECTION THE ELECTOR WISHES TO VOTE. THEREUPON, THE ELECTION JUDGES SHALL DELIVER THE APPROPRIATE PARTY BALLOT TO THE ELECTOR. IN ADDITION, ANY ELIGIBLE UNAFFILIATED ELECTOR MAY OPENLY DECLARE TO THE ELECTION JUDGES THE NAME OF THE POLITICAL PARTY WITH WHICH THE ELECTOR WISHES TO AFFILIATE AND COMPLETE THE NECESSARY FORMS. AN ELIGIBLE ELECTOR MUST SEPARATELY DATE AND SIGN OR DATE AND INITIAL A DECLARATION OF AFFILIATION WITH A POLITICAL PARTY FORM IN SUCH MANNER THAT THE ELECTOR CLEARLY ACKNOWLEDGES THAT THE AFFILIATION HAS BEEN PROPERLY RECORDED. THEREUPON, THE ELECTION JUDGES SHALL DELIVER THE APPROPRIATE PARTY BALLOT TO THE ELIGIBLE ELECTOR.

SECTION 10. In Colorado Revised Statutes, 1-7.5-107, **delete** (2.3); and **amend** (2.5)(a)(II) as follows:

1-7.5-107. Procedures for conducting mail ballot election - primary elections - first-time voters casting a mail ballot after having registered by mail to vote - in-person request for ballot - repeal. (2.3) (a) Not less than thirty days nor more than forty-five days before a primary election, the county clerk and recorder shall mail a notice by forwardable mail to each unaffiliated active registered eligible elector:

(b) The notice shall indicate that the unaffiliated elector has the ability to and must affiliate with a political party in order to vote in the primary election.

(c) The notice shall have a returnable portion that allows the elector to request affiliation with a political party.

1 (d) The notice may be included with any other communication by mail from the county clerk
2 and recorder to electors within the county.

3 (2.5) (a) (II) For a primary mail ballot election, in addition to the items described in the notice
4 required by subparagraph (I) of this paragraph (a), such notice shall advise eligible electors who are
5 not affiliated with a political party of the ability to ~~declare an affiliation with a political party and vote~~
6 ~~in the primary election~~ VOTE IN THE PRIMARY ELECTION OF ANY POLITICAL PARTY. THE NOTICE MUST
7 CLEARLY AND CONSPICUOUSLY ADVISE ELECTORS THAT ANY PRIMARY BALLOT CONTAINING VOTES FOR A
8 CANDIDATE OF MORE THAN ONE POLITICAL PARTY SHALL NOT BE COUNTED.

9 **SECTION 11.** In Colorado Revised Statutes, 1-7.5-116, **amend** (1) (b) as follows:

10 **1-7.5-116. Applications for absentee ballot.** (1) (b) If the application is made for a primary
11 election ballot, the application shall name the political party with which the applicant is affiliated or
12 ~~wishes to affiliate~~; OR, IF THE APPLICANT IS UNAFFILIATED, THE APPLICATION MUST EITHER NAME THE
13 POLITICAL PARTY WITH WHICH THE APPLICANT WISHES TO AFFILIATE OR MUST STATE THAT THE APPLICANT
14 WISHES TO REMAIN UNAFFILIATED AND RECEIVE AN UNAFFILIATED PRIMARY ELECTION BALLOT, OR IF SUCH
15 COMBINED BALLOT IS NOT AVAILABLE, THE BALLOTS FOR EACH PARTY PRIMARY ALONG WITH NOTICE THAT THE
16 ELECTOR SHALL VOTE IN ONLY ONE PRIMARY.

17 **SECTION 12.** In Colorado Revised Statutes, 1-8.5-101, **amend** (5) as follows:

18 1-8.5-101. Provisional ballot - entitlement to vote. (5) ANY UNAFFILIATED ELECTOR AT A PRIMARY
19 ELECTION MAY CAST A REGULAR PARTY BALLOT UPON REQUESTING SUCH BALLOT FROM AN ELECTION JUDGE
20 IN ACCORDANCE WITH SECTION 1-7-201 (2.3). Any unaffiliated elector at a primary election may ALSO
21 cast a regular party ballot upon openly declaring to the election judge the name of the political party
22 with which the elector wishes to affiliate pursuant to section 1-2-218.5 or 1-7-201. NOTHING IN THIS
23 SECTION REQUIRES A MINOR POLITICAL PARTY TO ALLOW AN UNAFFILIATED ELECTOR TO VOTE IN THE PRIMARY
24 ELECTION OF SUCH POLITICAL PARTY.

25 **SECTION 13. Effective date - applicability.** This measure applies to any primary election
26 conducted after the effective date of this measure as declared by proclamation of the governor.