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By Steven Ward at 2:44 pm, Apr 03, 2020

#316 -AMENDED

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

SECTION 1. In Colorado Revised Statutes, 1-1-104, **amend** (1.3) as follows:

1-1-104. Definitions.

As used in this code, unless the context otherwise requires:

(1.3) "Assembly" means a meeting of delegates of a political party, organized in accordance with the rules and regulations of the political party, ~~held for the purpose of designating candidates for nominations.~~

SECTION 2. In Colorado Revised Statutes, **amend** 1-4-102, as follows:

1-4-102. Methods of placing names on primary ballot.

All candidates for nominations to be made at any primary election shall be placed on the primary election ballot ~~either by certificate of designation by assembly or~~ BY petition.

SECTION 3. In Colorado Revised Statutes, **repeal** 1-4-103.

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, **repeal** 1-4-601.

SECTION 6. In Colorado Revised Statutes, **repeal** 1-4-604.

SECTION 7. In Colorado Revised Statutes, **amend** 1-4-605 as follows:

1-4-605. Order of names on primary ballot.

~~Candidates designated and certified by assembly for a particular office shall be placed on the primary election ballot in the order of the vote received at the assembly. The candidate receiving the highest vote shall be placed first in order on the ballot, followed by the candidate receiving the next highest vote, and so on until all of the candidates designated have been placed on the ballot. The names of two or more candidates receiving an equal number of votes for designation~~

by assembly shall be placed on the primary ballot in the order determined by lot in accordance with section 1-4-601(2). Candidates by petition for any particular office shall follow assembly candidates and shall be placed on the primary election ballot in an order established by lot.

SECTION 8. In Colorado Revised Statutes, **repeal** 1-4-702.

SECTION 9. In Colorado Revised Statutes, 1-4-801, **amend** (2)(a), (2)(a.5), (2)(b), (2)(b.5), (2)(c)(II), (2)(c.5) and (2)(c.7); and **repeal** ~~(2)(e) and (f)~~ and (4) as follows:

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

(2) The signature requirements for the petition are as follows:

(a) Every petition in the case of a candidate for any county office must be signed by electors eligible to vote within the county commissioner district or political subdivision for which the officer is to be elected. ~~Except as otherwise provided in subsection (2)(e) of this section, the petition requires the lesser of one thousand signers or signers equal in number to ten percent of the votes cast in the political subdivision at the contested or uncontested primary election for the political party's candidate for the office for which the petition is being circulated or, if there was no primary election, at the last preceding general election for which there was a candidate for the office.~~ THE PETITION REQUIRES THE LESSER OF ONE THOUSAND TWO HUNDRED FIFTY VALID SIGNATURES OR VALID SIGNATURES EQUAL IN NUMBER TO TEN PERCENT OF THE VOTES CAST IN THE POLITICAL SUBDIVISION AT THE CONTESTED OR UNCONTESTED PRIMARY ELECTION FOR THE POLITICAL PARTY'S CANDIDATE FOR THE OFFICE FOR WHICH THE PETITION IS BEING CIRCULATED OR, IF THERE WAS NO PRIMARY ELECTION, AT THE LAST PRECEDING GENERAL ELECTION FOR WHICH THERE WAS A CANDIDATE FOR THE OFFICE. Notwithstanding any other provision of law, an unaffiliated elector is not eligible to sign a petition for a candidate of a major political party.

(a.5) Every petition in the case of a candidate for a member of the United States house of representatives, member of the state board of education for a congressional district, or member of the board of regents of the university of Colorado for a congressional district must be signed by eligible electors resident within the district for which the officer is to be elected. The petition requires ~~the lesser of one thousand five hundred signers or signers equal in number to ten percent of the votes cast in the district at the contested or uncontested primary election for the political party's candidate for the office for which the petition is being circulated or, if there was no primary election, at the last preceding general election for which there was a candidate for the office~~ TWO THOUSAND VALID SIGNATURES .

(b) Every petition in the case of a candidate for member of the general assembly or any district office greater than a county office must be signed by eligible electors resident within the district for which the officer is to be elected. The petition requires ~~the lesser of one thousand signers or signers equal to thirty percent of the votes cast in the district at the contested or uncontested primary election for the political party's candidate for the office for which the petition is being circulated or, if there was no primary election, at the last preceding general election for which there was a candidate for the office~~ FOR A CANDIDATE FOR THE STATE SENATE REQUIRES ONE THOUSAND FIVE HUNDRED VALID SIGNATURES. THE PETITION FOR A CANDIDATE FOR STATE HOUSE OF REPRESENTATIVES OR ANY DISTRICT OFFICE GREATER THAN A COUNTY REQUIRES SEVEN HUNDRED FIFTY VALID SIGNATURES.

(b.5) Every petition in the case of a candidate for the office of district attorney must be signed by eligible electors resident within the district for which the officer is to be elected. The petition requires ~~the lesser of one thousand signers or signers equal in number to ten percent of the votes cast in the district at the contested or uncontested primary election for the political party's candidate for the office for which the petition is being circulated or, if there was no primary election, at the last preceding general election for which there was a candidate for the office~~ ONE THOUSAND TWO HUNDRED FIFTY VALID SIGNATURES.

(c)(II) Every petition in the case of a candidate for the office of governor or the office of United States senator must be signed by at least ~~one thousand five hundred~~ TWELVE THOUSAND FIVE HUNDRED VALID SIGNATURES OF eligible electors IN THE STATE WHICH TOTAL NUMBER MUST INCLUDE AT LEAST FIVE HUNDRED VALID SIGNATURES OF ELIGIBLE ELECTORS in each congressional district.

(c.5) Every petition in the case of a candidate for the office of secretary of state, attorney general, or state treasurer must be signed by at least ~~one thousand~~ EIGHT THOUSAND VALID SIGNATURES OF eligible electors IN THE STATE WHICH TOTAL NUMBER MUST INCLUDE AT LEAST THREE HUNDRED VALID SIGNATURES OF ELIGIBLE ELECTORS in each congressional district.

(c.7) Every petition in the case of a candidate for the office of an at-large seat on either the state board of education or the board of regents of the university of Colorado must be signed by at least ~~five hundred~~ FOUR THOUSAND VALID SIGNATURES OF eligible electors IN THE STATE WHICH TOTAL NUMBER MUST INCLUDE AT LEAST ONE HUNDRED VALID SIGNATURES OF ELIGIBLE ELECTORS in each congressional district.

(e) Where the electors of the county have voted to increase the membership of the board of county commissioners from three to five pursuant to section 30-10-306.5, C.R.S., or to decrease the membership of the board from five to three pursuant to section 30-10-306.7, C.R.S., for the next two primary elections immediately following an election at which the voters have approved the change in the membership of the board, the signature requirements for the petition are as follows:

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(I) Where any one or more commissioners to be elected to the board of county commissioners will be voted on by voters of the whole county, every petition must require signers equal in number to twenty percent of the average of all votes cast in each commissioner district in the county during the prior two contested or uncontested primary elections for the political party's candidates in each county commissioner district that held a primary election in either of those elections. If no primary election was held in either year, the calculation must be based on the most recent preceding general election for which the party had a candidate on the ballot, and every petition must require signers equal in number to twenty percent of the average of all votes cast for the political party's candidates for commissioner in each commissioner district in which the party had a candidate on the ballot.

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(II) Where any one or more commissioners to be elected to the board of county commissioners will be voted on only by the electors residing in a particular county commissioner district, the determination of the required number of signers must begin with a calculation of the average of all votes cast in each commissioner district in the county during the prior two contested or uncontested primary elections for the political party's candidates in the county commissioner districts that held a primary election in either of those elections. Upon a determination of the average, that number must then be divided by the total number of commissioner districts in the county where commissioners are voted on only by the electors residing in the district, whether

three or five. After completing this calculation, every petition must require signers equal in number to twenty percent of the number realized. If no primary election was held in either year, the calculation must be based on the most recent preceding general election for which the party had a candidate on the ballot, and every petition must require signers equal in number to the following calculation:

(A) Twenty percent of the average of all votes cast for the political party's candidates for commissioner in each commissioner district in which the party had a candidate on the ballot; and
(B) Divide the number found in sub-subparagraph (A) of this subparagraph (II) by the total number of commissioner districts in the county where commissioners are voted on only by the electors residing in the district, whether three or five.

(f) Following the first two primary elections that are conducted after a change in the membership of the board of county commissioners pursuant to section 30-10-306.5 or 30-10-306.7, C.R.S., in accordance with the requirements of paragraph (e) of this subsection (2), the signature requirements for a petition for a county commissioner candidate who is affiliated with a major political party must follow the procedures specified in paragraph (a) of this subsection (2).

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~~(4) No person who attempted and failed to receive at least ten percent of the votes for the nomination of a political party assembly for a particular office shall be placed in nomination by petition on behalf of the political party for the same office.~~

SECTION 10. In Colorado Revised Statutes, 1-4-802, **amend** (1)(c), ~~and repeal (2) and (3)~~ as follows:

1-4-802. Petitions for nominating minor political party and unaffiliated candidates for a partisan office.

(1) Candidates for partisan public offices to be filled at a general or congressional vacancy election who do not wish to affiliate with a major political party may be nominated, other than by a primary election or a convention, in the following manner:

(c) Every petition for the office of president and vice president, for statewide office, for congressional district office, for the office of member of the general assembly, for district attorney, and for county office must be signed by eligible electors residing within the district or political subdivision in which the officer is to be elected. ~~Except as otherwise provided in subsection (2) of this section, the~~ THE number of VALID signatures of eligible electors on a petition is as follows:

(I) At least ~~one thousand five hundred~~ ONE THOUSAND SEVEN HUNDRED FIFTY in each congressional district for the office of president and vice president;

(II)(A) At least ~~one thousand~~ SEVEN THOUSAND FIVE HUNDRED WHICH TOTAL NUMBER MUST INCLUDE AT LEAST THREE HUNDRED VALID SIGNATURES OF ELIGIBLE ELECTORS in each congressional district for the offices of governor, secretary of state, attorney general, or treasurer, or the office of United States senator;

(B) At least ~~five hundred~~ THREE THOUSAND WHICH TOTAL NUMBER MUST INCLUDE AT LEAST ONE HUNDRED VALID SIGNATURES OF ELIGIBLE ELECTORS in each congressional district for the office of an at-large seat on either the state board of education or the board of regents of the university of Colorado;

(III) ~~The lesser of one thousand five hundred or two and one-half percent of the votes cast in the congressional district in the most recent general election~~ AT LEAST ONE THOUSAND TWO HUNDRED AND FIFTY for the office of member of the United States house of representatives, member of the state board of education for a congressional district, or member of the board of regents of the university of Colorado for a congressional district;

(IV) ~~The lesser of one thousand or three and one-third percent of the votes cast in the senate district in the most recent general election~~ AT LEAST ONE THOUSAND for the office of member of the state senate;

(V) ~~The lesser of one thousand or five percent of votes cast in the house district in the most recent general election~~ AT LEAST SEVEN HUNDRED FIFTY for the office of member of the state house of representatives;

(VI) ~~The lesser of one thousand or three percent of the votes cast in the district in the most recent general election~~ AT LEAST SEVEN HUNDRED FIFTY for the office of district attorney; and

(VII) ~~The lesser of one thousand or two percent of the votes cast for all candidates for that office in the most recent general election~~ **AT FOR ANY COUNTY OFFICE, AT LEAST SEVEN HUNDRED FIFTY OR VALID SIGNATURES EQUAL IN NUMBER TO TWO PERCENT OF THE VOTES CAST ~~IN THE POLITICAL SUBDIVISION FOR ALL CANDIDATES FOR THAT COUNTY OFFICE IN THE MOST RECENT GENERAL ELECTION AT THE CONTESTED OR UNCONTESTED PRIMARY ELECTION FOR THE POLITICAL PARTY'S CANDIDATE FOR THE OFFICE FOR WHICH THE PETITION IS BEING CIRCULATED OR, IF THERE WAS NO PRIMARY ELECTION, AT THE LAST PRECEDING GENERAL ELECTION FOR WHICH THERE WAS A CANDIDATE FOR THE OFFICE~~ for any county office.**

(2) ~~Where the electors of the county have voted to increase the membership of the board of county commissioners from three to five pursuant to section 30-10-306.5, C.R.S., or to decrease the membership of the board from five to three pursuant to section 30-10-306.7, C.R.S., for the next two general elections immediately following an election at which the voters have approved a change in the membership of the board, the signature requirements for the petition to select candidates who do not wish to affiliate with a major political party are as follows:~~

(a) ~~Where any one or more commissioners to be elected to the board of county commissioners will be voted on by voters of the whole county, every petition must require signers equal in number to the lesser of either seven hundred fifty signers or two percent of the average of all votes cast in each county commissioner district for which there was a race on the ballot during the most recent general election;~~

(b) ~~Where any one or more commissioners to be elected to the board of county commissioners will be voted on only by the electors residing in a particular county commissioner district, every petition must require signers equal in number to the lesser of either:~~

(I) ~~Seven hundred fifty signers; or~~

(II) ~~The number realized by first determining two percent of the average of all votes cast in each county commissioner district for which there was a race on the ballot during the most recent general election, and then dividing that number by the total number of commissioner districts in the county where commissioners are voted on only by the electors residing in a district, whether three or five.~~

(3) ~~Following the first two general elections that are conducted after a change in the membership of the board of county commissioners pursuant to section 30-10-306.5 or 30-10-306.7, C.R.S., the signature requirements for a petition for a county commissioner candidate who does not wish~~

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to affiliate with a major political party must follow the procedures specified in subparagraph (VI) of paragraph (c) of subsection (1) of this section.

SECTION 11. In Colorado Revised Statutes, 1-4-1001, **amend** (1)(a) as follows:

1-4-1001. Withdrawal or disqualification from candidacy.

(1)(a) Any person who has ~~accepted a designation or nomination~~ BEEN DESIGNATED BY PETITION may withdraw from candidacy at any time by filing a letter of withdrawal. The withdrawing candidate shall sign and acknowledge the letter before an officer authorized to take acknowledgments and shall file the letter with the designated election official with whom the original certificate or petition of candidacy was filed.

SECTION 12. In Colorado Revised Statutes, 1-4-1002, **amend** (1)(a), (2) and (3)(b)(II)(A); and **repeal** (1)(b) and (3)(b)(II)(B) as follows:

1-4-1002. Vacancies in major party designation up to the sixty-eighth day before primary election day.

(1) For the purposes of this section, a vacancy is caused by:

(a) The declination, death, disqualification, or withdrawal of the person designated ~~by a party assembly~~ as a candidate for nomination. ~~;~~ ~~or~~

~~(b) The failure of a party assembly to make designation of any candidate for nomination.~~

(2) ~~Any vacancy in a party designation~~ IF ANY VACANCY OF A DESIGNATED CANDIDATE occurring after ~~the party assembly at which~~ the designation was made and no later than sixty-eight days before the primary election RESULTS IN A MAJOR POLITICAL PARTY HAVING NO CANDIDATES FOR AN OFFICE TO BE FILLED, THE VACANCY may be filled by the party assembly vacancy committee of the district, county, or state, depending upon the office for which the vacancy in designation has occurred. The party assembly vacancy committee must be appointed by the party in accordance with party rules.

(3)(b)(II) The vacancy committee, by a majority vote of its members present and voting at a meeting called for that purpose, shall select a person who meets all of the requirements of candidacy as of the date of the appointment and who is affiliated with the same political party:

(A) As shown in the statewide voter registration system as the candidate whose declination, death, disqualification, or withdrawal caused the vacancy. ~~;~~ ~~or~~

~~(B) As the party assembly that failed to designate a candidate, as applicable.~~

SECTION 13. In Colorado Revised Statutes, 1-4-1003, **amend** (1) and (2) as follows:

1-4-1003. Vacancies in major party designation occurring between the sixty-seventh day before a primary election and the earliest day to mail primary election ballots.

(1) For the purposes of this section, a vacancy is caused by the declination, death, disqualification, or withdrawal of the person designated ~~by the assembly~~ as a candidate for nomination.

(2) ~~A vacancy in a party nomination~~ IF ANY VACANCY OF A DESIGNATED CANDIDATE occurring between the sixty-seventh day before a primary election and the earliest day to mail primary election ballots pursuant to section 1-7.5-107 RESULTS IN THE PARTY HAVING NO CANDIDATES FOR AN OFFICE TO BE FILLED, THE VACANCY may be filled by the respective party assembly vacancy committee of the appropriate district, county, or state. The party assembly vacancy committee must be appointed by the party in accordance with party rules.

SECTION 14. In Colorado Revised Statutes, 1-4-1004, **amend** (1) and (2) as follows:

1-4-1004. Vacancies in major party designation occurring from the day after the earliest day to mail primary election ballots through primary election day.

(1) For the purposes of this section, a vacancy is caused by the declination, death, disqualification, or withdrawal of the person designated ~~by the assembly~~ as a candidate for nomination.

(2) ~~A vacancy in a party designation~~ IF ANY VACANCY OF A DESIGNATED CANDIDATE occurring from the day after the earliest day to mail primary election ballots pursuant to section 1-7.5-107 through the day of the primary election RESULTS IN THE PARTY HAVING NO CANDIDATES FOR AN OFFICE TO BE FILLED, THE VACANCY may be filled by the respective party assembly vacancy committee of the district, county, or state, depending upon the office for which the vacancy in nomination has occurred. The party assembly vacancy committee must be appointed by the party in accordance with party rules.

SECTION 15. In Colorado Revised Statutes, **amend** 1-4-1007 as follows:

1-4-1007. Vacancies in minor party designation or nomination.

Any vacancy in a nomination for a minor political party candidate occurring after the filing of the certificate of designation pursuant to section 1-4-1304(3) and no later than seventy days before the general or congressional vacancy election, which is caused by the declination, death, disqualification, or withdrawal of any person nominated by the minor political party AND RESULTS IN THE PARTY HAVING NO CANDIDATES FOR AN OFFICE TO BE FILLED, may be filled by the person or persons designated in the constitution or bylaws of the minor political party to fill vacancies.

SECTION 16. In Colorado Revised Statutes, 1-4-1010, **repeal** (1)(a) and **amend** (1)(b)(I) as follows:

1-4-1010. Vacancies in office occurring from the sixty-eighth day prior to primary election day through the earliest day to mail general election ballots.

(a) ~~(I) If the vacancy occurs before the political party assembly, the designated election official shall notify the chairperson of each major political party that the office will be on the ballot for the next primary election, and candidates for the office shall be designated as provided in section 1-4-601 or 1-4-603.~~

~~(H) No person is eligible for appointment to fill a vacancy in a party designation unless that person meets all requirements of candidacy as of the date that the vacancy appointment is made.~~

~~(b)(I) If the vacancy occurs after the political party assembly and~~ no later than sixty-eight days before the primary election, the designated election official shall add the office to the notice of election and notify the chairperson of each major political party that the office will be on the ballot for the next primary election. Candidates for the office shall be designated as provided in section 1-4-603 or by the respective party central committee vacancy committee for the state, county, judicial district, or state senate district.

SECTION 17. In Colorado Revised Statutes, 1-4-1304, **repeal** (1.5)(b), (3) and (4) and **amend** (1.5)(c) and (d) as follows:

1-4-1304. Nomination of candidates.

~~(1.5) (b)(I) A minor political party may nominate candidates for offices to be filled at a general election by assembly. An assembly shall be held no later than seventy three days preceding the primary election.~~

~~(H) Each candidate receiving thirty percent or more of the votes of all duly accredited assembly delegates who are present and voting on that office shall be designated by the assembly and certified pursuant to subsection (3) of this section.~~

~~(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 ARE DESIGNATED FOR AN OFFICE 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.~~

~~(d) If only one candidate is designated for an office by petition or assembly, that candidate shall be the candidate of the minor political party in the general election.~~

~~(3) Any minor political party nominating candidates in accordance with this part 13 shall file a certificate of designation with the designated election official no later than four days after the assembly was held at which the candidate was designated. The certificate of designation must state the name of the office for which each person is a candidate and the candidate's name and address, the date on which the assembly was held at which the candidate was designated, must designate in not more than three words the name of the minor political party that the candidate represents, and must certify that the candidate is a member of the minor political party. The candidate's name may include one nickname, if the candidate regularly uses the nickname and the nickname does not include any part of a political party name. The candidate's affiliation as shown in the statewide voter registration system is prima facie evidence of party membership.~~

~~(4) Any person nominated in accordance with this part 13 shall file a written acceptance with the designated election official by mail, facsimile transmission, or hand delivery. The written acceptance must be postmarked or received by the designated election official no later than four business days after the filing of the certificate of designation required under subsection (3) of this~~

~~section. If the acceptance is transmitted to the designated election official by facsimile transmission, the original acceptance must also be filed and postmarked no later than ten days after the filing of the certificate of designation required under subsection (3) of this section. If an acceptance is not filed within the specified time, the candidate shall be deemed to have declined the nomination.~~

SECTION 18. In Colorado Revised Statutes, 1-5-203, **amend** (1)(a)(I) as follows:

1-5-203. Certification of ballot.

(1)(a) No later than sixty 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 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.

SECTION 19. In adopting the ballot measure to eliminate candidate nomination by means of precinct caucus and party assembly, the voters at the 2020 general election find and declare that the general assembly should make such conforming amendments to Colorado statute as are necessary to foster voter intent to provide candidates' ballot access by means of petition.

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