

**Second Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 16-1280.01 Bob Lackner x4350

SENATE BILL 16-216

SENATE SPONSORSHIP

Lundberg,

HOUSE SPONSORSHIP

(None),

Senate Committees

State, Veterans, & Military Affairs
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE RESTORATION OF A PRESIDENTIAL PRIMARY**
102 **ELECTION IN COLORADO.**

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>.)

From 1992 until 2000, the state held a presidential primary election. The state repealed its presidential primary election in 2003. **Section 1** 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, in consultation with the secretary of state. The date selected for the primary must be no earlier than the date the

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.*

national rules of the major political parties provide for state delegations to the party's national convention to be allocated without penalty, not later than the third Tuesday in March in years in which a United States presidential election will be held, and not less than 14 days after the date of the precinct caucus in that election year. 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.

By vote of the majority of the members of the state central committee of a major political party, the political party may elect not to participate in a presidential primary election by notice of such intention delivered to the secretary of state.

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 in a public meeting. The secretary determines the method of drawing lots.

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 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 2 modifies the definition of "primary election" contained in the "Uniform Election Code of 1992" to include presidential primary elections.

Section 3 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 the second day of January in the year of the presidential primary election.

Section 4 clarifies existing statutory provisions governing primary elections conducted as mail ballot elections to specify that, in the case of a primary election, including a presidential primary election, each active registered elector must be mailed the ballot for the political party with which the elector is affiliated and that nothing in the relevant statutory section should be construed or require a ballot for a political party for use in a primary election, including a presidential primary election, to be mailed to an unaffiliated elector voting in such primary election.

Section 5 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.

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

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

4 **1-4-1201. Legislative declaration.** IN RECREATING AND
5 REENACTING THIS PART 12, IT IS THE INTENT OF THE GENERAL ASSEMBLY
6 THAT THE PROVISIONS OF THIS PART 12 CONFORM TO THE REQUIREMENTS
7 OF FEDERAL LAW AND NATIONAL POLITICAL PARTY RULES GOVERNING
8 PRESIDENTIAL PRIMARY ELECTIONS.

9 **1-4-1202. Definitions.** AS USED IN THIS PART 12, UNLESS THE
10 CONTEXT OTHERWISE REQUIRES:

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

1 (2) "PRESIDENTIAL PRIMARY ELECTION" MEANS A PRIMARY
2 ELECTION CONDUCTED IN A YEAR IN WHICH A UNITED STATES
3 PRESIDENTIAL ELECTION WILL BE HELD TO ALLOCATE DELEGATES TO
4 NATIONAL NOMINATING CONVENTIONS OF THE MAJOR POLITICAL PARTIES
5 SELECTED IN ACCORDANCE WITH SECTION 1-4-701 (1). A PRESIDENTIAL
6 PRIMARY ELECTION IS NOT THE SAME AS A PRIMARY ELECTION AS DEFINED
7 IN SECTION 1-1-104 (32). A PRIMARY ELECTION AS DEFINED IN SECTION
8 1-1-104 (32) IS ALSO KNOWN AS AND MAY BE REFERRED TO IN THIS PART
9 12 AS A "STATE PRIMARY".

10 **1-4-1203. Presidential primary elections - when - conduct.**

11 (1) A PRESIDENTIAL PRIMARY ELECTION MUST BE HELD ON A TUESDAY ON
12 A DATE DESIGNATED BY THE GOVERNOR, IN CONSULTATION WITH THE
13 SECRETARY OF STATE. THE DATE SELECTED FOR THE PRIMARY MUST BE NO
14 EARLIER THAN THE DATE THE NATIONAL RULES OF THE MAJOR POLITICAL
15 PARTIES PROVIDE FOR STATE DELEGATIONS TO THE PARTY'S NATIONAL
16 CONVENTION TO BE ALLOCATED WITHOUT PENALTY AND NOT LATER THAN
17 THE THIRD TUESDAY IN MARCH IN YEARS IN WHICH A UNITED STATES
18 PRESIDENTIAL ELECTION WILL BE HELD; EXCEPT THAT THE DATE SELECTED
19 MUST BE NOT LESS THAN FOURTEEN DAYS AFTER THE DATE OF THE
20 PRECINCT CAUCUS HELD IN SUCH YEAR. THE GOVERNOR SHALL, NO LATER
21 THAN THE FIRST DAY OF SEPTEMBER IN THE YEAR BEFORE THE
22 PRESIDENTIAL PRIMARY ELECTION WILL BE HELD, DESIGNATE THE DATE OF
23 THE PRESIDENTIAL PRIMARY ELECTION.

24 (2) EXCEPT AS PROVIDED FOR IN SUBSECTION (5) OF THIS SECTION,
25 EACH POLITICAL PARTY THAT HAS A QUALIFIED CANDIDATE ENTITLED TO
26 PARTICIPATE IN THE PRESIDENTIAL PRIMARY ELECTION PURSUANT TO THIS
27 SECTION IS ENTITLED TO PARTICIPATE IN THE PRIMARY ELECTION AND

1 MUST HAVE A SEPARATE PARTY BALLOT. AT THE PRESIDENTIAL PRIMARY
2 ELECTION, AN ELECTOR MAY VOTE ONLY FOR A CANDIDATE ON THE
3 BALLOT OF THE POLITICAL PARTY WITH WHICH THE ELECTOR HAS
4 DECLARED AN AFFILIATION. AN UNAFFILIATED ELIGIBLE ELECTOR MAY
5 DECLARE AN AFFILIATION WITH A POLITICAL PARTY IN ACCORDANCE WITH
6 SECTION 1-2-218.5. NOTWITHSTANDING ANY OTHER PROVISION OF LAW,
7 NO ELECTOR AFFILIATED WITH A MAJOR OR MINOR POLITICAL PARTY OR
8 POLITICAL ORGANIZATION TWENTY-NINE DAYS OR LESS PRIOR TO THE
9 DATE OF THE PRESIDENTIAL PRIMARY ELECTION MAY VOTE IN THE
10 PRIMARY OF ANOTHER POLITICAL PARTY OR POLITICAL ORGANIZATION.

11 (3) EXCEPT AS OTHERWISE PROVIDED IN THIS PART 12, A
12 PRESIDENTIAL PRIMARY ELECTION MUST BE CONDUCTED IN THE SAME
13 MANNER AS ANY OTHER PRIMARY ELECTION TO THE EXTENT STATUTORY
14 PROVISIONS GOVERNING OTHER PRIMARY ELECTIONS ARE APPLICABLE TO
15 THIS PART 12. THE ELECTION OFFICIALS AND COUNTY CLERK AND
16 RECORDERS HAVE THE SAME POWERS AND SHALL PERFORM THE SAME
17 DUTIES FOR PRESIDENTIAL PRIMARY ELECTIONS AS THEY PROVIDE BY LAW
18 FOR OTHER PRIMARY ELECTIONS AND GENERAL ELECTIONS.

19 (4) A BALLOT USED IN A PRESIDENTIAL PRIMARY ELECTION MUST
20 ONLY CONTAIN THE NAMES OF CANDIDATES FOR THE OFFICE OF THE
21 PRESIDENT OF THE UNITED STATES. THE BALLOT SHALL NOT BE USED FOR
22 THE PURPOSE OF PRESENTING ANY OTHER ISSUE OR QUESTION TO THE
23 ELECTORATE.

24 (5) BY VOTE OF THE MAJORITY OF THE MEMBERS OF THE STATE
25 CENTRAL COMMITTEE OF A POLITICAL PARTY, OR A COMPARABLE ENTITY
26 AT THE STATE LEVEL OF A POLITICAL PARTY, THE POLITICAL PARTY MAY
27 ELECT NOT TO PARTICIPATE IN A PRESIDENTIAL PRIMARY ELECTION

1 CONDUCTED UNDER THIS PART 12 FOR ANY GIVEN YEAR AS LONG AS THE
2 POLITICAL PARTY SENDS WRITTEN COMMUNICATION OF ITS DECISION NOT
3 TO PARTICIPATE IN THE PRESIDENTIAL PRIMARY ELECTION TO THE
4 SECRETARY OF STATE BY OCTOBER 1 OF THE YEAR PRECEDING THE YEAR
5 IN WHICH THE PRESIDENTIAL PRIMARY ELECTION WILL BE HELD.

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

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

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

26 (b) ARE SEEKING THE NOMINATION OF A POLITICAL PARTY AS A
27 BONA FIDE CANDIDATE FOR PRESIDENT OF THE UNITED STATES PURSUANT

1 TO POLITICAL PARTY RULES AND ARE AFFILIATED WITH A POLITICAL PARTY
2 THAT RECEIVED AT LEAST TWENTY PERCENT OF THE VOTES CAST AT THE
3 LAST PRESIDENTIAL ELECTION BY ELECTORS REGISTERED IN COLORADO;
4 AND

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

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

16 (3) ANY CHALLENGE TO THE LISTING OF ANY CANDIDATE ON THE
17 PRESIDENTIAL PRIMARY ELECTION BALLOT MUST BE MADE IN WRITING AND
18 FILED WITH THE SECRETARY OF STATE NOT LATER THAN FIVE DAYS AFTER
19 THE FILING DEADLINE FOR CANDIDATES. ANY SUCH CHALLENGE MUST
20 PROVIDE NOTICE IN WRITING IN A SUMMARY MANNER OF THE ALLEGED
21 INELIGIBILITY THAT GIVES RISE TO THE COMPLAINT. THE SECRETARY
22 SHALL ADDRESS BY RULE, PROMULGATED IN ACCORDANCE WITH ARTICLE
23 4 OF TITLE 24, C.R.S., OTHER REQUIREMENTS OF A VALID CHALLENGE. IN
24 RESPONSE TO A VALID CHALLENGE BROUGHT UNDER THIS SUBSECTION (3),
25 THE SECRETARY SHALL TRANSMIT NOTICE OF THE CHALLENGE FORTHWITH
26 TO ALL CANDIDATES APPEARING ON THE PRESIDENTIAL PRIMARY ELECTION
27 BALLOT AND TO THE STATE CHAIRPERSON OF EACH POLITICAL PARTY. NO

1 LATER THAN FIVE DAYS AFTER THE CHALLENGE IS FILED, A HEARING MUST
2 BE HELD AT WHICH TIME THE SECRETARY SHALL HEAR THE CHALLENGE
3 AND ASSESS THE VALIDITY OF ALL ALLEGED INELIGIBILITIES. THE
4 SECRETARY SHALL ISSUE FINDINGS OF FACT AND CONCLUSIONS OF LAW
5 NOT LATER THAN FORTY-EIGHT HOURS AFTER THE HEARING. THE PARTY
6 FILING THE CHALLENGE HAS THE BURDEN OF SUSTAINING THE CHALLENGE
7 BY A PREPONDERANCE OF THE EVIDENCE. THE SECRETARY'S DECISIONS
8 UPON MATTERS OF SUBSTANCE ARE OPEN TO REVIEW, IF PROMPT
9 APPLICATION IS MADE, AS PROVIDED IN SECTION 1-1-113.

10 **1-4-1205. Write-in candidate statement for presidential**
11 **primary.** A WRITE-IN VOTE FOR ANY CANDIDATE ON THE PRESIDENTIAL
12 PRIMARY ELECTION BALLOT SHALL NOT BE COUNTED UNLESS THE
13 CANDIDATE FOR WHOM THE WRITE-IN VOTE WAS CAST HAS FILED A
14 NOTARIZED CANDIDATE'S STATEMENT OF INTENT TO SEEK THE OFFICE OF
15 PRESIDENT OF THE UNITED STATES. ANY SUCH STATEMENT MUST BE FILED
16 WITH THE SECRETARY OF STATE NO LATER THAN THE CLOSE OF BUSINESS
17 ON THE SIXTY-SEVENTH DAY BEFORE THE PRESIDENTIAL PRIMARY
18 ELECTION.

19 **1-4-1206. Election results - certification - allocation and**
20 **pledging of delegates.** (1) THE SECRETARY OF STATE SHALL COMPILE THE
21 NUMBER OF VOTES CAST FOR EACH CANDIDATE NAMED ON THE
22 PRESIDENTIAL PRIMARY ELECTION BALLOT AND THE VOTES CAST TO SEND
23 A NONCOMMITTED DELEGATE TO THE POLITICAL PARTY'S NATIONAL
24 CONVENTION, IF APPLICABLE, AND SHALL CALCULATE THE PERCENTAGE OF
25 VOTES RECEIVED BY EACH AS COMPARED TO THE NUMBER OF VOTES CAST
26 BY ELECTORS OF THE SAME POLITICAL PARTY.

27 (2) THE SECRETARY OF STATE SHALL CERTIFY THE RESULTS AND

1 PERCENTAGES CALCULATED PURSUANT TO SUBSECTION (1) OF THIS
2 SECTION TO THE STATE CHAIRPERSON AND TO THE NATIONAL COMMITTEE
3 OF EACH POLITICAL PARTY THAT HAD AT LEAST ONE CANDIDATE ON THE
4 PRESIDENTIAL PRIMARY ELECTION BALLOT.

5 (3) EXCEPT AS OTHERWISE PROHIBITED OR REQUIRED BY NATIONAL
6 POLITICAL PARTY RULES, EACH POLITICAL PARTY MUST USE THE RESULTS
7 OF THE PRESIDENTIAL PRIMARY ELECTION TO ALLOCATE DELEGATE VOTES
8 TO PRESIDENTIAL CANDIDATES IN ACCORDANCE WITH STATE OR NATIONAL
9 PARTY RULES. POLITICAL PARTIES NEED NOT ALLOCATE DELEGATE VOTES
10 TO CANDIDATES WHO RECEIVE LESS THAN FIFTEEN PERCENT OF THE VOTES
11 CAST IN THE PRESIDENTIAL PRIMARY ELECTION FOR THAT PARTY UNLESS
12 REQUIRED TO DO SO BY STATE OR NATIONAL PARTY RULES.

13 (4) IF THE DIFFERENCE BETWEEN THE HIGHEST NUMBER OF VOTES
14 CAST IN THE PRESIDENTIAL PRIMARY ELECTION AND THE NEXT HIGHEST
15 NUMBER OF VOTES CAST IS LESS THAN OR EQUAL TO ONE-HALF OF ONE
16 PERCENT OF THE HIGHEST VOTES CAST IN THE PRIMARY ELECTION, A
17 RECOUNT OF THE PRIMARY ELECTION RESULTS MUST BE HELD IN
18 ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 10.5 OF THIS TITLE.

19 **1-4-1207. Conflict of laws.** IN THE CASE OF ANY CONFLICT
20 BETWEEN THIS ARTICLE AND OTHER PROVISIONS OF THIS CODE, THE
21 PROVISIONS OF THIS ARTICLE CONTROL.

22 **SECTION 2.** In Colorado Revised Statutes, 1-1-104, **amend** (32)
23 as follows:

24 **1-1-104. Definitions.** As used in this code, unless the context
25 otherwise requires:

26 (32) "Primary election" means the PRESIDENTIAL PRIMARY
27 ELECTION, AS DEFINED IN SECTION 1-4-1202, AND THE election held on the

1 last Tuesday in June of each even-numbered year.

2 **SECTION 3.** In Colorado Revised Statutes, 1-4-801, **add** (6) as
3 follows:

4 **1-4-801. Designation of party candidates by petition - rules.**

5 (6) (a) A CANDIDATE IN A PRESIDENTIAL PRIMARY ELECTION SHALL NOT
6 BEGIN CIRCULATING PETITIONS BEFORE THE FIRST MONDAY IN NOVEMBER
7 OF THE YEAR PRECEDING THE YEAR IN WHICH THE PRESIDENTIAL PRIMARY
8 ELECTION IS HELD. A CANDIDATE MUST FILE A PETITION NO LATER THAN
9 EIGHTY-FIVE DAYS BEFORE THE PRESIDENTIAL PRIMARY ELECTION.

10 (b) PETITIONS TO BE USED UNDER PART 12 OF ARTICLE 4 OF THIS
11 TITLE MUST CONFORM TO THE EXTENT APPLICABLE WITH THE
12 REQUIREMENTS FOR PETITIONS SPECIFIED IN PART 9 OF THIS ARTICLE. THE
13 REQUIREMENTS SPECIFIED IN PART 9 OF THIS ARTICLE MAY BE
14 SUPPLEMENTED BY ANY ADDITIONAL REQUIREMENTS NECESSARY TO
15 FACILITATE THE ADMINISTRATION OF PART 12 OF ARTICLE 4 OF THIS TITLE
16 AS ARE PROMULGATED IN RULES ADOPTED BY THE SECRETARY OF STATE
17 IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.

18 **SECTION 4.** In Colorado Revised Statutes, 1-7.5-107, **amend** (3)
19 (a) (I) as follows:

20 **1-7.5-107. Procedures for conducting mail ballot election -**
21 **primary elections - first-time voters casting a mail ballot after having**
22 **registered by mail to vote - in-person request for ballot - repeal.**

23 (3) (a) (I) Not sooner than twenty-two days before a general, primary, or
24 other mail ballot election, and no later than eighteen days before the
25 election, except as provided in subparagraph (II) of this paragraph (a), the
26 county clerk and recorder or designated election official shall mail to each
27 active registered elector, at the last mailing address appearing in the

1 registration records and in accordance with United States postal service
2 regulations, a mail ballot packet, which shall be marked "DO NOT
3 FORWARD. ADDRESS CORRECTION REQUESTED.", or any other
4 similar statement that is in accordance with United States postal service
5 regulations. Nothing in this subsection (3) affects any provision of this
6 code governing the delivery of mail ballots to an absent uniformed
7 services elector, nonresident overseas elector, or resident overseas elector
8 covered by the federal "Uniformed and Overseas Citizens Absentee
9 Voting Act", 42 U.S.C. sec. 1973ff et seq. IN THE CASE OF A PRIMARY
10 ELECTION, INCLUDING A PRESIDENTIAL PRIMARY ELECTION CONDUCTED
11 UNDER PART 12 OF ARTICLE 4 OF THIS TITLE, EACH ACTIVE REGISTERED
12 ELECTOR MUST BE MAILED THE BALLOT FOR THE POLITICAL PARTY WITH
13 WHICH THE ELECTOR IS AFFILIATED. NOTHING IN THIS SECTION SHALL BE
14 CONSTRUED OR REQUIRE A BALLOT FOR A POLITICAL PARTY FOR USE IN A
15 PRIMARY ELECTION, INCLUDING A PRESIDENTIAL PRIMARY ELECTION, TO
16 BE MAILED TO AN UNAFFILIATED ELECTOR VOTING IN SUCH PRIMARY
17 ELECTION.

18 **SECTION 5.** In Colorado Revised Statutes, **amend 24-21-104.5**
19 as follows:

20 **24-21-104.5. General fund appropriation - cash fund**
21 **appropriation - elections.** (1) The general assembly is authorized to
22 appropriate moneys from the department of state cash fund to the
23 department of state to cover the costs of the local county clerk and
24 recorders relating to the conduct of general elections and November
25 odd-year elections. If the amount of moneys in the department of state
26 cash fund is insufficient to cover such costs, the general assembly may
27 appropriate additional general fund moneys to cover such costs after

1 exhausting all moneys in the department of state cash fund. The intent of
2 the general assembly is to authorize the appropriation of department of
3 state cash fund moneys and general fund moneys to the department of
4 state to offset some of the costs of local county clerk and recorders
5 associated with the additional election duties and requirements resulting
6 from the passage of section 20 of article X of the state constitution and
7 from the increased number of initiatives that are being filed.

8 (2) FOR A PRESIDENTIAL PRIMARY ELECTION, AS DEFINED IN
9 SECTION 1-4-1202 (2), C.R.S., THE GENERAL ASSEMBLY SHALL
10 APPROPRIATE MONEYS FROM THE GENERAL FUND TO COVER THE COSTS OF
11 THE ELECTION INCURRED BY THE STATE ARISING FROM THE PREPARATION
12 AND CONDUCT OF A PRESIDENTIAL PRIMARY ELECTION IN ACCORDANCE
13 WITH PART 12 OF ARTICLE 4 OF TITLE 1, C.R.S. IN ADDITION, BY MEANS OF
14 AN APPROPRIATION FROM THE GENERAL FUND, THE STATE SHALL ALSO
15 REIMBURSE THE COUNTIES FOR ALL OF THE ACTUAL DIRECT COSTS THEY
16 INCUR ARISING FROM THE PREPARATION AND CONDUCT OF SUCH ELECTION
17 IN ACCORDANCE WITH PART 12 OF ARTICLE 4 OF TITLE 1, C.R.S. BY RULE
18 PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF THIS TITLE, THE
19 SECRETARY OF STATE SHALL DETERMINE THE TYPE OF ACTUAL DIRECT
20 COSTS FOR WHICH THE COUNTIES ARE ENTITLED TO REIMBURSEMENT
21 PURSUANT TO SECTION 1-4-1203 (6), C.R.S., AND THIS SUBSECTION (2).

22 **SECTION 6. Act subject to petition - effective date.** This act
23 takes effect at 12:01 a.m. on the day following the expiration of the
24 ninety-day period after final adjournment of the general assembly (August
25 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
26 referendum petition is filed pursuant to section 1 (3) of article V of the
27 state constitution against this act or an item, section, or part of this act

1 within such period, then the act, item, section, or part will not take effect
2 unless approved by the people at the general election to be held in
3 November 2016 and, in such case, will take effect on the date of the
4 official declaration of the vote thereon by the governor.