

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-1216.02 Bob Lackner x4350

HOUSE BILL 16-1454

HOUSE SPONSORSHIP

Moreno and Dore, Garnett

SENATE SPONSORSHIP

Guzman,

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING PRIMARY ELECTIONS, AND, IN CONNECTION THEREWITH,
102 RESTORING A PRESIDENTIAL PRIMARY ELECTION IN COLORADO
103 AND ALLOWING UNAFFILIATED VOTERS TO TEMPORARILY
104 AFFILIATE WITH A POLITICAL PARTY IN ORDER TO VOTE IN
105 PRIMARY ELECTIONS IN WHICH THE POLITICAL PARTY IS
106 PARTICIPATING.

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>.)

Restoration of the presidential primary election

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.

From 1992 until 2000, the state held a presidential primary election. The state repealed its presidential primary election in 2003. **Section 2** of the bill restores this election. Specifically, it requires the state to hold a presidential primary election 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. In consultation with the secretary of state, the governor is required to select the date of the presidential primary election no later than September 1 in the year before the presidential primary election will be held.

Each major political party (political party) that has a qualified candidate entitled to participate in the presidential primary election is entitled to participate in the primary election and must have a separate party ballot. At the presidential primary election, an elector may vote only for a candidate on the ballot of the political party with which the elector has declared an affiliation. An unaffiliated eligible elector may declare an affiliation with a political party to the election judges at the presidential primary election.

A ballot used in a presidential primary election must only contain the names of candidates for the office of the president. The ballot shall not be used for the purpose of presenting any other issue or question to the electorate.

Not later than 60 days before the presidential primary election, the bill requires the secretary of state (secretary) to certify the names and party affiliations of the candidates to be placed on a presidential primary election ballot. The bill specifies eligibility requirements that candidates must meet to have their names placed on the primary election ballot, and requires the names of candidates appearing on the presidential primary election ballot to be in an order determined by lot. The secretary determines the method of drawing lots.

The bill permits the state chairperson of a political party to request that the secretary provide a place on the presidential primary election 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 in specified circumstances.

The bill permits legal challenges to the listing of any candidate on the presidential primary election ballot and specifies procedures governing such challenges.

The bill specifies circumstances under which a write-in vote will be counted, and additional procedures regarding the survey of presidential primary election returns and the certification of results. The bill also requires each political party to use the results of the presidential primary election to allocate delegate votes to presidential candidates in accordance

with state or national party rules.

Section 7 restricts a candidate in a presidential primary from circulating petitions before the first Monday in November of the year preceding the year in which the presidential primary election is held. This section also requires a candidate to file a petition no later than 85 days before the presidential primary election.

Section 11 requires the general assembly to appropriate moneys from the general fund to cover the costs of the election incurred by the state arising from the presidential primary election. Sections 1 and 5 further require the state, by means of an appropriation from the general fund, to reimburse the counties for all of the actual direct costs they incur arising from the preparation and conduct of such election. By rule, the secretary of state is required to determine the type of actual costs for which the counties are entitled to reimbursement under the bill.

Temporary affiliation by unaffiliated voters

Sections 3 and 6 create a new category of voter to be known as a "temporary affiliated elector", which the bill defines as "an unaffiliated person who is registered to vote and chooses to become affiliated with a political party on a temporary basis". Section 1 also clarifies that the nonpresidential primary election used to elect candidates for state office may also be referred to as the "state primary".

Under section 6, in connection with any primary election that is held on or after January 1, 2018, any unaffiliated registered elector may become a temporary affiliated elector by declaring an intent to temporarily affiliate with any major or minor political party. This intent may be declared when the elector desires to vote at a primary election or the elector may declare his or her intent to become a temporary unaffiliated elector at any other time during which electors are permitted to register.

An unaffiliated elector who has declared an intent to become a temporary affiliated elector is entitled to cast a ballot in any primary election held during a single general election cycle in which the political party with whom the elector has chosen to temporarily affiliate has one or more candidates on such ballot. The period of temporary affiliation commences 45 days before the presidential primary or state primary, as applicable. The period of temporary affiliation terminates 30 days after the date of the presidential primary or state primary, as applicable. At the end of the temporary affiliation period, the elector's temporary affiliation with a political party ends and the elector must declare again his or her intent to become a temporary affiliated elector for each subsequent general election cycle in which there is a primary election in which the elector wishes to participate.

The status of being a temporary affiliated elector does not entitle the elector to be eligible to run as a candidate of the political party with

which he or she is temporarily affiliated, to vote at any precinct caucus, to serve as a delegate to a party assembly or nominating convention of such political party at any state, local, or national level, to accept any public office, including appointment to any state board or commission, for which partisan affiliation is a requirement of appointment, or to accept any other public benefit or position for which affiliation with a political party is a requirement for acceptance of the same. A person who has become a temporary affiliated elector may accept any appointment for which unaffiliated status is a requirement of the appointment.

A voter who is unaffiliated may openly declare to the election judges at a voter service and polling center on the date of the presidential primary election or state primary, as applicable, that he or she intends to become a temporary affiliated voter with a particular political party and be presented with a party ballot of the political party with which he or she has chosen to temporarily affiliate. A person who has chosen to become a temporary affiliated elector with one political party is not entitled to change his or her temporary affiliation to affiliate with another political party less than 29 days before the presidential primary or state primary election, as applicable.

Section 4 allows an elector to choose to become a temporary affiliated elector by means of the online registration system.

Section 5 expands the questions an elector is asked on registering to vote in person to include whether the elector chooses to become a temporary affiliated elector.

Section 9 conforms existing statutory procedures that govern voting at a primary election to accommodate voting by persons who have become temporary affiliated electors.

Sections 8 and 10 conform existing statutory provisions governing the required notice that is given to voters before voting in primary elections to include voting in a presidential primary election and to accommodate voting in primary elections by persons who have become temporary affiliated electors.

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

2 **SECTION 1. Short title.** The short title of this act is the "Primary
3 Participation Act".

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

6 **1-4-1201. Legislative declaration.** IN RECREATING AND
7 REENACTING THIS PART 12, IT IS THE INTENT OF THE GENERAL ASSEMBLY

1 THAT THE PROVISIONS OF THIS PART 12 CONFORM TO THE REQUIREMENTS
2 OF FEDERAL LAW AND NATIONAL POLITICAL PARTY RULES GOVERNING
3 PRESIDENTIAL PRIMARY ELECTIONS.

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

6 (1) "POLITICAL PARTY" MEANS A MAJOR POLITICAL PARTY AS
7 DEFINED IN SECTION 1-1-104 (22). "POLITICAL PARTY", FOR PURPOSES OF
8 THIS PART 12, DOES NOT HAVE THE SAME MEANING AS "POLITICAL PARTY"
9 AS DEFINED IN SECTION 1-1-104 (25) AND AS SUCH TERM MAY BE USED
10 ELSEWHERE IN THIS CODE.

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

16 **1-4-1203. Presidential primary elections - when - conduct.**

17 (1) A PRESIDENTIAL PRIMARY ELECTION MUST BE HELD ON A TUESDAY ON
18 A DATE DESIGNATED BY THE GOVERNOR. THE DATE SELECTED FOR THE
19 PRIMARY MUST BE NO EARLIER THAN THE DATE THE NATIONAL RULES OF
20 THE MAJOR POLITICAL PARTIES PROVIDE FOR STATE DELEGATIONS TO THE
21 PARTY'S NATIONAL CONVENTION TO BE ALLOCATED WITHOUT PENALTY
22 AND NOT LATER THAN THE THIRD TUESDAY IN MARCH IN YEARS IN WHICH
23 A UNITED STATES PRESIDENTIAL ELECTION WILL BE HELD. THE GOVERNOR
24 SHALL, NO LATER THAN THE FIRST DAY OF SEPTEMBER IN THE YEAR
25 BEFORE THE PRESIDENTIAL PRIMARY ELECTION WILL BE HELD, IN
26 CONSULTATION WITH THE SECRETARY OF STATE, DESIGNATE THE DATE OF
27 THE PRESIDENTIAL PRIMARY ELECTION.

1 (2) EXCEPT AS PROVIDED FOR IN SUBSECTION (5) OF THIS SECTION,
2 EACH POLITICAL PARTY THAT HAS A QUALIFIED CANDIDATE ENTITLED TO
3 PARTICIPATE IN THE PRESIDENTIAL PRIMARY ELECTION PURSUANT TO THIS
4 SECTION IS ENTITLED TO PARTICIPATE IN THE PRIMARY ELECTION AND
5 MUST HAVE A SEPARATE PARTY BALLOT. AT THE PRESIDENTIAL PRIMARY
6 ELECTION, AN ELECTOR MAY VOTE ONLY FOR A CANDIDATE ON THE
7 BALLOT OF THE POLITICAL PARTY WITH WHICH THE ELECTOR HAS
8 DECLARED AN AFFILIATION. AN UNAFFILIATED ELIGIBLE ELECTOR MAY
9 DECLARE AN AFFILIATION WITH A POLITICAL PARTY TO THE ELECTION
10 JUDGES AT THE PRESIDENTIAL PRIMARY ELECTION IN ACCORDANCE WITH
11 SECTION 1-7-201. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO
12 ELECTOR AFFILIATED WITH A MAJOR OR MINOR POLITICAL PARTY OR
13 POLITICAL ORGANIZATION MAY CHANGE OR WITHDRAW HIS OR HER
14 AFFILIATION IN ORDER TO VOTE IN THE PRESIDENTIAL PRIMARY ELECTION
15 OF ANOTHER POLITICAL PARTY UNLESS THE ELECTOR HAS CHANGED OR
16 WITHDRAWN SUCH AFFILIATION NO LATER THAN THE TWENTY-NINTH DAY
17 PRECEDING THE PRESIDENTIAL PRIMARY ELECTION AS PROVIDED IN
18 SECTION 1-2-219 (1).

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

27 (4) A BALLOT USED IN A PRESIDENTIAL PRIMARY ELECTION MUST

1 ONLY CONTAIN THE NAMES OF CANDIDATES FOR THE OFFICE OF THE
2 PRESIDENT OF THE UNITED STATES. THE BALLOT SHALL NOT BE USED FOR
3 THE PURPOSE OF PRESENTING ANY OTHER ISSUE OR QUESTION TO THE
4 ELECTORATE.

5 (5) IN ACCORDANCE WITH SECTION 24-21-104.5 (2), C.R.S., BY
6 MEANS OF AN APPROPRIATION FROM THE GENERAL FUND, THE STATE
7 SHALL REIMBURSE THE COUNTIES FOR ALL OF THE ACTUAL DIRECT COSTS
8 THEY INCUR ARISING FROM THE PREPARATION AND CONDUCT OF A
9 PRESIDENTIAL PRIMARY ELECTION IN ACCORDANCE WITH THIS PART 12. BY
10 RULE PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.,
11 THE SECRETARY OF STATE SHALL DETERMINE THE TYPE OF ACTUAL DIRECT
12 COSTS FOR WHICH THE COUNTIES ARE ENTITLED TO REIMBURSEMENT
13 PURSUANT TO THIS SUBSECTION (5) AND SECTION 24-21-104.5 (2), C.R.S.

14 **1-4-1204. Names on ballots - rules.** (1) NOT LATER THAN SIXTY
15 DAYS BEFORE THE PRESIDENTIAL PRIMARY ELECTION, THE SECRETARY OF
16 STATE SHALL CERTIFY THE NAMES AND PARTY AFFILIATIONS OF THE
17 CANDIDATES TO BE PLACED ON THE PRESIDENTIAL PRIMARY ELECTION
18 BALLOT. THE ONLY CANDIDATES WHOSE NAMES WILL BE PLACED ON
19 PRESIDENTIAL PRIMARY ELECTION BALLOTS ARE THOSE CANDIDATES WHO:

20 (a) ARE ELIGIBLE TO RECEIVE PAYMENTS PURSUANT TO THE
21 FEDERAL "PRESIDENTIAL PRIMARY MATCHING PAYMENT ACCOUNT ACT",
22 26 U.S.C. SEC. 9031 ET SEQ., OR ANY SUCCESSOR SECTION OF FEDERAL
23 LAW, AT THE TIME CANDIDATES' NAMES ARE TO BE CERTIFIED BY THE
24 SECRETARY OF STATE PURSUANT TO THIS SUBSECTION (1);

25 (b) ARE SEEKING THE NOMINATION OF A POLITICAL PARTY AS A
26 BONA FIDE CANDIDATE FOR PRESIDENT OF THE UNITED STATES PURSUANT
27 TO POLITICAL PARTY RULES AND ARE AFFILIATED WITH A POLITICAL PARTY

1 THAT RECEIVED AT LEAST TWENTY PERCENT OF THE VOTES CAST AT THE
2 LAST PRESIDENTIAL ELECTION BY ELECTORS REGISTERED IN COLORADO;
3 AND

4 (c) HAVE SUBMITTED TO THE SECRETARY OF STATE, NOT LATER
5 THAN EIGHTY-FIVE DAYS BEFORE THE PRESIDENTIAL PRIMARY ELECTION,
6 A NOTARIZED CANDIDATE'S STATEMENT OF INTENT TOGETHER WITH A
7 PETITION SIGNED BY AT LEAST ONE THOUSAND FIVE HUNDRED ELIGIBLE
8 ELECTORS AFFILIATED WITH THE CANDIDATE'S POLITICAL PARTY WHO
9 RESIDE IN THE STATE. CANDIDATE PETITIONS MUST MEET THE
10 REQUIREMENTS OF PARTS 8 AND 9 OF THIS ARTICLE, AS APPLICABLE.

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

15 (3) EXCEPT AS OTHERWISE MAY BE PROHIBITED BY POLITICAL
16 PARTY RULES, THE STATE CHAIRPERSON OF A POLITICAL PARTY MAY
17 REQUEST THAT THE SECRETARY OF STATE PROVIDE A PLACE ON THE
18 PRESIDENTIAL PRIMARY ELECTION BALLOT FOR ELECTORS WHO HAVE NO
19 PRESIDENTIAL CANDIDATE PREFERENCE TO REGISTER A VOTE TO SEND A
20 NONCOMMITTED DELEGATE TO THE POLITICAL PARTY'S NATIONAL
21 CONVENTION. TO BE VALID, THIS REQUEST MUST BE RECEIVED BY THE
22 SECRETARY OF STATE NOT LATER THAN EIGHTY-FIVE DAYS BEFORE THE
23 PRESIDENTIAL PRIMARY ELECTION.

24 (4) ANY CHALLENGE TO THE LISTING OF ANY CANDIDATE ON THE
25 PRESIDENTIAL PRIMARY ELECTION BALLOT MUST BE MADE IN WRITING AND
26 FILED WITH THE SECRETARY OF STATE NOT LATER THAN FIVE DAYS AFTER
27 THE FILING DEADLINE FOR CANDIDATES. ANY SUCH CHALLENGE MUST

1 PROVIDE NOTICE IN WRITING IN A SUMMARY MANNER OF THE ALLEGED
2 IMPROPRIETY THAT GIVES RISE TO THE COMPLAINT. THE SECRETARY SHALL
3 ADDRESS BY RULE, PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF
4 TITLE 24, C.R.S., OTHER REQUIREMENTS OF A VALID CHALLENGE. IN
5 RESPONSE TO A VALID CHALLENGE BROUGHT UNDER THIS SUBSECTION (4),
6 THE SECRETARY SHALL TRANSMIT NOTICE OF THE CHALLENGE FORTHWITH
7 TO ALL CANDIDATES APPEARING ON THE PRESIDENTIAL PRIMARY ELECTION
8 BALLOT AND TO THE STATE CHAIRPERSON OF EACH POLITICAL PARTY. NO
9 LATER THAN FIVE DAYS AFTER THE CHALLENGE IS FILED, A HEARING MUST
10 BE HELD AT WHICH TIME THE SECRETARY SHALL HEAR THE CHALLENGE
11 AND ASSESS THE VALIDITY OF ALL ALLEGED IMPROPRIETIES. THE
12 SECRETARY SHALL ISSUE FINDINGS OF FACT AND CONCLUSIONS OF LAW
13 NOT LATER THAN FORTY-EIGHT HOURS AFTER THE HEARING. THE PARTY
14 FILING THE CHALLENGE HAS THE BURDEN OF SUSTAINING THE CHALLENGE
15 BY A PREPONDERANCE OF THE EVIDENCE. THE SECRETARY'S DECISIONS
16 UPON MATTERS OF SUBSTANCE ARE OPEN TO REVIEW, IF PROMPT
17 APPLICATION IS MADE, AS PROVIDED IN SECTION 1-1-113.

18 **1-4-1205. Write-in candidate statement for presidential**
19 **primary.** A WRITE-IN VOTE FOR ANY CANDIDATE ON THE PRESIDENTIAL
20 PRIMARY ELECTION BALLOT SHALL NOT BE COUNTED UNLESS THE
21 CANDIDATE FOR WHOM THE WRITE-IN VOTE WAS CAST HAS FILED A
22 NOTARIZED CANDIDATE'S STATEMENT OF INTENT TO SEEK THE OFFICE OF
23 PRESIDENT OF THE UNITED STATES. ANY SUCH STATEMENT MUST BE
24 ACCOMPANIED BY A NONREFUNDABLE FEE OF ONE THOUSAND DOLLARS
25 AND MUST BE FILED WITH THE SECRETARY OF STATE NO LATER THAN THE
26 CLOSE OF BUSINESS ON THE SIXTY-SEVENTH DAY BEFORE THE
27 PRESIDENTIAL PRIMARY ELECTION.

1 **1-4-1206. Presidential primary ballots - survey of returns.**

2 EACH COUNTY CLERK AND RECORDER SHALL SURVEY ALL RETURNS
3 RECEIVED FROM THE PRESIDENTIAL PRIMARY ELECTION IN ALL COUNTY
4 PRECINCTS, AS PROVIDED IN THIS TITLE, AND SHALL CERTIFY THE RESULTS
5 OF THE PRESIDENTIAL PRIMARY ELECTION TO THE SECRETARY OF STATE NO
6 LATER THAN THIRTEEN DAYS AFTER THE PRIMARY ELECTION.

7 **1-4-1207. Election results - certification - allocation and**
8 **pledging of delegates.** (1) THE SECRETARY OF STATE SHALL COMPILE THE

9 NUMBER OF VOTES CAST FOR EACH CANDIDATE NAMED ON THE
10 PRESIDENTIAL PRIMARY ELECTION BALLOT AND THE VOTES CAST TO SEND
11 A NONCOMMITTED DELEGATE TO THE POLITICAL PARTY'S NATIONAL
12 CONVENTION, IF APPLICABLE, AND SHALL CALCULATE THE PERCENTAGE OF
13 VOTES RECEIVED BY EACH AS COMPARED TO THE NUMBER OF VOTES CAST
14 BY ELECTORS OF THE SAME POLITICAL PARTY.

15 (2) THE SECRETARY OF STATE SHALL CERTIFY THE RESULTS AND
16 PERCENTAGES CALCULATED PURSUANT TO SUBSECTION (1) OF THIS
17 SECTION TO THE STATE CHAIRPERSON AND TO THE NATIONAL COMMITTEE
18 OF EACH POLITICAL PARTY THAT HAD AT LEAST ONE CANDIDATE ON THE
19 PRESIDENTIAL PRIMARY ELECTION BALLOT.

20 (3) EXCEPT AS OTHERWISE PROHIBITED OR REQUIRED BY NATIONAL
21 POLITICAL PARTY RULES, EACH POLITICAL PARTY MUST USE THE RESULTS
22 OF THE PRESIDENTIAL PRIMARY ELECTION TO ALLOCATE DELEGATE VOTES
23 TO PRESIDENTIAL CANDIDATES IN ACCORDANCE WITH STATE OR NATIONAL
24 PARTY RULES. POLITICAL PARTIES NEED NOT ALLOCATE DELEGATE VOTES
25 TO CANDIDATES WHO RECEIVE LESS THAN FIFTEEN PERCENT OF THE VOTES
26 CAST IN THE PRESIDENTIAL PRIMARY ELECTION FOR THAT PARTY UNLESS
27 REQUIRED TO DO SO BY STATE OR NATIONAL PARTY RULES.

1 **SECTION 3.** In Colorado Revised Statutes, 1-1-104, **amend** (32);
2 and **add** (49.3) as follows:

3 **1-1-104. Definitions.** As used in this code, unless the context
4 otherwise requires:

5 (32) "Primary election" means the election held on the last
6 Tuesday in June of each even-numbered year. A PRIMARY ELECTION MAY
7 ALSO BE KNOWN AND REFERRED TO AS A "STATE PRIMARY ELECTION".

8 (49.3) "TEMPORARY AFFILIATED ELECTOR" MEANS AN
9 UNAFFILIATED ELECTOR WHO IS REGISTERED TO VOTE AND CHOOSES TO
10 BECOME AFFILIATED WITH A POLITICAL PARTY ON A TEMPORARY BASIS IN
11 ACCORDANCE WITH SECTION 1-2-218.7.

12 **SECTION 4.** In Colorado Revised Statutes, 1-2-202.5, **amend** (2)
13 as follows:

14 **1-2-202.5. Online voter registration - online changes in elector**
15 **information.** (2) The secretary of state shall make available on the
16 secretary of state's official website electronic forms for persons to apply
17 to register to vote, ~~and~~ for a registered elector to change his or her
18 residence or change or withdraw his or her affiliation, OR FOR AN
19 UNAFFILIATED ELECTOR TO CHOOSE TO BECOME A TEMPORARY AFFILIATED
20 ELECTOR IN ACCORDANCE WITH SECTION 1-2-218.7.

21 **SECTION 5.** In Colorado Revised Statutes, 1-2-204, **amend** (2)
22 (j) as follows:

23 **1-2-204. Questions answered by elector - rules.** (2) In addition,
24 each eligible elector shall be asked, and the elector shall correctly answer,
25 the following:

26 (j) The elector's affiliation, if any, if the eligible elector desires
27 EITHER to affiliate with any political party or political organization OR TO

1 BECOME A TEMPORARY AFFILIATED ELECTOR IN ACCORDANCE WITH
2 SECTION 1-2-218.7. If this question is not answered, the elector shall be
3 registered as "unaffiliated". Only the eligible elector personally shall
4 declare the eligible elector's affiliation.

5 **SECTION 6.** In Colorado Revised Statutes, **add** 1-2-218.7 as
6 follows:

7 **1-2-218.7. Temporary affiliation with a political party.**

8 (1) ANY UNAFFILIATED ELECTOR MAY BECOME A TEMPORARY AFFILIATED
9 ELECTOR BY DECLARING AN INTENT TO TEMPORARILY AFFILIATE WITH ANY
10 MAJOR POLITICAL PARTY OR MINOR POLITICAL PARTY. SUCH INTENT MAY
11 BE DECLARED WHEN THE ELECTOR DESIRES TO VOTE AT A PRIMARY
12 ELECTION, AS PROVIDED IN SECTION 1-7-201 (2), OR THE ELECTOR MAY
13 DECLARE HIS OR HER INTENT TO BECOME A TEMPORARY AFFILIATED
14 ELECTOR AT ANY OTHER TIME DURING WHICH ELECTORS ARE PERMITTED
15 TO REGISTER.

16 (2) AN ELECTOR WHO HAS DECLARED AN INTENT TO BECOME A
17 TEMPORARY AFFILIATED ELECTOR IS ENTITLED TO CAST A BALLOT IN ANY
18 PRIMARY ELECTION HELD DURING A SINGLE GENERAL ELECTION CYCLE IN
19 WHICH THE POLITICAL PARTY WITH WHOM THE ELECTOR HAS CHOSEN TO
20 TEMPORARILY AFFILIATE HAS ONE OR MORE CANDIDATES ON SUCH
21 BALLOT. THE PERIOD OF TEMPORARY AFFILIATION COMMENCES
22 FORTY-FIVE DAYS BEFORE THE PRESIDENTIAL PRIMARY ELECTION OR THE
23 STATE PRIMARY, AS APPLICABLE. THE PERIOD OF TEMPORARY AFFILIATION
24 TERMINATES THIRTY DAYS FOLLOWING THE DATE OF THE PRESIDENTIAL
25 PRIMARY ELECTION OR THE STATE PRIMARY ELECTION, AS APPLICABLE. AT
26 THE END OF THE TEMPORARY AFFILIATION PERIOD, THE ELECTOR'S
27 TEMPORARY AFFILIATION WITH A POLITICAL PARTY ENDS AND THE

1 ELECTOR MUST BE RETURNED TO UNAFFILIATED STATUS. IF THE ELECTOR
2 DESIRES TO PARTICIPATE IN ANY SUBSEQUENT PRIMARY ELECTION, HE OR
3 SHE MUST DECLARE AGAIN HIS OR HER INTENT TO BECOME A TEMPORARY
4 AFFILIATED ELECTOR FOR EACH SUBSEQUENT GENERAL ELECTION CYCLE
5 IN ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION. A DECLARATION
6 OF AFFILIATION OF EACH REGISTERED ELECTOR MUST BE RECORDED AND
7 MAINTAINED IN THE STATEWIDE VOTER REGISTRATION SYSTEM FROM THE
8 DATE THE DECLARATION OF INTENT IS RECEIVED BY THE COUNTY CLERK
9 AND RECORDER THROUGH AND INCLUDING THE CONCLUSION OF THE
10 PERIOD OF TEMPORARY AFFILIATION.

11 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
12 STATUS OF BEING A TEMPORARY AFFILIATED ELECTOR SHALL NOT ENTITLE
13 THE ELECTOR TO BE ELIGIBLE TO RUN AS A CANDIDATE OF THE POLITICAL
14 PARTY WITH WHICH HE OR SHE IS TEMPORARILY AFFILIATED, TO VOTE AT
15 ANY PRECINCT CAUCUS, TO SERVE AS A DELEGATE TO A PARTY ASSEMBLY
16 OR NOMINATING CONVENTION OF SUCH POLITICAL PARTY AT ANY STATE,
17 LOCAL, OR NATIONAL LEVEL, TO ACCEPT ANY PUBLIC OFFICE, INCLUDING
18 APPOINTMENT TO ANY STATE BOARD OR COMMISSION, FOR WHICH
19 PARTISAN AFFILIATION IS A REQUIREMENT OF APPOINTMENT, OR TO ACCEPT
20 ANY OTHER PUBLIC BENEFIT OR POSITION FOR WHICH AFFILIATION WITH A
21 POLITICAL PARTY IS A REQUIREMENT FOR ACCEPTANCE OF THE SAME. A
22 PERSON WHO HAS BECOME A TEMPORARY AFFILIATED ELECTOR MAY
23 ACCEPT ANY APPOINTMENT FOR WHICH UNAFFILIATED STATUS IS A
24 REQUIREMENT OF THE APPOINTMENT.

25 (4) IN ACCORDANCE WITH SECTION 1-7-201, A PERSON WHOSE
26 REGISTRATION AS OF FORTY-FIVE DAYS BEFORE THE PRESIDENTIAL
27 PRIMARY ELECTION OR STATE PRIMARY ELECTION, AS APPLICABLE, AS

1 SHOWN IN THE STATEWIDE VOTER REGISTRATION SYSTEM IS UNAFFILIATED
2 MAY OPENLY DECLARE TO THE ELECTION JUDGES AT A VOTER SERVICE AND
3 POLLING CENTER ON THE DATE OF THE PRESIDENTIAL PRIMARY ELECTION
4 OR STATE PRIMARY ELECTION, AS APPLICABLE, THAT HE OR SHE INTENDS
5 TO BECOME A TEMPORARY AFFILIATED VOTER WITH A PARTICULAR
6 POLITICAL PARTY AND BE PRESENTED WITH A PARTY BALLOT OF THE
7 POLITICAL PARTY WITH WHICH HE OR SHE HAS CHOSEN TO TEMPORARILY
8 AFFILIATE. A PERSON WHO HAS CHOSEN TO BECOME A TEMPORARY
9 AFFILIATED ELECTOR WITH ONE POLITICAL PARTY SHALL NOT CHANGE HIS
10 OR HER TEMPORARY AFFILIATION TO AFFILIATE WITH ANOTHER POLITICAL
11 PARTY LESS THAN TWENTY-NINE DAYS BEFORE THE PRESIDENTIAL
12 PRIMARY OR STATE PRIMARY ELECTION, AS APPLICABLE.

13 **SECTION 7.** In Colorado Revised Statutes, 1-4-801, **amend** (5)
14 as follows:

15 **1-4-801. Designation of party candidates by petition.** (5) Party
16 petitions shall not be circulated nor any signatures be obtained prior to the
17 first Monday in February. A CANDIDATE IN A PRESIDENTIAL PRIMARY
18 ELECTION SHALL NOT BEGIN CIRCULATING PETITIONS BEFORE THE FIRST
19 MONDAY IN NOVEMBER OF THE YEAR PRECEDING THE YEAR IN WHICH THE
20 PRESIDENTIAL PRIMARY ELECTION IS HELD. Petitions ~~shall~~ MUST be filed
21 no later than eighty-five days before the PRESIDENTIAL primary election
22 OR STATE PRIMARY ELECTION, AS APPLICABLE.

23 **SECTION 8.** In Colorado Revised Statutes, 1-5-205, **amend as**
24 **added by Senate Bill 16-142** (4) as follows:

25 **1-5-205. Published and posted notice of election - content.**
26 (4) For a primary mail ballot election, INCLUDING A PRESIDENTIAL
27 PRIMARY ELECTION, in addition to the items described in subsection (1)

1 of this section, the notice shall advise eligible electors who are not
2 affiliated with a political party of the electors' ability to declare an
3 affiliation with a political party and vote in the primary election AND THE
4 ELECTORS' ABILITY TO DECLARE AN INTENT TO BECOME A TEMPORARY
5 AFFILIATED ELECTOR IN ACCORDANCE WITH SECTION 1-2-218.7.

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

8 **1-7-201. Voting at primary election.** (1) Any registered elector
9 who has declared an affiliation with a political party that is participating
10 in a primary election, OR ANY REGISTERED ELECTOR WHO HAS DECLARED
11 AN INTENT IN ACCORDANCE WITH SECTION 1-2-218.7 TO BECOME A
12 TEMPORARY AFFILIATED ELECTOR WITH A POLITICAL PARTY THAT IS
13 PARTICIPATING IN THE PRIMARY ELECTION, and who desires to vote for
14 candidates of that party at a primary election shall show identification, as
15 defined in section 1-1-104 (19.5), write his or her name and address on
16 a form available at the voter service and polling center, and give the form
17 to one of the election judges.

18 (2) If the name is found on the registration list, the election judge
19 having charge of the list shall likewise repeat the elector's name and
20 present the elector with the party ballot of the political party affiliation
21 last recorded OR THE PARTY BALLOT OF THE POLITICAL PARTY WITH WHICH
22 THE ELECTOR HAS BECOME AFFILIATED AS A TEMPORARY AFFILIATED
23 ELECTOR IN ACCORDANCE WITH SECTION 1-2-218.7, AS APPLICABLE. If
24 unaffiliated, the eligible elector shall openly declare to the election judges
25 the name of the political party with which the elector wishes to affiliate,
26 complete the approved form for voter registration information changes,
27 and initial the registration list in the space provided. Declaration of

1 affiliation with a political party shall be separately dated and signed or
2 dated and initialed by the eligible elector in such manner that the elector
3 clearly acknowledges that the affiliation has been properly recorded.
4 Thereupon, the election judges shall deliver the appropriate party ballot
5 to the eligible elector. Eligible electors who decline to state an affiliation
6 with a political party that is participating in the primary, ~~shall~~ OR WHO
7 DECLINE TO BECOME A TEMPORARY AFFILIATED ELECTOR, ARE not ~~be~~
8 entitled to vote at the primary election.

9 **SECTION 10.** In Colorado Revised Statutes, 1-7.5-107, **amend**
10 (2.3) (a), (2.3) (b), and (2.3) (c) as follows:

11 **1-7.5-107. Procedures for conducting mail ballot election -**
12 **primary elections - first-time voters casting a mail ballot after having**
13 **registered by mail to vote - in-person request for ballot - repeal.**

14 (2.3) (a) Not less than thirty days nor more than ~~forty-five~~ SIXTY days
15 before a PRESIDENTIAL primary OR STATE PRIMARY election, the county
16 clerk and recorder shall mail a notice by forwardable mail to each
17 unaffiliated active ~~registered~~ eligible elector.

18 (b) The notice shall indicate that the unaffiliated elector has the
19 ability to and must affiliate with a political party in order to vote in the
20 primary election, AND THAT THE ELECTOR HAS THE ABILITY TO AND MAY
21 BECOME A TEMPORARY AFFILIATED ELECTOR IN ACCORDANCE WITH
22 SECTION 1-2-218.7.

23 (c) The notice shall have a returnable portion that allows the
24 elector to request affiliation with a political party OR TO DECLARE AN
25 INTENT TO BECOME A TEMPORARY AFFILIATED ELECTOR IN ACCORDANCE
26 WITH SECTION 1-2-218.7.

27 **SECTION 11.** In Colorado Revised Statutes, **amend**

1 24-21-104.5 as follows:

2 **24-21-104.5. General fund appropriation - cash fund**
3 **appropriation - elections.** (1) The general assembly is authorized to
4 appropriate moneys from the department of state cash fund to the
5 department of state to cover the costs of the local county clerk and
6 recorders relating to the conduct of general elections and November
7 odd-year elections. If the amount of moneys in the department of state
8 cash fund is insufficient to cover such costs, the general assembly may
9 appropriate additional general fund moneys to cover such costs after
10 exhausting all moneys in the department of state cash fund. The intent of
11 the general assembly is to authorize the appropriation of department of
12 state cash fund moneys and general fund moneys to the department of
13 state to offset some of the costs of local county clerk and recorders
14 associated with the additional election duties and requirements resulting
15 from the passage of section 20 of article X of the state constitution and
16 from the increased number of initiatives that are being filed.

17 (2) FOR A PRESIDENTIAL PRIMARY ELECTION, AS DEFINED IN
18 SECTION 1-4-1202 (2), C.R.S., THE GENERAL ASSEMBLY SHALL
19 APPROPRIATE MONEYS FROM THE GENERAL FUND TO COVER THE COSTS OF
20 THE ELECTION INCURRED BY THE STATE ARISING FROM THE PREPARATION
21 AND CONDUCT OF A PRESIDENTIAL PRIMARY ELECTION IN ACCORDANCE
22 WITH PART 12 OF ARTICLE 4 OF TITLE 1, C.R.S. IN ADDITION, BY MEANS OF
23 AN APPROPRIATION FROM THE GENERAL FUND, THE STATE SHALL ALSO
24 REIMBURSE THE COUNTIES FOR ALL OF THE ACTUAL DIRECT COSTS THEY
25 INCUR ARISING FROM THE PREPARATION AND CONDUCT OF SUCH ELECTION
26 IN ACCORDANCE WITH PART 12 OF ARTICLE 4 OF TITLE 1, C.R.S. BY RULE
27 PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF THIS TITLE, THE

1 SECRETARY OF STATE SHALL DETERMINE THE TYPE OF ACTUAL DIRECT
2 COSTS FOR WHICH THE COUNTIES ARE ENTITLED TO REIMBURSEMENT
3 PURSUANT TO SECTION 1-4-1203 (5), C.R.S., AND THIS SUBSECTION (2).

4 **SECTION 12.** Colorado Revised Statutes, 1-4-101 (2), as
5 amended by a ballot question submitted for the approval or rejection of
6 the registered voters voting at the statewide election to be held in
7 November 2016 that proposes to recreate a presidential primary and that
8 allows persons not permanently affiliated with a political party to vote in
9 a primary election in which the political party is participating, is further
10 amended to read as follows:

11 **1-4-101. Primary elections - when - nominations - expenses.**
12 (2) Each political party that is entitled to participate in the primary
13 election ~~shall~~ MUST have a separate party ballot. The primary election of
14 all political parties ~~shall~~ MUST be held at the same time and shall be
15 conducted by the same election officials. VOTING IN PRIMARY ELECTIONS
16 MUST BE CONDUCTED IN ACCORDANCE WITH SECTION 1-7-201. AN
17 UNAFFILIATED ELECTOR MAY BECOME A TEMPORARY AFFILIATED ELECTOR
18 IN ACCORDANCE WITH SECTION 1-2-218.7.

19 **SECTION 13.** Colorado Revised Statutes, 1-2-218.5 (2), as
20 amended by a ballot question submitted for the approval or rejection of
21 the registered voters voting at the statewide election to be held in
22 November 2016 that proposes to recreate a presidential primary and that
23 allows persons not permanently affiliated with a political party to vote in
24 a primary election in which the political party is participating, is further
25 amended to read as follows:

26 **1-2-218.5. Declaration of affiliation.** (2) Any eligible elector
27 who has not declared an affiliation with a political party or political

1 organization ~~shall be~~ IS designated on the registration records of the
2 county clerk and recorder as "unaffiliated". Any unaffiliated eligible
3 elector may declare a political party affiliation when the elector desires
4 to vote at a primary election, as provided in section 1-7-201 (2), or the
5 elector may declare his or her political party or political organization
6 affiliation at any other time during which electors are permitted to register
7 by submitting a letter or a form furnished by the county clerk and
8 recorder, either by mail or in person. AN UNAFFILIATED ELECTOR MAY
9 ALSO BECOME A TEMPORARY AFFILIATED ELECTOR IN ACCORDANCE WITH
10 SECTION 1-2-218.7. SUCH INTENT MAY BE DECLARED WHEN THE ELECTOR
11 DESIRES TO VOTE AT A PRIMARY ELECTION, AS PROVIDED IN SECTION
12 1-7-201 (2), OR THE ELECTOR MAY DECLARE HIS OR HER INTENT TO
13 BECOME A TEMPORARY AFFILIATED ELECTOR AT ANY OTHER TIME DURING
14 WHICH ELECTORS ARE PERMITTED TO REGISTER.

15 **SECTION 14.** Colorado Revised Statutes, 1-4-702, as added by
16 a ballot question submitted for the approval or rejection of the registered
17 voters voting at the statewide election to be held in November 2016 that
18 proposes to recreate a presidential primary and that allows persons not
19 permanently affiliated with a political party to vote in a primary election
20 in which the political party is participating, is further amended to read as
21 follows:

22 **1-4-702. Nomination of candidates for general election by**
23 **convention or assembly.** NOTWITHSTANDING ANY OTHER PROVISION OF
24 LAW, A POLITICAL PARTY MAY NOMINATE CANDIDATES FOR THE GENERAL
25 ELECTION BY ASSEMBLY OR CONVENTION IN ACCORDANCE WITH EXISTING
26 LAW.

27 **SECTION 15. Effective date - applicability.** (1) This act takes

1 effect April 1, 2017.

2 (2) Sections 3, 4, 5, 6, 8, and section 1-7.5-107 (2.3) (b) and (2.3)
3 (c) as contained in section 10 of this act that concern temporary affiliated
4 electors apply to any presidential primary election or state primary
5 election conducted on or after the effective date of this act.

6 (3) Sections 12, 13, and 14 of this act take effect only if, at the
7 statewide election to be held in November 2016, a majority of the voters
8 vote to approve a ballot question that proposes to recreate a presidential
9 primary and that allows persons not permanently affiliated with a political
10 party to vote in a primary election in which the political party is
11 participating.

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