

Initiative #140  
Presidential Primary Elections

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

- 2     ◆ establish a presidential primary election in Colorado that allows  
3     participation by unaffiliated voters.

4 **Summary and Analysis**

5     **Background.** Presidential nominees for major political parties are chosen by state  
6     delegates at each party's national convention. Delegates to the national convention  
7     are selected by each state based on the results of either a caucus or presidential  
8     primary election. Proposition ? establishes a presidential primary election in Colorado  
9     that is open to voters affiliated with a major political party and to unaffiliated voters.  
10    Presidential primary elections were conducted in the state in 1992, 1996, and 2000.  
11    In other years, Colorado's political parties have selected delegates for nominating  
12    presidential candidates using a caucus system. Caucus participation is limited to  
13    voters who have affiliated with that political party at least two months prior to the  
14    caucus. Voters at a caucus typically debate the merits of each candidate and, in most  
15    years, a straw poll-style vote is then taken to determine the candidate preference of  
16    voters. Based on the caucus results, the parties allocate delegates to the national  
17    conventions.

18    **Process for presidential primaries.** The presidential primary election  
19    established by Proposition ? will be conducted as a mail ballot election on a date set  
20    by the Governor, no later than the third Tuesday in March. No other issue may be  
21    included on the ballot. Proposition ? does not impact the existing primary election in  
22    Colorado, held in June, for other state, federal, and local offices.

23    **Participation of affiliated and unaffiliated voters.** Under Proposition ?, voters  
24    are not required to affiliate with a political party in order to vote in the presidential  
25    primary election. Under Proposition ?, each major political party will have a separate  
26    presidential primary ballot for use by voters affiliated with the party. Unaffiliated voters  
27    will receive a combined ballot that shows all candidates for each political party.  
28    Unaffiliated voters may vote for a candidate of only one political party. If a voter  
29    selects candidates of more than one political party on the combined ballot, his or her  
30    ballot will not be counted.

31    **Funding for presidential primaries.** Under Proposition ?, the cost of the  
32    presidential primary election will be paid by the state and counties. Counties will be  
33    responsible for administering the presidential primary election, and they will be  
34    reimbursed for a portion of these costs by the state. Currently, caucuses are paid for  
35    and conducted by the political parties.

1       **Pledging of delegates.** Under Proposition ?, the winner of a party's presidential  
2 primary receives all delegates to the national convention, and the delegates are bound  
3 to support the winner at the convention.

4       **Impact on political party caucuses.** Under Proposition ?, parties will still be  
5 allowed to hold caucuses to handle internal party business. However, parties will no  
6 longer use caucuses to determine the state party's choice for presidential nominee.

*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>

## 7       **Arguments For**

8           1) A presidential primary serves Colorado voters better than the caucus system.  
9 The current caucus system is confusing and inaccessible to many voters. Caucuses  
10 can be crowded, held at inconvenient times, and conducted by inexperienced  
11 volunteers. A presidential primary election eliminates the logistical difficulties of  
12 conducting caucuses. Under Proposition ?, a presidential primary will give voters  
13 several weeks to cast their ballots by mail or at a vote center, and the election will be  
14 conducted in the same manner as all other elections by experienced county election  
15 officials.

16           2) All registered voters in Colorado should be allowed to participate in the  
17 selection of presidential nominees, even if they are not affiliated with a political party.  
18 Unaffiliated voters make up more than one-third of all registered voters in the state.  
19 Proposition ? gives these unaffiliated voters a role in selecting presidential nominees  
20 and may increase voter participation.

21           3) Proposition ? protects voter confidentiality by allowing voters to select  
22 presidential primary candidates using a secret ballot. The current caucus system  
23 requires voters to publicly declare their candidate preference, which can discourage  
24 participation by many voters who do not wish to make their preference known.

1     **Arguments Against**

2           1) Proposition ? shifts costs to taxpayers, as the state and counties will be  
3 required to spend at least \$5 million every four years to conduct a presidential primary  
4 election. Under a caucus system, taxpayers save money because caucuses are  
5 conducted and funded by the political parties. Taxpayers should not be required to  
6 pay the costs of nominating contests for political parties. The measure also places an  
7 administrative burden on counties to conduct an additional election every four years.

8           2) Political parties are private organizations that have the right to select  
9 presidential candidates without influence from people who choose not to affiliate with  
10 the party. Under current law, unaffiliated voters who wish to participate at a caucus  
11 can declare their party affiliation ahead of time and attend. Presidential candidates  
12 are national leaders representing the members of their party. It is important to  
13 preserve the rights of members to select their own candidates, rather than have them  
14 chosen by persons not affiliated with the political party.

15          3) Proposition ? eliminates the valuable role caucuses play in selecting  
16 presidential candidates. Caucuses encourage voters to debate and discuss  
17 candidates and important issues affecting Colorado and the nation. During  
18 presidential election years, caucuses provide a unique opportunity for voters to be  
19 active participants in the political process.

20     **Estimate of Fiscal Impact**

21           **State spending.** Proposition ? increases state spending in the Secretary of  
22 State's Office by about \$210,000 in budget year 2018-19 and by \$2.7 million in  
23 budget year 2019-20 when the next presidential primary election will be conducted  
24 under the measure. After budget year 2019-20, state spending will increase every  
25 four years during presidential election years to conduct the presidential primary  
26 election.

27           **Local government spending.** Under Proposition ?, counties will have costs of  
28 about \$5.3 million in budget year 2019-20 to conduct a presidential primary election.  
29 Counties will be reimbursed about \$2.6 million by the state to offset these costs. After  
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# Last Draft as Mailed to Interested Parties

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# Last Draft Comments from Interested Parties

## Initiative #140 Presidential Primary Election

Curtis Hubbard, representing Let Colorado Vote as the proponent:

Initiative 140 Response to DRAFT 3

PAGE 1

Line 11: "...using a caucus system." ADD **Colorado was one of just 14 states that utilized caucuses as part of the presidential nominating process in 2016.** END ADD" (We continue to believe this is important context for voters)

Line 33: "...and they will be reimbursed for ~~a portion of these costs~~ by the state ADD: **for all expenses directly attributable to the presidential primary.**" (Again, this is the language from the initiative.)

Caryn Ann Harlos, representing the Libertarian Party of Colorado:

I submit the following comments in regards to the above draft under Arguments Against:

Lines 11-12

*Change:* Presidential candidates are national leaders representing their party, so it is important that only persons associated with the party have a role in selecting the nominee.

to

Presidential candidates are national leaders representing the members of their party, so it is important to preserve the fundamental rights of members to choose their representatives and not have them chosen by others who not chosen to be identified with the party.

And *add* this at the end of Line 18:

Further, as private organizations, political parties should be able to decide the form of their nomination process that will best serve their own members without outside interference.

--

In Liberty,  
Caryn Ann Harlos  
Communications Director, Libertarian Party of Colorado  
([communicationsdirector@lpcolorado.org](mailto:communicationsdirector@lpcolorado.org))

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Peaceful Commerce With All Nations \* Noninterventionism \* Repeal Prohibition \* End Government Intrusion In The Bedroom \* Repeal All Gun Laws \* Taxpayer Bailout: Repeal The Income Tax \* Sound, Free-market Money & Abolish The Fed \* End Corporate & Individual Welfare \* Abolish The IRS \* Privatize Transportation Infrastructure \* Free-market Emergency Services \* Minimally-regulated Migration \* Transfer Government Schools To The Private Sector \* Eliminate Regulation

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**Initiative #140  
Presidential Primary Elections  
Contact List**

Harvie Branscomb  
Colorado Voters Group  
harvie@electionquality.com

Gerry Cummins  
League of Women Voters of Colorado  
1410 Grant St., Suite B-204  
Denver, CO 80203  
gerry.cummins@prodigy.net

Senator Kevin Grantham  
318 W. Circle Drive  
Canon City, CO 81212  
senatorgrantham@gmail.com

John Hjersman  
Libertarian Party  
treasurer@lpcolorado.org

Al Kolwicz  
Al@AlKolwicz.net

Bob Lackner  
Legislative Legal Services  
State Capitol, Room 091  
Denver, CO 80203  
bob.lackner@state.co.us

Senator Kevin Lundberg  
PO Box 378  
Berthoud, CO 80513  
senatorlundberg@gmail.com

Jay North  
Libertarian Party  
statechair@lpcolorado.org

Senator Jerry Sonnenberg  
4465 Road 63  
Sterling, CO 80751  
senatorsonnenberg@gmail.com

Carol Tone  
League of Women Voters  
1410 Grant St., Suite B-204  
Denver, CO 80203

Jon Caldara  
Independence Institute  
jonc@i2i.org; jc@i2i.org

Karen Goldman  
Colorado Municipal League  
1144 Sherman  
Denver, CO 80203  
kgoldman@auroragov.org

Caryn Ann Harlos  
Libertarian Party  
communicationsdirector@lpcolorado.org

Curtis Hubbard  
Let Colorado Vote  
curtis@onsightpublicaffairs.com

Mike Kraus  
Independence Institute  
mike@i2i.org

Jennifer Levin  
Disability Law Colorado  
jlevin@disabilitylawco.org

Amber McReynolds  
Dever Elections Division  
amber.mcreynolds@denvergov.org

Elena Nunez  
Colorado Common Cause  
1860 Larimer St., #360  
Denver, CO 80202  
enunez@commoncause.org

Martha M. Tierney  
Tierney Lawrence LLC  
225 E. 16th St., Suite 350  
Denver, CO 80203  
mtierney@tierneylawrence.com



**Initiative 140**  
**Presidential Primary Elections**

**Ballot Title:** Shall there be a change to the Colorado Revised Statutes recreating a presidential primary election to be held before the end of March in each presidential election year in which unaffiliated electors may vote without declaring an affiliation with a political party?

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

**SECTION 1. Declaration of the People of Colorado.**

COLORADO VOTERS EXPERIENCED DISENFRANCHISEMENT AND PROFOUND DISAPPOINTMENT WITH THE STATE'S SYSTEM FOR PARTICIPATING IN THE PRESIDENTIAL NOMINATION PROCESS IN 2016.

ON THE DEMOCRATIC SIDE, ATTENDANCE AT CAUCUSES OVERWHELMED MANY PARTY-RUN EVENTS, WITH LONG LINES OR OTHER PROBLEMS LIMITING MANY ELIGIBLE VOTERS' ABILITY TO TAKE PART.

THE STATE'S REPUBLICAN PARTY CHOSE NOT TO HOLD OFFICIAL PREFERENCE POLLS, ESSENTIALLY LEAVING ACTIVE REPUBLICAN VOTERS WITHOUT A SAY ON THE PARTY'S POTENTIAL NOMINEES.

AND, GIVEN THE RULES FOR PARTICIPATING IN CAUCUSES, THE STATE'S LARGEST GROUP OF VOTERS -- MORE THAN 1 MILLION UNAFFILIATED ELECTORS -- WERE DISENFRANCHISED ALTOGETHER.

COLORADO PREVIOUSLY HELD PRESIDENTIAL PRIMARIES IN 1992, 1996 AND 2000. THIS MEASURE WOULD RESTORE A PRESIDENTIAL PRIMARY IN COLORADO BEGINNING IN 2020. BECAUSE A PRESIDENTIAL PRIMARY ELECTION WOULD BE PAID FOR BY ALL TAXPAYERS, ALL ELIGIBLE VOTERS WHO WANT THEIR VOICES TO BE HEARD SHOULD BE ABLE TO VOTE IN THOSE ELECTIONS.

CURRENTLY, THE 35% OF COLORADO VOTERS WHO ARE INDEPENDENT OF A PARTY MUST JOIN A PARTY IF THEY WANT TO PARTICIPATE IN CAUCUSES WHERE PRESIDENTIAL PREFERENCE POLLS ARE TAKEN OR A PRIMARY ELECTION. IN FACT, COLORADO IS IN THE MINORITY OF STATES THAT LIMIT PARTICIPATION IN THE PRESIDENTIAL NOMINATION PROCESS TO ONLY THOSE REGISTERED WITH A MAJOR POLITICAL PARTY.

A PRESIDENTIAL PRIMARY WOULD INVOLVE MORE VOTERS, INCREASE PARTICIPATION AND COULD ENCOURAGE CANDIDATES WHO ARE RESPONSIVE TO THE VIEWPOINTS OF MORE COLORADANS.

ACCORDINGLY, COLORADO SHOULD RESTORE ITS PRESIDENTIAL PRIMARY AND ALL VOTERS SHOULD BE ALLOWED TO PARTICIPATE IN SELECTING THE PRIMARY CANDIDATES FOR PRESIDENT.

**SECTION 2.** In Colorado Revised Statutes, **recreate and reenact, with amendments**, part 12 to article 4 of title 1 as follows:

**1-4-1201. Declaration.** IN RECREATING AND REENACTING THIS PART 12, IT IS THE INTENT OF THE PEOPLE OF THE STATE OF COLORADO THAT THE PROVISIONS OF THIS PART 12 CONFORM TO THE REQUIREMENTS OF FEDERAL LAW AND NATIONAL POLITICAL PARTY RULES GOVERNING PRESIDENTIAL PRIMARY ELECTIONS, AND THAT THE COLORADO GENERAL ASSEMBLY WILL, DURING THE 2017 LEGISLATIVE SESSION, ADOPT ALL NECESSARY CONFORMING AMENDMENTS TO ENSURE THE PROPER OPERATION OF A PRESIDENTIAL PRIMARY ELECTION IN COLORADO.

**1-4-1202. Definitions.** AS USED IN THIS PART 12, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "POLITICAL PARTY" MEANS A MAJOR POLITICAL PARTY AS DEFINED IN SECTION 1-1-104 (22).

(2) "PRESIDENTIAL PRIMARY ELECTION" MEANS A PRIMARY ELECTION CONDUCTED IN A YEAR IN WHICH A UNITED STATES PRESIDENTIAL ELECTION WILL BE HELD TO ALLOCATE DELEGATES TO NATIONAL NOMINATING CONVENTIONS OF THE MAJOR POLITICAL PARTIES SELECTED IN ACCORDANCE WITH SECTION 1-4-701.

**1-4-1203. Presidential primary elections - when - conduct.** (1) A PRESIDENTIAL PRIMARY ELECTION SHALL BE HELD ON A TUESDAY ON A DATE DESIGNATED BY THE GOVERNOR. THE DATE SELECTED FOR THE PRIMARY MUST BE NO EARLIER THAN THE DATE THE NATIONAL RULES OF THE MAJOR POLITICAL PARTIES PROVIDE FOR STATE DELEGATIONS TO THE PARTY'S NATIONAL CONVENTION TO BE ALLOCATED WITHOUT PENALTY AND NOT LATER THAN THE THIRD TUESDAY IN MARCH IN YEARS IN WHICH A UNITED STATES PRESIDENTIAL ELECTION WILL BE HELD. THE GOVERNOR SHALL DESIGNATE THE DATE OF THE PRESIDENTIAL PRIMARY ELECTION NO LATER THAN THE FIRST DAY OF SEPTEMBER IN THE YEAR BEFORE THE PRESIDENTIAL PRIMARY ELECTION WILL BE HELD.

(2)(a) EXCEPT AS PROVIDED FOR IN SUBSECTION (5) OF THIS SECTION, EACH POLITICAL PARTY THAT HAS A QUALIFIED CANDIDATE ENTITLED TO PARTICIPATE IN THE PRESIDENTIAL PRIMARY ELECTION PURSUANT TO THIS SECTION IS ENTITLED TO PARTICIPATE IN THE COLORADO PRESIDENTIAL PRIMARY ELECTION. AT THE PRESIDENTIAL PRIMARY ELECTION, AN ELECTOR THAT IS AFFILIATED WITH A POLITICAL PARTY MAY VOTE ONLY FOR A CANDIDATE OF THAT POLITICAL PARTY.

(b) AN UNAFFILIATED ELIGIBLE ELECTOR MAY VOTE IN A POLITICAL PARTY'S PRESIDENTIAL PRIMARY ELECTION WITHOUT AFFILIATING WITH THAT PARTY OR MAY DECLARE AN AFFILIATION WITH A POLITICAL PARTY TO THE ELECTION JUDGES AT THE PRESIDENTIAL PRIMARY ELECTION IN ACCORDANCE WITH SECTION 1-7-201. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO ELECTOR AFFILIATED WITH A MAJOR OR MINOR POLITICAL PARTY OR POLITICAL ORGANIZATION MAY CHANGE OR WITHDRAW HIS OR HER AFFILIATION IN ORDER TO VOTE IN THE PRESIDENTIAL PRIMARY ELECTION OF ANOTHER POLITICAL PARTY UNLESS THE ELECTOR HAS CHANGED OR WITHDRAWN SUCH AFFILIATION NO LATER THAN THE TWENTY-NINTH DAY PRECEDING THE PRESIDENTIAL PRIMARY ELECTION AS PROVIDED IN SECTION 1-2-219 (1).

(3) EXCEPT AS OTHERWISE PROVIDED IN THIS PART 12, A PRESIDENTIAL PRIMARY ELECTION MUST BE CONDUCTED IN THE SAME MANNER AS ANY OTHER PRIMARY ELECTION TO THE EXTENT STATUTORY PROVISIONS GOVERNING OTHER PRIMARY ELECTIONS ARE APPLICABLE TO THIS PART 12. THE ELECTION OFFICERS AND COUNTY CLERK AND RECORDERS HAVE THE SAME POWERS AND SHALL PERFORM THE SAME DUTIES FOR PRESIDENTIAL PRIMARY ELECTIONS AS THEY PROVIDE BY LAW FOR OTHER PRIMARY ELECTIONS AND GENERAL ELECTIONS.

(4)(a) A BALLOT USED IN A PRESIDENTIAL PRIMARY ELECTION MUST ONLY CONTAIN THE NAMES OF CANDIDATES FOR THE OFFICE OF THE PRESIDENT OF THE UNITED STATES OF AMERICA. THE BALLOT SHALL NOT BE USED FOR THE PURPOSE OF PRESENTING ANY OTHER ISSUE OR QUESTION TO THE ELECTORATE UNLESS EXPRESSLY AUTHORIZED BY LAW.

(b) EACH POLITICAL PARTY THAT IS ENTITLED TO PARTICIPATE IN THE PRESIDENTIAL PRIMARY ELECTION SHALL HAVE A SEPARATE PARTY BALLOT FOR USE BY ELECTORS AFFILIATED WITH THAT POLITICAL PARTY. IN ADDITION, ALL POLITICAL PARTIES THAT ARE ENTITLED TO PARTICIPATE IN THE PRIMARY ELECTION SHALL HAVE THEIR CANDIDATES PLACED ON A SINGLE COMBINED BALLOT TO BE USED BY UNAFFILIATED ELECTORS THAT CONTAINS THE NAMES OF THE CANDIDATES OF EACH OF THE POLITICAL PARTIES AND THAT ARE CLEARLY AND CONSPICUOUSLY SEGREGATED FROM THE NAMES OF THE CANDIDATES OF ANY OTHER POLITICAL PARTY. ACROSS THE TOP OF EACH SUCH BALLOT THE WORDS "PRIMARY ELECTION BALLOT FOR UNAFFILIATED VOTERS" SHALL BE PRINTED AND CLEARLY ADVISE THAT AN ELECTOR MAY CAST THE BALLOT OF ONLY ONE POLITICAL PARTY AND THAT ANY BALLOT IN WHICH VOTES HAVE BEEN CAST IN THE PRIMARY OF MORE THAN ONE PARTY SHALL BE VOID AND NOT COUNTED.

(5) IF, AT THE CLOSE OF BUSINESS ON THE SIXTIETH DAY BEFORE A PRESIDENTIAL PRIMARY ELECTION, THERE IS NOT MORE THAN ONE CANDIDATE FOR PRESIDENT AFFILIATED WITH A POLITICAL PARTY CERTIFIED TO THE PRESIDENTIAL PRIMARY BALLOT PURSUANT TO SECTION 1-4-1204(1) OR WHO HAS FILED A WRITE-IN CANDIDATE STATEMENT OF INTENT PURSUANT TO 1-4-1205, THE SECRETARY OF STATE MAY CANCEL THE PRESIDENTIAL PRIMARY ELECTION FOR THAT POLITICAL PARTY AND DECLARE THAT CANDIDATE THE WINNER OF THE PRESIDENTIAL PRIMARY ELECTION OF SUCH POLITICAL PARTY.

(6) THE SECRETARY OF STATE MAY BY RULE ADOPT ADDITIONAL BALLOT REQUIREMENTS NECESSARY TO AVOID VOTER CONFUSION IN VOTING IN PRESIDENTIAL PRIMARY ELECTIONS.

(7) THE STATE SHALL REIMBURSE THE COUNTIES FOR ALL EXPENSES INCURRED AND SHOWN TO BE DIRECTLY ATTRIBUTABLE TO THE PREPARATION AND CONDUCT OF THE PRESIDENTIAL PRIMARY ELECTION IN THE SAME MANNER AS THE STATE REIMBURSES COUNTIES FOR STATE BALLOT ISSUES IN SECTION 1-5-505.5; EXCEPT THAT THE REIMBURSEMENT MUST BE BASED ON THE NUMBER OF ACTIVE REGISTERED ELECTORS PARTICIPATING IN THE PRESIDENTIAL PRIMARY ELECTION AS OF THE DAY OF THE PRESIDENTIAL PRIMARY ELECTION. THE GENERAL ASSEMBLY SHALL MAKE APPROPRIATIONS TO THE DEPARTMENT OF STATE FROM THE DEPARTMENT OF STATE CASH FUND OR FROM THE GENERAL FUND FOR THE PURPOSE OF REIMBURSING COUNTIES UNDER THE TERMS OF THIS SECTION IN CONFORMITY WITH SECTION 24-21-104.5.

**1-4-1204. Names on ballots.** (1) NOT LATER THAN SIXTY DAYS BEFORE THE PRESIDENTIAL PRIMARY ELECTION, THE SECRETARY OF STATE SHALL CERTIFY THE NAMES AND PARTY AFFILIATIONS OF THE CANDIDATES TO BE PLACED ON ANY PRESIDENTIAL PRIMARY ELECTION BALLOTS. THE ONLY CANDIDATES WHOSE NAMES SHALL BE PLACED ON BALLOTS FOR THE ELECTION SHALL BE THOSE CANDIDATES WHO:

(a) ARE ELIGIBLE TO RECEIVE PAYMENTS PURSUANT TO THE FEDERAL "PRESIDENTIAL PRIMARY MATCHING PAYMENT ACCOUNT ACT", 26 U.S.C. SEC. 9031 ET SEQ., OR ANY SUCCESSOR SECTION OF FEDERAL LAW, AT THE TIME CANDIDATES' NAMES ARE TO BE CERTIFIED BY THE SECRETARY OF STATE PURSUANT TO THIS SUBSECTION (1);

(b) ARE SEEKING THE NOMINATION FOR PRESIDENT OF A POLITICAL PARTY AS A BONA FIDE CANDIDATE FOR PRESIDENT OF THE UNITED STATES PURSUANT TO POLITICAL PARTY RULES AND ARE AFFILIATED WITH A MAJOR POLITICAL PARTY THAT RECEIVED AT LEAST TWENTY PERCENT OF THE VOTES CAST BY ELIGIBLE ELECTORS IN COLORADO AT THE LAST PRESIDENTIAL ELECTION; AND

(c) HAVE SUBMITTED TO THE SECRETARY, BY THE SECOND DAY OF JANUARY IN THE YEAR OF THE PRESIDENTIAL PRIMARY ELECTION, A NOTARIZED CANDIDATE'S STATEMENT OF INTENT TOGETHER WITH EITHER A NONREFUNDABLE FILING FEE OF FIVE HUNDRED DOLLARS OR A PETITION SIGNED BY AT LEAST FIVE THOUSAND ELIGIBLE ELECTORS OF THE CANDIDATE'S POLITICAL PARTY WHO RESIDE IN THE STATE. CANDIDATE PETITIONS MUST MEET THE REQUIREMENTS OF PARTS 8 AND 9 OF THIS ARTICLE, AS APPLICABLE.

(2) THE NAMES OF CANDIDATES APPEARING ON ANY PRESIDENTIAL PRIMARY BALLOT MUST BE IN AN ORDER DETERMINED BY LOT. THE SECRETARY OF STATE SHALL DETERMINE THE METHOD OF DRAWING LOTS.

(3) EXCEPT AS OTHERWISE PROHIBITED BY POLITICAL PARTY RULES, THE STATE CHAIRPERSON OF A POLITICAL PARTY MAY REQUEST THE SECRETARY TO PROVIDE A PLACE ON THE PRIMARY BALLOT FOR ELECTORS WHO HAVE NO PRESIDENTIAL CANDIDATE PREFERENCE TO REGISTER A VOTE TO SEND A NONCOMMITTED DELEGATE TO THE POLITICAL PARTY'S NATIONAL CONVENTION. TO BE VALID, THIS REQUEST MUST BE RECEIVED BY THE SECRETARY OF STATE NO LATER THAN SEVENTY DAYS BEFORE THE PRESIDENTIAL PRIMARY ELECTION.

(4) ANY CHALLENGE TO THE LISTING OF ANY CANDIDATE ON THE PRESIDENTIAL PRIMARY ELECTION BALLOT MUST BE MADE IN WRITING AND FILED WITH THE SECRETARY NO LATER THAN FIVE DAYS AFTER THE

1 FILING DEADLINE FOR CANDIDATES. ANY SUCH CHALLENGE MUST PROVIDE NOTICE IN WRITING IN A SUMMARY  
2 MANNER OF AN ALLEGED IMPROPRIETY THAT GIVES RISE TO THE COMPLAINT. THE SECRETARY SHALL  
3 ADDRESS BY RULE OTHER REQUIREMENTS OF A VALID CHALLENGE. IN RESPONSE TO A VALID CHALLENGE  
4 BROUGHT UNDER THIS SUBSECTION (4), THE SECRETARY SHALL TRANSMIT NOTICE OF THE CHALLENGE  
5 FORTHWITH TO ALL CANDIDATES APPEARING ON THE PRESIDENTIAL PRIMARY BALLOT AND TO THE STATE  
6 CHAIRPERSON OF EACH MAJOR POLITICAL PARTY. NO LATER THAN FIVE DAYS AFTER THE CHALLENGE IS FILED,  
7 A HEARING MUST BE HELD AT WHICH TIME THE SECRETARY SHALL HEAR THE CHALLENGE AND ASSESS THE  
8 VALIDITY OF ALL ALLEGED IMPROPRIETIES. THE SECRETARY SHALL ISSUE FINDINGS OF FACT AND  
9 CONCLUSIONS OF LAW NO LATER THAN FORTY-EIGHT HOURS AFTER THE HEARING. THE PARTY FILING THE  
10 CHALLENGE HAS THE BURDEN TO SUSTAIN THE CHALLENGE BY A PREPONDERANCE OF THE EVIDENCE. THE  
11 SECRETARY OF STATE'S DECISIONS UPON MATTERS OF SUBSTANCE ARE OPEN TO REVIEW, IF PROMPT  
12 APPLICATION IS MADE, AS PROVIDED IN SECTION 1-1-113.

13 **1-4-1205. Write-in candidate affidavit for presidential primary.** A WRITE-IN VOTE FOR ANY  
14 CANDIDATE ON THE PRESIDENTIAL PRIMARY BALLOT SHALL NOT BE COUNTED UNLESS THE CANDIDATE FOR  
15 WHOM THE WRITE-IN VOTE WAS CAST HAS FILED A NOTARIZED CANDIDATE'S STATEMENT OF INTENT TO SEEK  
16 THE OFFICE OF PRESIDENT OF THE UNITED STATES. ANY SUCH AFFIDAVIT MUST BE ACCOMPANIED BY A  
17 NONREFUNDABLE FEE OF FIVE HUNDRED DOLLARS AND MUST BE FILED WITH THE SECRETARY OF STATE NO  
18 LATER THAN THE CLOSE OF BUSINESS ON THE SIXTY-SEVENTH DAY BEFORE THE PRESIDENTIAL PRIMARY  
19 ELECTION.

20 **1-4-1206. Presidential primary ballots - survey of returns.** EACH COUNTY CLERK AND  
21 RECORDER SHALL SURVEY ALL RETURNS RECEIVED FROM THE PRESIDENTIAL PRIMARY ELECTION IN ALL  
22 COUNTY PRECINCTS, AS PROVIDED IN THIS TITLE, AND SHALL CERTIFY THE RESULTS OF THE  
23 PRESIDENTIAL PRIMARY ELECTION TO THE SECRETARY NO LATER THAN THIRTEEN DAYS  
24 AFTER THE ELECTION.

25 **1-4-1207. Election results – certification – pledging of delegates.** (1) THE SECRETARY  
26 SHALL COMPILE THE NUMBER OF VOTES CAST FOR EACH CANDIDATE NAMED ON THE PRESIDENTIAL PRIMARY  
27 ELECTION BALLOT AND THE VOTES CAST TO SEND A NONCOMMITTED DELEGATE TO THE POLITICAL PARTY'S  
28 NATIONAL CONVENTION, IF APPLICABLE, AND SHALL CALCULATE THE PERCENTAGE OF VOTES RECEIVED BY  
29 EACH CANDIDATE AS COMPARED TO THE NUMBER OF VOTES RECEIVED BY ALL CANDIDATES OF THE SAME  
30 POLITICAL PARTY.

31 (2) THE SECRETARY SHALL CERTIFY THE RESULTS AND PERCENTAGES CALCULATED PURSUANT TO  
32 SUBSECTION (1) OF THIS SECTION TO THE STATE CHAIRPERSON AND THE NATIONAL COMMITTEE OF EACH  
33 POLITICAL PARTY WHICH HAD AT LEAST ONE CANDIDATE ON THE PRESIDENTIAL PRIMARY ELECTION BALLOT.

34 (3) EACH POLITICAL PARTY SHALL USE THE RESULTS OF THE ELECTION RESULTS TO ALLOCATE ALL  
35 NATIONAL DELEGATE VOTES TO THE PRESIDENTIAL PRIMARY CANDIDATE RECEIVING THE HIGHEST NUMBER  
36 OF VOTES AND TO BIND MEMBERS OF THE STATE'S DELEGATION TO VOTE FOR THAT CANDIDATE AT THE  
37 PARTY'S NATIONAL CONVENTION.

38 **SECTION 3.** In Colorado Revised Statutes, 1-2-218.5, **amend** (2) as follows:

39 **1-2-218.5. Declaration of affiliation.** (2) Any eligible elector who has not declared an  
40 affiliation with a political party or political organization shall be designated on the registration  
41 records of the county clerk and recorder as "unaffiliated". Any unaffiliated eligible elector may  
42 declare a political party affiliation when the elector desires to vote at a primary election, as provided  
43 in section 1-7-201(2), or the elector may declare his or her political party or political organization  
44 affiliation at any other time during which electors are permitted to register by submitting a letter or  
45 a form furnished by the county clerk and recorder, ~~either~~ by mail, ~~or~~ in person, OR ONLINE IN

1 ACCORDANCE WITH SECTION 1-2-202.5. AN UNAFFILIATED ELIGIBLE ELECTOR NEED NOT DECLARE AN  
2 AFFILIATION TO VOTE IN A PRESIDENTIAL PRIMARY ELECTION.

3 **SECTION 4.** In Colorado Revised Statutes, 24-21-104.5, **amend** as follows:

4 **24-21-104.5. General fund appropriation - cash fund appropriation - elections.** The  
5 general assembly is authorized to appropriate moneys from the department of state cash fund to the  
6 department of state to cover the costs of the local county clerk and recorders relating to the conduct  
7 of PRESIDENTIAL PRIMARY ELECTIONS, general elections, and November odd-year elections. If the  
8 amount of moneys in the department of state cash fund is insufficient to cover such costs, the  
9 general assembly may appropriate additional general fund moneys to cover such costs after  
10 exhausting all moneys in the department of state cash fund. The intent of the general assembly is  
11 to authorize the appropriation of department of state cash fund moneys and general fund moneys  
12 to the department of state to offset some of the costs of local county clerk and recorders associated  
13 with the additional election duties and requirements resulting FROM THE PREPARATION AND CONDUCT  
14 OF PRESIDENTIAL PRIMARY ELECTIONS AND from the passage of section 20 of article X of the state  
15 constitution and from the increased number of initiatives that are being filed.

16 **SECTION 5.** In Colorado Revised Statutes, 1-3-102, **amend** (1)(a)(III) as follows:

17 **1-3-102. Precinct caucuses.** (1) (a) (III) In a year in which a presidential election will be  
18 held, a political party may, by decision of its state central committee, hold its precinct caucuses on  
19 the first ~~Tuesday in February~~ SATURDAY FOLLOWING THE PRESIDENTIAL PRIMARY ELECTION. The  
20 committee shall notify the secretary of state and the clerk and recorder of each county in the state  
21 of the decision within five days after the decision.

22 **SECTION 6.** In Colorado Revised Statutes, 1-4-801, **add** (6) as follows:

23 **1-4-801. Designation of party candidates by petition.** (6) A CANDIDATE FOR A PRESIDENTIAL  
24 PRIMARY ELECTION SHALL NOT BEGIN CIRCULATING PETITIONS BEFORE THE FIRST MONDAY IN NOVEMBER OF THE  
25 YEAR PRECEDING THE YEAR IN WHICH THE PRESIDENTIAL PRIMARY ELECTION IS HELD. A CANDIDATE MUST FILE A  
26 PETITION NO LATER THAN THE SECOND DAY OF JANUARY IN THE YEAR OF THE PRESIDENTIAL PRIMARY ELECTION.

27 **SECTION 7. Effective date - applicability.** This measure shall apply to any presidential  
28 primary election conducted after the effective date of this measure as declared by proclamation of  
29 the governor.