

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REREVISED

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

LLS NO. 11-0771.01 Troy Bratton

SENATE BILL 11-189

SENATE SPONSORSHIP

Heath,

HOUSE SPONSORSHIP

Murray,

Senate Committees
State, Veterans & Military Affairs

House Committees
State, Veterans, & Military Affairs

HOUSE
3rd Reading Unam ended
May 3, 2011

HOUSE
Am ended 2nd Reading
Apr128, 2011

SENATE
3rd Reading Unam ended
Apr113, 2011

SENATE
Am ended 2nd Reading
Apr112, 2011

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.

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

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

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

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

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

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

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

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

9 ==
10 **SECTION 4.** 1-4-303 (1), Colorado Revised Statutes, is amended
11 to read:

12 **1-4-303. Nomination of unaffiliated candidates.** (1) No later
13 than ~~one hundred forty days~~ ONE HUNDRED FIFTY-FIVE DAYS before the
14 general election, a person who desires to be an unaffiliated candidate for
15 the office of president or vice president of the United States shall submit
16 to the secretary of state either a notarized candidate's statement of intent
17 together with a nonrefundable filing fee of five hundred dollars or a
18 petition for nomination pursuant to the provisions of section 1-4-802 and
19 shall include either on the petition or with the filing fee the names of
20 registered electors who are thus nominated as presidential electors. The
21 acceptance of each of the electors shall be endorsed as appended to the
22 first or last page of the nominating petition or the filing fee.

23 **SECTION 5.** 1-4-401 (1), Colorado Revised Statutes, is amended
24 to read:

25 **1-4-401. Time of congressional vacancy elections.** (1) Except
26 as provided in section 1-4-401.5, when any vacancy occurs in the office
27 of representative in congress from this state, the governor shall set a day

1 to hold an election to fill the vacancy and cause notice of the election to
2 be given as required in part 2 of article 5 of this title; but no congressional
3 vacancy election shall be held during the ninety days prior to a general
4 election or less than ~~seventy-five days~~ EIGHTY-FIVE DAYS or more than
5 ~~ninety days~~ ONE HUNDRED DAYS after the vacancy occurs.

6 **SECTION 6.** 1-4-403 (2), Colorado Revised Statutes, is amended
7 to read:

8 **1-4-403. Nomination of unaffiliated candidates for**
9 **congressional vacancy election.** (2) Petitions must be filed by 3 p.m.
10 on the ~~thirtieth day~~ TWENTIETH DAY after the date of the order issued by
11 the governor.

12 **SECTION 7.** 1-4-601 (1), Colorado Revised Statutes, is amended
13 to read:

14 **1-4-601. Designation of candidates for primary election.**
15 (1) Assemblies of the major political parties may make assembly
16 designations of candidates for nomination on the primary election ballot.
17 An assembly shall be held no later than ~~seventy days~~ SEVENTY-THREE
18 DAYS preceding the primary election.

19 **SECTION 8.** 1-4-602 (1) (a) (I), Colorado Revised Statutes, is
20 amended to read:

21 **1-4-602. Delegates to party assemblies.** (1) (a) (I) County
22 assemblies shall be held ~~not less than ten days nor more than thirty days~~
23 NO LATER THAN TWENTY-FIVE DAYS after precinct caucuses. ~~held on the~~
24 ~~third Tuesday in March.~~ If a political party holds its precinct caucuses on
25 the first Tuesday in February in a year in which a presidential election
26 will be held, the county assemblies of the political party shall be held not
27 less than fifteen days nor more than ~~forty~~ FIFTY days after the precinct

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

14 **SECTION 9.** 1-4-801 (5), Colorado Revised Statutes, is amended
15 to read:

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

21 **SECTION 10.** 1-4-802 (1) (d) and (1) (f), Colorado Revised
22 Statutes, are amended to read:

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

1 following manner:

2 (d) (I) No petition to nominate an unaffiliated candidate, except
3 petitions for candidates for vacancies to unexpired terms of
4 representatives in congress and for presidential electors, shall be
5 circulated or any signatures obtained thereon earlier than one hundred
6 eighty-six days TWO HUNDRED ELEVEN DAYS before the general election.

7 (II) No petition to nominate a minor political party candidate
8 shall be circulated nor any signatures obtained thereon earlier than the last
9 Monday in March FIRST MONDAY IN FEBRUARY in the general election
10 year.

11 (f) (I) Except as provided by subparagraph (II) of this paragraph
12 (f), petitions shall be filed no later than 3 p.m. on the ~~one hundred fortieth~~
13 day ONE HUNDRED FIFTY-FIFTH DAY before the general election or, FOR A
14 CONGRESSIONAL VACANCY ELECTION, NO LATER THAN 3 p.m. on the
15 fifty-fifth day preceding the congressional vacancy election TWENTIETH
16 DAY AFTER THE DATE OF THE ORDER ISSUED BY THE GOVERNOR.

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

20 **SECTION 11.** 1-4-908 (3), Colorado Revised Statutes, is
21 amended to read:

22 **1-4-908. Verification of petition and official statement.**

23 (3) After review, the official shall notify the candidate of the number of
24 valid signatures and whether the petition appears to be sufficient or
25 insufficient. In the case of a petition for nominating an unaffiliated
26 candidate, the official shall provide notification of sufficiency or
27 insufficiency to the candidate ~~on or before the primary election date~~ NO

1 LATER THAN ONE HUNDRED THIRTY-FOUR DAYS BEFORE THE GENERAL
2 ELECTION. Upon determining that the petition is sufficient and after the
3 time for protest has passed, the designated election official shall certify
4 the candidate to the ballot, and, if the election is a coordinated election,
5 so notify the coordinated election official.

6 **SECTION 12.** 1-4-912, Colorado Revised Statutes, is amended
7 to read:

8 **1-4-912. Cure.** (†) In case a petition for nominating an
9 unaffiliated candidate is not sufficient, it may be amended once no later
10 than 3 p.m. on the ~~ninety-fifth day~~ ONE HUNDRED TWENTY-THIRD DAY
11 before the general election 3 p.m. on the fifty-fifth day preceding a
12 congressional vacancy election, or 3 p.m. on the sixty-seventh day before
13 an election that is not being held concurrently with the general election.
14 If a petition for nominating an unaffiliated candidate is amended, the
15 designated election official shall notify the candidate of whether the
16 petition is sufficient or insufficient no later than the ~~ninetieth day~~ ONE
17 HUNDRED THIRTEENTH DAY before the general election.

18 ~~(2) Repealed.~~

19 **SECTION 13.** 1-4-1102 (1), Colorado Revised Statutes, is
20 amended to read:

21 **1-4-1102. Time of filing affidavit.** (1) Except as provided in
22 subsection (2) of this section, the affidavit of intent shall be filed by the
23 close of business on the sixty-seventh day before a primary election and
24 by the close of business on the ~~seventieth day~~ ONE HUNDRED TENTH DAY
25 before any other election.

26 **SECTION 14.** 1-4-1302 (1), Colorado Revised Statutes, is
27 amended to read:

1 **1-4-1302. Petition to qualify as a minor political party.** (1) A
2 petition to qualify as a minor political party shall be signed by at least ten
3 thousand registered electors and shall be submitted to the secretary of
4 state no later than ~~March 1~~ THE SECOND FRIDAY IN THE JANUARY of the
5 election year for which the minor political party seeks to qualify.

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

8 **1-4-1304. Nomination of candidates.** (1.5) (b) (I) A minor
9 political party may nominate candidates for offices to be filled at a
10 general election by assembly. An assembly shall be held no later than
11 ~~sixty-five days~~ SEVENTY-THREE DAYS preceding the primary election.

12 **SECTION 16.** 1-8-111 (1) (b), Colorado Revised Statutes, is
13 amended to read:

14 **1-8-111. Delivery of mail-in ballot and replacement mail-in**
15 **ballots.** (1) (b) A mail-in ballot shall be delivered or mailed to an absent
16 uniformed services elector serving outside the United States not later than
17 ~~thirty days~~ FORTY-FIVE DAYS before the election if the elector has applied
18 for a mail-in ballot or has been placed on the permanent mail-in voter list
19 pursuant to section 1-8-104.5 (2) not later than ~~thirty-five days~~
20 FORTY-FIVE DAYS before such election.

21 **SECTION 17.** 1-10-103 (2), Colorado Revised Statutes, is
22 amended to read:

23 **1-10-103. Transmitting returns to the secretary of state - total**
24 **of results.** (2) No later than the twentieth day after a primary election
25 and no later than the ~~twenty-fourth day~~ THIRTIETH DAY after any other
26 election, the secretary of state shall compile and total the returns received
27 from all counties for all candidates, ballot issues, and ballot questions

1 certified by the secretary of state, determine if a recount of any office,
2 ballot issue, or ballot question is necessary, and order the appropriate
3 recounts, if any.

4 **SECTION 18.** 1-10.5-106 (2), Colorado Revised Statutes, is
5 amended to read:

6 **1-10.5-106. Request for recount by interested party -**
7 **definitions.** (2) Whenever a recount is not required, an interested party
8 may submit a notarized written request for a recount at the expense of the
9 interested party making the request. This request shall be filed with the
10 secretary of state, the county clerk and recorder, the designated election
11 official, or other governing body that originally certified the candidate,
12 ballot question, or ballot issue for the ballot within ~~twenty days~~
13 **TWENTY-ONE DAYS** after a primary election and within ~~twenty-four days~~
14 **THIRTY-ONE DAYS** after any other election. Such election official shall
15 notify the political subdivision within which the election was held no later
16 than the day following receipt of the request. Before conducting the
17 recount, the election official who will conduct the recount shall determine
18 the cost of the recount within one day of receiving the request to recount,
19 notify the interested party that requested the recount of the cost, and
20 collect the costs of conducting the recount. If the request is filed with the
21 secretary of state, the secretary of state shall determine the cost of the
22 recount by adding the individual amounts determined by the political
23 subdivisions conducting the recount. The interested party that requested
24 the recount shall pay the cost of the recount by certified funds to the
25 election official with whom the request for a recount was filed within one
26 day of receiving the election official's cost determination. The funds shall
27 be placed in escrow for payment of all expenses incurred in the recount.

1 If after the recount the result of the election is reversed in favor of the
2 interested party that requested the recount or if the amended election
3 count is such that a recount otherwise would have been required, the
4 payment for expenses shall be refunded to the interested party that
5 requested the recount. Any escrow amounts not refunded to the interested
6 party that requested the recount shall be paid to the election officials who
7 conducted the recount. Any recount of votes pursuant to this section shall
8 be completed no later than the thirtieth day after the PRIMARY election
9 AND NO LATER THAN THE THIRTY-SEVENTH DAY AFTER ANY OTHER
10 ELECTION.

11 **SECTION 19. Effective date.** (1) Except as otherwise provided
12 in subsection (2) of this section, this act shall take effect upon passage.

13 (2) Section 16 of this act shall not take effect if House Bill
14 11-1219 is enacted and becomes law.

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