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L A W G R O U P

March 23, 2018

Mike Mauer, Director  
Colorado Legislative Council Staff  
Room 029  
State Capitol Building  
Denver, Colorado 80203

Sent via email to [lcs.ga@state.co.us](mailto:lcs.ga@state.co.us).

Mr. Mauer:

Attached please find a draft initiative, submitted for the 2018 ballot, relating to runoff primary elections for congressional and statewide offices. The designated representatives of this measure are:

Name: Anna Rose Kummerlowe  
Address: 1668 Cook Street, Denver, CO 80206  
Email: [Akummerlowe@mac.com](mailto:Akummerlowe@mac.com)  
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Name: Hattie Lou Reed  
Address: 1843 Woodbourne Terrace, Castle Rock, CO 80104  
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Sincerely,

Gwen Benevento



Title: A change to the Colorado Revised Statutes concerning the nomination of political party candidates, and, in connection therewith, moving the date of the primary election to April and requiring a runoff primary election in June if no political party primary candidate for congress or statewide office receives a majority of the votes in a primary election.

Be it enacted by the People of the State of Colorado:

**SECTION 1.** In Colorado Revised Statutes, 1-1-104, **amend** (32) and (51) and **add** (43.3) as follows:

**1-1-104. Definitions**

(32) "Primary election" means the election held on the ~~last~~ THIRD Tuesday in ~~June~~ APRIL of each even-numbered year.

(43.3) "RUNOFF PRIMARY ELECTION" IS A CONTINUATION OF THE PRIMARY ELECTION WHICH, WHEN REQUIRED UNDER SECTION 1-4-104, IS HELD ON THE LAST TUESDAY IN JUNE FOLLOWING THE PRIMARY ELECTION.

(51) "Watcher" means an eligible elector other than a candidate on the ballot who has been selected by a political party chairperson on behalf of the political party, by a party candidate at a primary election OR RUNOFF PRIMARY ELECTION, by an unaffiliated candidate at a general, congressional vacancy, or nonpartisan election, or by a person designated by either the opponents or the proponents in the case of a ballot issue or ballot question. If selected by a political party chairperson, a party candidate, or an unaffiliated candidate, the watcher must be affiliated with that political party or unaffiliated as shown in the statewide voter registration system.

**SECTION 2.** In Colorado Revised Statutes, 1-4-101, **amend** (1), (2)(c), (3) and (5) as follows:

**1-4-101. Primary elections - when - nominations – expenses.**

(1) Except as provided in section 1-4-104.5, a primary election shall be held on the ~~last~~ THIRD Tuesday in ~~June~~ APRIL of even-numbered years to nominate candidates of political parties to be voted for at the succeeding general election. IF REQUIRED UNDER SECTION 1-4-104, A RUNOFF PRIMARY ELECTION SHALL BE HELD ON THE LAST TUESDAY IN JUNE FOLLOWING THE PRIMARY ELECTION. Except as provided by section 1-4-1304 (1.5), only a major political party, as defined in section 1-1-104 (22), is entitled to nominate candidates in a primary election OR RUNOFF PRIMARY ELECTION.

(2)(c) The secretary of state may by rule adopt additional ballot requirements necessary to avoid voter confusion in voting in primary elections AND RUNOFF PRIMARY ELECTIONS.

(3) All nominations by major political parties for candidates for United States senator, representative in congress, all elective state, district, and county officers, and members of the general assembly shall be made by primary elections OR RUNOFF PRIMARY ELECTIONS; except

that, for general elections occurring after January 1, 2001, nominations by major political parties for candidates for lieutenant governor shall not be made by primary elections OR RUNOFF PRIMARY ELECTIONS and shall be made pursuant to section 1-4-502 (3). Neither the secretary of state nor any county clerk and recorder shall place on the official general election ballot the name of any person as a candidate of any major political party who has not been nominated in accordance with the provisions of this article, or who has not been affiliated with the major political party for the period of time required by section 1-4-601, or who does not meet residency requirements for the office, if any. The information found on the voter registration record of the county of current or previous residence of the person seeking to be placed on the ballot is admissible as prima facie evidence of compliance with this article.

(5) All expenses incurred in the preparation or conduct of the primary election AND RUNOFF PRIMARY ELECTION shall be paid out of the treasury of the county or state, as the case may be, in the same manner as for general elections.

**SECTION 3.** In Colorado Revised Statutes, **amend** 1-4-104 as follows:

**1-4-104. Party nominees AND RUNOFF PRIMARY ELECTIONS.**

(1) AT A PRIMARY ELECTION, A CANDIDATE OR JOINT CANDIDATE FOR UNITED STATES SENATOR, REPRESENTATIVE IN CONGRESS, GOVERNOR AND LIEUTENANT GOVERNOR, SECRETARY OF STATE, TREASURER, OR ATTORNEY GENERAL MUST RECEIVE A MAJORITY OF THE TOTAL NUMBER OF VOTES RECEIVED BY ALL OF THE CANDIDATES FOR THAT OFFICE IN ORDER TO BE NOMINATED. FOR PURPOSES OF THIS SECTION, "A MAJORITY" MEANS FIFTY PERCENT OR MORE OF THE TOTAL NUMBER OF VOTES RECEIVED BY ALL OF THE CANDIDATES FOR THE OFFICE. IF AT ANY PRIMARY ELECTION NO CANDIDATE FOR NOMINATION TO SUCH OFFICE RECEIVES A MAJORITY OF ALL VOTES CAST FOR ALL CANDIDATES FOR THAT OFFICE, ONLY THE TWO CANDIDATES RECEIVING THE HIGHEST NUMBER OF VOTES AT THE PRIMARY ELECTION SHALL BE PLACED ON THE OFFICIAL BALLOT AS CANDIDATES FOR NOMINATION TO THAT OFFICE AT A RUNOFF PRIMARY ELECTION. THE NAMES OF THE NOMINEES SELECTED AT A PRIMARY ELECTION OR A RUNOFF PRIMARY ELECTION SHALL BE PRINTED ON THE OFFICIAL BALLOT PREPARED FOR THE ENSUING GENERAL ELECTION.

(2) (A) EXCEPT AS PROVIDED IN THIS SECTION, THE RUNOFF PRIMARY ELECTION SHALL BE CONDUCTED IN THE SAME MANNER AS IS PROVIDED BY LAW FOR A PRIMARY ELECTION.

(B) CANDIDATES SHALL BE PLACED ON THE RUNOFF PRIMARY ELECTION BALLOT IN THE ORDER OF THE VOTES RECEIVED IN THE PRIMARY ELECTION.

(C) ONLY ELECTORS WHO WERE ELIGIBLE TO VOTE IN THE PRIMARY ELECTION FOR A POLITICAL PARTY SHALL BE ELIGIBLE TO VOTE IN THE RUNOFF PRIMARY ELECTION FOR THAT PARTY.

(D) IN A RUNOFF PRIMARY ELECTION, ONLY THOSE VOTES CAST FOR THE CANDIDATES DESIGNATED FOR THE RUNOFF SHALL BE COUNTED IN THE TABULATION AND CANVASS OF THE VOTES CAST. THE PERSON RECEIVING THE MAJORITY OF THE VOTES CAST FOR THE OFFICE AT THE RUNOFF PRIMARY ELECTION SHALL BE NOMINATED.

(3) Candidates voted on for OTHER offices at primary elections who receive a plurality of the votes cast shall be the respective party nominees for the respective offices. If more than one office of the same kind is to be filled, the number of candidates equal to the number of offices to

be filled receiving the highest number of votes shall be the nominees of the political party for the offices. The names of the nominees shall be printed on the official ballot prepared for the ensuing general election.

**SECTION 4.** In Colorado Revised Statutes, 1-4-1005, **amend** (1) and (2) and **add** (6) as follows:

**1-4-1005. Vacancies in major party nomination occurring from the day after primary election day through the earliest day to mail general election ballots**

(1) For the purposes of this section, a vacancy is caused by the declination, death, disqualification, or withdrawal of the person nominated at the primary election OR RUNOFF PRIMARY ELECTION.

(2) A vacancy in a party nomination occurring from the day after the primary election OR RUNOFF PRIMARY ELECTION through the earliest day to mail general election ballots may be filled by the respective party assembly vacancy committee of the district, county, or state, depending upon the office for which the vacancy in nomination has occurred. The party assembly vacancy committee must be appointed by the party in accordance with party rules.

(6)(A) WHEN A RUNOFF PRIMARY ELECTION IS REQUIRED, IN THE EVENT OF THE WITHDRAWAL, DEATH, OR INELIGIBILITY OF A CANDIDATE IN A RUNOFF PRIMARY ELECTION THE REMAINING CANDIDATES RECEIVING THE TWO HIGHEST NUMBERS OF VOTES IN THE PRIMARY ELECTION SHALL BE THE CANDIDATES IN THE RUNOFF PRIMARY ELECTION.

(B) WHEN THE WITHDRAWAL, DEATH, OR INELIGIBILITY OF A CANDIDATE OCCURS PRIOR TO THE BALLOTS BEING PRINTED, THE DESIGNATED ELECTION OFFICIAL SHALL CAUSE THE NAMES OF THE REMAINING CANDIDATES RECEIVING THE TWO HIGHEST NUMBERS OF VOTES IN THE PRIMARY ELECTION TO BE PRINTED ON THE RUNOFF PRIMARY ELECTION BALLOT.

(C) WHEN SUCH WITHDRAWAL, DEATH, OR INELIGIBILITY OF A CANDIDATE OCCURS AFTER RUNOFF PRIMARY ELECTION BALLOTS ARE PRINTED, THE DESIGNATED ELECTION OFFICIAL SHALL:

(I) PROMINENTLY POST, ON THE DESIGNATED ELECTION OFFICIAL'S OFFICIAL WEBSITE AND IN EACH VOTER SERVICE AND POLLING CENTER, A NOTICE REGARDING THE WITHDRAWAL, DEATH, OR INELIGIBILITY OF THE CANDIDATE AND THE NAME OF THE REPLACEMENT CANDIDATE;

(II) EITHER CAUSE TO BE PRINTED AND PLACED ON THE SAMPLE BALLOT DELIVERED TO THE ELECTION JUDGES AND POSTED PURSUANT TO SECTION 1-5-413 A STICKER OF A DIFFERENT COLOR THAN THE SAMPLE BALLOT INDICATING THE NAME OF THE REPLACEMENT CANDIDATE OR REPRINT THE SAMPLE BALLOT WITH THE NAME OF THE REPLACEMENT CANDIDATE IN A DIFFERENT COLOR; AND

(III) COUNT VOTES CAST FOR THE WITHDRAWN, DECEASED, OR INELIGIBLE CANDIDATE AS VOTES FOR THE REPLACEMENT CANDIDATE.

**SECTION 5.** In Colorado Revised Statutes, 1-4-1006, **amend** (1) as follows:

**1-4-1006. Vacancies in major party nomination occurring from the day after the earliest day to mail general election ballots through general election day**

(1) For the purposes of this section, a vacancy is caused by the declination, death, disqualification, or withdrawal of the person nominated at the primary election OR RUNOFF PRIMARY ELECTION.

**SECTION 6. Effective Date.** This initiative applies to elections held on or after January 1, 2019.