

SUPREME COURT, STATE OF COLORADO 2 East 14th Avenue Denver, Colorado 80203	DATE FILED: March 18, 2016 5:42 PM
ORIGINAL PROCEEDING PURSUANT TO C.R.S. § 1-40-107(2) Petitioner: Kelly Brough and Joe Blake, Proponents, v. Respondent: Colorado Title Setting Board: Suzanne Staiert, Sharron Eubanks, and Glenn Roper	▲ COURT USE ONLY ▲
Attorneys for Petitioner: Jason R. Dunn, #33011 BROWNSTEIN HYATT FARBER SCHRECK LLP 410 Seventeenth Street, Suite 2200 Denver, CO 80202-4432 Tel: 303.223.1100 Fax: 303.223.1111 jdunn@bhfs.com	Case Number:
<p style="text-align: center;">PETITION FOR REVIEW OF FINAL ACTION OF THE TITLE SETTING BOARD CONCERNING PROPOSED INITIATIVE 2015-2016 NO. 99</p>	

Pursuant to section 1-40-107(2), Kelly Brough and Joe Blake, though undersigned counsel, respectfully petitions this court to review the title, ballot title, and submission clause set by the Ballot Title Setting Board (the “Title Board”) for Proposed Initiative 2015-2016 #99 (the “Initiative”).

I. ACTION OF THE TITLE BOARD

The Title Board conducted its initial public hearing on the Initiative on March 2, 2016 and rejected the measure on the basis that it violated the single subject requirement of Article V, § 1(8) of the Colorado Constitution and C.R.S. § 1-40-105(4). Petitioner subsequently filed a timely Motion for Rehearing on March 9, 2016. The Title Board considered and denied the motion at its March 16, 2016 hearing. Petitioner now seeks review of the Title Board's actions under C.R.S. section 1-40-107(2).

II. ISSUES PRESENTED FOR REVIEW

- A. Did the Title Board err in ruling that the measure contained multiple subjects in violation of Article V, § 1(8) of the Colorado Constitution and C.R.S. § 1-40-105(4)?

III. SUPPORTING DOCUMENTATION

As required by section 1-40-107(2), attached is a certified copy of the final action by the Title Board and the Motion for Rehearing.

IV. RELIEF REQUESTED

Petitioner respectfully requests that the court reverse the Title Board's denial of the Motion for Rehearing and find that the Title Board had jurisdiction to set a title for the Initiative and should proceed to do so.

Respectfully submitted on March 18, 2016.

BROWNSTEIN HYATT FARBER SCHRECK LLP

/s/ Jason R. Dunn

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Attorneys for Kelly Brough and Joe Blake

CERTIFICATE OF SERVICE

I hereby certify that on March 18, 2016, I electronically filed a true and correct copy of the foregoing **PETITION FOR REVIEW** with the clerk of Court via the Colorado ICCES system and was served via electronic mail to the following:

LeeAnn Morrill, Esq. (LeeAnn.Morrill@state.co.us)
Office of the Colorado Attorney General
1525 Sherman Street, 7th Floor
Denver, CO 80203
Attorney for the Title Board

/s/ Jason R. Dunn

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STATE OF COLORADO

DEPARTMENT OF STATE CERTIFICATE

I, **WAYNE W. WILLIAMS**, Secretary of State of the State of Colorado, do hereby certify that:

the attached are true and exact copies of the filed text, motion for rehearing, and the rulings thereon of the Title Board for Proposed Initiative "2015-2016 #99 'Primary Elections'"

.....

..... **IN TESTIMONY WHEREOF** I have unto set my hand
and affixed the Great Seal of the State of Colorado, at the
City of Denver this 18th day of March, 2016.

Wayne W. Williams

SECRETARY OF STATE



RECEIVED

S. WARD

#99 FINAL DRAFT

FEB 19 2015 2:51 P.M.

PRIMARY ELECTIONS

Colorado Secretary of State

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

SECTION 1. Declaration of the People of Colorado

BECAUSE PRIMARY ELECTIONS ARE PAID FOR BY TAXPAYERS, ALL ELIGIBLE VOTERS WHO WANT THEIR VOICES TO BE HEARD SHOULD BE ABLE TO VOTE IN THOSE ELECTIONS.

CURRENTLY, THE 35% OF COLORADO VOTERS WHO ARE INDEPENDENT OF A POLITICAL PARTY MUST JOIN A PARTY IF THEY WANT TO PARTICIPATE IN THE SELECTION OF OUR GENERAL ELECTION CANDIDATES. IN FACT, COLORADO IS IN THE MINORITY OF STATES THAT LIMIT PARTICIPATION IN PRIMARY ELECTIONS TO ONLY THOSE AFFILIATED WITH A MAJOR POLITICAL PARTY.

BECAUSE PRIMARY ELECTION TURNOUT IS DECLINING, INVOLVING MORE VOTERS CAN INCREASE PARTICIPATION AND ENCOURAGE CANDIDATES WHO ARE RESPONSIVE TO THE VIEWPOINTS OF MORE COLORADANS.

ACCORDINGLY, ALL VOTERS SHOULD BE ALLOWED TO PARTICIPATE IN SELECTING THE PRIMARY CANDIDATES FOR PRESIDENT, AND BE ALLOWED TO VOTE IN STATE AND LOCAL PRIMARY ELECTIONS WITH THE SAME EASE AS THOSE AFFILIATED WITH A MAJOR POLITICAL PARTY.

SECTION 2. In Colorado Revised Statutes, 1-2-218.5, **amend** (2) as follows:

1-2-218.5. Declaration of affiliation. (2) Any eligible elector who has not declared an affiliation with a political party or political organization shall be designated on the registration records of the county clerk and recorder as "unaffiliated". Any unaffiliated eligible elector may, BUT IS NOT REQUIRED TO, declare a political party affiliation when the elector desires to vote at a primary election, as provided in section 1-7-201(2), or the elector may declare his or her political party or political organization affiliation at any other time during which electors are permitted to register by submitting a letter or a form furnished by the county clerk and recorder, ~~either~~ by mail, ~~or~~ in person, OR ONLINE IN ACCORDANCE WITH SECTION 1-2-202.5.

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

1-4-101. Primary elections - when - nominations - expenses. (2) Each political party that is entitled to participate in the primary election shall have a separate party ballot FOR USE BY ELECTORS AFFILIATED WITH THAT POLITICAL PARTY. IN ADDITION, ALL POLITICAL PARTIES THAT ARE ENTITLED TO PARTICIPATE IN THE PRIMARY ELECTION SHALL HAVE THEIR CANDIDATES PLACED ON A SINGLE COMBINED BALLOT TO BE USED BY UNAFFILIATED ELECTORS THAT CONTAINS THE NAMES OF THE CANDIDATES OF EACH OF THE POLITICAL PARTIES AND THAT ARE CLEARLY AND CONSPICUOUSLY SEGREGATED FROM THE NAMES OF THE CANDIDATES OF ANY OTHER POLITICAL PARTY. ALL CANDIDATES OF A POLITICAL PARTY SHALL BE GROUPED TOGETHER AND SEPARATED BY THE OFFICE EACH CANDIDATE IS SEEKING. SUCH BALLOTS SHALL CLEARLY ADVISE THAT AN ELECTOR MAY CAST THE BALLOT OF ONLY ONE MAJOR POLITICAL PARTY AND THAT ANY BALLOT IN WHICH VOTES HAVE BEEN CAST IN THE PRIMARY OF MORE THAN ONE PARTY SHALL BE VOID AND NOT COUNTED. HOWEVER, AN ELECTOR IS NOT REQUIRED TO VOTE IN THE SAME PARTY PRIMARY AS THE ELECTOR VOTED IN AS PART OF A PRESIDENTIAL PRIMARY ELECTION OCCURRING IN THAT SAME YEAR.

(a) IF IT IS NOT PRACTICABLE FOR A COUNTY TO USE A SINGLE COMBINED BALLOT THAT CONTAINS THE NAMES OF THE CANDIDATES OF EACH OF THE POLITICAL PARTIES, THE COUNTY CLERK AND RECORDER SHALL SEND TO ALL ACTIVE ELECTORS IN THE COUNTY WHO HAVE NOT DECLARED AN AFFILIATION WITH A POLITICAL PARTY A MAILING THAT CONTAINS THE BALLOTS OF ALL OF THE MAJOR POLITICAL PARTIES. IN THIS MAILING, THE CLERK SHALL ALSO PROVIDE WRITTEN INSTRUCTIONS ADVISING THE ELECTOR OF THE MANNER IN WHICH THE ELECTOR WILL BE IN COMPLIANCE WITH THE REQUIREMENTS OF THIS CODE IN SELECTING AND CASTING THE BALLOT OF A MAJOR POLITICAL PARTY. AN ELECTOR MAY CAST THE BALLOT OF ONLY ONE MAJOR POLITICAL PARTY. AFTER SELECTING AND CASTING A BALLOT OF A SINGLE MAJOR POLITICAL PARTY, THE ELECTOR SHALL RETURN THE BALLOT TO THE CLERK. IF AN ELECTOR CASTS AND RETURNS TO THE CLERK THE BALLOT OF MORE THAN ONE MAJOR POLITICAL PARTY, ALL SUCH BALLOTS RETURNED WILL BE VOID AND WILL NOT BE COUNTED.

(b) THE SECRETARY OF STATE MAY BY RULE ADOPT ADDITIONAL BALLOT REQUIREMENTS NECESSARY TO AVOID VOTER CONFUSION IN VOTING IN PRIMARY ELECTIONS.

(c) The primary election of all political parties shall be held at the same time and shall be conducted by the same election officials.

SECTION 4. In Colorado Revised Statutes, 1-4-502, **amend** (1) as follows:

1-4-502. Methods of nomination for partisan candidates. (1) Except as otherwise provided in paragraphs (b) and (c) of subsection (3) of this section, nominations for United States senator, representative in congress, governor, lieutenant governor, secretary of state, state treasurer, attorney general, member of the state board of

education, regent of the university of Colorado, member of the general assembly, district attorney, and all county officers to be elected at the general election may be made by primary election UNDER SECTION 1-4-101 OR BY ASSEMBLY OR CONVENTION UNDER SECTION 1-4-702 by major political parties, by petition for nomination as provided in section 1-4-802, or by a minor political party as provided in section 1-4-1304.

SECTION 5. In Colorado Revised Statutes, **add** 1-4-702 as follows:

1-4-702. Nominations of candidates for general election by convention. (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A POLITICAL PARTY MAY CHOOSE TO CHANGE FROM THE NOMINATION OF CANDIDATES BY PRIMARY ELECTION TO THE NOMINATION OF CANDIDATES BY ASSEMBLY OR CONVENTION FOR ALL OFFICES INCLUDING, BUT NOT LIMITED TO, UNITED STATES SENATOR, REPRESENTATIVE IN CONGRESS, ALL ELECTIVE STATE, DISTRICT, AND COUNTY OFFICERS, AND MEMBERS OF THE GENERAL ASSEMBLY IF AT LEAST THREE-FOURTHS OF THE TOTAL MEMBERSHIP OF THE PARTY'S CENTRAL COMMITTEE VOTES TO USE THE ASSEMBLY OR CONVENTION NOMINATION PROCESS; EXCEPT THAT NOMINATIONS BY MAJOR POLITICAL PARTIES FOR CANDIDATES FOR LIEUTENANT GOVERNOR SHALL BE MADE BY THE PARTY'S CANDIDATE FOR GOVERNOR PURSUANT TO SECTION 1-4-502 (3). SUCH VOTE OF THE PARTY CENTRAL COMMITTEE SHALL OCCUR NO LATER THAN OCTOBER 1 OF THE YEAR PRECEDING THE YEAR IN WHICH AN ASSEMBLY OR CONVENTION NOMINATING PROCESS IS TO BE USED.

(2) A POLITICAL PARTY NOMINATING CANDIDATES BY PARTY ASSEMBLY OR CONVENTION SHALL NOMINATE THE CANDIDATES OF THE PARTY AND MAKE SUCH NOMINATIONS PUBLIC NOT LATER THAN SEVENTY-FIVE DAYS BEFORE THE GENERAL ELECTION.

(3) WHICHEVER METHOD OF CANDIDATE SELECTION IS CHOSEN BY A MAJOR POLITICAL PARTY AS BETWEEN PRIMARY ELECTION, ASSEMBLY OR CONVENTION, ALL OF THE CANDIDATES FOR THAT PARTY AT ANY LEVEL OF OFFICE IN THAT ELECTION YEAR MUST BE SELECTED BY SUCH METHOD, EXCEPT THAT THE REQUIREMENTS OF THIS PROVISION SHALL NOT APPLY TO A PRIMARY FOR PRESIDENT OF THE UNITED STATES.

SECTION 6. In Colorado Revised Statutes, 1-4-1002, **amend** (2.3)(a) as follows:

1-4-1002. Vacancies in designation or nomination. (2.3)(a) A vacancy in a party nomination, other than a vacancy for a party nomination for lieutenant governor for a general election occurring after January 1, 2001, that occurs after the day of the primary election or AFTER NOMINATION BY ASSEMBLY OR CONVENTION UNDER SECTION 1-4-702 and more than eighteen days before the general election may be filled by the respective party assembly vacancy committee of the district, county, or state, as appropriate, depending upon the office for which the vacancy in nomination has occurred in accordance with the provisions of subsection (9) of this section. A vacancy in a party nomination for lieutenant governor for a general election occurring after January 1, 2001,

shall be filled by a replacement candidate for lieutenant governor nominated by the party's candidate for governor. A vacancy may be caused by the declination, death, disqualification, resignation, or withdrawal of the person nominated at the primary election or by the declination, death, disqualification, resignation, or withdrawal of an elective officer after a primary election at which a nomination could have been made for the office had the vacancy then existed. No person is eligible for appointment to fill a vacancy in the party nomination unless the person meets all of the requirements of candidacy as of the date of the primary election. When a vacancy is filled pursuant to this paragraph (a), the designated election official shall provide notice by publication of the replacement nomination in the same manner as the notice required by section 1-5-205.

SECTION 7. In Colorado Revised Statutes, 1-4-1304, **amend** (1.5)(c) as follows:

1-4-1304. Nomination of candidates. (1.5) (c) If an assembly designates more than one candidate for an office, or if an assembly designates one or more candidates and one or more candidates qualifies by petition, the candidate of the minor political party for that office shall be nominated at a primary election held in accordance with this code. A MINOR POLITICAL PARTY MAY PROHIBIT UNAFFILIATED ELECTORS FROM VOTING IN THE PARTY'S PRIMARY ELECTION SO LONG AS THE PROHIBITION IS IN ACCORDANCE WITH THE PARTY'S CONSTITUTION, BYLAWS, OR OTHER APPLICABLE RULES. ANY MINOR PARTY CHOOSING TO PROHIBIT UNAFFILIATED ELECTORS FROM VOTING IN ITS PRIMARY ELECTION MUST NOTIFY THE SECRETARY OF STATE OF THE PROHIBITION NOT LESS THAN SEVENTY-FIVE DAYS PRIOR TO THE PRIMARY ELECTION.

SECTION 8. In Colorado Revised Statutes, **add** 1.5.402(2) as follows:

1-5-402. Primary election ballots. (2) NO LATER THAN FORTY-FIVE DAYS BEFORE THE PRIMARY ELECTION, THE COUNTY CLERK AND RECORDER SHALL PREPARE A COMBINED PRIMARY ELECTION BALLOT TO BE USED BY UNAFFILIATED ELECTORS. THE BALLOT MUST BE PRINTED IN THE FOLLOWING MANNER:

(a) ALL OFFICIAL BALLOTS MUST BE PRINTED ACCORDING TO THE PROVISIONS OF SECTIONS 1-4-101, 1-5-407, AND 1-5-408. ACROSS THE TOP OF EACH BALLOT THE WORDS "PRIMARY ELECTION BALLOT FOR UNAFFILIATED VOTERS" SHALL BE PRINTED.

(b) THE POSITIONS OF CANDIDATES ON THE BALLOTS TO BE USED BY UNAFFILIATED ELECTORS MUST BE ARRANGED IN THE ORDER SPECIFIED IN PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION; EXCEPT THAT THE CANDIDATES OF EACH POLITICAL PARTY MUST BE CLEARLY AND CONSPICUOUSLY SEGREGATED FROM THE CANDIDATES OF ANY OTHER POLITICAL PARTY AND GROUPED TOGETHER ACCORDING TO SECTION 1-4-101(2).

SECTION 9. In Colorado Revised Statutes, 1-7-201, **amend**(2); and **add** (2.3) as follows:

1-7-201. Voting at primary election. (2) If the name is found on the registration list, the election judge having charge of the list shall likewise repeat the elector's name and present the elector with the party ballot of the political party affiliation last recorded. ~~If unaffiliated, the eligible elector shall openly declare to the election judges the name of the political party with which the elector wishes to affiliate, complete the approved form for voter registration information changes, and initial the registration list in the space provided. Declaration of affiliation with a political party shall be separately dated and signed or dated and initialed by the eligible elector in such manner that the elector clearly acknowledges that the affiliation has been properly recorded. Thereupon, the election judges shall deliver the appropriate party ballot to the eligible elector. Eligible electors who decline to state an affiliation with a political party that is participating in the primary shall not be entitled to vote at the primary election.~~

(2.3) AN ELIGIBLE UNAFFILIATED ELECTOR IS ENTITLED TO VOTE IN THE PRIMARY ELECTION OF A MAJOR POLITICAL PARTY WITHOUT AFFILIATING WITH THAT POLITICAL PARTY. TO VOTE IN A POLITICAL PARTY'S PRIMARY ELECTION WITHOUT DECLARING AN AFFILIATION WITH THE POLITICAL PARTY, ANY ELIGIBLE UNAFFILIATED ELECTOR SHALL BE GIVEN A COMBINED BALLOT, IF APPLICABLE. IF A COMBINED BALLOT IS NOT AVAILABLE, THE ELECTOR SHALL DECLARE TO THE ELECTION JUDGES THE NAME OF THE POLITICAL PARTY IN WHOSE PRIMARY ELECTION THE ELECTOR WISHES TO VOTE. THEREUPON, THE ELECTION JUDGES SHALL DELIVER THE APPROPRIATE PARTY BALLOT TO THE ELECTOR. IN ADDITION, ANY ELIGIBLE UNAFFILIATED ELECTOR MAY OPENLY DECLARE TO THE ELECTION JUDGES THE NAME OF THE POLITICAL PARTY WITH WHICH THE ELECTOR WISHES TO AFFILIATE AND COMPLETE THE NECESSARY FORMS. AN ELIGIBLE ELECTOR MUST SEPARATELY DATE AND SIGN OR DATE AND INITIAL A DECLARATION OF AFFILIATION WITH A POLITICAL PARTY FORM IN SUCH MANNER THAT THE ELECTOR CLEARLY ACKNOWLEDGES THAT THE AFFILIATION HAS BEEN PROPERLY RECORDED. THEREUPON, THE ELECTION JUDGES SHALL DELIVER THE APPROPRIATE PARTY BALLOT TO THE ELIGIBLE ELECTOR.

SECTION 10. In Colorado Revised Statutes, 1-7.5-107, **delete** (2.3); and **amend** (2.5)(a)(II) as follows:

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

~~(2.3) (a) Not less than thirty days nor more than forty five days before a primary election, the county clerk and recorder shall mail a notice by forwardable mail to each unaffiliated active registered eligible elector.~~

~~(b) The notice shall indicate that the unaffiliated elector has the ability to and must affiliate with a political party in order to vote in the primary election.~~

~~(c) The notice shall have a returnable portion that allows the elector to request affiliation with a political party.~~

~~(d) The notice may be included with any other communication by mail from the county clerk and recorder to electors within the county.~~

(2.5) (a) (II) For a primary mail ballot election, in addition to the items described in the notice required by subparagraph (I) of this paragraph (a), such notice shall advise eligible electors who are not affiliated with a political party of the ability to ~~declare an affiliation with a political party and vote in the primary election~~ VOTE IN THE PRIMARY ELECTION OF ANY POLITICAL PARTY. THE NOTICE MUST CLEARLY AND CONSPICUOUSLY ADVISE ELECTORS THAT ANY PRIMARY BALLOT CONTAINING VOTES FOR A CANDIDATE OF MORE THAN ONE POLITICAL PARTY SHALL NOT BE COUNTED.

SECTION 11. In Colorado Revised Statutes, 1-7.5-116, **amend** (1)(b) as follows:

1-7.5-116. Applications for absentee ballot. (1) (b) If the application is made for a primary election ballot, the application shall name the political party with which the applicant is affiliated ~~or wishes to affiliate~~, OR, IF THE APPLICANT IS UNAFFILIATED, THE APPLICATION MUST EITHER NAME THE POLITICAL PARTY WITH WHICH THE APPLICANT WISHES TO AFFILIATE OR MUST STATE THAT THE APPLICANT WISHES TO REMAIN UNAFFILIATED AND RECEIVE AN UNAFFILIATED PRIMARY ELECTION BALLOT, OR IF SUCH COMBINED BALLOT IS NOT AVAILABLE, THE BALLOTS FOR EACH PARTY PRIMARY ALONG WITH NOTICE THAT THE ELECTOR SHALL VOTE IN ONLY ONE PRIMARY.

SECTION 12. In Colorado Revised Statutes, 1-8.5-101, **amend** (5) as follows:

1-8.5-101. Provisional ballot - entitlement to vote. (5) ANY UNAFFILIATED ELECTOR AT A PRIMARY ELECTION MAY CAST A REGULAR PARTY BALLOT UPON REQUESTING SUCH BALLOT FROM AN ELECTION JUDGE IN ACCORDANCE WITH SECTION 1-7-201 (2.3). Any unaffiliated elector at a primary election may ALSO cast a regular party ballot upon openly declaring to the election judge the name of the political party with which the elector wishes to affiliate pursuant to section 1-2-218.5 or 1-7-201. NOTHING IN THIS SECTION REQUIRES A MINOR POLITICAL PARTY TO ALLOW AN UNAFFILIATED ELECTOR TO VOTE IN THE PRIMARY ELECTION OF SUCH POLITICAL PARTY.

SECTION 13. In Colorado Revised Statutes, **recreate and reenact, with amendments**, part 12 to article 4 of title 1 as follows:

1-4-1201. Legislative declaration. IN RECREATING AND REENACTING THIS PART 12, IT IS THE INTENT OF THE PEOPLE OF THE STATE OF COLORADO THAT THE PROVISIONS OF THIS PART 12 CONFORM TO THE REQUIREMENTS OF FEDERAL LAW AND NATIONAL POLITICAL PARTY RULES GOVERNING PRESIDENTIAL PRIMARY ELECTIONS.

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

(1) "POLITICAL PARTY" MEANS A MAJOR POLITICAL PARTY AS DEFINED IN SECTION 1-1-104 (22).

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

1-4-1203. Presidential primary elections - when - conduct. (1) A PRESIDENTIAL PRIMARY ELECTION MUST BE HELD 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. THE GOVERNOR SHALL DESIGNATE THE DATE OF THE PRESIDENTIAL PRIMARY ELECTION NO LATER THAN THE FIRST DAY OF SEPTEMBER IN THE YEAR BEFORE THE PRESIDENTIAL PRIMARY ELECTION WILL BE HELD.

(2) EXCEPT AS PROVIDED FOR IN SUBSECTION (5) OF THIS SECTION, EACH MAJOR POLITICAL PARTY THAT HAS A QUALIFIED CANDIDATE ENTITLED TO PARTICIPATE IN THE PRESIDENTIAL PRIMARY ELECTION PURSUANT TO THIS SECTION IS ENTITLED TO PARTICIPATE IN THE PRIMARY ELECTION. AT THE PRESIDENTIAL PRIMARY ELECTION, AN ELECTOR THAT IS AFFILIATED WITH A POLITICAL PARTY MAY VOTE ONLY FOR A CANDIDATE OF THAT POLITICAL PARTY.

(a) AN UNAFFILIATED ELIGIBLE ELECTOR MAY DECLARE AN AFFILIATION WITH A POLITICAL PARTY TO THE ELECTION JUDGES AT THE PRESIDENTIAL PRIMARY ELECTION IN ACCORDANCE WITH SECTION 1-7-201. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO ELECTOR AFFILIATED WITH A MAJOR OR MINOR POLITICAL PARTY OR POLITICAL ORGANIZATION MAY CHANGE OR WITHDRAW HIS OR HER AFFILIATION IN ORDER TO VOTE IN THE PRESIDENTIAL PRIMARY ELECTION OF ANOTHER POLITICAL PARTY UNLESS THE ELECTOR HAS CHANGED OR WITHDRAWN SUCH AFFILIATION NO LATER THAN THE TWENTY-NINTH DAY PRECEDING THE PRESIDENTIAL PRIMARY ELECTION AS PROVIDED IN SECTION 1-2-219 (1).

(b) AN UNAFFILIATED ELIGIBLE ELECTOR MAY VOTE IN A POLITICAL PARTY'S PRESIDENTIAL PRIMARY ELECTION WITHOUT AFFILIATING WITH THAT PARTY TO THE EXTENT PERMITTED BY LAW.

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

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

(5) THE STATE SHALL REIMBURSE THE COUNTIES FOR ALL EXPENSES INCURRED AND SHOWN TO BE DIRECTLY ATTRIBUTABLE TO THE PREPARATION AND CONDUCT OF THE PRESIDENTIAL PRIMARY ELECTION IN THE SAME MANNER AS THE STATE REIMBURSES COUNTIES FOR STATE BALLOT ISSUES IN SECTION 1-5-505.5; EXCEPT THAT THE REIMBURSEMENT MUST BE BASED ON THE NUMBER OF ACTIVE REGISTERED ELECTORS PARTICIPATING IN THE PRESIDENTIAL PRIMARY ELECTION AS OF THE DAY OF THE PRESIDENTIAL PRIMARY ELECTION. THE GENERAL ASSEMBLY SHALL MAKE APPROPRIATIONS TO THE DEPARTMENT OF STATE FROM THE DEPARTMENT OF STATE CASH FUND OR FROM THE GENERAL FUND FOR THE PURPOSE OF REIMBURSING COUNTIES UNDER THE TERMS OF THIS SECTION IN CONFORMITY WITH SECTION 24-21-104.5.

1-4-1204. Names on ballots. (1) NOT LATER THAN SIXTY DAYS BEFORE THE PRESIDENTIAL PRIMARY ELECTION, THE SECRETARY OF STATE SHALL CERTIFY THE NAMES AND PARTY AFFILIATIONS OF THE CANDIDATES TO BE PLACED ON THE PRESIDENTIAL PRIMARY ELECTION BALLOT. THE ONLY CANDIDATES WHOSE NAMES SHALL BE PLACED ON BALLOTS FOR THE ELECTION SHALL BE THOSE CANDIDATES WHO:

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

(b) ARE SEEKING THE NOMINATION FOR PRESIDENT OF A POLITICAL PARTY AS A BONA FIDE CANDIDATE FOR PRESIDENT OF THE UNITED STATES PURSUANT TO POLITICAL PARTY RULES AND ARE AFFILIATED WITH A MAJOR POLITICAL PARTY THAT RECEIVED AT LEAST

TWENTY PERCENT OF THE VOTES CAST BY ELIGIBLE ELECTORS IN COLORADO AT THE LAST PRESIDENTIAL ELECTION; AND

(c) HAVE SUBMITTED TO THE SECRETARY, BY THE SECOND DAY OF JANUARY IN THE YEAR OF THE PRESIDENTIAL PRIMARY ELECTION, A NOTARIZED CANDIDATE'S STATEMENT OF INTENT TOGETHER WITH EITHER A NONREFUNDABLE FILING FEE OF FIVE HUNDRED DOLLARS OR A PETITION SIGNED BY AT LEAST FIVE THOUSAND ELIGIBLE ELECTORS OF THE CANDIDATE'S POLITICAL PARTY WHO RESIDE IN THE STATE. CANDIDATE PETITIONS MUST MEET THE REQUIREMENTS OF PARTS 8 AND 9 OF THIS ARTICLE, AS APPLICABLE.

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

(3) EXCEPT AS OTHERWISE PROHIBITED BY POLITICAL PARTY RULES, THE STATE CHAIRPERSON OF A POLITICAL PARTY MAY REQUEST THE SECRETARY TO PROVIDE A PLACE ON THE PRIMARY 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. TO BE VALID, THIS REQUEST MUST BE RECEIVED BY THE SECRETARY OF STATE NO LATER THAN SEVENTY DAYS BEFORE THE PRESIDENTIAL PRIMARY ELECTION.

(4) ANY CHALLENGE TO THE LISTING OF ANY CANDIDATE ON THE PRESIDENTIAL PRIMARY ELECTION BALLOT MUST BE MADE IN WRITING AND FILED WITH THE SECRETARY NO LATER THAN FIVE DAYS AFTER THE FILING DEADLINE FOR CANDIDATES. ANY SUCH CHALLENGE MUST PROVIDE NOTICE IN WRITING IN A SUMMARY MANNER OF AN ALLEGED IMPROPRIETY THAT GIVES RISE TO THE COMPLAINT. THE SECRETARY SHALL ADDRESS BY RULE OTHER REQUIREMENTS OF A VALID CHALLENGE. IN RESPONSE TO A VALID CHALLENGE BROUGHT UNDER THIS SUBSECTION (4), THE SECRETARY SHALL TRANSMIT NOTICE OF THE CHALLENGE FORTHWITH TO ALL CANDIDATES APPEARING ON THE PRESIDENTIAL PRIMARY BALLOT AND TO THE STATE CHAIRPERSON OF EACH MAJOR POLITICAL PARTY. NO LATER THAN FIVE DAYS AFTER THE CHALLENGE IS FILED, A HEARING MUST BE HELD AT WHICH TIME THE SECRETARY SHALL HEAR THE CHALLENGE AND ASSESS THE VALIDITY OF ALL ALLEGED IMPROPRIETIES. THE SECRETARY SHALL ISSUE FINDINGS OF FACT AND CONCLUSIONS OF LAW NO LATER THAN FORTY-EIGHT HOURS AFTER THE HEARING. THE PARTY FILING THE CHALLENGE HAS THE BURDEN TO SUSTAIN THE CHALLENGE BY A PREPONDERANCE OF THE EVIDENCE. THE SECRETARY OF STATE'S DECISIONS UPON MATTERS OF SUBSTANCE ARE OPEN TO REVIEW, IF PROMPT APPLICATION IS MADE, AS PROVIDED IN SECTION 1-1-113.

1-4-1205. Write-in candidate affidavit for presidential primary. A WRITE-IN VOTE FOR ANY CANDIDATE ON THE PRESIDENTIAL PRIMARY BALLOT SHALL NOT BE COUNTED UNLESS THE CANDIDATE FOR WHOM THE WRITE-IN VOTE WAS CAST HAS FILED A

NOTARIZED CANDIDATE'S STATEMENT OF INTENT TO SEEK THE OFFICE OF PRESIDENT OF THE UNITED STATES. ANY SUCH AFFIDAVIT MUST BE ACCOMPANIED BY A NONREFUNDABLE FEE OF ONE THOUSAND DOLLARS AND MUST BE FILED WITH THE SECRETARY OF STATE NO LATER THAN THE CLOSE OF BUSINESS ON THE SIXTY-SEVENTH DAY BEFORE THE PRESIDENTIAL PRIMARY ELECTION.

1-4-1206. Presidential primary ballots - survey of returns. EACH COUNTY CLERK AND RECORDER SHALL SURVEY ALL RETURNS RECEIVED FROM THE PRESIDENTIAL PRIMARY ELECTION IN ALL COUNTY PRECINCTS, AS PROVIDED IN THIS TITLE, AND SHALL CERTIFY THE RESULTS OF THE PRESIDENTIAL PRIMARY ELECTION TO THE SECRETARY NO LATER THAN THIRTEEN DAYS AFTER THE ELECTION.

1-4-1207. Election results—certification—pledging of delegates. (1) THE SECRETARY SHALL COMPILE THE NUMBER OF VOTES CAST FOR EACH CANDIDATE NAMED ON THE PRESIDENTIAL PRIMARY ELECTION BALLOT AND THE VOTES CAST TO SEND A NONCOMMITTED DELEGATE TO THE POLITICAL PARTY'S NATIONAL CONVENTION, IF APPLICABLE, AND SHALL CALCULATE THE PERCENTAGE OF VOTES RECEIVED BY EACH CANDIDATE AS COMPARED TO THE NUMBER OF VOTES RECEIVED BY ALL CANDIDATES OF THE SAME POLITICAL PARTY.

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

(3) EACH POLITICAL PARTY SHALL USE THE RESULTS OF THE ELECTION RESULTS TO ALLOCATE ALL NATIONAL DELEGATE VOTES TO THE PRESIDENTIAL PRIMARY CANDIDATE RECEIVING THE HIGHEST NUMBER OF VOTES AND TO BIND MEMBERS OF THE STATE'S DELEGATION TO VOTE FOR THAT CANDIDATE AT THE PARTY'S NATIONAL CONVENTION.

SECTION 14. In Colorado Revised Statutes, 24-21-104.5, **amend** as follows:

24-21-104.5. General fund appropriation - cash fund appropriation - elections. The general assembly is authorized to appropriate moneys from the department of state cash fund to the department of state to cover the costs of the local county clerk and recorders relating to the conduct of PRESIDENTIAL PRIMARY ELECTIONS, general elections, and November odd-year elections. If the amount of moneys in the department of state cash fund is insufficient to cover such costs, the general assembly may appropriate additional general fund moneys to cover such costs after exhausting all moneys in the department of state cash fund. The intent of the general assembly is to authorize the appropriation of department of state cash fund moneys and general fund moneys to the department of state to offset some of the costs of local county clerk and

recorders associated with the additional election duties and requirements resulting FROM THE PREPARATION AND CONDUCT OF PRESIDENTIAL PRIMARY ELECTIONS AND from the passage of section 20 of article X of the state constitution and from the increased number of initiatives that are10 being filed.

SECTION 15. In Colorado Revised Statutes, 1-3-102, **amend** (1)(a)(III) as follows:

1-3-102. Precinct caucuses. (1) (a) (III) In a year in which a presidential election will be held, a political party may, by decision of its state central committee, hold its precinct caucuses on the first ~~Tuesday in February~~ SATURDAY FOLLOWING THE PRESIDENTIAL PRIMARY ELECTION. The committee shall notify the secretary of state and the clerk and recorder of each county in the state of the decision within five days after the decision.

SECTION 16. In Colorado Revised Statutes, 1-4-801, **add** (6) as follows:

1-4-801. Designation of party candidates by petition. (6) A CANDIDATE FOR A PRESIDENTIAL PRIMARY ELECTION SHALL NOT BEGIN CIRCULATING PETITIONS BEFORE THE FIRST MONDAY IN NOVEMBER OF THE YEAR PRECEDING THE YEAR IN WHICH THE PRESIDENTIAL PRIMARY ELECTION IS HELD. A CANDIDATE MUST FILE A PETITION NO LATER THAN THE SECOND DAY OF JANUARY IN THE YEAR OF THE PRESIDENTIAL PRIMARY ELECTION.

SECTION 17. Effective date - applicability. This measure shall apply to any primary election conducted after the effective date of this measure as declared by proclamation of the governor.

PRIMARY ELECTIONS

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

Colorado Secretary of State

SECTION 1. Declaration of the People of Colorado

BECAUSE PRIMARY ELECTIONS ARE PAID FOR BY TAXPAYERS, ALL ELIGIBLE VOTERS WHO WANT THEIR VOICES TO BE HEARD SHOULD BE ABLE TO VOTE IN THOSE ELECTIONS.

CURRENTLY, THE 35% OF COLORADO VOTERS WHO ARE INDEPENDENT OF A POLITICAL PARTY MUST JOIN A PARTY IF THEY WANT TO PARTICIPATE IN THE SELECTION OF OUR GENERAL ELECTION CANDIDATES. IN FACT, COLORADO IS IN THE MINORITY OF STATES THAT LIMIT PARTICIPATION IN PRIMARY ELECTIONS TO ONLY THOSE AFFILIATED ~~REGISTERED~~ WITH A MAJOR POLITICAL PARTY.

BECAUSE PRIMARY ELECTION TURNOUT IS DECLINING, INVOLVING MORE VOTERS CAN INCREASE PARTICIPATION AND ENCOURAGE CANDIDATES WHO ARE RESPONSIVE TO THE VIEWPOINTS OF MORE COLORADANS.

ACCORDINGLY, ALL VOTERS SHOULD BE ALLOWED TO PARTICIPATE IN SELECTING THE PRIMARY CANDIDATES FOR PRESIDENT, AND BE ALLOWED TO VOTE IN STATE AND LOCAL PRIMARY ELECTIONS WITH THE SAME EASE AS THOSE ~~REGISTERED~~ AFFILIATED WITH A MAJOR POLITICAL PARTY.

SECTION 2. In Colorado Revised Statutes, 1-2-218.5, **amend** (2) as follows:

1-2-218.5. Declaration of affiliation. (2) Any eligible elector who has not declared an affiliation with a political party or political organization shall be designated on the registration records of the county clerk and recorder as "unaffiliated". Any unaffiliated eligible elector may, BUT IS NOT REQUIRED TO, declare a political party affiliation when the elector desires to vote at a primary election, as provided in section 1-7-201(2), or the elector may declare his or her political party or political organization affiliation at any other time during which electors are permitted to register by submitting a letter or a form furnished by the county clerk and recorder, ~~either~~ by mail, ~~or~~ in person, OR ONLINE IN ACCORDANCE WITH SECTION 1-2-202.5.

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

1-4-101. Primary elections - when - nominations - expenses. (2) Each political party that is entitled to participate in the primary election shall have a separate party ballot FOR USE BY ELECTORS AFFILIATED WITH THAT POLITICAL PARTY. IN ADDITION, ALL POLITICAL PARTIES THAT ARE ENTITLED TO PARTICIPATE IN THE PRIMARY ELECTION SHALL HAVE THEIR CANDIDATES PLACED ON A SINGLE COMBINED BALLOT TO BE USED BY UNAFFILIATED ELECTORS THAT CONTAINS THE NAMES OF THE CANDIDATES OF EACH OF THE POLITICAL PARTIES AND THAT ARE CLEARLY AND CONSPICUOUSLY SEGREGATED FROM THE NAMES OF THE CANDIDATES OF ANY OTHER POLITICAL PARTY. ALL CANDIDATES OF A POLITICAL PARTY SHALL BE GROUPED TOGETHER AND SEPARATED BY THE OFFICE EACH CANDIDATE IS SEEKING. SUCH BALLOTS SHALL CLEARLY ADVISE THAT AN ELECTOR MAY CAST THE BALLOT OF ONLY ONE MAJOR POLITICAL PARTY AND THAT ANY BALLOT IN WHICH VOTES HAVE BEEN CAST IN THE PRIMARY OF MORE THAN ONE PARTY SHALL BE VOID AND NOT COUNTED. HOWEVER, AN ELECTOR IS NOT REQUIRED TO VOTE IN THE SAME PARTY PRIMARY AS THE ELECTOR VOTED IN AS PART OF A PRESIDENTIAL PRIMARY ELECTION OCCURRING IN THAT SAME YEAR.

(a) IF IT IS NOT PRACTICABLE FOR A COUNTY TO USE A SINGLE COMBINED BALLOT THAT CONTAINS THE NAMES OF THE CANDIDATES OF EACH OF THE POLITICAL PARTIES, THE COUNTY CLERK AND RECORDER SHALL SEND TO ALL ACTIVE ELECTORS IN THE COUNTY WHO HAVE NOT DECLARED AN AFFILIATION WITH A POLITICAL PARTY A MAILING THAT CONTAINS THE BALLOTS OF ALL OF THE MAJOR POLITICAL PARTIES. IN THIS MAILING, THE CLERK SHALL ALSO PROVIDE WRITTEN INSTRUCTIONS ADVISING THE ELECTOR OF THE MANNER IN WHICH THE ELECTOR WILL BE IN COMPLIANCE WITH THE REQUIREMENTS OF THIS CODE IN SELECTING AND CASTING THE BALLOT OF A MAJOR POLITICAL PARTY. AN ELECTOR MAY CAST THE BALLOT OF ONLY ONE MAJOR POLITICAL PARTY. AFTER SELECTING AND CASTING A BALLOT OF A SINGLE MAJOR POLITICAL PARTY, THE ELECTOR SHALL RETURN THE BALLOT TO THE CLERK. IF AN ELECTOR CASTS AND RETURNS TO THE CLERK THE BALLOT OF MORE THAN ONE MAJOR POLITICAL PARTY, ALL SUCH BALLOTS RETURNED WILL BE VOID AND WILL NOT BE COUNTED.

(b) THE SECRETARY OF STATE MAY BY RULE ADOPT ADDITIONAL BALLOT REQUIREMENTS NECESSARY TO AVOID VOTER CONFUSION IN VOTING IN PRIMARY ELECTIONS.

(c) The primary election of all political parties shall be held at the same time and shall be conducted by the same election officials.

SECTION 4. In Colorado Revised Statutes, 1-4-502, **amend** (1) as follows:

1-4-502. Methods of nomination for partisan candidates. (1) Except as otherwise provided in paragraphs (b) and (c) of subsection (3) of this section, nominations for United States senator, representative in congress, governor, lieutenant governor, secretary of state, state treasurer, attorney general, member of the state board of

education, regent of the university of Colorado, member of the general assembly, district attorney, and all county officers to be elected at the general election may be made by primary election UNDER SECTION 1-4-101 OR BY ASSEMBLY OR CONVENTION UNDER SECTION 1-4-702 by major political parties, by petition for nomination as provided in section 1-4-802, or by a minor political party as provided in section 1-4-1304.

SECTION 5. In Colorado Revised Statutes, add 1-4-702 as follows:

1-4-702. Nominations of candidates for general election by convention. (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A POLITICAL PARTY MAY CHOOSE TO CHANGE FROM THE NOMINATION OF CANDIDATES BY PRIMARY ELECTION TO THE NOMINATION OF CANDIDATES BY ASSEMBLY OR CONVENTION FOR ALL OFFICES INCLUDING, BUT NOT LIMITED TO, UNITED STATES SENATOR, REPRESENTATIVE IN CONGRESS, ALL ELECTIVE STATE, DISTRICT, AND COUNTY OFFICERS, AND MEMBERS OF THE GENERAL ASSEMBLY IF AT LEAST THREE-FOURTHS OF THE TOTAL MEMBERSHIP OF THE PARTY'S CENTRAL COMMITTEE VOTES TO USE THE ASSEMBLY OR CONVENTION NOMINATION PROCESS; EXCEPT THAT NOMINATIONS BY MAJOR POLITICAL PARTIES FOR CANDIDATES FOR LIEUTENANT GOVERNOR SHALL BE MADE BY THE PARTY'S CANDIDATE FOR GOVERNOR PURSUANT TO SECTION 1-4-502 (3). SUCH VOTE OF THE PARTY CENTRAL COMMITTEE SHALL OCCUR NO LATER THAN OCTOBER 1 OF THE YEAR PRECEDING THE YEAR IN WHICH AN ASSEMBLY OR CONVENTION NOMINATING PROCESS IS TO BE USED.

(2) A POLITICAL PARTY NOMINATING CANDIDATES BY PARTY ASSEMBLY OR CONVENTION SHALL NOMINATE THE CANDIDATES OF THE PARTY AND MAKE SUCH NOMINATIONS PUBLIC NOT LATER THAN SEVENTY-FIVE DAYS BEFORE THE GENERAL ELECTION.

(3) WHICHEVER METHOD OF CANDIDATE SELECTION IS CHOSEN BY A MAJOR POLITICAL PARTY AS BETWEEN PRIMARY ELECTION, ASSEMBLY OR CONVENTION, ALL OF THE CANDIDATES FOR THAT PARTY AT ANY LEVEL OF OFFICE IN THAT ELECTION YEAR MUST BE SELECTED BY SUCH METHOD, EXCEPT THAT THE REQUIREMENTS OF THIS PROVISION SHALL NOT APPLY TO A PRIMARY FOR PRESIDENT OF THE UNITED STATES.

SECTION 6. In Colorado Revised Statutes, 1-4-1002, amend (2.3)(a) to read as follows:

1-4-1002. Vacancies in designation or nomination. (2.3)(a) A vacancy in a party nomination, other than a vacancy for a party nomination for lieutenant governor for a general election occurring after January 1, 2001, that occurs after the day of the primary election or AFTER NOMINATION BY ASSEMBLY OR CONVENTION UNDER SECTION 1-4-702 and more than eighteen days before the general election may be filled by the respective party assembly vacancy committee of the district, county, or state, as appropriate, depending upon the office for which the vacancy in nomination has occurred in accordance with the provisions of subsection (9) of this section. A vacancy in a party

nomination for lieutenant governor for a general election occurring after January 1, 2001, shall be filled by a replacement candidate for lieutenant governor nominated by the party's candidate for governor. A vacancy may be caused by the declination, death, disqualification, resignation, or withdrawal of the person nominated at the primary election or by the declination, death, disqualification, resignation, or withdrawal of an elective officer after a primary election at which a nomination could have been made for the office had the vacancy then existed. No person is eligible for appointment to fill a vacancy in the party nomination unless the person meets all of the requirements of candidacy as of the date of the primary election. When a vacancy is filled pursuant to this paragraph (a), the designated election official shall provide notice by publication of the replacement nomination in the same manner as the notice required by section 1-5-205.

SECTION 7. In Colorado Revised Statutes, 1-4-1304, **amend** (1.5)(c) ~~to read as follows:~~

1-4-1304. Nomination of candidates. (1.5) (c) If an assembly designates more than one candidate for an office, or if an assembly designates one or more candidates and one or more candidates qualifies by petition, the candidate of the minor political party for that office shall be nominated at a primary election held in accordance with this code. A MINOR POLITICAL PARTY MAY PROHIBIT UNAFFILIATED ELECTORS FROM VOTING IN THE PARTY'S PRIMARY ELECTION SO LONG AS THE PROHIBITION IS IN ACCORDANCE WITH THE PARTY'S CONSTITUTION, BYLAWS, OR OTHER APPLICABLE RULES. ANY MINOR PARTY CHOOSING TO PROHIBIT UNAFFILIATED ELECTORS FROM VOTING IN ITS PRIMARY ELECTION MUST NOTIFY THE SECRETARY OF STATE OF THE PROHIBITION NOT LESS THAN SEVENTY-FIVE DAYS PRIOR TO THE PRIMARY ELECTION.

SECTION 8. In Colorado Revised Statutes, **add** 1.5.402(2) as follows:

1-5-402. Primary election ballots. (2) NO LATER THAN FORTY-FIVE DAYS BEFORE THE PRIMARY ELECTION, THE COUNTY CLERK AND RECORDER SHALL PREPARE A COMBINED PRIMARY ELECTION BALLOT TO BE USED BY UNAFFILIATED ELECTORS. THE BALLOT MUST BE PRINTED IN THE FOLLOWING MANNER:

(a) ALL OFFICIAL BALLOTS MUST BE PRINTED ACCORDING TO THE PROVISIONS OF SECTIONS 1-4-101, 1-5-407, AND 1-5-408. ACROSS THE TOP OF EACH BALLOT THE WORDS "PRIMARY ELECTION BALLOT FOR UNAFFILIATED VOTERS" SHALL BE PRINTED.

(b) THE POSITIONS OF CANDIDATES ON THE BALLOTS TO BE USED BY UNAFFILIATED ELECTORS MUST BE ARRANGED IN THE ORDER SPECIFIED IN PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION; EXCEPT THAT THE CANDIDATES OF EACH POLITICAL PARTY MUST BE CLEARLY AND CONSPICUOUSLY SEGREGATED FROM THE CANDIDATES OF ANY OTHER POLITICAL PARTY AND GROUPED TOGETHER ACCORDING TO SECTION 1-4-101(2).

SECTION 9. In Colorado Revised Statutes, ~~amend~~ 1-7-201, amend(2); and add (2.3) as follows:

1-7-201. Voting at primary election. (2) If the name is found on the registration list, the election judge having charge of the list shall likewise repeat the elector's name and present the elector with the party ballot of the political party affiliation last recorded. ~~If unaffiliated, the eligible elector shall openly declare to the election judges the name of the political party with which the elector wishes to affiliate, complete the approved form for voter registration information changes, and initial the registration list in the space provided. Declaration of affiliation with a political party shall be separately dated and signed or dated and initialed by the eligible elector in such manner that the elector clearly acknowledges that the affiliation has been properly recorded. Thereupon, the election judges shall deliver the appropriate party ballot to the eligible elector. Eligible electors who decline to state an affiliation with a political party that is participating in the primary shall not be entitled to vote at the primary election.~~

(2.3) AN ELIGIBLE UNAFFILIATED ELECTOR IS ENTITLED TO VOTE IN THE PRIMARY ELECTION OF A MAJOR POLITICAL PARTY WITHOUT AFFILIATING WITH THAT POLITICAL PARTY. TO VOTE IN A POLITICAL PARTY'S PRIMARY ELECTION WITHOUT DECLARING AN AFFILIATION WITH THE POLITICAL PARTY, ANY ELIGIBLE UNAFFILIATED ELECTOR SHALL BE GIVEN A COMBINED BALLOT, IF APPLICABLE. IF A COMBINED BALLOT IS NOT AVAILABLE, THE ELECTOR SHALL DECLARE TO THE ELECTION JUDGES THE NAME OF THE POLITICAL PARTY IN WHOSE PRIMARY ELECTION THE ELECTOR WISHES TO VOTE. THEREUPON, THE ELECTION JUDGES SHALL DELIVER THE APPROPRIATE PARTY BALLOT TO THE ELECTOR. IN ADDITION, ANY ELIGIBLE UNAFFILIATED ELECTOR MAY OPENLY DECLARE TO THE ELECTION JUDGES THE NAME OF THE POLITICAL PARTY WITH WHICH THE ELECTOR WISHES TO AFFILIATE AND COMPLETE THE NECESSARY FORMS. AN ELIGIBLE ELECTOR MUST SEPARATELY DATE AND SIGN OR DATE AND INITIAL A DECLARATION OF AFFILIATION WITH A POLITICAL PARTY FORM IN SUCH MANNER THAT THE ELECTOR CLEARLY ACKNOWLEDGES THAT THE AFFILIATION HAS BEEN PROPERLY RECORDED. THEREUPON, THE ELECTION JUDGES SHALL DELIVER THE APPROPRIATE PARTY BALLOT TO THE ELIGIBLE ELECTOR.

SECTION 10. In Colorado Revised Statutes, ~~amend~~ 1-7.5-107, delete (2.3); and amend (2.5)(a)(II) as follows:

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

~~(2.3) (a) Not less than thirty days nor more than forty five days before a primary election, the county clerk and recorder shall mail a notice by forwardable mail to each unaffiliated active registered eligible elector.~~

~~(b) The notice shall indicate that the unaffiliated elector has the ability to and must affiliate with a political party in order to vote in the primary election.~~

~~(c) The notice shall have a returnable portion that allows the elector to request affiliation with a political party.~~

~~(d) The notice may be included with any other communication by mail from the county clerk and recorder to electors within the county.~~

(2.5) (a) (II) For a primary mail ballot election, in addition to the items described in the notice required by subparagraph (I) of this paragraph (a), such notice shall advise eligible electors who are not affiliated with a political party of the ability to ~~declare an affiliation with a political party and vote in the primary election~~ VOTE IN THE PRIMARY ELECTION OF ANY POLITICAL PARTY. THE NOTICE MUST CLEARLY AND CONSPICUOUSLY ADVISE ELECTORS THAT ANY PRIMARY BALLOT CONTAINING VOTES FOR A CANDIDATE OF MORE THAN ONE POLITICAL PARTY SHALL NOT BE COUNTED.

SECTION 11. In Colorado Revised Statutes, ~~amend-1-7.5-116~~, amend (1)(b) as follows:

1-7.5-116. Applications for absentee ballot. (1) (b) If the application is made for a primary election ballot, the application shall name the political party with which the applicant is affiliated ~~or wishes to affiliate~~; OR, IF THE APPLICANT IS UNAFFILIATED, THE APPLICATION MUST EITHER NAME THE POLITICAL PARTY WITH WHICH THE APPLICANT WISHES TO AFFILIATE OR MUST STATE THAT THE APPLICANT WISHES TO REMAIN UNAFFILIATED AND RECEIVE AN UNAFFILIATED PRIMARY ELECTION BALLOT, OR IF SUCH COMBINED BALLOT IS NOT AVAILABLE, THE BALLOTS FOR EACH PARTY PRIMARY ALONG WITH NOTICE THAT THE ELECTOR SHALL VOTE IN ONLY ONE PRIMARY.

SECTION 12. In Colorado Revised Statutes, ~~amend-1-8.5-101~~, amend (5) as follows:

1-8.5-101. Provisional ballot - entitlement to vote. (5) ANY UNAFFILIATED ELECTOR AT A PRIMARY ELECTION MAY CAST A REGULAR PARTY BALLOT UPON REQUESTING SUCH BALLOT FROM AN ELECTION JUDGE IN ACCORDANCE WITH SECTION 1-7-201 (2.3). Any unaffiliated elector at a primary election may ALSO cast a regular party ballot upon openly declaring to the election judge the name of the political party with which the elector wishes to affiliate pursuant to section 1-2-218.5 or 1-7-201. NOTHING IN THIS SECTION REQUIRES A MINOR POLITICAL PARTY TO ALLOW AN UNAFFILIATED ELECTOR TO VOTE IN THE PRIMARY ELECTION OF SUCH POLITICAL PARTY.

SECTION 13. In Colorado Revised Statutes, ~~add~~ recreate and reenact, with amendments, part 12 to article 4 of title 1 as follows:

1-4-1201. Legislative declaration. IN RECREATING AND REENACTING THIS PART 12, IT IS THE INTENT OF THE PEOPLE OF THE STATE OF COLORADO THAT THE PROVISIONS OF THIS PART 12 CONFORM TO THE REQUIREMENTS OF FEDERAL LAW AND NATIONAL POLITICAL PARTY RULES GOVERNING PRESIDENTIAL PRIMARY ELECTIONS.

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

(1) "POLITICAL PARTY" MEANS A MAJOR POLITICAL PARTY AS DEFINED IN SECTION 1-1-104 (22).

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

1-4-1203. Presidential primary elections - when - conduct. (1) A PRESIDENTIAL PRIMARY ELECTION MUST BE HELD 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. THE GOVERNOR SHALL DESIGNATE THE DATE OF THE PRESIDENTIAL PRIMARY ELECTION NO LATER THAN THE FIRST DAY OF SEPTEMBER IN THE YEAR BEFORE THE PRESIDENTIAL PRIMARY ELECTION WILL BE HELD.

(2) EXCEPT AS PROVIDED FOR IN SUBSECTION (5) OF THIS SECTION, EACH MAJOR POLITICAL PARTY THAT HAS A QUALIFIED CANDIDATE ENTITLED TO PARTICIPATE IN THE PRESIDENTIAL PRIMARY ELECTION PURSUANT TO THIS SECTION IS ENTITLED TO PARTICIPATE IN THE PRIMARY ELECTION ~~AND MUST HAVE A SEPARATE PARTY BALLOT.~~ AT THE PRESIDENTIAL PRIMARY ELECTION, AN ELECTOR THAT IS ~~A~~ AFFILIATED WITH ~~REGISTERED MEMBER OF A~~ POLITICAL PARTY MAY VOTE ONLY FOR A CANDIDATE OF THAT POLITICAL PARTY.

(a) AN UNAFFILIATED ELIGIBLE ELECTOR MAY DECLARE AN AFFILIATION WITH A POLITICAL PARTY TO THE ELECTION JUDGES AT THE PRESIDENTIAL PRIMARY ELECTION IN ACCORDANCE WITH SECTION 1-7-201. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO ELECTOR AFFILIATED WITH A MAJOR OR MINOR POLITICAL PARTY OR POLITICAL

ORGANIZATION MAY CHANGE OR WITHDRAW HIS OR HER AFFILIATION IN ORDER TO VOTE IN THE PRESIDENTIAL PRIMARY ELECTION OF ANOTHER POLITICAL PARTY UNLESS THE ELECTOR HAS CHANGED OR WITHDRAWN SUCH AFFILIATION NO LATER THAN THE TWENTY-NINTH DAY PRECEDING THE PRESIDENTIAL PRIMARY ELECTION AS PROVIDED IN SECTION 1-2-219 (1). DATE FILED: March 18, 2016 5:42 PM

(b) AN UNAFFILIATED ELIGIBLE ELECTOR MAY VOTE IN A POLITICAL PARTY'S PRESIDENTIAL PRIMARY ELECTION WITHOUT AFFILIATING WITH THAT PARTY TO THE EXTENT PERMITTED BY LAW.

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

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

(5) THE STATE SHALL REIMBURSE THE COUNTIES FOR ALL EXPENSES INCURRED AND SHOWN TO BE DIRECTLY ATTRIBUTABLE TO THE PREPARATION AND CONDUCT OF THE PRESIDENTIAL PRIMARY ELECTION IN THE SAME MANNER AS THE STATE REIMBURSES COUNTIES FOR STATE BALLOT ISSUES IN SECTION 1-5-505.5; EXCEPT THAT THE REIMBURSEMENT MUST BE BASED ON THE NUMBER OF ACTIVE REGISTERED ELECTORS PARTICIPATING IN THE PRESIDENTIAL PRIMARY ELECTION AS OF THE DAY OF THE PRESIDENTIAL PRIMARY ELECTION. THE GENERAL ASSEMBLY SHALL MAKE APPROPRIATIONS TO THE DEPARTMENT OF STATE FROM THE DEPARTMENT OF STATE CASH FUND OR FROM THE GENERAL FUND FOR THE PURPOSE OF REIMBURSING COUNTIES UNDER THE TERMS OF THIS SECTION IN CONFORMITY WITH SECTION 24-21-104.5.

1-4-1204. Names on ballots. (1) NOT LATER THAN SIXTY DAYS BEFORE THE PRESIDENTIAL PRIMARY ELECTION, THE SECRETARY OF STATE SHALL CERTIFY THE NAMES AND PARTY AFFILIATIONS OF THE CANDIDATES TO BE PLACED ON THE PRESIDENTIAL PRIMARY ELECTION BALLOT. THE ONLY CANDIDATES WHOSE NAMES SHALL BE PLACED ON BALLOTS FOR THE ELECTION SHALL BE THOSE CANDIDATES WHO:

(2A) ARE ELIGIBLE TO RECEIVE PAYMENTS PURSUANT TO THE FEDERAL "PRESIDENTIAL PRIMARY MATCHING PAYMENT ACCOUNT ACT", 26 U.S.C. SEC. 9031 ET SEQ., OR ANY

SUCCESSOR SECTION OF FEDERAL LAW, AT THE TIME CANDIDATES' NAMES ARE TO BE CERTIFIED BY THE SECRETARY OF STATE PURSUANT TO THIS SUBSECTION (1);

(~~b~~b) ARE SEEKING THE NOMINATION FOR PRESIDENT OF A POLITICAL PARTY AS A ~~BONA~~EFIDE CANDIDATE FOR PRESIDENT OF THE UNITED STATES PURSUANT TO POLITICAL PARTY RULES AND ARE AFFILIATED WITH A MAJOR POLITICAL PARTY THAT RECEIVED AT LEAST TWENTY PERCENT OF THE VOTES CAST BY ELIGIBLE ELECTORS IN COLORADO AT THE LAST PRESIDENTIAL ELECTION; AND

(~~c~~c) HAVE SUBMITTED TO THE SECRETARY, BY THE SECOND DAY OF JANUARY IN THE YEAR OF THE PRESIDENTIAL PRIMARY ELECTION, A NOTARIZED CANDIDATE'S STATEMENT OF INTENT TOGETHER WITH EITHER A NONREFUNDABLE FILING FEE OF FIVE HUNDRED DOLLARS OR A PETITION SIGNED BY AT LEAST FIVE THOUSAND ELIGIBLE ELECTORS OF THE CANDIDATE'S POLITICAL PARTY WHO RESIDE IN THE STATE. CANDIDATE PETITIONS MUST MEET THE REQUIREMENTS OF PARTS 8 AND 9 OF THIS ARTICLE, AS APPLICABLE.

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

(3) EXCEPT AS OTHERWISE PROHIBITED BY POLITICAL PARTY RULES, THE STATE CHAIRPERSON OF A POLITICAL PARTY MAY REQUEST THE SECRETARY TO PROVIDE A PLACE ON THE PRIMARY 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. TO BE VALID, THIS REQUEST MUST BE RECEIVED BY THE SECRETARY OF STATE NO LATER THAN SEVENTY DAYS BEFORE THE PRESIDENTIAL PRIMARY ELECTION.

(4) ANY CHALLENGE TO THE LISTING OF ANY CANDIDATE ON THE PRESIDENTIAL PRIMARY ELECTION BALLOT MUST BE MADE IN WRITING AND FILED WITH THE SECRETARY NO LATER THAN FIVE DAYS AFTER THE FILING DEADLINE FOR CANDIDATES. ANY SUCH CHALLENGE MUST PROVIDE NOTICE IN WRITING IN A SUMMARY MANNER OF AN ALLEGED IMPROPRIETY THAT GIVES RISE TO THE COMPLAINT. THE SECRETARY SHALL ADDRESS BY RULE OTHER REQUIREMENTS OF A VALID CHALLENGE. IN RESPONSE TO A VALID CHALLENGE BROUGHT UNDER THIS SUBSECTION (~~5~~4), THE SECRETARY SHALL TRANSMIT NOTICE OF THE CHALLENGE FORTHWITH TO ALL CANDIDATES APPEARING ON THE PRESIDENTIAL PRIMARY BALLOT AND TO THE STATE CHAIRPERSON OF EACH MAJOR POLITICAL PARTY. NO LATER THAN FIVE DAYS AFTER THE CHALLENGE IS FILED, A HEARING MUST BE HELD AT WHICH TIME THE SECRETARY SHALL HEAR THE CHALLENGE AND ASSESS THE VALIDITY OF ALL ALLEGED IMPROPRIETIES. THE SECRETARY SHALL ISSUE FINDINGS OF FACT AND CONCLUSIONS OF LAW NO LATER THAN FORTY-EIGHT HOURS AFTER THE HEARING. THE PARTY FILING THE CHALLENGE HAS THE BURDEN TO SUSTAIN THE CHALLENGE BY A PREPONDERANCE OF THE EVIDENCE. THE SECRETARY OF STATE'S DECISIONS UPON

MATTERS OF SUBSTANCE ARE OPEN TO REVIEW, IF PROMPT APPLICATION IS MADE, AS PROVIDED IN SECTION 1-1-113.

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

1-4-1206. Presidential primary ballots - survey of returns. EACH COUNTY CLERK AND RECORDER SHALL SURVEY ALL RETURNS RECEIVED FROM THE PRESIDENTIAL PRIMARY ELECTION IN ALL COUNTY PRECINCTS, AS PROVIDED IN THIS TITLE, AND SHALL CERTIFY THE RESULTS OF THE PRESIDENTIAL PRIMARY ELECTION TO THE SECRETARY NO LATER THAN THIRTEEN DAYS AFTER THE ELECTION.

1-4-1207. Election results—certification—pledging of delegates. (1) THE SECRETARY SHALL COMPILE THE NUMBER OF VOTES CAST FOR EACH CANDIDATE NAMED ON THE PRESIDENTIAL PRIMARY ELECTION BALLOT AND THE VOTES CAST TO SEND A NONCOMMITTED DELEGATE TO THE POLITICAL PARTY'S NATIONAL CONVENTION, IF APPLICABLE, AND SHALL CALCULATE THE PERCENTAGE OF VOTES RECEIVED BY EACH CANDIDATE AS COMPARED TO THE NUMBER OF VOTES RECEIVED BY ALL CANDIDATES OF THE SAME POLITICAL PARTY.

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

(3) EACH POLITICAL PARTY SHALL USE THE RESULTS OF THE ELECTION RESULTS TO ALLOCATE ALL NATIONAL DELEGATE VOTES TO THE PRESIDENTIAL PRIMARY CANDIDATE RECEIVING THE HIGHEST NUMBER OF VOTES AND TO BIND MEMBERS OF THE STATE'S DELEGATION TO VOTE FOR THAT CANDIDATE AT THE PARTY'S NATIONAL CONVENTION.

SECTION 14. In Colorado Revised Statutes, ~~amend-24-21-104.5~~, amend as follows:

24-21-104.5. General fund appropriation - cash fund appropriation - elections. The general assembly is authorized to appropriate moneys from the department of state cash fund to the department of state to cover the costs of the local county clerk and recorders relating to the conduct of PRESIDENTIAL PRIMARY ELECTIONS, general

elections, and November odd-year elections. If the amount of moneys in the department of state cash fund is insufficient to cover such costs, the general assembly may appropriate additional general fund moneys to cover such costs after exhausting all moneys in the department of state cash fund. The intent of the general assembly is to authorize the appropriation of department of state cash fund moneys and general fund moneys to the department of state to offset some of the costs of local county clerk and recorders associated with the additional election duties and requirements resulting FROM THE PREPARATION AND CONDUCT OF PRESIDENTIAL PRIMARY ELECTIONS AND from the passage of section 20 of article X of the state constitution and from the increased number of initiatives that are10 being filed.

SECTION 15. In Colorado Revised Statutes, ~~amend~~ 1-3-102, amend (1)(a)(III) as follows:

1-3-102. Precinct caucuses. (1) (a) (III) In a year in which a presidential election will be held, a political party may, by decision of its state central committee, hold its precinct caucuses on the first ~~Tuesday in February~~ SATURDAY FOLLOWING THE PRESIDENTIAL PRIMARY ELECTION. The committee shall notify the secretary of state and the clerk and recorder of each county in the state of the decision within five days after the decision.

SECTION 16. In Colorado Revised Statutes, ~~add~~ 1-4-801, add (6), as follows:

1-4-801. Designation of party candidates by petition. (6) A CANDIDATE FOR A PRESIDENTIAL PRIMARY ELECTION SHALL NOT BEGIN CIRCULATING PETITIONS BEFORE THE FIRST MONDAY IN NOVEMBER OF THE YEAR PRECEDING THE YEAR IN WHICH THE PRESIDENTIAL PRIMARY ELECTION IS HELD. A CANDIDATE MUST FILE A PETITION NO LATER THAN THE SECOND DAY OF JANUARY IN THE YEAR OF THE PRESIDENTIAL PRIMARY ELECTION.

SECTION 17. Effective date - applicability. This measure shall apply to any primary election conducted after the effective date of this measure as declared by proclamation of the governor.

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FEB 19 2016 2:51 P.M.

#99 Original Draft

PRIMARY ELECTIONS

Colorado Secretary of State

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

SECTION 1. Declaration of the People of Colorado

BECAUSE PRIMARY ELECTIONS ARE PAID FOR BY TAXPAYERS, ALL ELIGIBLE VOTERS WHO WANT THEIR VOICES TO BE HEARD SHOULD BE ABLE TO VOTE IN THOSE ELECTIONS.

CURRENTLY, THE 35% OF COLORADO VOTERS WHO ARE INDEPENDENT OF A PARTY MUST JOIN A PARTY IF THEY WANT TO PARTICIPATE IN THE SELECTION OF OUR GENERAL ELECTION CANDIDATES. IN FACT, COLORADO IS IN THE MINORITY OF STATES THAT LIMIT PARTICIPATION IN PRIMARY ELECTIONS TO ONLY THOSE REGISTERED WITH A MAJOR POLITICAL PARTY.

BECAUSE PRIMARY ELECTION TURNOUT IS DECLINING, INVOLVING MORE VOTERS CAN INCREASE PARTICIPATION AND ENCOURAGE CANDIDATES WHO ARE RESPONSIVE TO THE VIEWPOINTS OF MORE COLORADANS.

ACCORDINGLY, ALL VOTERS SHOULD BE ALLOWED TO PARTICIPATE IN SELECTING THE PRIMARY CANDIDATES FOR PRESIDENT, AND BE ALLOWED TO VOTE IN STATE AND LOCAL PRIMARY ELECTIONS WITH THE SAME EASE AS THOSE REGISTERED WITH A MAJOR PARTY.

SECTION 2. In Colorado Revised Statutes, 1-2-218.5, **amend** (2) as follows:

1-2-218.5. Declaration of affiliation. (2) Any eligible elector who has not declared an affiliation with a political party or political organization shall be designated on the registration records of the county clerk and recorder as "unaffiliated". Any unaffiliated eligible elector may, BUT IS NOT REQUIRED TO, declare a political party affiliation when the elector desires to vote at a primary election, as provided in section 1-7-201(2), or the elector may declare his or her political party or political organization affiliation at any other time during which electors are permitted to register by submitting a letter or a form furnished by the county clerk and recorder, ~~either~~ by mail, ~~or~~ in person, OR ONLINE IN ACCORDANCE WITH SECTION 1-2-202.5.

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

1-4-101. Primary elections - when - nominations - expenses. (2) Each political party that is entitled to participate in the primary election shall have a separate party ballot FOR USE BY ELECTORS AFFILIATED WITH THAT POLITICAL PARTY. IN ADDITION, ALL POLITICAL PARTIES THAT ARE ENTITLED TO PARTICIPATE IN THE PRIMARY ELECTION SHALL HAVE THEIR CANDIDATES PLACED ON A SINGLE COMBINED BALLOT TO BE USED BY UNAFFILIATED ELECTORS THAT CONTAINS THE NAMES OF THE CANDIDATES OF EACH OF THE POLITICAL PARTIES AND THAT ARE CLEARLY AND CONSPICUOUSLY SEGREGATED FROM THE NAMES OF THE CANDIDATES OF ANY OTHER POLITICAL PARTY. ALL CANDIDATES OF A POLITICAL PARTY SHALL BE GROUPED TOGETHER AND SEPARATED BY THE OFFICE EACH CANDIDATE IS SEEKING. SUCH BALLOTS SHALL CLEARLY ADVISE THAT AN ELECTOR MAY CAST THE BALLOT OF ONLY ONE MAJOR POLITICAL PARTY AND THAT ANY BALLOT IN WHICH VOTES HAVE BEEN CAST IN THE PRIMARY OF MORE THAN ONE PARTY SHALL BE VOID AND NOT COUNTED. HOWEVER, AN ELECTOR IS NOT REQUIRED TO VOTE IN THE SAME PARTY PRIMARY AS THE ELECTOR VOTED IN AS PART OF A PRESIDENTIAL PRIMARY ELECTION OCCURRING IN THAT SAME YEAR.

(a) IF IT IS NOT PRACTICABLE FOR A COUNTY TO USE A SINGLE COMBINED BALLOT THAT CONTAINS THE NAMES OF THE CANDIDATES OF EACH OF THE POLITICAL PARTIES, THE COUNTY CLERK AND RECORDER SHALL SEND TO ALL ACTIVE ELECTORS IN THE COUNTY WHO HAVE NOT DECLARED AN AFFILIATION WITH A POLITICAL PARTY A MAILING THAT CONTAINS THE BALLOTS OF ALL OF THE MAJOR POLITICAL PARTIES. IN THIS MAILING, THE CLERK SHALL ALSO PROVIDE WRITTEN INSTRUCTIONS ADVISING THE ELECTOR OF THE MANNER IN WHICH THE ELECTOR WILL BE IN COMPLIANCE WITH THE REQUIREMENTS OF THIS CODE IN SELECTING AND CASTING THE BALLOT OF A MAJOR POLITICAL PARTY. AN ELECTOR MAY CAST THE BALLOT OF ONLY ONE MAJOR POLITICAL PARTY. AFTER SELECTING AND CASTING A BALLOT OF A SINGLE MAJOR POLITICAL PARTY, THE ELECTOR SHALL RETURN THE BALLOT TO THE CLERK. IF AN ELECTOR CASTS AND RETURNS TO THE CLERK THE BALLOT OF MORE THAN ONE MAJOR POLITICAL PARTY, ALL SUCH BALLOTS RETURNED WILL BE VOID AND WILL NOT BE COUNTED.

(b) THE SECRETARY MAY BY RULE ADOPT ADDITIONAL BALLOT REQUIREMENTS NECESSARY TO AVOID VOTER CONFUSION IN VOTING IN PRIMARY ELECTIONS.

(c) The primary election of all political parties shall be held at the same time and shall be conducted by the same election officials.

SECTION 4. In Colorado Revised Statutes, 1-4-502, **amend** (1) as follows:

1-4-502. Methods of nomination for partisan candidates. (1) Except as otherwise provided in paragraphs (b) and (c) of subsection (3) of this section, nominations for United States senator, representative in congress, governor, lieutenant governor, secretary of state, state treasurer, attorney general, member of the state board of

education, regent of the university of Colorado, member of the general assembly, district attorney, and all county officers to be elected at the general election may be made by primary election UNDER SECTION 1-4-101 OR BY ASSEMBLY OR CONVENTION UNDER SECTION 1-4-702 by major political parties, by petition for nomination as provided in section 1-4-802, or by a minor political party as provided in section 1-4-1304.

SECTION 5. In Colorado Revised Statutes, **add** 1-4-702 as follows:

1-4-702. Nominations of candidates for general election by convention. (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A POLITICAL PARTY MAY CHOOSE TO CHANGE FROM THE NOMINATION OF CANDIDATES BY PRIMARY ELECTION TO THE NOMINATION OF CANDIDATES BY ASSEMBLY OR CONVENTION FOR ALL OFFICES INCLUDING, BUT NOT LIMITED TO, UNITED STATES SENATOR, REPRESENTATIVE IN CONGRESS, ALL ELECTIVE STATE, DISTRICT, AND COUNTY OFFICERS, AND MEMBERS OF THE GENERAL ASSEMBLY IF AT LEAST THREE-FOURTHS OF THE TOTAL MEMBERSHIP OF THE PARTY'S CENTRAL COMMITTEE VOTES TO USE THE ASSEMBLY OR CONVENTION NOMINATION PROCESS; EXCEPT THAT NOMINATIONS BY MAJOR POLITICAL PARTIES FOR CANDIDATES FOR LIEUTENANT GOVERNOR SHALL BE MADE BY THE PARTY'S CANDIDATE FOR GOVERNOR PURSUANT TO SECTION 1-4-502 (3). SUCH VOTE OF THE PARTY CENTRAL COMMITTEE SHALL OCCUR NO LATER THAN OCTOBER 1 OF THE YEAR PRECEDING THE YEAR IN WHICH AN ASSEMBLY OR CONVENTION NOMINATING PROCESS IS TO BE USED.

(2) A POLITICAL PARTY NOMINATING CANDIDATES BY PARTY ASSEMBLY OR CONVENTION SHALL NOMINATE THE CANDIDATES OF THE PARTY AND MAKE SUCH NOMINATIONS PUBLIC NOT LATER THAN SEVENTY-FIVE DAYS BEFORE THE GENERAL ELECTION.

(3) WHICHEVER METHOD OF CANDIDATE SELECTION IS CHOSEN BY A MAJOR POLITICAL PARTY AS BETWEEN PRIMARY ELECTION, ASSEMBLY OR CONVENTION, ALL OF THE CANDIDATES FOR THAT PARTY AT ANY LEVEL OF OFFICE IN THAT ELECTION YEAR MUST BE SELECTED BY SUCH METHOD, EXCEPT THAT THE REQUIREMENTS OF THIS PROVISION SHALL NOT APPLY TO A PRIMARY FOR PRESIDENT OF THE UNITED STATES.

SECTION 6. In Colorado Revised Statutes, 1-4-1002, **amend** (2.3)(a) to read as follows:

1-4-1002. Vacancies in designation or nomination. (2.3)(a) A vacancy in a party nomination, other than a vacancy for a party nomination for lieutenant governor for a general election occurring after January 1, 2001, that occurs after the day of the primary election or AFTER NOMINATION BY ASSEMBLY OR CONVENTION UNDER SECTION 1-4-702 and more than eighteen days before the general election may be filled by the respective party assembly vacancy committee of the district, county, or state, as appropriate, depending upon the office for which the vacancy in nomination has occurred in accordance with the provisions of subsection (9) of this section. A vacancy in a party

nomination for lieutenant governor for a general election occurring after January 1, 2001, shall be filled by a replacement candidate for lieutenant governor nominated by the party's candidate for governor. A vacancy may be caused by the declination, death, disqualification, resignation, or withdrawal of the person nominated at the primary election or by the declination, death, disqualification, resignation, or withdrawal of an elective officer after a primary election at which a nomination could have been made for the office had the vacancy then existed. No person is eligible for appointment to fill a vacancy in the party nomination unless the person meets all of the requirements of candidacy as of the date of the primary election. When a vacancy is filled pursuant to this paragraph (a), the designated election official shall provide notice by publication of the replacement nomination in the same manner as the notice required by section 1-5-205.

SECTION 7. In Colorado Revised Statutes, 1-4-1304, **amend** (1.5)(c) to read as follows:

1-4-1304. Nomination of candidates. (1.5) (c) If an assembly designates more than one candidate for an office, or if an assembly designates one or more candidates and one or more candidates qualifies by petition, the candidate of the minor political party for that office shall be nominated at a primary election held in accordance with this code. A MINOR POLITICAL PARTY MAY PROHIBIT UNAFFILIATED ELECTORS FROM VOTING IN THE PARTY'S PRIMARY ELECTION SO LONG AS THE PROHIBITION IS IN ACCORDANCE WITH THE PARTY'S CONSTITUTION, BYLAWS, OR OTHER APPLICABLE RULES. ANY MINOR PARTY CHOOSING TO PROHIBIT UNAFFILIATED ELECTORS FROM VOTING IN ITS PRIMARY ELECTION MUST NOTIFY THE SECRETARY OF STATE OF THE PROHIBITION NOT LESS THAN SEVENTY-FIVE DAYS PRIOR TO THE PRIMARY ELECTION.

SECTION 8. In Colorado Revised Statutes, **add** 1.5.402(2) as follows:

1-5-402. Primary election ballots. (2) NO LATER THAN FORTY-FIVE DAYS BEFORE THE PRIMARY ELECTION, THE COUNTY CLERK AND RECORDER SHALL PREPARE A COMBINED PRIMARY ELECTION BALLOT TO BE USED BY UNAFFILIATED ELECTORS. THE BALLOT MUST BE PRINTED IN THE FOLLOWING MANNER:

(a) ALL OFFICIAL BALLOTS MUST BE PRINTED ACCORDING TO THE PROVISIONS OF SECTIONS 1-4-101, 1-5-407, AND 1-5-408. ACROSS THE TOP OF EACH BALLOT THE WORDS "PRIMARY ELECTION BALLOT FOR UNAFFILIATED VOTERS" SHALL BE PRINTED.

(b) THE POSITIONS OF CANDIDATES ON THE BALLOTS TO BE USED BY UNAFFILIATED ELECTORS MUST BE ARRANGED IN THE ORDER SPECIFIED IN PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION; EXCEPT THAT THE CANDIDATES OF EACH POLITICAL PARTY MUST BE CLEARLY AND CONSPICUOUSLY SEGREGATED FROM THE CANDIDATES OF ANY OTHER POLITICAL PARTY AND GROUPED TOGETHER ACCORDING TO SECTION 1-4-101(2).

SECTION 9. In Colorado Revised Statutes, **amend** 1-7-201 as follows:

1-7-201. Voting at primary election. (2) If the name is found on the registration list, the election judge having charge of the list shall likewise repeat the elector's name and present the elector with the party ballot of the political party affiliation last recorded. ~~If unaffiliated, the eligible elector shall openly declare to the election judges the name of the political party with which the elector wishes to affiliate, complete the approved form for voter registration information changes, and initial the registration list in the space provided. Declaration of affiliation with a political party shall be separately dated and signed or dated and initialed by the eligible elector in such manner that the elector clearly acknowledges that the affiliation has been properly recorded. Thereupon, the election judges shall deliver the appropriate party ballot to the eligible elector. Eligible electors who decline to state an affiliation with a political party that is participating in the primary shall not be entitled to vote at the primary election.~~

(2.3) AN ELIGIBLE UNAFFILIATED ELECTOR IS ENTITLED TO VOTE IN THE PRIMARY ELECTION OF A MAJOR POLITICAL PARTY WITHOUT AFFILIATING WITH THAT POLITICAL PARTY. TO VOTE IN A POLITICAL PARTY'S PRIMARY ELECTION WITHOUT DECLARING AN AFFILIATION WITH THE POLITICAL PARTY, ANY ELIGIBLE UNAFFILIATED ELECTOR SHALL BE GIVEN A COMBINED BALLOT, IF APPLICABLE. IF A COMBINED BALLOT IS NOT AVAILABLE, THE ELECTOR SHALL DECLARE TO THE ELECTION JUDGES THE NAME OF THE POLITICAL PARTY IN WHOSE PRIMARY ELECTION THE ELECTOR WISHES TO VOTE. THEREUPON, THE ELECTION JUDGES SHALL DELIVER THE APPROPRIATE PARTY BALLOT TO THE ELECTOR. IN ADDITION, ANY ELIGIBLE UNAFFILIATED ELECTOR MAY OPENLY DECLARE TO THE ELECTION JUDGES THE NAME OF THE POLITICAL PARTY WITH WHICH THE ELECTOR WISHES TO AFFILIATE AND COMPLETE THE NECESSARY FORMS. AN ELIGIBLE ELECTOR MUST SEPARATELY DATE AND SIGN OR DATE AND INITIAL A DECLARATION OF AFFILIATION WITH A POLITICAL PARTY FORM IN SUCH MANNER THAT THE ELECTOR CLEARLY ACKNOWLEDGES THAT THE AFFILIATION HAS BEEN PROPERLY RECORDED. THEREUPON, THE ELECTION JUDGES SHALL DELIVER THE APPROPRIATE PARTY BALLOT TO THE ELIGIBLE ELECTOR.

SECTION 10. In Colorado Revised Statutes, **amend** 1-7.5-107 as follows:

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

~~(2.3) (a) Not less than thirty days nor more than forty five days before a primary election, the county clerk and recorder shall mail a notice by forwardable mail to each unaffiliated active registered eligible elector.~~

~~(b) The notice shall indicate that the unaffiliated elector has the ability to and must affiliate with a political party in order to vote in the primary election.~~

~~(c) The notice shall have a returnable portion that allows the elector to request affiliation with a political party.~~

~~(d) The notice may be included with any other communication by mail from the county clerk and recorder to electors within the county.~~

(2.5) (a) (II) For a primary mail ballot election, in addition to the items described in the notice required by subparagraph (I) of this paragraph (a), such notice shall advise eligible electors who are not affiliated with a political party of the ability to ~~declare an affiliation with a political party and vote in the primary election~~ VOTE IN THE PRIMARY ELECTION OF ANY POLITICAL PARTY. THE NOTICE MUST CLEARLY AND CONSPICUOUSLY ADVISE ELECTORS THAT ANY PRIMARY BALLOT CONTAINING VOTES FOR A CANDIDATE OF MORE THAN ONE POLITICAL PARTY SHALL NOT BE COUNTED.

SECTION 11. In Colorado Revised Statutes, **amend** 1-7.5-116 as follows:

1-7.5-116. Applications for absentee ballot. (1) (b) If the application is made for a primary election ballot, the application shall name the political party with which the applicant is affiliated ~~or wishes to affiliate~~, OR, IF THE APPLICANT IS UNAFFILIATED, THE APPLICATION MUST EITHER NAME THE POLITICAL PARTY WITH WHICH THE APPLICANT WISHES TO AFFILIATE OR MUST STATE THAT THE APPLICANT WISHES TO REMAIN UNAFFILIATED AND RECEIVE AN UNAFFILIATED PRIMARY ELECTION BALLOT, OR IF SUCH COMBINED BALLOT IS NOT AVAILABLE, THE BALLOTS FOR EACH PARTY PRIMARY ALONG WITH NOTICE THAT THE ELECTOR SHALL VOTE IN ONLY ONE PRIMARY.

SECTION 12. In Colorado Revised Statutes **amend** 1-8.5-101(5) as follows:

1-8.5-101. Provisional ballot - entitlement to vote. (5) ANY UNAFFILIATED ELECTOR AT A PRIMARY ELECTION MAY CAST A REGULAR PARTY BALLOT UPON REQUESTING SUCH BALLOT FROM AN ELECTION JUDGE IN ACCORDANCE WITH SECTION 1-7-201 (2.3). Any unaffiliated elector at a primary election may ALSO cast a regular party ballot upon openly declaring to the election judge the name of the political party with which the elector wishes to affiliate pursuant to section 1-2-218.5 or 1-7-201. NOTHING IN THIS SECTION REQUIRES A MINOR POLITICAL PARTY TO ALLOW AN UNAFFILIATED ELECTOR TO VOTE IN THE PRIMARY ELECTION OF SUCH POLITICAL PARTY.

SECTION 13. In Colorado Revised Statutes, **add** part 12 to article 4 of title 1 as follows:

1-4-1201. Legislative declaration. IN RECREATING AND REENACTING THIS PART 12, IT IS THE INTENT OF THE PEOPLE OF THE STATE OF COLORADO THAT THE PROVISIONS OF THIS PART 12 CONFORM TO THE REQUIREMENTS OF FEDERAL LAW AND NATIONAL POLITICAL PARTY RULES GOVERNING PRESIDENTIAL PRIMARY ELECTIONS.

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

(1) "POLITICAL PARTY" MEANS A MAJOR POLITICAL PARTY AS DEFINED IN SECTION 1-1-104 (22).

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

1-4-1203. Presidential primary elections - when - conduct. (1) A PRESIDENTIAL PRIMARY ELECTION MUST BE HELD 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. THE GOVERNOR SHALL DESIGNATE THE DATE OF THE PRESIDENTIAL PRIMARY ELECTION NO LATER THAN THE FIRST DAY OF SEPTEMBER IN THE YEAR BEFORE THE PRESIDENTIAL PRIMARY ELECTION WILL BE HELD.

(2) EXCEPT AS PROVIDED FOR IN SUBSECTION (5) OF THIS SECTION, EACH MAJOR POLITICAL PARTY THAT HAS A QUALIFIED CANDIDATE ENTITLED TO PARTICIPATE IN THE PRESIDENTIAL PRIMARY ELECTION PURSUANT TO THIS SECTION IS ENTITLED TO PARTICIPATE IN THE PRIMARY ELECTION AND MUST HAVE A SEPARATE PARTY BALLOT. AT THE PRESIDENTIAL PRIMARY ELECTION, AN ELECTOR THAT IS A REGISTERED MEMBER OF A POLITICAL PARTY MAY VOTE ONLY FOR A CANDIDATE OF THAT POLITICAL PARTY.

(a) AN UNAFFILIATED ELIGIBLE ELECTOR MAY DECLARE AN AFFILIATION WITH A POLITICAL PARTY TO THE ELECTION JUDGES AT THE PRESIDENTIAL PRIMARY ELECTION IN ACCORDANCE WITH SECTION 1-7-201. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO ELECTOR AFFILIATED WITH A MAJOR OR MINOR POLITICAL PARTY OR POLITICAL ORGANIZATION MAY CHANGE OR WITHDRAW HIS OR HER AFFILIATION IN ORDER TO VOTE IN THE PRESIDENTIAL PRIMARY ELECTION OF ANOTHER POLITICAL PARTY UNLESS THE ELECTOR HAS CHANGED OR WITHDRAWN SUCH AFFILIATION NO LATER THAN THE TWENTY-NINTH DAY PRECEDING THE PRESIDENTIAL PRIMARY ELECTION AS PROVIDED IN SECTION 1-2-219 (1).

(b) AN UNAFFILIATED ELIGIBLE ELECTOR MAY VOTE IN A POLITICAL PARTY'S PRESIDENTIAL PRIMARY ELECTION WITHOUT AFFILIATING WITH THAT PARTY TO THE EXTENT PERMITTED BY LAW.

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

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

(5) THE STATE SHALL REIMBURSE THE COUNTIES FOR ALL EXPENSES INCURRED AND SHOWN TO BE DIRECTLY ATTRIBUTABLE TO THE PREPARATION AND CONDUCT OF THE PRESIDENTIAL PRIMARY ELECTION IN THE SAME MANNER AS THE STATE REIMBURSES COUNTIES FOR STATE BALLOT ISSUES IN SECTION 1-5-505.5; EXCEPT THAT THE REIMBURSEMENT MUST BE BASED ON THE NUMBER OF ACTIVE REGISTERED ELECTORS PARTICIPATING IN THE PRESIDENTIAL PRIMARY ELECTION AS OF THE DAY OF THE PRESIDENTIAL PRIMARY ELECTION. THE GENERAL ASSEMBLY SHALL MAKE APPROPRIATIONS TO THE DEPARTMENT OF STATE FROM THE DEPARTMENT OF STATE CASH FUND OR FROM THE GENERAL FUND FOR THE PURPOSE OF REIMBURSING COUNTIES UNDER THE TERMS OF THIS SECTION IN CONFORMITY WITH SECTION 24-21-104.5.

1-4-1204. Names on ballots. (1) NOT LATER THAN SIXTY DAYS BEFORE THE PRESIDENTIAL PRIMARY ELECTION, THE SECRETARY OF STATE SHALL CERTIFY THE NAMES AND PARTY AFFILIATIONS OF THE CANDIDATES TO BE PLACED ON THE PRESIDENTIAL PRIMARY ELECTION BALLOT. THE ONLY CANDIDATES WHOSE NAMES SHALL BE PLACED ON BALLOTS FOR THE ELECTION SHALL BE THOSE CANDIDATES WHO:

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

(B) ARE SEEKING THE NOMINATION FOR PRESIDENT OF A POLITICAL PARTY AS A BONE FIDE CANDIDATE FOR PRESIDENT OF THE UNITED STATES PURSUANT TO POLITICAL PARTY RULES AND ARE AFFILIATED WITH A MAJOR POLITICAL PARTY THAT RECEIVED AT LEAST

TWENTY PERCENT OF THE VOTES CAST BY ELIGIBLE ELECTORS IN COLORADO AT THE LAST PRESIDENTIAL ELECTION; AND

(C) HAVE SUBMITTED TO THE SECRETARY, BY THE SECOND DAY OF JANUARY IN THE YEAR OF THE PRESIDENTIAL PRIMARY ELECTION, A NOTARIZED CANDIDATE'S STATEMENT OF INTENT TOGETHER WITH EITHER A NONREFUNDABLE FILING FEE OF FIVE HUNDRED DOLLARS OR A PETITION SIGNED BY AT LEAST FIVE THOUSAND ELIGIBLE ELECTORS OF THE CANDIDATE'S POLITICAL PARTY WHO RESIDE IN THE STATE. CANDIDATE PETITIONS MUST MEET THE REQUIREMENTS OF PARTS 8 AND 9 OF THIS ARTICLE, AS APPLICABLE.

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

(3) EXCEPT AS OTHERWISE PROHIBITED BY POLITICAL PARTY RULES, THE STATE CHAIRPERSON OF A POLITICAL PARTY MAY REQUEST THE SECRETARY TO PROVIDE A PLACE ON THE PRIMARY 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. TO BE VALID, THIS REQUEST MUST BE RECEIVED BY THE SECRETARY OF STATE NO LATER THAN SEVENTY DAYS BEFORE THE PRESIDENTIAL PRIMARY ELECTION.

(4) ANY CHALLENGE TO THE LISTING OF ANY CANDIDATE ON THE PRESIDENTIAL PRIMARY ELECTION BALLOT MUST BE MADE IN WRITING AND FILED WITH THE SECRETARY NO LATER THAN FIVE DAYS AFTER THE FILING DEADLINE FOR CANDIDATES. ANY SUCH CHALLENGE MUST PROVIDE NOTICE IN WRITING IN A SUMMARY MANNER OF AN ALLEGED IMPROPRIETY THAT GIVES RISE TO THE COMPLAINT. THE SECRETARY SHALL ADDRESS BY RULE OTHER REQUIREMENTS OF A VALID CHALLENGE. IN RESPONSE TO A VALID CHALLENGE BROUGHT UNDER THIS SUBSECTION (5), THE SECRETARY SHALL TRANSMIT NOTICE OF THE CHALLENGE FORTHWITH TO ALL CANDIDATES APPEARING ON THE PRESIDENTIAL PRIMARY BALLOT AND TO THE STATE CHAIRPERSON OF EACH MAJOR POLITICAL PARTY. NO LATER THAN FIVE DAYS AFTER THE CHALLENGE IS FILED, A HEARING MUST BE HELD AT WHICH TIME THE SECRETARY SHALL HEAR THE CHALLENGE AND ASSESS THE VALIDITY OF ALL ALLEGED IMPROPRIETIES. THE SECRETARY SHALL ISSUE FINDINGS OF FACT AND CONCLUSIONS OF LAW NO LATER THAN FORTY-EIGHT HOURS AFTER THE HEARING. THE PARTY FILING THE CHALLENGE HAS THE BURDEN TO SUSTAIN THE CHALLENGE BY A PREPONDERANCE OF THE EVIDENCE. THE SECRETARY OF STATE'S DECISIONS UPON MATTERS OF SUBSTANCE ARE OPEN TO REVIEW, IF PROMPT APPLICATION IS MADE, AS PROVIDED IN SECTION 1-1-113.

1-4-1205. Write-in candidate affidavit for presidential primary. A WRITE-IN VOTE FOR ANY CANDIDATE ON THE PRESIDENTIAL PRIMARY BALLOT SHALL NOT BE COUNTED UNLESS THE CANDIDATE FOR WHOM THE WRITE-IN VOTE WAS CAST HAS FILED A

NOTARIZED CANDIDATE'S STATEMENT OF INTENT TO SEEK THE OFFICE OF PRESIDENT OF THE UNITED STATES. ANY SUCH AFFIDAVIT MUST BE ACCOMPANIED BY A NONREFUNDABLE FEE OF ONE THOUSAND DOLLARS AND MUST BE FILED WITH THE SECRETARY OF STATE NO LATER THAN THE CLOSE OF BUSINESS ON THE SIXTY-SEVENTH DAY BEFORE THE PRESIDENTIAL PRIMARY ELECTION.

1-4-1206. Presidential primary ballots - survey of returns. EACH COUNTY CLERK AND RECORDER SHALL SURVEY ALL RETURNS RECEIVED FROM THE PRESIDENTIAL PRIMARY ELECTION IN ALL COUNTY PRECINCTS, AS PROVIDED IN THIS TITLE, AND SHALL CERTIFY THE RESULTS OF THE PRESIDENTIAL PRIMARY ELECTION TO THE SECRETARY NO LATER THAN THIRTEEN DAYS AFTER THE ELECTION.

1-4-1207. Election results—certification—pledging of delegates. (1) THE SECRETARY SHALL COMPILE THE NUMBER OF VOTES CAST FOR EACH CANDIDATE NAMED ON THE PRESIDENTIAL PRIMARY ELECTION BALLOT AND THE VOTES CAST TO SEND A NONCOMMITTED DELEGATE TO THE POLITICAL PARTY'S NATIONAL CONVENTION, IF APPLICABLE, AND SHALL CALCULATE THE PERCENTAGE OF VOTES RECEIVED BY EACH CANDIDATE AS COMPARED TO THE NUMBER OF VOTES RECEIVED BY ALL CANDIDATES OF THE SAME POLITICAL PARTY.

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

(3) EACH POLITICAL PARTY SHALL USE THE RESULTS OF THE ELECTION RESULTS TO ALLOCATE ALL NATIONAL DELEGATE VOTES TO THE PRESIDENTIAL PRIMARY CANDIDATE RECEIVING THE HIGHEST NUMBER OF VOTES AND TO BIND MEMBERS OF THE STATE'S DELEGATION TO VOTE FOR THAT CANDIDATE AT THE PARTY'S NATIONAL CONVENTION.

SECTION 14. In Colorado Revised Statutes, **amend** 24-21-104.5 as follows:

24-21-104.5. General fund appropriation - cash fund appropriation - elections. The general assembly is authorized to appropriate moneys from the department of state cash fund to the department of state to cover the costs of the local county clerk and recorders relating to the conduct of PRESIDENTIAL PRIMARY ELECTIONS, general elections, and November odd-year elections. If the amount of moneys in the department of state cash fund is insufficient to cover such costs, the general assembly may appropriate additional general fund moneys to cover such costs after exhausting all moneys in the department of state cash fund. The intent of the general assembly is to authorize the appropriation of department of state cash fund moneys and general fund moneys to the department of state to offset some of the costs of local county clerk and

recorders associated with the additional election duties and requirements resulting FROM THE PREPARATION AND CONDUCT OF PRESIDENTIAL PRIMARY ELECTIONS AND from the passage of section 20 of article X of the state constitution and from the increased number of initiatives that are¹⁰ being filed.

SECTION 15. In Colorado Revised Statutes, **amend** 1-3-102, as follows:

1-3-102. Precinct caucuses. (1) (a) (III) In a year in which a presidential election will be held, a political party may, by decision of its state central committee, hold its precinct caucuses on the first ~~Tuesday in February~~ SATURDAY FOLLOWING THE PRESIDENTIAL PRIMARY ELECTION. The committee shall notify the secretary of state and the clerk and recorder of each county in the state of the decision within five days after the decision.

SECTION 16. In Colorado Revised Statutes, **add** 1-4-801(6), as follows:

1-4-801. Designation of party candidates by petition. (6) A CANDIDATE FOR A PRESIDENTIAL PRIMARY ELECTION SHALL NOT BEGIN CIRCULATING PETITIONS BEFORE THE FIRST MONDAY IN NOVEMBER OF THE YEAR PRECEDING THE YEAR IN WHICH THE PRESIDENTIAL PRIMARY ELECTION IS HELD. A CANDIDATE MUST FILE A PETITION NO LATER THAN THE SECOND DAY OF JANUARY IN THE YEAR OF THE PRESIDENTIAL PRIMARY ELECTION.

SECTION 17. Effective date - applicability. This measure shall apply to any primary election conducted after the effective date of this measure.

Ballot Title Setting Board

Proposed Initiative 2015-2016 #99¹

Hearing March 2, 2016:

Title setting denied on the basis that the measure does not constitute a single subject.

Hearing adjourned 12:25 p.m.

¹ Unofficially captioned “**Primary Elections**” by legislative staff for tracking purposes. This caption is not part of the titles set by the Board.

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S. WARD

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COLORADO TITLE SETTING BOARD

Colorado Secretary of State

IN THE MATTER OF THE TITLE AND BALLOT TITLE AND SUBMISSION
CLAUSE FOR INITIATIVE 2015-2016 #99

MOTION FOR REHEARING

On behalf of Kelly Brough and Joe Blake, registered electors of the State of Colorado and designated representatives of Proposed Ballot Initiative 2015-2016 #99 ("the Proponents"), the undersigned counsel hereby submits this Motion for Rehearing on Initiative #99, and as grounds therefore states as follows:

**THE TITLE BOARD ERRONEOUSLY CONCLUDED THAT THE
MEASURE HAS TWO DISTINCT SUBJECTS**

At its March 2, 2016 hearing, the Title Board found that it lacked jurisdiction to set a title on Initiative #99 because the measure violated the single subject requirement by including provisions that (a) allow unaffiliated voters to participate in all primary elections, and (b) reinstate a presidential primary in Colorado. However, because both of those provisions necessarily relate to the single-subject of conducting primary elections, such ruling was in error and should be reversed.

As an initial matter, it is important to note that for purposes of determining which voters are allowed to participate in a primary election - which is the subject and purpose of this measure - a presidential primary is no different than any other partisan election, whether it be an election for the U.S. Senate or County Commissioner. At the March 2nd Title Board hearing, at least one member of the Board expressed concern that including a presidential primary was a second subject because that particular election is in reality not one for a candidate, but rather for delegates to a political party's national convention, even though the candidate's name appears on the ballot. But that is a distinction without relevance to the single-subject analysis here. The critical point is that primary elections are the process where voters express their preference as to who should appear on the general election ballot, and this measure seeks only to allow unaffiliated voters to participate in that process and to include a presidential primary among the laundry list of elections covered by that change.

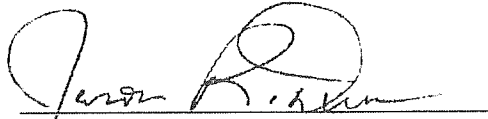
Likewise, the fact that Colorado does not currently have a presidential primary does not deem the inclusion of it here a second subject. Again, this measure is, at its core, about how Colorado selects general election candidates - regardless of the jurisdiction or race. It impacts equally local races such as county commissioner and federal races such as U.S. Senate. There is little doubt that if

Colorado currently had a presidential primary and that additional provision were not included in this measure, it would surely be a single subject. Indeed, on the same day that the Title Board considered this measure, it considered and approved Proposed Initiative 2015-2016 #98, which was identical to Initiative #99 except that it did not include the presidential primary. But Initiative #98 impacts not only all existing partisan races in Colorado, but also any presidential primary that might be conducted in the future (see § 1-4-101(2) therein, stating that an elector is not required to vote in the same party primary during a presidential primary as the other primary contests). And by permitting and including a presidential primary, it simply includes that race among the multitude of covered races. Whether Colorado should allow unaffiliated voters to participate in those elections, including the presidential primary, surely relates to a single subject.

Moreover, including a presidential primary in this measure does not invoke the constitutional concern of "logrolling" that was likewise discussed at the hearing. Admittedly, there could in theory be a voter that supports the idea of allowing unaffiliated voters to participate in primary contests while at the same time opposes the idea of reinstating a presidential primary. But the fact that a voter may have a personal preference for one element of a measure and not others has never been the definition of "logrolling" nor deemed a measure in violation of the single subject requirement. Rather, logrolling refers to practice of including various disconnected subjects in a measure that on their own could not win voter approval, but when combined in a single measure elicit enough support from various special interests to pass the combined measure itself. *See, generally, Matter of Title, Ballot Title, Submission Clause, and Summary Adopted April 5, 1995*, 898 P.2d 1076, 1078 (Colo. 1995). There is no indication that such is the case here. Indeed, common sense dictates that it is highly likely that voters who support the idea of allowing more people to vote in primary elections also support the reinstatement of a presidential primary, where voter participation will certainly be higher than under Colorado's current caucus system.

Accordingly, the Proponents respectfully request that this Motion for Rehearing be granted and that a proper title be set at a hearing held pursuant to C.R.S. § 1-40-107(1).

Respectfully submitted this 9th day of March, 2016.

A handwritten signature in black ink, appearing to read "Jason R. Dunn", is written over a horizontal line.

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Attorneys for Kelly Brough and Joe Blake

Ballot Title Setting Board

Proposed Initiative 2015-2016 #99¹

Hearing March 2, 2016:

Title setting denied on the basis that the measure does not constitute a single subject.

Hearing adjourned 12:25 p.m.

Rehearing March 16, 2016:

Motion for Rehearing denied.

Hearing adjourned 10:59 a.m.

¹ Unofficially captioned “**Primary Elections**” by legislative staff for tracking purposes. This caption is not part of the titles set by the Board.