

**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.

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.

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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2 Parties, having met certain vote thresholds in prior elections, are classified as major  
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19 voters has the potential to increase voter turnout and allow for candidates who are  
20 more responsive to a broader range of interests.

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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 BALLOT 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 BALLOTS 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 BALLOT OF A MAJOR POLITICAL PARTY. AN ELECTOR MAY CAST THE BALLOT OF ONLY ONE  
12 MAJOR POLITICAL PARTY. AFTER SELECTING AND CASTING A BALLOT OF A SINGLE MAJOR POLITICAL PARTY,  
13 THE ELECTOR SHALL RETURN THE BALLOT TO THE CLERK. IF AN ELECTOR CASTS AND RETURNS TO THE  
14 CLERK THE BALLOT OF MORE THAN ONE MAJOR POLITICAL PARTY, ALL SUCH BALLOTS RETURNED WILL BE  
15 VOID AND WILL NOT BE COUNTED.

16 (b) THE SECRETARY OF STATE MAY BY RULE ADOPT ADDITIONAL BALLOT 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 U NAFFILIATED  
42 VOTERS" SHALL BE PRINTED.

1 (b) THE POSITIONS OF CANDIDATES ON THE BALLOTS TO BE USED BY UNAFFILIATED ELECTORS MUST BE  
2 ARRANGED IN THE ORDER SPECIFIED IN PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION; EXCEPT THAT  
3 THE CANDIDATES OF EACH POLITICAL PARTY MUST BE CLEARLY AND CONSPICUOUSLY SEGREGATED FROM  
4 THE CANDIDATES OF ANY OTHER POLITICAL PARTY AND GROUPED TOGETHER ACCORDING TO SECTION 1-4-  
5 101(2).

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

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

18 (2.3) AN ELIGIBLE UNAFFILIATED ELECTOR IS ENTITLED TO VOTE IN THE PRIMARY ELECTION OF A  
19 MAJOR POLITICAL PARTY WITHOUT AFFILIATING WITH THAT POLITICAL PARTY. TO VOTE IN A POLITICAL PARTY'S  
20 PRIMARY ELECTION WITHOUT DECLARING AN AFFILIATION WITH THE POLITICAL PARTY, ANY ELIGIBLE  
21 UNAFFILIATED ELECTOR SHALL BE GIVEN A COMBINED BALLOT, IF APPLICABLE. IF A COMBINED BALLOT IS NOT  
22 AVAILABLE, THE ELECTOR SHALL DECLARE TO THE ELECTION JUDGES THE NAME OF THE POLITICAL PARTY IN  
23 WHOSE PRIMARY ELECTION THE ELECTOR WISHES TO VOTE. THEREUPON, THE ELECTION JUDGES SHALL  
24 DELIVER THE APPROPRIATE PARTY BALLOT TO THE ELECTOR. IN ADDITION, ANY ELIGIBLE UNAFFILIATED  
25 ELECTOR MAY OPENLY DECLARE TO THE ELECTION JUDGES THE NAME OF THE POLITICAL PARTY WITH WHICH  
26 THE ELECTOR WISHES TO AFFILIATE AND COMPLETE THE NECESSARY FORMS. AN ELIGIBLE ELECTOR MUST  
27 SEPARATELY DATE AND SIGN OR DATE AND INITIAL A DECLARATION OF AFFILIATION WITH A POLITICAL PARTY  
28 FORM IN SUCH MANNER THAT THE ELECTOR CLEARLY ACKNOWLEDGES THAT THE AFFILIATION HAS BEEN  
29 PROPERLY RECORDED. THEREUPON, THE ELECTION JUDGES SHALL DELIVER THE APPROPRIATE PARTY BALLOT  
30 TO THE ELIGIBLE ELECTOR.

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

33 **1-7.5-107. Procedures for conducting mail ballot election - primary elections - first-time**  
34 **voters casting a mail ballot after having registered by mail to vote - in-person request for**  
35 **ballot - repeal.** ~~(2.3) (a) Not less than thirty days nor more than forty-five days before a primary~~  
36 ~~election, the county clerk and recorder shall mail a notice by forwardable mail to each unaffiliated~~  
37 ~~active registered eligible elector.~~

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

40 ~~(c) The notice shall have a returnable portion that allows the elector to request affiliation with~~  
41 ~~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.