

**UPDATED SUMMARY
HOUSE BILL 16-1454**

Second Regular Session - Seventieth Colorado General Assembly

This summary applies to the reengrossed version of this bill as introduced in the second house. It does not reflect any amendments that may be subsequently adopted. This summary reflects only the main points of the legislation.

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 The state repealed its presidential primary election in 2003.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.

*For the 2016-17 state fiscal year, **section 15** appropriates \$121,306 to the department of state from the department of state cash fund for the implementation of the bill.*