

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

REREVISED

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

LLS NO. 10-0748.02 Troy Bratton

HOUSE BILL 10-1271

HOUSE SPONSORSHIP

Curry,

SENATE SPONSORSHIP

Morse,

House Committees
Judiciary

Senate Committees
State, Veterans & Military Affairs

SENATE
Am ended 3rd Reading
May 11, 2010

A BILL FOR AN ACT

101 **CONCERNING THE REGISTRATION DATE FOR ELIGIBILITY OF A PERSON**
102 **SEEKING TO BE PLACED IN NOMINATION AS A CANDIDATE FOR A**
103 **PARTISAN OFFICE.**

SENATE
Am ended 2nd Reading
May 10, 2010

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

HOUSE
3rd Reading Unam ended
March 3, 2010

The bill shortens the period during which a person seeking nomination must be affiliated with a major or minor political party, or unaffiliated if reaching the ballot by petition as an unaffiliated candidate, as shown on the books of the county clerk and recorder. The bill

HOUSE
Am ended 2nd Reading
March 2, 2010

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

specifies that such a person must be shown as affiliated with the major or minor party, or unaffiliated, as applicable, no later than the January 1 immediately preceding the election at which the person desires to be placed in nomination.

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

2 **SECTION 1.** 1-4-101 (3), Colorado Revised Statutes, is amended
3 to read:

4 **1-4-101. Primary election nominations made.** (3) All
5 nominations by major political parties for candidates for United States
6 senator, representative in congress, all elective state, district, and county
7 officers, and members of the general assembly shall be made by primary
8 elections; except that, for general elections occurring after January 1,
9 2001, nominations by major political parties for candidates for lieutenant
10 governor shall not be made by primary elections and shall be made
11 pursuant to section 1-4-502 (3). Neither the secretary of state nor any
12 county clerk and recorder shall place on the official general election
13 ballot the name of any person as a candidate of any major political party
14 who has not been nominated in accordance with the provisions of this
15 article, or who has not been affiliated with the major political party for at
16 ~~least twelve months unless otherwise provided by law~~ FOR THE PERIOD OF
17 TIME REQUIRED BY SECTION 1-4-601, or who does not meet residency
18 requirements for the office, if any. The information found on the voter
19 registration record of the county of current or previous residence of the
20 person seeking to be placed on the ballot is admissible as prima facie
21 evidence of compliance with this article.

22 **SECTION 2.** 1-4-502 (3) (b), Colorado Revised Statutes, is
23 amended to read:

1 **1-4-502. Methods of nomination for partisan**
2 **candidates.** (3) For general elections occurring after January 1, 2001:
3 (b) No person shall be eligible for a major political party
4 nomination for lieutenant governor unless such person is a registered
5 elector and has been affiliated ~~for a period of at least twelve months~~
6 ~~immediately preceding the date of the nomination,~~ with the major
7 political party making the nomination, as shown in the record books of
8 the county clerk and recorder, NO LATER THAN THE FIRST BUSINESS DAY
9 OF THE JANUARY IMMEDIATELY PRECEDING THE ELECTION FOR WHICH THE
10 PERSON DESIRES TO BE PLACED IN NOMINATION.

11 **SECTION 3.** 1-4-601 (2) and (4) (a), Colorado Revised Statutes,
12 are amended to read:

13 **1-4-601. Designation of candidates for primary election.**
14 (2) An assembly shall take no more than two ballots for party candidates
15 for each office to be filled at the next general election. Every candidate
16 receiving thirty percent or more of the votes of all duly accredited
17 assembly delegates who are present and voting on that office shall be
18 certified by affidavit of the presiding officer and secretary of the
19 assembly. If no candidate receives thirty percent or more of the votes of
20 all duly accredited assembly delegates who are present and voting, a
21 second ballot shall be cast on all the candidates for that office. If on the
22 second ballot no candidate receives thirty percent or more of the votes
23 cast, the two candidates receiving the highest number of votes shall be
24 certified as candidates for that office by the assembly. The certificate of
25 designation by assembly shall state the name of the office for which each
26 person is a candidate and the candidate's name and address, shall
27 designate in not more than three words the name of the political party

1 which the candidate represents, and shall certify that the candidate has
2 been a member of the political party for the period of time required by
3 party rule or by ~~law~~ SUBSECTION (4) OF THIS SECTION if the party has no
4 such rule. The candidate's affiliation, as shown on the registration books
5 of the county clerk and recorder, is prima facie evidence of political party
6 membership. The certificate of designation shall indicate the order of the
7 vote received at the assembly by candidates for each office, but no
8 assembly shall declare that any one candidate has received the nomination
9 of the assembly. The certificate of designation shall be filed in
10 accordance with section 1-4-604. If two or more candidates receiving
11 designation under the provisions of this subsection (2) have received an
12 equal number of votes, the order of certification of designation shall be
13 determined by lot by the candidates. The assembly shall select a vacancy
14 committee for vacancies in designation or nomination only.

15 (4) (a) No person ~~is~~ SHALL BE eligible for designation by assembly
16 as a candidate for nomination at any primary election unless the person
17 ~~has been~~ WAS affiliated with the political party holding the assembly for
18 ~~a period of at least twelve months immediately preceding the date of the~~
19 ~~assembly,~~ as shown ~~by~~ ON the registration books of the county clerk and
20 recorder NO LATER THAN THE FIRST BUSINESS DAY OF THE JANUARY
21 IMMEDIATELY PRECEDING THE PRIMARY ELECTION, unless otherwise
22 provided by party rules.

23 **SECTION 4.** 1-4-801 (3), Colorado Revised Statutes, is amended
24 to read:

25 **1-4-801. Designation of party candidates by petition.** (3) No
26 person shall be placed in nomination by petition on behalf of any political
27 party unless the person ~~has been~~ WAS affiliated with the political party for

1 ~~at least twelve months prior to the date of filing the petition, as shown by~~
2 ~~ON the registration books of the county clerk and recorder, NO LATER~~
3 ~~THAN THE FIRST BUSINESS DAY OF THE JANUARY IMMEDIATELY PRECEDING~~
4 ~~THE ELECTION FOR WHICH THE PERSON DESIRES TO BE PLACED IN~~
5 ~~NOMINATION.~~

6 **SECTION 5.** 1-4-802 (1) (g), Colorado Revised Statutes, is
7 amended to read:

8 **1-4-802. Petitions for nominating minor political party and**
9 **unaffiliated candidates for a partisan office.** (1) Candidates for
10 partisan public offices to be filled at a general or congressional vacancy
11 election who do not wish to affiliate with a major political party may be
12 nominated, other than by a primary election or a convention, in the
13 following manner:

14 (g) (I) ~~FOR CONGRESSIONAL VACANCY ELECTIONS, no person shall~~
15 ~~be placed in nomination by petition unless the person is an eligible elector~~
16 ~~of the political subdivision or district in which the officer is to be elected~~
17 ~~and unless the person~~ AND was registered as affiliated with a minor
18 political party or as unaffiliated, as shown on the REGISTRATION books of
19 the county clerk and recorder, for at least twelve months prior to the last
20 date the petition may be filed. ~~except that, if such nomination is for a~~
21 ~~nonpartisan election, the person shall be an eligible elector of the political~~
22 ~~subdivision or district and be a registered elector, as shown on the books~~
23 ~~of the county clerk and recorder, on the date of the earliest signature on~~
24 ~~the petition.~~

25 (II) FOR GENERAL ELECTIONS, NO PERSON SHALL BE PLACED IN
26 NOMINATION BY PETITION UNLESS THE PERSON IS AN ELIGIBLE ELECTOR OF
27 THE POLITICAL SUBDIVISION OR DISTRICT IN WHICH THE OFFICER IS TO BE

1 ELECTED AND UNLESS THE PERSON WAS REGISTERED AS AFFILIATED WITH
2 A MINOR POLITICAL PARTY OR AS UNAFFILIATED, AS SHOWN ON THE
3 REGISTRATION BOOKS OF THE COUNTY CLERK AND RECORDER, NO LATER
4 THAN THE FIRST BUSINESS DAY OF THE JANUARY IMMEDIATELY PRECEDING
5 THE GENERAL ELECTION FOR WHICH THE PERSON DESIRES TO BE PLACED IN
6 NOMINATION; EXCEPT THAT, IF SUCH NOMINATION IS FOR A NONPARTISAN
7 ELECTION, THE PERSON SHALL BE AN ELIGIBLE ELECTOR OF THE POLITICAL
8 SUBDIVISION OR DISTRICT AND BE A REGISTERED ELECTOR, AS SHOWN ON
9 THE REGISTRATION BOOKS OF THE COUNTY CLERK AND RECORDER, ON THE
10 DATE OF THE EARLIEST SIGNATURE ON THE PETITION.

11 **SECTION 6.** 1-4-1304 (2), Colorado Revised Statutes, is
12 amended to read:

13 **1-4-1304. Nomination of candidates.** (2) Nominations by a
14 minor political party, to be valid, shall be made in accordance with the
15 party's constitution or bylaws. No nomination under this section shall be
16 valid for any general election held after January 1, 1999, unless the
17 nominee:

18 (a) Is a registered elector;

19 (b) ~~Has been~~ WAS REGISTERED AS affiliated for a period of twelve
20 ~~months immediately preceding the date of nomination~~ with the minor
21 political party that is making the nomination, as shown in the registration
22 books of the county clerk and recorder, NO LATER THAN THE FIRST
23 BUSINESS DAY OF THE JANUARY IMMEDIATELY PRECEDING THE GENERAL
24 ELECTION FOR WHICH THE PERSON WAS NOMINATED, unless otherwise
25 provided in the constitution or bylaws of the minor political party; and

26 (c) Has not been registered as a member of a major political party
27 ~~for at least twelve months prior to the date of nomination~~ AT ANY TIME

1 AFTER THE FIRST BUSINESS DAY OF THE JANUARY IMMEDIATELY
2 PRECEDING THE GENERAL ELECTION FOR WHICH THE PERSON WAS
3 NOMINATED, unless otherwise provided in the constitution or bylaws of
4 the minor political party.

5 **SECTION 7. Applicability.** This act shall apply to the 2012
6 general election and each subsequent general or congressional vacancy
7 election.

8 **SECTION 8. Safety clause.** The general assembly hereby finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, and safety.