Proponents: Althea M. Gerrard   Michael P. Taylor   **RECEIVED**
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Althea M. Gerrard   Michael P. Taylor

January 27, 2014   **2013-2014 #74 – Original**

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Petition For An Initiated Law To Change Voting For Candidates For Elected Office To Answering The Question "Should This Candidate, *Candidate's Name*, Hold This Elected Office?" Yes or No.

Proposed Name: Yes/No Initiative

Simple Description: This change to Title 1 Elections allows every voter to vote "yes or no" for every candidate seeking an elected office. A yes vote counts as +1, a no vote counts as -1, and not casting a vote counts as 0. The numerical values are summed for each candidate for a net vote count. The winner of the office is the candidate with the greatest summed numerical value.

There is a compelling state interest in encouraging increased voter participation and the yes/no initiative promotes this interest.

Example ballot is on next page, followed by proposed wording for the law:

PRESIDENTIAL ELECTORS
ELECTORES PRESIDENCIALES

(Vote Yes or No/Vote Si o No)

Party	Candidates	Vote
American Constitution / Constitucion Americana	Should these candidates,	Yes / Si
	Virgil H. Goode Jr.	
	Jim Clymer,	No
	hold this elected office?	No
Democratic / Democrata	Should these candidates,	Yes / Si
	Barack Obama	
	Joe Biden,	No
	hold this elected office?	No
Republican / Republicano	Should these candidates,	Yes / Si
	Mitt Romney	
	Paul Ryan,	No
	hold this elected office?	No
Libertarian / Libertario	Should these candidates,	Yes / Si
	Gary Johnson	
	James P. Gray,	No
	hold this elected office?	No
Green / Verde	Should these candidates,	Yes / Si
	Jill Stein	
	Cheri Honkala,	No
	hold this elected office?	No
Socialist, USA / Socialista, USA	Should these candidates,	Yes / Si
	Stewart Alexander	
	Alex Mendoza,	No
	hold this elected office?	No
Justice / Magistrado	Should these candidates,	Yes / Si
	Ross C. "Rocky" Anderson	
	Luis J. Rodriguez,	No
	hold this elected office?	No
Peace and Freedom / Paz y Libertad	Should these candidates,	Yes / Si
	Roseanne Barr	
	Cindy Lee Sheehan,	No
	hold this elected office?	No
Socialist Workers / Trabajadores Socialistas	Should these candidates,	Yes / Si
	James Harris	
	Alyson Kennedy,	No
	hold this elected office?	No
America's / De America	Should these candidates,	Yes / Si
	Tom Hoefling	
	Jonathan D. Ellis,	No
	hold this elected office?	No
Socialism and Liberation / Socialismo y Liberacion	Should these candidates,	Yes / Si
	Gloria La Riva	
	Filberto Ramirez Jr.,	No
	hold this elected office?	No
American Third Position / Tercera Posicion Americana	Should these candidates,	Yes / Si
	Merlin Miller	
	Harry V. Bertram,	No
	hold this elected office?	No
Unaffiliated / Sin Afiliacion	Should these candidates,	Yes / Si
	Jill Reed	
	Tom Cary,	No
	hold this elected office?	No
Objectivist / Objectivista	Should these candidates,	Yes / Si
	Thomas Robert Stevens	
	Alden Link,	No
	hold this elected office?	No
We the People / Nosotros el Pueblo	Should these candidates,	Yes / Si
	Sheila "Samm" Tittle	
	Mathew A. Turner,	No
	hold this elected office?	No
Socialist Equality / Igualdad Socialistas	Should these candidates,	Yes / Si
	Jerry White	
	Phyllis Scherrer,	No
	hold this elected office?	No

(Write-In/Por escrito)

STATE SENATE – DISTRICT 33
SENADO ESTATAL – DISTRITO 33

(Vote Yes or No/Vote Si o No)

Party	Candidate	Vote
Democratic / Democrata	Should this candidate,	Yes / Si
	Mike Johnston,	No
	hold this elected office?	No
Republican / Republicano	Should this candidate,	Yes / Si
	Jason DeBerry,	No
	hold this elected office?	No
Libertarian / Libertario	Should this candidate,	Yes / Si
	Courtney Kolva,	No
	hold this elected office?	No

DISTRICT ATTORNEY-
2ND JUDICIAL DISTRICT
FISCAL DE DISTRITO 2do DISTRITO JUDICIAL

(Vote Yes or No/Vote Si o No)

Party	Candidate	Vote
Democratic / Democrata	Should this candidate,	Yes / Si
	"Mitch" Morrissey,	No
	hold this elected office?	No

DISTRICT A REGIONAL TRANSPORTATION
DISTRICT DIRECTOR
DIRECTOR REGIONAL DE DISTRITO DE
TRANSPORTE DEL DISTRITO A

(Vote Yes or No/Vote Si o No)

Candidate	Vote
Should this candidate,	Yes / Si
Bill James,	No
hold this elected office?	No

TITLE 1. ELECTIONS
GENERAL, PRIMARY, AND CONGRESSIONAL VACANCY ELECTIONS
ARTICLE 5. NOTICE AND PREPARATION FOR ELECTIONS
PART 4. BALLOTS

C.R.S. 1-5-403 (2013)

1-5-403. Content of ballots for general and congressional vacancy elections

(1)   The county clerk and recorder of each county using paper ballots or electronically counted ballot cards shall provide printed ballots for every odd-numbered year, general, or congressional vacancy election. The official ballots shall be printed and in the possession of the county clerk and recorder no later than thirty-two days before every odd-numbered year, congressional vacancy, and general election.

(2)   For all elections except those for presidential electors, every ballot for offices to be voted for at that election shall contain the instruction to "vote yes or no", and shall contain the question, "Should this candidate, candidate's name, hold this elected office?" and the choice to vote "Yes or No" for names of all candidates for offices to be voted for at that election whose nominations have been made and accepted, except those who have died or withdrawn, and the ballot shall contain no other names. When presidential electors are to be elected, their names shall not be printed on the ballot, but the names of the candidates of the respective political parties or political organizations for president and vice president of the United States shall be printed together in pairs under the title "presidential electors" and shall contain the instruction to "vote yes or no". The ballot shall contain the question, "Should these candidates, candidates' names, hold this elected office?" and the choice to vote "Yes or No". The pairs shall be arranged in the alphabetical order of the names of the candidates for president in the manner provided for in section 1-5-404. A vote of "yes or no" for any pair of candidates is a vote for or against the duly nominated presidential electors of the political party or political organization by which the pair of candidates were named.

(3)   The names of joint candidates of a political party or political organization for the offices of governor and lieutenant governor shall be printed in pairs and shall contain the instruction to "vote yes or no". The ballot shall contain the question, "Should these candidates, candidates' names, hold this elected office?" and the choice to vote "Yes or No". The pairs shall be arranged in the alphabetical order of the names of candidates for governor in the manner provided for in section 1-5-404. A vote of "yes or no" for any pair of candidates for governor and lieutenant governor is a vote for or against each of the candidates who compose that pair.

(4) The name of each person nominated shall be printed or written upon the ballot in only one place. Each nominated person's name may include one nickname, if the person regularly uses the nickname and the nickname does not include any part of a political party name. Opposite the name of each person nominated, including candidates for president and vice president and joint candidates for governor and lieutenant governor, shall be the name of the political party or political organization which nominated the candidate, expressed in not more than three words. Those three words may not promote the candidate or constitute a campaign promise.

(5) The positions on the ballot shall be arranged as follows: First, candidates for president and vice president of the United States; next, candidates for United States senator; next, congressional candidates; next, joint candidates for the offices of governor and lieutenant governor; next, other state candidates; next, legislative candidates; next, district attorney candidates; next, candidates for the board of directors of the regional transportation district; 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, the county clerk and recorder, in preparing the 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. The ballot issues concerning the retention in office of justices of the supreme court, judges of the court of appeals, judges of the district court, and judges of the county court shall be placed on the ballot in that order and shall precede the placement of ballot issues concerning amendment of the state constitution or pertaining to political subdivisions.

TITLE 1. ELECTIONS
GENERAL, PRIMARY, AND CONGRESSIONAL VACANCY ELECTIONS
ARTICLE 7. CONDUCT OF ELECTIONS
PART 6. ELECTION RETURNS

C.R.S. 1-7-601 (2013)

1-7-601. Judges' certificate and statement

(1) As soon as all the votes have been read and counted, either at the precincts or at the electronic balloting counting centers, the election judges shall make a certificate for each precinct, stating the name of each candidate, the office for which that candidate received votes, and stating the number of votes each candidate received. The number

shall be expressed in numerical figures. The entry shall be made, as nearly as circumstances will permit, in the following form:

At an election held ...., in precinct ......, in the county of ....and state of Colorado, on the ......day of ....in the year ......, the following named candidates received the number of votes annexed to their respective names for the following described offices: Total number of ballots or votes cast was .... A.B. and E.F. had 72 votes ~~for~~ yes and 35 votes no with a net vote of 37 votes yes for governor and lieutenant governor; C.D. and G.H. had 69 votes ~~for~~ yes and 72 votes no with a net vote of 3 votes no for governor and lieutenant governor; J.K. had 68 votes ~~for~~ yes and 33 votes no with a net vote of 35 votes yes for representative in congress; L.M. had 70 votes ~~for~~ yes and 21 votes no with a net vote of 49 votes yes for representative in congress; N.O. had 72 votes ~~for~~ yes and 28 votes no with a net vote of 44 votes yes for state representative; P.Q. had 71 votes ~~for~~ yes and 10 votes no with a net vote of 61 votes yes for state representative; R.S. had 84 votes ~~for~~ yes and 27 votes no with a net vote of 57 votes yes for sheriff; T.W. had 60 votes ~~for~~ yes and 67 votes no with a net vote of 7 votes no for sheriff; (and the same manner for any other persons voted for).

Certified by us:

A.B.)

C.D.)

E.F.) Election Judges

(1.5) In addition to the information required by subsection (1) of this section, the certificate prepared by the election judges for each precinct shall state the ballot title and submission clause of any ballot issue or ballot question voted upon in the election and the number of votes counted for and against the ballot issue or ballot question.

(2)   In addition, the election judges shall make a written statement showing the number of ballots voted, making a separate statement of the number of unofficial and substitute ballots voted, the number of ballots delivered to electors, the number of spoiled ballots, the number of ballots not delivered to electors, and the number of ballots returned, identifying and specifying the same. All unused ballots, spoiled ballots, and stubs of ballots voted shall be returned with the statement.

(3)   Any judges' certificates and statements may be combined into one document if so directed by the designated election official.