

Original

Initiative 2023-2024: Elections For Federal And State Office

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

**SECTION 1. Statement of intent.** It is the intent of this initiative to permit political parties to determine how to nominate candidates for public office and to do so at their discretion; to create a two-stage election system in which all candidates for federal or state offices qualify for the ballot by party nomination or petition, compete against each other in each stage regardless of their party affiliation or non-affiliation, and in which in each stage every registered voter can vote for any candidate on the ballot in their district regardless of their declared party affiliation or non-affiliation, and in which in the general election voters can rank their top three choices among the candidates for each office, the winner to be the first candidate in a series of instant runoffs to win at least 50 percent of the votes, and, further, to provide public funds for parties to conduct nominating contests of their design to determine whether to nominate candidates and, if so, which ones.

**SECTION 2.** In Colorado Revised Statutes, repeal Section 1-2-222 of article 2 of title 1, and **amend** and **re-enact** as amended Section 1-2-218.5 and 1-2-219 as follows:

**Section 1-2-218.5** (1) The declaration of affiliation of each registered elector shall remain as recorded in the registration record until the elector changes or withdraws his or her affiliation.

(2) Any eligible elector who has not declared an affiliation with a political party or political organization must 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, 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, by mail, in person, or online in accordance with section 1-2-202.5. An unaffiliated eligible elector need not declare an affiliation to vote in a presidential primary election.~~

**Section 1-2-219.** Changing or withdrawing declaration of affiliation. (1) Any eligible elector desiring to change or withdraw the elector's affiliation may do so by completing and signing a prescribed request for the change or withdrawal and filing it with the county clerk and recorder or by submitting a personal letter written by the elector to the county clerk and recorder at any time up to and including the twenty-second day preceding a primary election; except that, if the twenty-second day before the primary election is a Saturday, Sunday, or legal holiday, the change or withdrawal applies if made by the next day that is not a Saturday, Sunday, or legal holiday. The prescribed form or personal letter for the change must include the elector's printed name, address within the county, birth date, the last four digits of the elector's social security number, if the elector wishes to state it, and signature, the date, the elector's previous affiliation status, and the requested change in affiliation status. A prescribed form must be furnished by the

county clerk and recorder upon the elector's oral or written request. Upon receiving the request, the county clerk and recorder shall change the elector's affiliation on his or her registration record. If the affiliation is withdrawn, the designation on the elector's registration record must be changed to "unaffiliated". ~~If an elector changes affiliation, the elector is entitled to vote, at any primary election, only the ballot of the political party to which the elector is currently affiliated.~~ A change or withdrawal of affiliation may not be made by anyone other than the elector. Notwithstanding any other provision of law, a declaration or change of affiliation made by an unaffiliated elector in accordance with this section must be deferred if the elector has already been mailed a primary election ballot packet. The deadline by which the elector must declare, change, or withdraw an affiliation as specified in this subsection (1) only applies to a primary election and does not apply to a general or coordinated election.

(2) Any declaration, change, or withdrawal of affiliation made on the same form or personal letter as an address or name change shall be accepted by the county clerk and recorder if the form or personal letter is dated and signed so that it is clearly indicated that the elector intended to make the change or withdrawal indicated on the form or in the personal letter. An elector who is unable to write may request assistance from the county clerk and recorder, and the county clerk and recorder shall sign the form, witnessing the elector's mark or, on a personal letter, the elector shall have his or her signature attested to by a notary public.

**SECTION 3.** In Colorado Revised Statutes, **repeal** parts 1, 3, 6, and 7 of article 4 of title 1, Sections 1-4-502 and 1-4-503 of part 5 of title 1, Sections 1-4-801 and 1-4-802 of part 8 of title 1, Sections 1-4-901, 1-4-902, 1-4-903 and 1-4-904 of part 9 of title 1, and Section 1-4-1304 of part 13 of title 1, **enact** a new part 1 of article 4 of title 1 as follows:

**Part 1. PRIMARY election.**

**Section 1-4-101. Definition.** THE TERM 'PRIMARY ELECTION' MEANS AN ELECTION HELD ON THE LAST TUESDAY OF JUNE OF EVEN-NUMBERED YEARS TO DETERMINE WHICH CANDIDATES FOR ELECTED OFFICES FOR THE UNITED STATES, COLORADO STATE GOVERNMENT AND ALL OTHER OFFICES ELECTED IN DISTRICTS THAT INCLUDE PARTS OF MULTIPLE COUNTIES OR WHOSE OFFICIALS SERVE ON BOARDS WITH REGIONAL JURISDICTION ENCOMPASSING PARTS OF MULTIPLE COUNTIES SHALL BE ENTITLED TO APPEAR ON THE BALLOT IN THE SUCCEEDING GENERAL ELECTION.

**Section 1-4-102. Ballot access.** TO BE ENTITLED TO APPEAR ON THE PRIMARY ELECTION BALLOT, A CANDIDATE MUST NO LESS THAN NINETY DAYS PRIOR TO THE PRIMARY ELECTION:

- (1) BE NOMINATED BY A POLITICAL PARTY PURSUANT TO 1-4-104, OR
- (2) BE AN INCUMBENT SEEKING RE-ELECTION AND NOTIFY THE SECRETARY OF STATE OF THEIR INTENTION TO SEEK RE-ELECTION, OR
- (3) SUBMIT A PETITION MEETING THE REQUIREMENTS OF SECTION 1-4-103.

**Section 1-4-103. Petitions.** (1) THE SECRETARY OF STATE SHALL MAKE AVAILABLE PETITIONS TO CANDIDATES SEEKING TO QUALIFY FOR PLACEMENT ON THE PRIMARY BALLOT IN A MANNER AND FORM PRESCRIBED BY THE SECRETARY NO LATER THAN JANUARY 15 IN EVERY EVEN-NUMBERED YEAR.

(2) PETITIONS SHALL IDENTIFY:

(A) THE OFFICE TO WHICH THE CANDIDATE SEEKS TO BE ELECTED; AND

(B) THE CANDIDATE'S NAME AND ADDRESS OF LEGAL RESIDENCE, AND:

(C) THE CANDIDATE'S PARTY AFFILIATION AS OF JANUARY 1 OF THAT YEAR, OR THE DESIGNATION "UNAFFILIATED," CONSISTENT WITH THE DESIGNATION ON THEIR VOTER REGISTRATION AS OF JANUARY 1 OF THAT YEAR.

(3) PETITIONS SHALL CONTAIN ONLY THE NAME OF ONE CANDIDATE FOR ONE OFFICE, EXCEPT THAT ANY PETITION FOR A CANDIDATE FOR PRESIDENT OF THE UNITED STATES SHALL ALSO INCLUDE A CANDIDATE FOR VICE PRESIDENT, AND A CANDIDATE FOR GOVERNOR SHALL ALSO INCLUDE A CANDIDATE FOR LIEUTENANT GOVERNOR, AND TOGETHER THEY SHALL BE CONSIDERED JOINT CANDIDATES AT THE GENERAL ELECTION.

(4) SELECTION OF A PARTY AFFILIATION BY A CANDIDATE ON THEIR PETITIONS SHALL NOT CONSTITUTE OR IMPLY ENDORSEMENT OF THE CANDIDATE BY THE PARTY, AND NO CANDIDATE FOR THAT OFFICE SHALL BE DEEMED A NOMINATED CANDIDATE OF ANY PARTY BY THEIR PARTY AFFILIATION ON THE PETITIONS THEY CIRCULATE.

(5) ANY CANDIDATE FOR PRESIDENT OF THE UNITED STATES SHALL SUBMIT THE NAMES OF REGISTERED ELECTORS WHO ARE THUS NOMINATED AS PRESIDENTIAL ELECTORS.

(6) (A) PETITIONS MAY BE SIGNED ONLY BY REGISTERED VOTERS.

(B) WITH RESPECT TO CANDIDATES FOR CONGRESS OR THE GENERAL ASSEMBLY, PETITIONS MAY BE SIGNED ONLY BY VOTERS REGISTERED IN THE DISTRICT IN WHICH THE CANDIDATE SEEKS TO BE PLACED ON THE BALLOT.

(C) WITH RESPECT TO CANDIDATES WHO ARE AFFILIATED WITH A PARTY AS DETERMINED BY THEIR VOTER REGISTRATION AS OF THE PRECEDING JANUARY 1, THEIR PETITIONS MAY BE SIGNED ONLY BY REGISTERED VOTERS WHO ARE AFFILIATED WITH THAT PARTY AS DETERMINED BY THE VOTER'S REGISTRATION AS OF THE PRECEDING JANUARY 1.

(7) IN ORDER TO OBTAIN PLACEMENT ON THE PRIMARY BALLOT, PETITIONS MUST BE SIGNED BY AT LEAST THE FOLLOWING NUMBER OF REGISTERED VOTERS:

(A) 1,000 PER CONGRESSIONAL DISTRICT FOR OFFICES ELECTED STATEWIDE.

(B) 1,000 FOR OFFICES ELECTED BY CONGRESSIONAL DISTRICT.

(C) 750 FOR OFFICES IN THE SENATE OF THE GENERAL ASSEMBLY.

(D) 500 FOR OFFICES IN THE HOUSE OF REPRESENTATIVES IN THE GENERAL ASSEMBLY.

(8) PETITIONS MUST BE SUBMITTED TO THE SECRETARY OF STATE NO LESS THAN 60 DAYS PRIOR TO THE PRIMARY.

(9) THE SECRETARY OF STATE SHALL DETERMINE WHETHER THE PETITIONS SUBMITTED REFLECT THE REQUISITE NUMBER OF REGISTERED VOTERS, AND, IN THE EVENT DETERMINES

THAT THE NUMBER OF SIGNATURES IS INSUFFICIENT FOR BALLOT PLACEMENT, SHALL NOTIFY THE CANDIDATE NO LESS THAN FIFTEEN DAYS AFTER THE PETITIONS ARE SUBMITTED OF THE AMOUNT OF DEFICIENCY AND THAT THEY HAVE AN ADDITIONAL FIFTEEN DAYS TO COLLECT THE ADDITIONAL SIGNATURES REQUIRED. THE CANDIDATE SHALL THEN HAVE 15 DAYS FROM SUCH NOTIFICATION TO COLLECT AND SUBMIT ADDITIONAL SIGNATURES. UPON THE SUBMISSION OF ANY ADDITIONAL SIGNATURES, THE SECRETARY SHALL THEN DETERMINE ANEW WHETHER THE REQUIRED NUMBER OF SIGNATURES HAS BEEN SUBMITTED OR OBTAINED ONLINE, AND, IF SO, SHALL PLACE THE CANDIDATE ON THE BALLOT.

**Section 1-4-104. Political party nominations.** (1) EACH POLITICAL PARTY QUALIFIED AS SUCH BY THE SECRETARY OF STATE IN COMPLIANCE WITH SECTION 1-1-104 (22) OR PART 13 OF ARTICLE 4 MAY:

(A) ESTABLISH SUCH PROCEDURES AS THEY SEE FIT TO DETERMINE WHICH PARTY MEMBERS, IF ANY, TO NOMINATE.

(B) NOMINATE ONE OR TWO PARTY MEMBERS FOR EACH OR ANY OFFICE BY NOTIFYING THE SECRETARY OF STATE OF THE NOMINATION (S) NO LATER THAN NINETY CALENDAR DAYS PRIOR TO THE PRIMARY ELECTION.

**Section 1-4-105. Form of ballot.** (1) FOR EACH CANDIDATE ON THE BALLOT, THE BALLOT MUST INCLUDE:

(A) THE CANDIDATE'S FULL LEGAL NAME;

(B) THE CANDIDATE'S CITY OF LEGAL RESIDENCE AS REFLECTED IN THE CANDIDATE'S VOTER REGISTRATION AS OF JANUARY 1 OF THAT YEAR, OR, IN THE EVENT THE CANDIDATE DOES NOT LIVE IN AN INCORPORATED CITY, THE CANDIDATE'S COUNTY OF LEGAL RESIDENCE;

(C) IF THE CANDIDATE WAS NOMINATED BY A POLITICAL PARTY, THE DESIGNATION "NOMINATED BY," FOLLOWED BY THE NAME OF THE PARTY;

(D) IF THE CANDIDATE IS A MEMBER OF A POLITICAL PARTY AS INDICATED BY THEIR VOTER REGISTRATION AS OF JANUARY 1 OF THAT YEAR, THE CANDIDATE'S POLITICAL PARTY AFFILIATION WITH THE WORDS 'MEMBER OF' FOLLOWED BY THE NAME OF THE PARTY.

(E) IF THE CANDIDATE IS NOT AFFILIATED WITH A POLITICAL PARTY AS INDICATED ON THEIR VOTER REGISTRATION AS OF JANUARY 1 OF THAT YEAR, THE DESIGNATION 'UNAFFILIATED.'

(F) IN THE EVENT A CANDIDATE QUALIFIES FOR THE PRIMARY BALLOT BOTH AS A CANDIDATE NOMINATED BY A PARTY AND ON THE BASIS OF A SUBMITTED PETITION, THE CANDIDATE SHALL BE LISTED ON THE BALLOT AS BEING NOMINATED BY THE PARTY THAT NOMINATED THEM.

(2) A CANDIDATE QUALIFIED TO BE PLACED ON THE BALLOT MAY WITHDRAW THEIR NAME FROM SUCH PLACEMENT ANY TIME PRIOR TO 45 DAYS PRIOR TO THE ELECTION, AND NOT THEREAFTER.

**Section 1-4-106. Order on ballot.** THE SECRETARY SHALL DETERMINE THE ORDER IN WHICH THE CANDIDATES FOR THE SAME OFFICE APPEAR ON THE BALLOT BY RANDOM SELECTION.

**Section 1-4-107. Write-In candidates.** THE SECRETARY SHALL PROVIDE FOR PLACEMENT ON THE BALLOT A PROVISION THROUGH WHICH VOTERS CAN WRITE-IN A CANDIDATES FOR EACH OFFICE ON THE BALLOT, AND SHALL COUNT SUCH VOTES IN THE SAME MANNER AS THE VOTES CAST FOR CANDIDATES WHOSE NAMES ARE ON THE BALLOT.

**Section 1-4-108. Who may vote.** ANY REGISTERED VOTER IS ELIGIBLE TO VOTE FOR ANY CANDIDATE ON THE BALLOT IN THEIR DISTRICT REGARDLESS OF HOW THE CANDIDATE SECURED BALLOT STATUS AND REGARDLESS OF THE VOTER'S PARTY AFFILIATION OR NON-AFFILIATION.

**Section 1-4-109. Joint local elections.** COUNTIES MAY HOLD COUNTY, MUNICIPAL, SCHOOL DISTRICT AND SPECIAL DISTRICT ELECTIONS IN CONJUNCTION WITH THE PRIMARY ELECTION, AND COUNTY CLERKS ARE AUTHORIZED TO HOLD SUCH COORDINATED ELECTIONS.

**Section 1-4-110. Funding.** (1) ON JANUARY 1 OF EVEN-NUMBERED YEARS THE SECRETARY OF STATE SHALL PAY TO THE POLITICAL PARTIES REGISTERED PURSUANT TO – AND IN COMPLIANCE WITH - SECTIONS 1-1-104 (22) OR PART 13 OF ARTICLE 4, A SUM EQUIVALENT TO \$1 FOR EVERY REGISTERED ACTIVE VOTER AFFILIATED WITH THAT PARTY ON THAT DATE, AND ON JANUARY 1 OF EVERY EVEN-NUMBERED YEAR THEREAFTER SHALL INCREASE SUCH PAYMENT BY AN AMOUNT EQUIVALENT TO THE INCREASE OVER THE PRIOR TWO YEARS IN THE COLORADO CONSUMER PRICE INDEX.

(2) POLITICAL PARTIES RECEIVING THE FUNDS PROVIDED FOR IN SUBSECTION (2) SHALL USE THEM TO FINANCE THEIR NOMINATING CONTESTS, AND SHALL NO LATER THAN DECEMBER 31 OF EVERY EVEN-NUMBERED YEAR FILE WITH THE SECRETARY OF STATE A REPORT IDENTIFYING ON A FORM AND IN A FORMAT SET BY THE SECRETARY THEIR EXPENDITURE OF THESE FUNDS.

(3) ANY UNAFFILIATED CANDIDATE WHO CIRCULATES A PETITION SEEKING BALLOT ACCESS FOR THE PRIMARY MAY BY NO LATER THAN 60 DAYS PRIOR TO THE GENERAL ELECTION FILE A FINANCIAL AFFIDAVIT WITH THE SECRETARY OF STATE ITEMIZING ON A FORM AND IN A FORMAT SET BY THE SECRETARY THE EXPENSES THEY INCURRED IN OBTAINING SIGNATURES FOR THEIR BALLOT-ACCESS PETITIONS, AND THEREBY SEEK REIMBURSEMENT OF THOSE EXPENSES. THE SECRETARY SHALL ALLOCATE \$1 FOR EVERY REGISTERED ACTIVE UNAFFILIATED VOTER AS OF JANUARY 1 OF THAT YEAR AND INCREASE THAT AMOUNT EVERY EVEN NUMBERED YEAR BY A SUM EQUIVALENT TO THE INCREASE IN THE COLORADO CONSUMER PRICE INDEX OVER THE PREVIOUS TWO YEARS, DIVIDE THAT SUM BY THE NUMBER OF UNAFFILIATED CANDIDATES SEEKING REIMBURSEMENT FOR THEIR PETITION-CIRCULATION EXPENSES MULTIPLIED BY THE NUMBER OF SIGNATURES THEY COLLECTED, THEREBY

DETERMINE THE 'PER-SIGNATURE' REIMBURSEMENT RATE, AND THEN REIMBURSE THE CANDIDATES FOR THESE EXPENSES ACCORDINGLY.

**SECTION 4.** In Colorado Revised Statutes, **amend** part 2 of article 4 of title 1 by **adding** sections as follows:

**Section 1-4-207. Candidates on the general election ballot.** (1) THE FOUR CANDIDATES WITH THE HIGHEST NUMBER OF VOTES IN THE PRIMARY ELECTION, ALL OTHER CANDIDATES WITH AT LEAST FIVE PERCENT OF THE VOTES CAST IN THE PRIMARY ELECTION, AND ANY OTHER CANDIDATES IN THE PRIMARY ELECTION WHO WERE NOMINATED BY PARTIES AND WHO WON AT LEAST ONE PERCENT OF THE VOTE IN THE PRIMARY ELECTION SHALL BE ON THE BALLOT.

(2) THE BALLOT SHALL PROVIDE FOR THE CASTING OF A WRITE-IN VOTE FOR EACH OFFICE.

**Section 1-4-208. Ballot information.** THE BALLOT SHALL LIST FOR EACH CANDIDATE QUALIFIED FOR THE BALLOT THE SAME INFORMATION FOR THAT CANDIDATE THAT APPEARED ON THE PRIMARY ELECTION BALLOT.

**Section 1-4-209. Order of candidates on ballot.** CANDIDATES SHALL BE LISTED ON THE BALLOT IN THE SAME ORDER THEY APPEARED ON THE PRIMARY BALLOT.

**Section 1-4-210. Write-In candidates.** THE SECRETARY SHALL PROVIDE FOR PLACEMENT ON THE BALLOT A PROVISION THROUGH WHICH VOTERS CAN WRITE-IN A CANDIDATES FOR EACH OFFICE ON THE BALLOT, AND SHALL COUNT SUCH VOTES IN THE SAME MANNER AS THE VOTES CAST FOR CANDIDATES WHOSE NAMES ARE ON THE BALLOT.

**Section 1-4-211. Who may vote.** ANY REGISTERED VOTER IS ELIGIBLE TO VOTE FOR ANY CANDIDATE ON THE BALLOT IN THEIR DISTRICT REGARDLESS OF HOW THE CANDIDATE SECURED BALLOT STATUS AND REGARDLESS OF THE VOTER'S PARTY AFFILIATION OR NON-AFFILIATION.

**Section 1-4-212. Instant runoff voting.** THE ELECTION SHALL BE CONDUCTED BY INSTANT RUNOFF VOTING . THE FOLLOWING TERMS AND PROCEDURES SHALL APPLY:

- (1) "INSTANT RUNOFF VOTING" MEANS A METHOD OF CASTING AND TABULATING VOTES WHEREBY VOTERS CAN RANK CANDIDATES ACCORDING TO THE ORDER OF THEIR PREFERENCE, AND COUNTING PROCEEDS IN ROUNDS.
- (2) THE BALLOT SHALL ALLOW VOTERS TO RANK UP TO THREE CANDIDATES FOR EACH OFFICE, IN ORDER OF PREFERENCE.

- (3) THE BALLOTS SHALL BE COUNTED IN ROUNDS UNTIL TWO CANDIDATES REMAIN. THE CANDIDATE HAVING THE LARGEST NUMBER OF VOTES SHALL BE DECLARED THE WINNER.
- (4) IN EACH ROUND OF COUNTING BALLOTS, EACH BALLOT SHALL BE COUNTED AS A VOTE FOR THE REMAINING CANDIDATE RANKED HIGHEST BY THE VOTER, AND THE CANDIDATE WITH THE SMALLEST NUMBER OF VOTES SHALL BE ELIMINATED.
- (5) IF TWO OR MORE CANDIDATES TIE FOR THE SMALLEST NUMBER OF VOTES, THE CANDIDATE TO ELIMINATE SHALL BE CHOSEN BY LOT.
- (6) AN EXPLANATION OF INSTANT RUN-OFF VOTING AND INSTRUCTIONS FOR ELECTORS IN THE FORM APPROVED BY THE SECRETARY OF STATE BY RULE SHALL BE POSTED AT EACH POLLING LOCATION AND INCLUDED WITH THE BALLOT INFORMATION BOOKLET AND EACH MAILED BALLOT.

**SECTION 5.** Repeal part 12 of article 4 of title 1. Presidential primary elections

**SECTION 6.** In Colorado Revised Statutes, **repeal** 1-5-102.9 (3) (e) of part 1, (1) (h) and (n) of 1-5-615 of article 5 of title 1, and **amend** parts 2, 3, 4 and 6 of article 5 of title 1 as follows:

**Section 1-5-203. Certification of ballot**

(1) (a) No later than ~~sixty~~thirty days before any primary election and no later than fifty-seven days before any general or odd-year November election or congressional vacancy election, the secretary of state shall deliver by electronic transmission and registered mail to the county clerk and recorder of each county a certificate in writing of the ballot order and content for each county, as follows:

(I) For general elections, the certificate shall specify the national and state officers and the district officers of state concern for whom some or all of the eligible electors of the county are entitled to cast ballots at the general election. The certificate shall include the name and party or other designation of each candidate for whom some or all of the eligible electors of the county are entitled to cast ballots and for whom a petition or certificate of nomination has been filed with the secretary of state, the name and party of each candidate ~~nominated at the primary election~~ qualified by the results of the primary pursuant to 1-4-207 for a national or state office or a district office of state concern, and the order of the ballot and the ballot content for the election. With regard to the election of members to the general assembly, the notice shall also specify the district number and the names of the members whose terms of office will expire.

(II) For primary elections, the certificate ~~shall specify the offices for which nominations are to be made. The notice~~ shall include a certified list of persons for whom certificates of designation or petitions have been filed with the secretary of state and the office for which each person is a candidate, together with the other details mentioned in the certificates of designation or petitions, and the order of the ballot for the primary election.

(III) For any election at which one or more ballot issues or ballot questions are to be submitted to the eligible electors of the entire state, the secretary of state shall certify the order of ballot and ballot content with respect to such ballot issues or ballot questions to the county clerk and recorder of each county of the state.

(b) The secretary of state shall be solely responsible for the accuracy of the information contained in the certificate.

(3) (a) No later than ~~sixty~~ thirty days before any election, the designated election official of each political subdivision that intends to conduct an election shall certify the order of the ballot and ballot content. Such certification shall be delivered to the county clerk and recorder of each county that has territory within the political subdivision if the election is coordinated with the clerk and recorder. The order of the ballot and ballot content shall include the name and office of each candidate for whom a petition has been filed with the designated election official and any ballot issues or ballot questions to be submitted to the eligible electors.

### **Part 3. Registration Books**

#### **1-5-302. Computer lists may be used in lieu of original registration records**

For the purposes of all elections, the county clerk and recorder may substitute and supply computer lists of registered electors within the political subdivision for the original registration record. Following a primary, general, or congressional vacancy election, the county clerk and recorder shall record the date of election ~~and, if a primary election, the party ballot received on~~ the registered elector's original registration record retained and stored as provided in section 1-1-104 (36).

### **Part 4. Ballots**

#### **1-5-402. Primary Election**

(1) No later than thirty-two days before the primary election the county clerk and recorder shall prepare a ~~separate ballot for each political party~~. The ballots shall be printed in the following manner:

(a) All official ballots shall be printed according to the provisions of sections 1-5-407 and 1-5-408. ~~except that across the top of each ballot shall be printed the name of the political party for which the ballot is to be used.~~

(b) The positions on the ballot shall be arranged as follows: First, candidates for United States senator; next, congressional candidates; next, state candidates; next, legislative candidates; next, district attorney candidates; next, other candidates for district offices greater than a county office; next, candidates for county commissioners; next, county clerk and recorder candidates; next, county treasurer candidates; next, county assessor candidates; next, county sheriff candidates; next, county surveyor candidates; and next, county coroner candidates. When other offices are to be filled at the coming general election, the county clerk and recorder, in preparing the primary ballot, shall use

substantially the form prescribed by this section, stating the proper designation of the office and placing the names of the candidates for the office under the name of the office.

## **Part 6. Authorization And Use Of Voting Machines And Electronic Voting Systems**

**1-5-611. Requirements - non-punch card electronic voting systems** (1) No non-punch card electronic voting system shall be purchased, leased, or used unless it fulfills the following requirements: (a) It provides for voting in secrecy;

(b) It permits each elector to write in the names of eligible candidates not appearing on the printed ballot, to vote for as many candidates for an office as there are vacancies for which the elector is entitled to vote, and to vote for or against any ballot issue upon which the elector is entitled to vote;

(c) It rejects any vote for an office or on a ballot issue if the number of votes exceeds the number the elector is entitled to cast; except that, if the voting system is certified for use in an election using instant runoff voting, the voting system must allow the elector to rank multiple candidates in such an election in accordance with section [1-7-1003](#) and rules adopted by the secretary of state;

(d) It permits each elector, other than at a primary election, to vote for the candidates of one or more parties and for unaffiliated candidates;

(e) It prevents the elector from voting for the same candidates more than once for the same office; **and**

(f) If the system uses a voting device:

(I) It is suitably designed, of durable construction, and capable of being used safely, efficiently, and accurately in the conduct of elections and the tabulation of votes;

(II) It permits the names of candidates and the text of issues to be printed on pages which are securely attached to the voting device, the pages to be securely locked in a metal frame or sealed to prevent tampering;

(III) It contains a protective counter with a register which cannot be reset, which shall register the cumulative total number of movements of the operating mechanism; **and**

(IV) It is capable of providing printouts of vote totals by office and candidate or by ballot issue, including a numeric-only printout to be used for testing as provided in section [1-7-509](#).

(G) It is capable of permitting voting and tabulating the results of the form of voting specified in 1-4-210.

## **1-5-615. Electronic and electromechanical voting systems - requirements**

(1) The secretary of state shall not certify any electronic or electromechanical voting system unless such system:

(a) Provides for voting in secrecy;

(b) Permits each elector to vote for all offices for which the elector is lawfully entitled to vote and no others, to vote for as many candidates for an office as the elector is entitled to vote for, and to vote for or against any ballot question or ballot issue on which the elector is entitled to vote;

(c) Permits each elector to verify his or her votes privately and independently before the ballot is cast;

(d) Permits each elector privately and independently to change the ballot or correct any error before the ballot is cast, including by voting a replacement ballot if the elector is otherwise unable to change the ballot or correct an error;

- (e) If the elector overvotes:
  - (I) Notifies the elector before the ballot is cast that the elector has overvoted;
  - (II) Notifies the elector before the vote is cast that an overvote for any office, ballot question, or ballot issue will not be counted; **and**
  - (III) Gives the elector the opportunity to correct the ballot before the ballot is cast;
- (f) Does not record a vote for any office, ballot question, or ballot issue that is overvoted on a ballot cast by an elector;
- (g) For electronic and electromechanical voting systems using ballot cards, accepts an overvoted or undervoted ballot if the elector chooses to cast the ballot, but it does not record a vote for any office, ballot question, or ballot issue that has been overvoted;
- (h) In a primary election, permits each elector to vote only for a candidate seeking nomination by the political party with which the elector is affiliated;
- (i) In a presidential election, permits each elector to vote by a single operation for all presidential electors of a pair of candidates for president and vice president;
- (j) Does not use a device for the piercing of ballots by the elector;
- (k) Provides a method for write-in voting;
- (l) Counts votes correctly;
- (m) Can tabulate the total number of votes for each candidate for each office and the total number of votes for and against each ballot question and ballot issue; **and**
- (n) and (o) Repealed.
- (p) Saves and produces the records necessary to audit the operation of the electronic or electromechanical voting system, including a permanent paper record with a manual audit capacity.
- (q) Is capable of permitting and tabulating the results of the form of voting specified in 1-4-212.

**SECTION 7. Self-Executing And Severable.** THE STATUTORY CHANGES HEREBY ENACTED ARE SELF-EXECUTING AND SEVERABLE, AND SUPERSEDE CONFLICTING STATUTES AND REGULATIONS. STATUTES AND REGULATIONS MAY BE ENACTED TO FACILITATE THE IMPLEMENTATION OF THE AMENDED SECTIONS.

**SECTION 8. Effective Date.** THESE AMENDED SECTIONS SHALL BECOME EFFECTIVE UPON OFFICIAL DECLARATION OF THE VOTE HEREON BY PROCLAMATION OF THE GOVERNOR PURSUANT TO SECTION 1 (4) OF ARTICLE V OF THE COLORADO CONSTITUTION, BUT NO LATER THAN 12:01 AM ON JANUARY 1, 2026.