

First Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 11-0771.01 Troy Bratton

SENATE BILL 11-189

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SENATE SPONSORSHIP

Heath,

HOUSE SPONSORSHIP

Murray,

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Senate Committees  
State, Veterans & Military Affairs

House Committees

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A BILL FOR AN ACT

101 CONCERNING THE ADJUSTMENT OF CERTAIN DATES RELATED TO THE  
102 ADMINISTRATION OF ELECTIONS IN ORDER TO COMPLY WITH  
103 THE FEDERAL "MILITARY AND OVERSEAS VOTER  
104 EMPOWERMENT (MOVE) ACT" BUT EXCLUDING THE  
105 ADJUSTMENT OF ANY DATES RELATED TO VOTER REGISTRATION.

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>.)*

**Section 3** of the bill moves the date of the primary election from

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.

the 2nd Tuesday in August to the last Tuesday in June.

**Section 13** of the bill adjusts the date by which mail-in ballots must be mailed to uniformed and overseas citizens in order to comply with the federal "Military and Overseas Voter Empowerment (MOVE) Act". The remaining sections of the bill make conforming amendments to other dates on the election calendar to accommodate the adjustment of the mail-in ballot delivery date.

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

2 **SECTION 1.** 1-1-104 (32), Colorado Revised Statutes, is  
3 amended to read:

4 **1-1-104. Definitions.** As used in this code, unless the context  
5 otherwise requires:

6 (32) "Primary election" means the election held on the ~~second~~  
7 ~~Tuesday of August in~~ LAST TUESDAY IN JUNE OF each even-numbered  
8 year.

9 **SECTION 2.** 1-3-102 (1) (a), Colorado Revised Statutes, is  
10 amended to read:

11 **1-3-102. Precinct caucuses.** (1) (a) ~~(f)~~ Precinct committee  
12 persons and delegates to county assemblies shall be elected at precinct  
13 caucuses that shall be held in a public place or in a private home that is  
14 open to the public during the caucus in or proximate to each precinct at  
15 a time and place to be fixed by the county central committee or executive  
16 committee of each political party. ~~Except as otherwise provided by~~  
17 ~~subparagraph (H) of this paragraph (a),~~ The precinct caucuses shall be  
18 held on the ~~third~~ FIRST Tuesday in March, in each even-numbered year,  
19 which day shall be known as "precinct caucus day".

20 ~~(H) Repealed.~~

21 ~~(HH) In a year in which a presidential election will be held, a~~  
22 ~~political party may, by decision of its state central committee, hold its~~

1 ~~precinct caucuses on the first Tuesday in February. The committee shall~~  
2 ~~notify the secretary of state and the clerk and recorder of each county in~~  
3 ~~the state of the decision within five days after the decision.~~

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

6 **1-4-101. Primary election nominations made.** (1) Except as  
7 provided in section 1-4-104.5, a primary election shall be held at the  
8 regular polling places in each precinct on the ~~second Tuesday of August~~  
9 ~~in~~ LAST TUESDAY IN JUNE OF even-numbered years to nominate  
10 candidates of political parties to be voted for at the succeeding general  
11 election. Except as provided by section 1-4-1304 (1.5), only a major  
12 political party, as defined in section 1-1-104 (22), shall be entitled to  
13 nominate candidates in a primary election.

14 **SECTION 4.** 1-4-104.5 (1) and (3), Colorado Revised Statutes,  
15 are amended to read:

16 **1-4-104.5. Primary election canceled - when.** (1) If, at the close  
17 of business on the ~~sixtieth day~~ SEVENTY-FOURTH DAY before the primary  
18 election, there is not more than one candidate for any political party who  
19 has been nominated in accordance with this article or who has filed a  
20 write-in candidate affidavit of intent pursuant to section 1-4-1101 for any  
21 office on the primary election ballot, the designated election official may  
22 cancel the primary election and declare each candidate the party nominee  
23 for that office at the general election. For purposes of other applicable  
24 law, such nominee shall be deemed a candidate in and the winner of the  
25 primary election. The name of each nominee shall be printed on the  
26 official ballot prepared for the ensuing general election.

27 (3) If, at the close of business on the ~~sixtieth day~~

1 SEVENTY-FOURTH DAY before the primary election, there is not more than  
2 one candidate for each major political party who has been nominated in  
3 accordance with this article for any office on the primary election ballot  
4 and a minor political party has more than one candidate nominated for  
5 any such office, the primary election shall be conducted as provided in  
6 section 1-4-101 for the nomination of the minor political party candidate  
7 only.

8 **SECTION 5.** 1-4-601 (1), Colorado Revised Statutes, is amended  
9 to read:

10 **1-4-601. Designation of candidates for primary election.**

11 (1) Assemblies of the major political parties may make assembly  
12 designations of candidates for nomination on the primary election ballot.  
13 An assembly shall be held no later than ~~seventy days~~ EIGHTY-FOUR DAYS  
14 preceding the primary election.

15 **SECTION 6.** 1-4-602 (1) (a) (I), Colorado Revised Statutes, is  
16 amended to read:

17 **1-4-602. Delegates to party assemblies.** (1) (a) (I) County  
18 assemblies shall be held ~~not less than ten days nor more than thirty days~~  
19 ~~NO LATER THAN TWENTY DAYS~~ after precinct caucuses. ~~held on the third~~  
20 ~~Tuesday in March. If a political party holds its precinct caucuses on the~~  
21 ~~first Tuesday in February in a year in which a presidential election will be~~  
22 ~~held, the county assemblies of the political party shall be held not less~~  
23 ~~than fifteen days nor more than forty days after the precinct caucuses.~~  
24 The county central committee or executive committee shall fix the  
25 number of delegates from each precinct to participate in the county  
26 assembly pursuant to the procedure for the selection of delegates  
27 contained in the state party central committee's bylaws or rules. The

1 persons receiving the highest number of votes at the precinct caucus shall  
2 be the delegates to the county assembly from the precinct. If two or more  
3 candidates receive an equal number of votes for the last available place  
4 in the election of delegates to county assemblies at the precinct caucuses,  
5 the delegate shall be determined by lot by the candidates. Except as  
6 provided in subsections (2) and (6) of this section, delegates to all other  
7 party assemblies shall be selected by the respective county assemblies  
8 from among the members of the county assemblies pursuant to the state  
9 party central committee's bylaws or rules.

10 **SECTION 7.** 1-4-801 (5), Colorado Revised Statutes, is amended  
11 to read:

12 **1-4-801. Designation of party candidates by petition.** (5) Party  
13 petitions shall not be circulated nor any signatures be obtained prior to the  
14 ~~last Monday in March~~ SECOND MONDAY IN FEBRUARY. Petitions shall be  
15 filed no later than ~~seventy-five days~~ EIGHTY-NINE DAYS before the  
16 primary election.

17 **SECTION 8.** 1-4-802 (1) (d) (II) and (1) (f), Colorado Revised  
18 Statutes, are amended to read:

19 **1-4-802. Petitions for nominating minor political party and**  
20 **unaffiliated candidates for a partisan office.** (1) Candidates for  
21 partisan public offices to be filled at a general or congressional vacancy  
22 election who do not wish to affiliate with a major political party may be  
23 nominated, other than by a primary election or a convention, in the  
24 following manner:

25 (d) (II) No petition to nominate a minor political party candidate  
26 shall be circulated nor any signatures obtained thereon earlier than the ~~last~~  
27 ~~Monday in March~~ SECOND MONDAY IN FEBRUARY in the general election

1 year.

2 (f) (I) Except as provided by subparagraph (II) of this paragraph  
3 (f), petitions shall be filed no later than 3 p.m. on the ~~one hundred fortieth~~  
4 ~~day~~ ONE HUNDRED SEVENTY-NINTH DAY before the general election or 3  
5 p.m. on the fifty-fifth day preceding the congressional vacancy election.

6 (II) Petitions to nominate candidates of minor political parties  
7 shall be filed no later than ~~seventy-five days~~ EIGHTY-NINE DAYS before  
8 the primary election as specified in section 1-4-101.

9 **SECTION 9.** 1-4-908 (3), Colorado Revised Statutes, is amended  
10 to read:

11 **1-4-908. Verification of petition and official statement.**

12 (3) After review, the official shall notify the candidate of the number of  
13 valid signatures and whether the petition appears to be sufficient or  
14 insufficient. In the case of a petition for nominating an unaffiliated  
15 candidate, the official shall provide notification of sufficiency or  
16 insufficiency to the candidate ~~on or before the primary election date~~ NO  
17 LATER THAN TWENTY-ONE DAYS BEFORE THE PRIMARY ELECTION. Upon  
18 determining that the petition is sufficient and after the time for protest has  
19 passed, the designated election official shall certify the candidate to the  
20 ballot, and, if the election is a coordinated election, so notify the  
21 coordinated election official.

22 **SECTION 10.** 1-4-912, Colorado Revised Statutes, is amended  
23 to read:

24 **1-4-912. Cure.** (†) In case a petition for nominating an  
25 unaffiliated candidate is not sufficient, it may be amended once no later  
26 than 3 p.m. on the ~~ninety-fifth day~~ ONE HUNDRED FORTY-FOURTH DAY  
27 before the general election, 3 p.m. on the fifty-fifth day preceding a

1 congressional vacancy election, or 3 p.m. on the sixty-seventh day before  
2 an election that is not being held concurrently with the general election.  
3 If a petition for nominating an unaffiliated candidate is amended, the  
4 designated election official shall notify the candidate of whether the  
5 petition is sufficient or insufficient no later than the ~~ninetieth day~~ ONE  
6 HUNDRED THIRTY-THIRD DAY before the general election.

7 ~~(2) Repealed.~~

8 **SECTION 11.** 1-4-1102 (1), Colorado Revised Statutes, is  
9 amended to read:

10 **1-4-1102. Time of filing affidavit.** (1) Except as provided in  
11 subsection (2) of this section, the affidavit of intent shall be filed by the  
12 close of business on the sixty-seventh day before a primary election and  
13 by the close of business on the ~~seventieth day~~ ONE HUNDRED TENTH DAY  
14 before any other election.

15 **SECTION 12.** 1-4-1304 (1.5) (b) (I), Colorado Revised Statutes,  
16 is amended to read:

17 **1-4-1304. Nomination of candidates.** (1.5) (b) (I) A minor  
18 political party may nominate candidates for offices to be filled at a  
19 general election by assembly. An assembly shall be held no later than  
20 ~~sixty-five days~~ EIGHTY-FOUR DAYS preceding the primary election.

21 **SECTION 13.** 1-8-111 (1) (b), Colorado Revised Statutes, is  
22 amended to read:

23 **1-8-111. Delivery of mail-in ballot and replacement mail-in**  
24 **ballots.** (1) (b) A mail-in ballot shall be delivered or mailed to an absent  
25 uniformed services elector serving outside the United States not later than  
26 ~~thirty days~~ FORTY-FIVE DAYS before the election if the elector has applied  
27 for a mail-in ballot or has been placed on the permanent mail-in voter list

1 pursuant to section 1-8-104.5 (2) not later than ~~thirty-five days~~  
2 FORTY-FIVE DAYS before such election.

3 **SECTION 14.** 1-10-103 (2), Colorado Revised Statutes, is  
4 amended to read:

5 **1-10-103. Transmitting returns to the secretary of state - total**  
6 **of results.** (2) No later than the twentieth day after a primary election  
7 and no later than the ~~twenty-fourth day~~ THIRTIETH DAY after any other  
8 election, the secretary of state shall compile and total the returns received  
9 from all counties for all candidates, ballot issues, and ballot questions  
10 certified by the secretary of state, determine if a recount of any office,  
11 ballot issue, or ballot question is necessary, and order the appropriate  
12 recounts, if any.

13 **SECTION 15.** 1-10.5-106 (2), Colorado Revised Statutes, is  
14 amended to read:

15 **1-10.5-106. Request for recount by interested party -**  
16 **definitions.** (2) Whenever a recount is not required, an interested party  
17 may submit a notarized written request for a recount at the expense of the  
18 interested party making the request. This request shall be filed with the  
19 secretary of state, the county clerk and recorder, the designated election  
20 official, or other governing body that originally certified the candidate,  
21 ballot question, or ballot issue for the ballot within ~~twenty days~~  
22 TWENTY-ONE DAYS after a primary election and within twenty-four days  
23 after any other election. Such election official shall notify the political  
24 subdivision within which the election was held no later than the day  
25 following receipt of the request. Before conducting the recount, the  
26 election official who will conduct the recount shall determine the cost of  
27 the recount within one day of receiving the request to recount, notify the



1 interested party that requested the recount of the cost, and collect the  
2 costs of conducting the recount. If the request is filed with the secretary  
3 of state, the secretary of state shall determine the cost of the recount by  
4 adding the individual amounts determined by the political subdivisions  
5 conducting the recount. The interested party that requested the recount  
6 shall pay the cost of the recount by certified funds to the election official  
7 with whom the request for a recount was filed within one day of receiving  
8 the election official's cost determination. The funds shall be placed in  
9 escrow for payment of all expenses incurred in the recount. If after the  
10 recount the result of the election is reversed in favor of the interested  
11 party that requested the recount or if the amended election count is such  
12 that a recount otherwise would have been required, the payment for  
13 expenses shall be refunded to the interested party that requested the  
14 recount. Any escrow amounts not refunded to the interested party that  
15 requested the recount shall be paid to the election officials who conducted  
16 the recount. Any recount of votes pursuant to this section shall be  
17 completed no later than the thirtieth day after the election.

18           **SECTION 16. Safety clause.** The general assembly hereby finds,  
19 determines, and declares that this act is necessary for the immediate  
20 preservation of the public peace, health, and safety.