

2023-2024 #212 (Final)

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

SECTION 1. Declaration of the People of Colorado.

(1) It is in the interest of the people of the state of Colorado to modernize our election system so that all voters and candidates have equal access in certain state and federal elections and voters have more choice to elect candidates who better reflect the will of a majority of the voters. In furtherance of this objective, the people of the state of Colorado establish that all voters have the right to participate in general elections where candidates are elected with a majority of votes.

(2) This equal access provides voters more choices, generates more competitive candidates for elective office, promotes more meaningful voter participation, and holds elected officials more accountable.

SECTION 2. In Colorado Revised Statutes, **add** 1-4-207 as follows:

1-4-207. General elections for covered offices – definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) “ACTIVE CANDIDATE” MEANS ANY CANDIDATE OR SLATE OF CANDIDATES WHO HAS NOT BEEN ELIMINATED OR ELECTED.

(b) “COVERED OFFICE” MEANS THE OFFICE OF UNITED STATES SENATOR, REPRESENTATIVE TO THE UNITED STATES HOUSE OF REPRESENTATIVES, STATE OFFICER, AND STATE SENATOR OR STATE REPRESENTATIVE SERVING IN THE GENERAL ASSEMBLY.

(c) “HIGHEST-RANKED ACTIVE CANDIDATE” MEANS THE ACTIVE CANDIDATE ASSIGNED TO A HIGHER RANKING THAN ANY OTHER ACTIVE CANDIDATE.

(d) “INSTANT RUNOFF VOTING” MEANS A RANKED VOTING METHOD USED TO SELECT A SINGLE WINNER IN A RACE, AS SET FORTH IN THIS SECTION AND SECTION 1-7-1003(3).

(e) “OVERVOTE” MEANS THE SELECTION BY AN ELECTOR OF MORE NAMES THAN THERE ARE PERSONS TO BE ELECTED TO AN OFFICE, THE ASSIGNMENT OF MORE THAN ONE NAME TO ONE RANKING IN AN ELECTION USING A RANKED VOTING METHOD, OR THE DESIGNATION OF MORE THAN ONE ANSWER TO A BALLOT QUESTION OR BALLOT ISSUE. “OVERVOTE” DOES NOT INCLUDE THE RANKING OF MULTIPLE CANDIDATES IN AN ELECTION USING A RANKED VOTING METHOD.

(f) “RANKING” MEANS THE NUMBER AVAILABLE TO BE ASSIGNED BY A VOTER TO A CANDIDATE TO EXPRESS THE VOTER’S PREFERENCE FOR THAT CANDIDATE; THE NUMBER “1” IS THE HIGHEST RANKING, FOLLOWED BY “2,” AND THEN “3,” AND SO ON.

(g) “RANKED VOTING METHOD” MEANS A METHOD OF CASTING AND TABULATING BALLOTS VOTES THAT ALLOWS ELECTORS TO RANK THE CANDIDATES FOR AN OFFICE IN ORDER OF PREFERENCE AND

USES THESE PREFERENCES TO DETERMINE THE WINNER OF THE ELECTION. “RANKED VOTING METHOD” INCLUDES INSTANT RUNOFF VOTING AND CHOICE VOTING OR PROPORTIONAL VOTING AS DESCRIBED IN THIS SECTION AND SECTION 1-7-1003.

(h) “STATE OFFICER” MEANS THE GOVERNOR AND LIEUTENANT GOVERNOR, THE SECRETARY OF STATE, THE STATE TREASURER, THE ATTORNEY GENERAL, MEMBERS OF THE STATE BOARD OF EDUCATION, AND REGENTS OF THE UNIVERSITY OF COLORADO.

(i) “UNDERVOTE” MEANS THE FAILURE OF AN ELECTOR TO VOTE ON A BALLOT QUESTION OR BALLOT ISSUE, THE FAILURE OF AN ELECTOR TO VOTE FOR OR RANK ANY CANDIDATE FOR AN OFFICE, OR THE DESIGNATION BY AN ELECTOR OF FEWER VOTES THAN THERE ARE OFFICES TO BE FILLED; EXCEPT THAT IT IS NOT AN UNDERVOTE IF THERE ARE FEWER CANDIDATES THAN OFFICES TO BE FILLED AND THE ELECTOR DESIGNATES AS MANY VOTES AS THERE ARE CANDIDATES.

(2) EACH GENERAL ELECTION FOR COVERED OFFICE SHALL BE CONDUCTED BY INSTANT RUNOFF VOTING.

(3) EACH ELECTOR MAY VOTE IN THE GENERAL ELECTION FOR EACH COVERED OFFICE FOR THE CANDIDATES ADVANCING FROM THE PRIMARY ELECTION.

(4) THE GENERAL ELECTION BALLOT FOR COVERED OFFICES SHALL BE FORMATTED AS FOLLOWS:

(a) NOTWITHSTANDING SECTION 1-5-404, THE NAMES OF THE CANDIDATES ADVANCING FROM THE PRIMARY ELECTION FOR EACH COVERED OFFICE ALONG WITH THEIR POLITICAL PARTY AFFILIATION, IF ANY, SHALL BE PLACED ON THE GENERAL ELECTION BALLOT IN AN ORDER DETERMINED BY LOT.

(b) FOR A CANDIDATE WHO IS AFFILIATED WITH A POLITICAL PARTY, THEIR POLITICAL PARTY AFFILIATION SHALL APPEAR NEXT TO THEIR NAME. NO CANDIDATE SHALL HAVE A POLITICAL PARTY AFFILIATION NEXT TO THEIR NAME UNLESS THE CANDIDATE WAS AFFILIATED WITH THE POLITICAL PARTY, AS SHOWN IN THE STATEWIDE VOTER REGISTRATION SYSTEM, NO LATER THAN THE FIRST BUSINESS DAY OF THE JANUARY IMMEDIATELY PRECEDING THE ELECTION.

(c) FOR A CANDIDATE WHO IS NOT AFFILIATED WITH A POLITICAL PARTY, THE WORD “UNAFFILIATED” SHALL APPEAR NEXT TO THEIR NAME.

(d) THE GENERAL ELECTION BALLOTS SHALL BE DESIGNED SO THAT THE VOTER MAY RANK CANDIDATES IN ORDER OF PREFERENCE.

(5) (a) A VOTER MAY CHOOSE TO RANK AS MANY OR AS FEW CANDIDATES FOR THE COVERED OFFICES ON THE GENERAL ELECTION BALLOT AS THE VOTER WISHES, INCLUDING RANKING JUST ONE CANDIDATE PER COVERED OFFICE.

(b) THE BALLOT SHALL INCLUDE LANGUAGE THAT WILL AID THE ELECTOR IN RANKING CANDIDATES IN ORDER OF PREFERENCE.

(6) (a) EACH BALLOT SHALL COUNT AS ONE VOTE FOR THE HIGHEST-RANKED ACTIVE CANDIDATE ON THAT BALLOT. THE CANDIDATE WITH THE HIGHEST NUMBER OF VOTES AT THE END OF THE RANKED VOTING TALLY IS ELECTED. THE RANKED VOTING TALLY SHALL PROCEED IN ROUNDS AS FOLLOWS:

(b) IF THERE ARE MORE THAN TWO ACTIVE CANDIDATES, THE ACTIVE CANDIDATE RANKED HIGHEST ON THE FEWEST BALLOTS IS ELIMINATED. BALLOTS RANKING THE ELIMINATED CANDIDATE ARE COUNTED FOR THEIR NEXT-RANKED ACTIVE CANDIDATE AND A NEW ROUND BEGINS.

(c) IF THERE ARE TWO OR FEWER ACTIVE CANDIDATES, THE RANKED VOTING TALLY IS COMPLETE AND THE CANDIDATE WITH THE HIGHEST NUMBER OF VOTES IS ELECTED.

(7) BALLOTS FOR EACH GENERAL ELECTION FOR COVERED OFFICE CONDUCTED BY INSTANT RUNOFF VOTING SHALL BE TREATED AS FOLLOWS:

(a) AN UNDERVOTE DOES NOT COUNT AS AN ACTIVE OR INACTIVE BALLOT IN ANY ROUND OF A RANKED VOTING TALLY OF THAT CONTEST.

(b) AN INACTIVE BALLOT IS A BALLOT THAT CEASES IN A ROUND OF A RANKED VOTING TALLY TO COUNT FOR ANY CANDIDATE FOR THE REMAINDER OF THE RANKED VOTING TALLY OF THE CONTEST BECAUSE EITHER:

(I) ALL CANDIDATES RANKED ON THE BALLOT HAVE BECOME INACTIVE; OR

(II) THE BALLOT INCLUDES AN OVERVOTE AND ANY CANDIDATES RANKED HIGHER THAN THE OVERVOTE HAVE BECOME INACTIVE.

(8) DURING A RANKED VOTING TALLY, A BALLOT SHALL REMAIN ACTIVE AND CONTINUE TO COUNT FOR ITS HIGHEST-RANKED ACTIVE CANDIDATE NOTWITHSTANDING ANY SKIPPED OR REPEATED RANKINGS ON THE BALLOT. A SKIPPED RANKING OCCURS WHEN A VOTER LEAVES A RANKING UNASSIGNED BUT RANKS A CANDIDATE AT A SUBSEQUENT RANKING. A REPEATED RANKING OCCURS WHEN A VOTER RANKS THE SAME CANDIDATE AT MULTIPLE RANKINGS.

(9) IF TWO OR MORE CANDIDATES ARE TIED WITH THE FEWEST BALLOTS, AND THE RANKED VOTING TALLY CANNOT CONTINUE UNTIL A CANDIDATE IS ELIMINATED, THEN THE CANDIDATE TO BE ELIMINATED SHALL BE DETERMINED BY LOT. ELECTION OFFICIALS MAY RESOLVE PROSPECTIVE TIES BETWEEN CANDIDATES PRIOR TO THE RANKED VOTING TALLY. THE RESULT OF ANY TIE RESOLUTION MUST BE RECORDED AND REUSED IN THE EVENT OF A RECOUNT. IF THERE ARE TWO CANDIDATES TIED WITH THE HIGHEST NUMBER OF VOTES AND THE RANKED VOTING TALLY IS COMPLETE, THE CANDIDATE TO BE ELECTED SHALL BE DETERMINED IN THE MANNER PROVIDED BY LAW OR BY LOT, AS APPLICABLE.

(10) FOR ANY ELECTION FOR A COVERED OFFICE USING A RANKED VOTING METHOD, THE SECRETARY OF STATE SHALL RELEASE PRELIMINARY RANKED VOTING TALLIES AS SOON AS PRACTICABLE ON ELECTION NIGHT AND SHALL UPDATE THE RANKED VOTING TALLIES AT REGULAR INTERVALS UNTIL THE OFFICIAL CANVASS OF THE VOTE IS COMPLETE.

SECTION 3. In Colorado Revised Statutes, **add** 1-4-301.5 as follows:

1-4-301.5. INSTANT RUNOFF PRESIDENTIAL GENERAL ELECTIONS. (1) THE GENERAL ELECTION FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES SHALL BE CONDUCTED BY INSTANT RUNOFF VOTING.

(2) THE PRESIDENTIAL GENERAL ELECTION BALLOT SHALL BE DESIGNED SO THAT THE VOTER MAY RANK THE SLATES OF CANDIDATES FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES IN ORDER OF PREFERENCE.

(3) A RANKING OF A SLATE OF CANDIDATES FOR THE OFFICES OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES SHALL BE DEEMED A RANKING FOR EACH OF THE PRESIDENTIAL ELECTORS NOMINATED BY THE POLITICAL PARTY THAT NOMINATED THE SLATE OR BY THE PETITION THAT QUALIFIED THE SLATE.

(4) A VOTER MAY CHOOSE TO RANK AS MANY OR AS FEW SLATES OF PRESIDENTIAL AND VICE-PRESIDENTIAL CANDIDATES ON THE GENERAL ELECTION BALLOT AS THE VOTER WISHES, INCLUDING SELECTING JUST ONE SLATE OF PRESIDENTIAL AND VICE-PRESIDENTIAL CANDIDATES.

(5) IN THE RANKED VOTING TALLY, EACH SLATE OF PRESIDENTIAL AND VICE-PRESIDENTIAL CANDIDATES SHALL BE TREATED AS A SINGLE CANDIDATE DURING TABULATION, AND EACH BALLOT SHALL COUNT AS ONE VOTE FOR THE HIGHEST-RANKED ACTIVE CANDIDATE ON THAT BALLOT. THE RANKED VOTING TALLY SHALL PROCEED IN ROUNDS AS FOLLOWS:

(a) IF THERE ARE MORE THAN TWO ACTIVE CANDIDATES, THE SLATE OF CANDIDATE RANKED HIGHEST ON THE FEWEST BALLOTS IS ELIMINATED. BALLOTS RANKING THE ELIMINATED CANDIDATE ARE COUNTED FOR THEIR NEXT-RANKED ACTIVE CANDIDATE AND A NEW ROUND BEGINS.

(b) IF THERE ARE TWO OR FEWER ACTIVE CANDIDATES, THE RANKED VOTING TALLY IS COMPLETE.

(6) BALLOTS FOR EACH GENERAL ELECTION FOR COVERED OFFICE CONDUCTED BY INSTANT RUNOFF VOTING SHALL BE TREATED AS FOLLOWS:

(a) AN UNDERVOTE DOES NOT COUNT AS AN ACTIVE OR INACTIVE BALLOT IN ANY ROUND OF A RANKED VOTING TALLY OF THAT CONTEST.

(b) AN INACTIVE BALLOT IS A BALLOT THAT CEASES IN A ROUND OF A RANKED VOTING TALLY TO COUNT FOR ANY SLATE OF CANDIDATE FOR THE REMAINDER OF THE RANKED VOTING TALLY OF THE CONTEST BECAUSE EITHER:

(I) ALL SLATES OF CANDIDATES RANKED ON THE BALLOT HAVE BECOME INACTIVE; OR

(II) THE BALLOT INCLUDES AN OVERVOTE AND ANY SLATE OF CANDIDATES RANKED HIGHER THAN THE OVERVOTE HAVE BECOME INACTIVE.

(7) DURING A RANKED VOTING TALLY, A BALLOT SHALL REMAIN ACTIVE AND CONTINUE TO COUNT FOR ITS HIGHEST-RANKED ACTIVE CANDIDATE NOTWITHSTANDING ANY SKIPPED OR REPEATED RANKINGS ON THE BALLOT. A SKIPPED RANKING OCCURS WHEN A VOTER LEAVES A RANKING UNASSIGNED BUT RANKS A SLATE OF CANDIDATES AT A SUBSEQUENT RANKING. A REPEATED RANKING OCCURS WHEN A VOTER RANKS THE SAME SLATE OF CANDIDATES AT MULTIPLE RANKINGS.

(8) IF TWO OR MORE SLATES OF CANDIDATES ARE TIED WITH THE FEWEST BALLOTS, AND THE RANKED VOTING TALLY CANNOT CONTINUE UNTIL A SLATE OF CANDIDATES IS ELIMINATED, THEN THE SLATE OF CANDIDATES TO BE ELIMINATED SHALL BE DETERMINED BY LOT. ELECTION OFFICIALS MAY RESOLVE PROSPECTIVE TIES BETWEEN THE SLATE OF CANDIDATES PRIOR TO THE RANKED VOTING TALLY. THE RESULT OF ANY TIE RESOLUTION MUST BE RECORDED AND REUSED IN THE EVENT OF A RECOUNT. IF THERE ARE TWO SLATES OF CANDIDATES TIED WITH THE HIGHEST NUMBER OF VOTES AND THE RANKED VOTING TALLY IS COMPLETE, THE SLATE OF CANDIDATES RECEIVING THE HIGHEST NUMBER OF VOTES SHALL BE DETERMINED BY LAW OR BY LOT, AS APPLICABLE.

(9) THE NUMBER OF VOTES RECEIVED IN THE FINAL ROUND OF THE RANKED VOTING TALLY SHALL BE DESIGNATED AS THE STATE'S FINAL DETERMINATION OF ITS PRESIDENTIAL VOTE COUNT IN THE CERTIFICATE OF ASCERTAINMENT OF APPOINTMENT OF ELECTORS REQUIRED UNDER FEDERAL LAW.

(10) THE PRESIDENTIAL ELECTORS APPOINTED IN THE CERTIFICATE OF ASCERTAINMENT OF APPOINTMENT OF ELECTORS REQUIRED UNDER FEDERAL LAW SHALL BE THE ELECTORS ASSOCIATED WITH THE PRESIDENTIAL AND VICE-PRESIDENTIAL SLATE THAT RECEIVED THE HIGHEST NUMBER OF VOTES IN THE FINAL ROUND OF THE RANKED VOTING TALLY PURSUANT TO INSTANT RUNOFF VOTING REQUIRED IN THIS SECTION, UNLESS THE MANNER OF APPOINTMENT IS GOVERNED BY AN INTERSTATE COMPACT THAT SPECIFIES A DIFFERENT MANNER OF APPOINTMENT.

(11) THE SECRETARY OF STATE SHALL RELEASE PRELIMINARY RANKED VOTING TALLIES AS SOON AS PRACTICABLE ON ELECTION NIGHT AND SHALL UPDATE THE RANKED VOTING TALLIES AT REGULAR INTERVALS UNTIL THE OFFICIAL CANVASS OF THE VOTE IS COMPLETE.

SECTION 4. Effective date – applicability. (1) Except as otherwise provided in subsection (2) of this section, this act takes effect at 12:01 a.m. on January 1, 2026.

(2) This Initiative shall take effect for any of the covered offices only if an initiative or referred measure is approved by voters, takes effect, and becomes law, or a legislative bill is enacted and becomes law that establishes that candidates advancing to the general election for that covered office must do so through an all-candidate primary election whereby, for each covered office: (1) all candidates who qualify for the ballot shall compete with all other qualifying candidates regardless of political party affiliation or non-affiliation; (2) each elector is eligible to vote for any candidate specific to the districts of the elector's registration regardless of political party affiliation or non-affiliation of the elector; and (3) the three or more candidates who receive the highest number of votes, regardless of political party affiliation or non-affiliation, advance to the general election.