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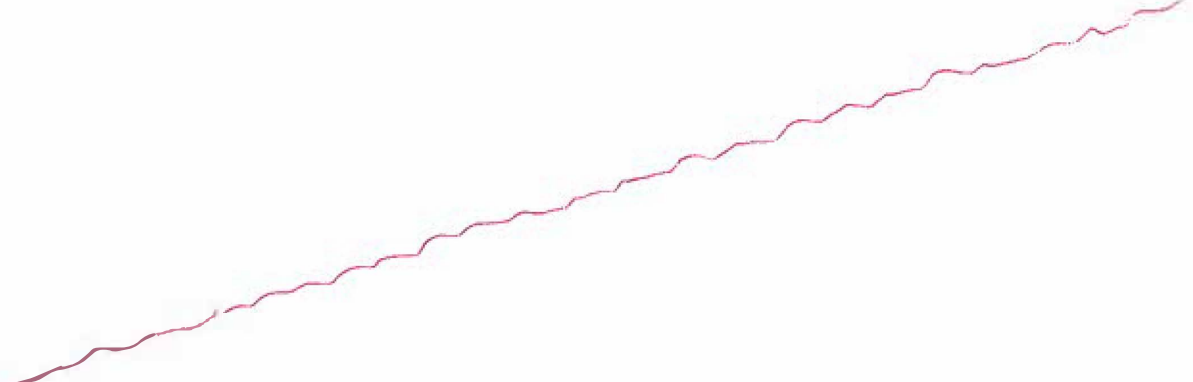
# STATE OF COLORADO

DEPARTMENT OF  
STATE

## CERTIFICATE

I, **JENA GRISWOLD**, Secretary of State of the State of Colorado, do hereby certify that:

the attached are true and exact copies of the filed text, fiscal summary, motion for rehearing, and the rulings thereon of the Title Board for Proposed Initiative "2023-2024 #210 'Concerning the Conduct of 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 9<sup>th</sup> day of April, 2024.

*Jena Griswold*

SECRETARY OF STATE





2023-2024 #210 (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:

- (a) Participate in an all-candidate primary election featuring all candidates for those state and federal offices, with the final four candidates advancing to the general elections;
- (b) Vote for any candidate they prefer, regardless of political affiliation or non-affiliation;
- (c) Participate in general elections where candidates are elected by a majority of votes; and
- (d) Sign petitions for any candidate to qualify for the all-candidate primary election.

(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, 1-1-104, **amend** (19.7), (23.4), (34.4), and (49.7); and **add** (1.05), (7.3), (19.1), (34.3), (43.5), (45.7), and (46.4) as follows:

**1-1-104. Definitions.** As used in this code, unless the context otherwise requires:

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

(7.3) “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.

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

(19.7) “Instant runoff voting” means a ranked voting method used to select a single winner in a race, as set forth in ~~section~~ SECTIONS **1-4-207** AND 1-7-1003(3).

(23.4) “Overvote” means the selection by an elector of more names than there are persons to be elected to an office, THE SELECTION OF MORE THAN ONE NAME IN AN ALL-CANDIDATE PRIMARY ELECTION FOR A COVERED 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 ~~instant runoff~~ A RANKED voting METHOD ~~in accordance with part 10 of article 7 of this title 1.~~

(34.3) “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.

(34.4) “Ranked voting method” means a method of casting and tabulating ~~votes~~ BALLOTS 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 ~~section~~ SECTIONS **1-4-207** AND 1-7-1003.

(43.5) “ROUND” MEANS AN INSTANCE OF THE RANKED VOTING TALLY AS DESCRIBED IN SECTION 1-4-207 AND 1-7-1003.

(45.7) “SINGLE CHOICE VOTING” MEANS A METHOD OF CASTING AND TABULATING BALLOTS THAT ALLOWS ELECTORS TO INDICATE A CHOICE FOR ONLY ONE CANDIDATE FOR AN OFFICE AND USES THESE CHOICES TO DETERMINE THE WINNER OF THE ELECTION.

(46.4) “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.

(49.7) “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.

**SECTION 3.** In Colorado Revised Statutes, 1-2-222, **amend** (3) as follows:

**1-2-222. Errors in recording of affiliation.** (3) For the purposes of determining the eligibility of candidates for nomination in accordance with ~~sections~~ SECTION 1-4-601(4)(a) ~~and 1-4-801(4)~~, the eligibility of persons to vote at any precinct caucus, assembly, or convention in accordance with section 1-3-101, or the eligibility of persons to sign petitions in accordance with section 1-4-801-~~(2)~~, the date of declaration of the party affiliation of the elector must be the date which the elector alleges by affidavit to be the correct date of affiliation.

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

**1-4-101. Primary elections - when - nominations - expenses.** (1) Except as provided in section 1-4-104.5, a primary election FOR AN OFFICE OTHER THAN A COVERED OFFICE shall be held on the

last Tuesday in June of even-numbered years to nominate candidates of political parties to be voted for at the succeeding general election. Except as provided by section 1-4-1304(1.5), only a major political party, as defined in section 1-1-104(22), is entitled to nominate candidates in a primary election.

(2) (a) Each political party that is entitled to participate in the primary election FOR AN OFFICE OTHER THAN A COVERED OFFICE must have a separate party ballot for use by electors affiliated with that political party. 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, if such an election is held.

(b) The county clerk and recorder shall send to all active electors in the county who have not declared an affiliation a mailing that contains the PRIMARY ELECTION ballots FOR AN OFFICE OTHER THAN A COVERED OFFICE 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 rejected and will not be counted.

(3) All nominations by major political parties for candidates for ~~United States senator, representative in congress, all elective state, district, and county officers, and members of the general assembly~~ shall be made by primary elections; ~~except that, for general elections occurring after January 1, 2001, nominations by major political parties for candidates for lieutenant governor shall not be made by primary elections and shall be made pursuant to section 1-4-502~~ (3). Neither the secretary of state nor any county clerk and recorder shall place on the official general election ballot the name of any person as a candidate of any major political party who has not been nominated in accordance with the provisions of this article, or who has not been affiliated with the major political party for the period of time required by section 1-4-601, or who does not meet residency requirements for the office, if any. The information found on the voter registration record of the county of current or previous residence of the person seeking to be placed on the ballot is admissible as prima facie evidence of compliance with this article.

(4) Except as otherwise provided in this code, all primary elections FOR AN OFFICE OTHER THAN A COVERED OFFICE shall be conducted in the same manner as general elections insofar as the general election provisions are applicable, and the election officers for primary elections have the same powers and shall perform the same duties as those provided by law for general elections.

**SECTION 5.** In Colorado Revised Statutes, **add** 1-4-101.5 as follows:

**1-4-101.5 All-candidate primary elections for covered offices - when - nominations - expenses.** (1) AN ALL-CANDIDATE PRIMARY ELECTION FOR A COVERED OFFICE SHALL BE HELD ON THE LAST TUESDAY IN JUNE OF EVEN-NUMBERED YEARS TO NOMINATE CANDIDATES TO BE VOTED ON AT THE SUCCEEDING GENERAL ELECTION.

(2) (a) THE ALL-CANDIDATE PRIMARY ELECTION FOR CANDIDATES FOR A COVERED OFFICE SHALL BE CONDUCTED WHEREBY ALL CANDIDATES WHO QUALIFY FOR THE BALLOT, REGARDLESS OF POLITICAL PARTY AFFILIATION OR NON-AFFILIATION, SHALL APPEAR ON THE SAME BALLOT AND EACH ELECTOR, REGARDLESS OF POLITICAL PARTY AFFILIATION OR NON-AFFILIATION, IS ELIGIBLE TO VOTE FOR ANY ONE CANDIDATE PER EACH COVERED OFFICE SPECIFIC TO THE DISTRICTS OF THE ELECTOR'S REGISTRATION. THE FOUR CANDIDATES WHO RECEIVE THE HIGHEST NUMBER OF VOTES FOR EACH COVERED OFFICE ADVANCE TO THE GENERAL ELECTION.

(b) THE ALL-CANDIDATE PRIMARY ELECTION DOES NOT SERVE TO DETERMINE THE NOMINEE OF A POLITICAL PARTY OR POLITICAL GROUP BUT INSTEAD SERVES TO NARROW THE NUMBER OF CANDIDATES WHOSE NAME WILL APPEAR ON THE BALLOT AT THE GENERAL ELECTION.

(c) NOTHING IN THIS SECTION SHALL PREVENT POLITICAL PARTIES, ORGANIZATIONS, OR OTHER GROUPS FROM ENDORSING A CANDIDATE OR CANDIDATES OF THEIR CHOICE FOR COVERED OFFICES NOR SHALL IT PREVENT A CANDIDATE FROM ACCEPTING OR REJECTING ANY NUMBER OF SUCH ENDORSEMENTS.

(d) CANDIDATES WHO QUALIFY FOR THE ALL-CANDIDATE PRIMARY ELECTION BALLOT SHALL BE PLACED ON THE BALLOT IN AN ORDER ESTABLISHED BY LOT.

(e) 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.

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

(g) CANDIDATES ADVANCING FROM THE ALL-CANDIDATE PRIMARY ELECTION TO THE GENERAL ELECTION FOR THESE COVERED OFFICES SHALL BE DETERMINED AS FOLLOWS:

(I) AT THE ALL-CANDIDATE PRIMARY ELECTION FOR THESE COVERED OFFICES, ONLY THE FOUR CANDIDATES RECEIVING THE HIGHEST NUMBER OF VOTES SHALL ADVANCE TO THE GENERAL ELECTION FOR THESE COVERED OFFICES.

(II) IF THERE ARE FOUR OR FEWER CANDIDATES FOR ONE OF THE COVERED OFFICES, THE ALL-CANDIDATE PRIMARY ELECTION FOR THAT COVERED OFFICE SHALL STILL BE HELD AND THE RESULTS MADE PUBLIC, AND ALL CANDIDATES MUST BE DECLARED THE CANDIDATES FOR THE GENERAL ELECTION.

(III) IN THE EVENT IT CANNOT BE DETERMINED WHICH FOUR CANDIDATES RECEIVED THE HIGHEST NUMBER OF VOTES DUE TO A TIE FOR THE FINAL ADVANCING POSITION, THE TIED CANDIDATE OR CANDIDATES WHO WILL PROCEED TO THE GENERAL ELECTION WILL BE DETERMINED BY LOT.

(IV) IF, BEFORE BALLOTS ARE PRINTED FOR THE GENERAL ELECTION AND PURSUANT TO SECTION 1-5-412, ANY CANDIDATE WHO ADVANCES FROM THE ALL-CANDIDATE PRIMARY ELECTION WITHDRAWS, DIES, OR IS DEEMED DISQUALIFIED, THE CANDIDATE RECEIVING THE NEXT HIGHEST NUMBER OF VOTES AT THE ALL-CANDIDATE PRIMARY ELECTION, BUT WHO DID NOT ORIGINALLY ADVANCE TO THE GENERAL ELECTION, TAKES THE WITHDRAWN, DECEASED, OR DISQUALIFIED CANDIDATE'S PLACE ON THE GENERAL ELECTION BALLOT.

(h) THE SECRETARY OF STATE SHALL PROMULGATE RULES, INCLUDING RULES FOR WITHDRAWING CANDIDATES AND WRITE-IN CANDIDATES, FOR THE ALL-CANDIDATE PRIMARY ELECTIONS FOR COVERED OFFICES AND THE PROCESS BY WHICH CANDIDATES ADVANCE TO THE GENERAL ELECTION BALLOT CONSISTENT WITH THIS SECTION. NOTHING IN THIS SUBSECTION SHALL LIMIT THE AUTHORITY OF THE GENERAL ASSEMBLY TO PASS LAWS REGARDING SUFFRAGE AND ELECTIONS AS PROVIDED IN ARTICLE VII OF THE STATE CONSTITUTION.

(3) NOMINATIONS FOR CANDIDATES FOR LIEUTENANT GOVERNOR SHALL BE MADE PURSUANT TO SECTION 1-4-502 (3).

(4) THE COUNTY CLERK AND RECORDER SHALL SEND TO ALL ACTIVE ELECTORS IN THE COUNTY A MAILING THAT CONTAINS THE ALL-CANDIDATE PRIMARY ELECTION BALLOT FOR COVERED OFFICES. 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. AFTER SELECTING AND CASTING A BALLOT, THE ELECTOR SHALL RETURN THE BALLOT TO THE CLERK. THE SECRETARY OF STATE MAY BY RULE ADOPT ADDITIONAL BALLOT REQUIREMENTS NECESSARY TO AVOID VOTER CONFUSION IN VOTING IN THE ALL-CANDIDATE PRIMARY ELECTION.

(5) NEITHER THE SECRETARY OF STATE NOR ANY COUNTY CLERK AND RECORDER SHALL PLACE ON THE OFFICIAL ALL-CANDIDATE PRIMARY ELECTION BALLOT THE NAME OF ANY PERSON AS A CANDIDATE WHO DOES NOT MEET RESIDENCY REQUIREMENTS FOR THE OFFICE, IF ANY. THE INFORMATION FOUND ON THE VOTER REGISTRATION RECORD OF THE COUNTY OF CURRENT OR PREVIOUS RESIDENCE OF THE PERSON SEEKING TO BE PLACED ON THE BALLOT IS ADMISSIBLE AS PRIMA FACIE EVIDENCE OF COMPLIANCE WITH THIS ARTICLE.

(6) EXCEPT AS OTHERWISE PROVIDED IN THIS CODE, THE ELECTION OFFICERS FOR ALL-CANDIDATE PRIMARY ELECTIONS HAVE THE SAME POWERS AND SHALL PERFORM THE SAME DUTIES AS THOSE PROVIDED BY LAW FOR GENERAL ELECTIONS.

(7) ALL EXPENSES INCURRED IN THE PREPARATION OR CONDUCT OF THE ALL-CANDIDATE PRIMARY ELECTION SHALL BE PAID OUT PURSUANT TO SECTION 1-4-101(5).

**SECTION 6.** In Colorado Revised Statutes, **amend** 1-4-103 as follows:

**1-4-103. Order of names on primary ballot.** (1) Candidates designated and certified by assembly for ~~a particular~~ AN office OTHER THAN A COVERED 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. To qualify for placement on the primary election ballot, a candidate must receive thirty percent or more of the votes of the assembly. 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~~ AN OFFICE OTHER THAN A COVERED OFFICE shall follow assembly candidates and shall be placed on the primary election ballot in an order established by lot.

(2) CANDIDATES FOR THE ALL-CANDIDATE PRIMARY ELECTION FOR A COVERED OFFICE SHALL BE PLACED ON THE BALLOT IN AN ORDER DETERMINED BY LOT.

**SECTION 7.** In Colorado Revised Statutes, **amend** 1-4-104 as follows:

**1-4-104. Party nominees.** Candidates voted on ~~for offices~~ at primary elections FOR AN OFFICE OTHER THAN A COVERED OFFICE who receive a plurality of the votes cast shall be the respective party nominees for the respective offices. If more than one office of the same kind is to be filled, the number of candidates equal to the number of offices to be filled receiving the highest number of votes shall be the nominees of the political party for the offices. The names of the nominees shall be printed on the official ballot prepared for the ensuing general election.

**SECTION 8.** In Colorado Revised Statutes, 1-4-104.5, **amend** (1), (2), and (3) as follows:

**1-4-104.5. Primary election canceled - when.** (1) If, at the close of business on the sixtieth day before the primary election FOR AN OFFICE OTHER THAN A COVERED OFFICE, there is not more than one candidate for any political party who has been nominated in accordance with this article or who has filed a write-in candidate affidavit of intent pursuant to section 1-4-1101 for any office on the primary election ballot, the designated election official may cancel the primary election and declare each candidate the party nominee for that office at the general election. For purposes of other applicable law, such nominee shall be deemed a candidate in and the winner of the primary election FOR AN OFFICE OTHER THAN A COVERED OFFICE. The name of each nominee shall be printed on the official ballot prepared for the ensuing general election.

(2) If a major political party has more than one candidate nominated for any office OTHER THAN A COVERED OFFICE on the primary election ballot, the primary election shall be conducted as provided in section 1-4-101.

(3) If, at the close of business on the sixtieth day before the primary election FOR AN OFFICE OTHER THAN A COVERED OFFICE, there is not more than one candidate for each major political party who has been nominated in accordance with this article for any office on the primary election ballot and a minor political party has more than one candidate nominated for any such office, the primary election shall be conducted as provided in section 1-4-101 for the nomination of the minor political party candidate only.

**SECTION 9.** In Colorado Revised Statutes, **add** 1-4-207 as follows:

**1-4-207. Final four general elections.** (1) EACH ELECTOR MAY VOTE IN THE GENERAL ELECTION FOR EACH COVERED OFFICE FOR THE CANDIDATES ADVANCING FROM THE ALL-CANDIDATE



PRIMARY ELECTION. EACH GENERAL ELECTION FOR COVERED OFFICE SHALL BE CONDUCTED BY INSTANT RUNOFF VOTING.

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

(a) THE NAMES OF THE CANDIDATES ADVANCING FROM THE ALL-CANDIDATE PRIMARY ELECTION AS DETERMINED UNDER SECTION 1-4-101.5 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.

(3) 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.

(4) (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.

(5) 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.

(6) 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.

(7) 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.

(8) 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 10.** 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 11.** In Colorado Revised Statute, 1-4-502, **amend** (1) and (3)(a) and (3)(c); and **add** (1.5) 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~~ 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.

(1.5) A CANDIDATE FOR THE ALL-CANDIDATE PRIMARY ELECTION FOR A COVERED OFFICE UNDER SECTION 1-4-101.5 MAY BE MADE BY ASSEMBLY OR CONVENTION UNDER SECTION 1-4-702.5 BY MAJOR POLITICAL PARTIES, BY PETITION FOR NOMINATION AS PROVIDED IN SECTION 1-4-802.5, OR BY A MINOR POLITICAL PARTY AS PROVIDED IN SECTION 1-4-1304.

(3) For general elections: (a) The ~~nomination~~-NOMINATIONS of a major political party for CANDIDATES FOR lieutenant governor shall be made by the ~~party's candidate~~ CANDIDATES for governor ADVANCING TO THE GENERAL ELECTION FROM THE ALL-CANDIDATE PRIMARY ELECTION PURSUANT TO SECTION 1-4-101.5. No later than seven days after the official statewide election results for the ALL-CANDIDATE primary election are certified pursuant to section 1-10-105 (1), the ~~party's candidate~~ CANDIDATES for governor shall EACH select a candidate for lieutenant governor and shall file a written nomination of the candidate with the secretary of state. ~~Other nominations for the office of lieutenant governor may be made by petition for nomination of an unaffiliated candidate as provided in section 1-4-802 or by a minor political party as provided in section 1-4-1304 (2).~~

(c) Any person nominated as the candidate for lieutenant governor of a major political party pursuant to subsection (3)(a) of this section shall file a written acceptance with the secretary of state by mail or hand delivery. The written acceptance must be postmarked or received by the

secretary of state within thirty days after the nomination. If an acceptance is not filed within the required time, the candidate is deemed to have declined the nomination, and the nomination must be treated as a vacancy to be filled as provided in part 10 of this article 4.

**SECTION 12.** In Colorado Revised Statutes, 1-4-601, **amend** (1)(a) and (4)(a) as follows:

**1-4-601. Designation of candidates for primary election and all-candidate primary election - definition.** (1) (a) Assemblies of the major political parties may make assembly designations of candidates for nomination on the primary election ballot FOR AN OFFICE OTHER THAN A COVERED OFFICE AND FOR THE ALL-CANDIDATE PRIMARY ELECTION BALLOT FOR A COVERED OFFICE. Except as provided in subsection (1)(b) of this section, an assembly shall be held no later than seventy-three days preceding the primary election.

(4) (a) No person is eligible for designation by assembly as a candidate for nomination at ~~any~~ A primary election FOR AN OFFICE OTHER THAN A COVERED OFFICE AND FOR THE ALL-CANDIDATE PRIMARY ELECTION BALLOT FOR A COVERED OFFICE unless the person was affiliated with the political party holding the assembly, as shown in the statewide voter registration system, no later than the first business day of the January immediately preceding the primary election, unless otherwise provided by party rules.

**SECTION 13.** In Colorado Revised Statutes, **amend** 1-4-603 as follows:

**1-4-603. Designation of major political party candidates by petition.** (1) Candidates for major political party nominations for the offices specified in section 1-4-502(1) that are to be made by primary election may be placed on the primary election ballot by petition, as provided in part 8 of this article.

(2) CANDIDATES FOR COVERED OFFICES SPECIFIED IN SECTION 1-4-502(1.5) SHALL BE PLACED ON THE ALL-CANDIDATE PRIMARY ELECTION BALLOT BY PETITION, AS PROVIDED IN PART 8 OF THIS ARTICLE.

**SECTION 14.** In Colorado Revised Statutes, 1-4-604, **amend** (1)(a) as follows:

**1-4-604. Filing of petitions.** (1) (a) Every petition or certificate of designation by assembly in the case of a candidate for nomination for any national or state office specified in section 1-4-502 (1) AND (1.5), or for member of the general assembly, district attorney, or district office greater than a county office, together with the written acceptances signed by the persons designated or nominated by such assembly described in section 1-4-601(3), shall be filed by the presiding officer or secretary of such assembly and received in the office of the secretary of state.

**SECTION 15.** 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 AN OFFICE OTHER THAN A COVERED 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 ~~a particular~~ AN OFFICE OTHER THAN A COVERED OFFICE shall follow assembly candidates and shall be placed on the primary election ballot in an order established by lot.

**SECTION 16.** In Colorado Revised Statutes, 1-4-702, **amend** (1) and (3) 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 state 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.

(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 if such an election is held OR TO THE ALL-CANDIDATE PRIMARY ELECTION FOR A COVERED OFFICE PURSUANT TO SECTION 1-4-101.5.

**SECTION 17.** In Colorado Revised Statutes, **add** 1-4-702.5 as follows:

**1-4-702.5. Nominations of candidates for all-candidate primary election for covered offices by convention.** (1) POLITICAL PARTIES MAY CHOOSE TO NOMINATE CANDIDATES BY ASSEMBLY OR CONVENTION TO THE ALL-CANDIDATE PRIMARY ELECTION FOR COVERED OFFICES.

(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 ALL-CANDIDATE PRIMARY ELECTION.

**SECTION 18.** In Colorado Revised Statutes, 1-4-801, **amend** (1), (2)(b), and (4); and **repeal** (2)(a.5), (2)(c)(II), (2)(c.5), and (2)(c.7) as follows:

**1-4-801. Designation of party candidates by petition.** (1) Candidates for political party nominations FOR AN OFFICE OTHER THAN A COVERED OFFICE to be made by primary election may be placed on the primary election ballot by petition. Every petition to nominate candidates for a primary election shall state the name of the office for which the person is a candidate and the candidate's name and address and shall designate in not more than three words the name of the

political party which the candidate represents. No petition shall contain the name of more than one person for the same office.

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

~~(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.~~

(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.

~~(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 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 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 eligible electors in each congressional district.~~

(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 EXCEPT FOR A COVERED OFFICE shall be placed in nomination by petition on behalf of the political party for the same office.

**SECTION 19.** In Colorado Revised Statutes, 1-4-802, **amend** (1) introductory portion, (1)(b), and (1)(c) introductory portion; and **repeal** (1)(c)(II), (1)(c)(III), (1)(c)(IV), and (1)(c)(V) as follows:

**1-4-802. Petitions for nominating minor political party and unaffiliated candidates for a partisan office.** (1) Candidates for partisan public offices OTHER THAN FOR COVERED OFFICES to be filled at a general ELECTION, or CANDIDATES FOR A 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:

(b) Each petition must contain only the name of one candidate for one office; except that any petition for a candidate for president of the United States must also include a candidate for vice president, ~~and a candidate for governor must also include a candidate for lieutenant governor,~~ and together they shall be considered joint candidates at the general election. In the case of nominations for president and vice president of the United States, the joint candidates shall submit a list of presidential electors endorsed by the electors, and the names of the presidential electors must be added to the petition.

(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 number of signatures of eligible electors on a petition is as follows:

(II) (A) ~~At least one thousand 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 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 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 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 for the office of member of the state house of representatives;~~

**SECTION 20.** In Colorado Revised Statutes, **add** 1-4-802.5 as follows:

**1-4-802.5. Petitions for nominating candidates for a covered office for the all-candidate primary election.** (1) (a) CANDIDATES FOR THE ALL-CANDIDATE PRIMARY ELECTION FOR COVERED OFFICES MAY BE PLACED ON THE ALL-CANDIDATE PRIMARY ELECTION BALLOT BY PETITION.

(b) A CANDIDATE FOR A COVERED OFFICE MAY OBTAIN SIGNATURES FROM ELECTORS AFFILIATED WITH ANY POLITICAL PARTY AND ELECTORS UNAFFILIATED WITH ANY POLITICAL PARTY.



(2)(a) A PETITION FOR NOMINATING A CANDIDATE FOR THE ALL-CANDIDATE PRIMARY ELECTION SHALL BE PREPARED, INDICATING THE NAME AND ADDRESS OF THE CANDIDATE FOR THE OFFICE TO BE FILLED. THE PETITION MAY INDICATE THE NAME OF THE CANDIDATE'S POLITICAL PARTY AFFILIATION OR NON-AFFILIATION IN NOT MORE THAN THREE WORDS.

(b) EACH PETITION MUST CONTAIN ONLY THE NAME OF ONE CANDIDATE FOR ONE OFFICE.

(3) THE SIGNATURE REQUIREMENTS FOR THE PETITION ARE AS FOLLOWS:

(a) 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 SEVEN HUNDRED FIFTY SIGNERS OR SIGNERS EQUAL IN NUMBER TO FIVE PERCENT OF THE VOTES CAST IN THE DISTRICT AT THE MOST RECENT GENERAL ELECTION FOR THE OFFICE FOR WHICH THE PETITION IS BEING CIRCULATED.

(b) EVERY PETITION IN THE CASE OF A CANDIDATE FOR MEMBER OF THE GENERAL ASSEMBLY MUST BE SIGNED BY ELIGIBLE ELECTORS RESIDENT WITHIN THE DISTRICT FOR WHICH THE MEMBER IS TO BE ELECTED. THE PETITION REQUIRES THE LESSER OF FIVE HUNDRED SIGNERS OR SIGNERS EQUAL TO FIFTEEN PERCENT OF THE VOTES CAST IN THE DISTRICT AT THE MOST RECENT GENERAL ELECTION FOR THE OFFICE FOR WHICH THE PETITION IS BEING CIRCULATED.

(c) 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 SEVEN HUNDRED FIFTY ELIGIBLE ELECTORS IN EACH CONGRESSIONAL DISTRICT.

(d) 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 FIVE HUNDRED ELIGIBLE ELECTORS IN EACH CONGRESSIONAL DISTRICT.

(e) 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 TWO HUNDRED FIFTY ELIGIBLE ELECTORS IN EACH CONGRESSIONAL DISTRICT.

(4) NO PETITION TO NOMINATE A CANDIDATE FOR THE ALL-CANDIDATE PRIMARY ELECTION SHALL BE CIRCULATED NOR ANY SIGNATURES OBTAINED PRIOR TO THE DAY ON WHICH THE SECRETARY OF STATE PROVIDES NOTICE TO THE CANDIDATE THAT THE PETITION HAS BEEN APPROVED.

(5) THE SECRETARY OF STATE SHALL PROMULGATE RULES, INCLUDING RULES ADDRESSING PETITION ACCESSIBILITY AND TECHNOLOGICAL ASSISTANCE, CONSISTENT WITH THIS SECTION, THE AMERICANS WITH DISABILITIES ACT OF 1990, 42 U.S.C. § 12101 ET SEQ., AS AMENDED, AND PARTS 6 AND 8 OF ARTICLE 34 OF TITLE 24, AND THE COLORADO UNIFORM MILITARY AND OVERSEAS VOTERS ACT, ARTICLE 8.3 OF TITLE 1. NOTHING IN THIS SUBSECTION SHALL LIMIT THE

AUTHORITY OF THE GENERAL ASSEMBLY TO PASS LAWS REGARDING SUFFRAGE AND ELECTIONS AS PROVIDED IN ARTICLE VII OF THE STATE CONSTITUTION.

**SECTION 21.** In Colorado Revised Statutes, 1-4-904, **amend** (2); and **add** (2.5) as follows:

**1-4-904. Signatures on the petitions.** (2) (a) For petitions to nominate candidates from a major political party in a partisan election FOR AN OFFICE OTHER THAN A COVERED OFFICE, each signer must be affiliated with the major political party named in the petition and shall state the following to the circulator: That the signer has been affiliated with the major political party named in the petition for at least twenty-two days as shown in the statewide voter registration system, and that the signer has not signed any other petition for any other candidate for the same office.

(b) Petitions to nominate candidates from a minor political party or unaffiliated candidates in a partisan election FOR AN OFFICE OTHER THAN A COVERED OFFICE may be signed by any eligible elector who has not signed any other petition for any other candidate for the same office.

(2.5) PETITIONS TO NOMINATE CANDIDATES FOR THE ALL-CANDIDATE PRIMARY ELECTION PURSUANT TO SECTION 1-4-802.5 MAY BE SIGNED BY ANY ELIGIBLE ELECTOR WHO HAS NOT SIGNED ANY OTHER PETITION FOR ANY OTHER CANDIDATE FOR THE SAME OFFICE.

**SECTION 22.** In Colorado Revised Statutes, 1-4-1304, **amend** (1), (1.5)(a), (1.5)(b)(I), (1.5)(c), (1.5)(d), (2) introductory portion, and (5) as follows:

**1-4-1304. Nomination of candidates.** (1) A minor political party may nominate candidates in accordance with sections 1-4-302, 1-4-402(1)(a), 1-4-502(1), ~~and~~ 1-4-802, **1-4-802.5** and this article.

(1.5) (a) A minor political party may nominate candidates for offices OTHER THAN COVERED OFFICES to be filled at a general election by petition in accordance with section 1-4-802. A MINOR POLITICAL PARTY MAY NOMINATE CANDIDATES FOR COVERED OFFICES FOR THE ALL-CANDIDATE PRIMARY ELECTION BY PETITION IN ACCORDANCE WITH SECTION 1-4-802.5.

(b) (I) A minor political party may nominate candidates for offices OTHER THAN COVERED OFFICES to be filled at a general election by assembly. A MINOR POLITICAL PARTY MAY NOMINATE CANDIDATES FOR COVERED OFFICES FOR THE ALL-CANDIDATE PRIMARY ELECTION BY ASSEMBLY. Except as provided in subsection (1.5)(f) of this section, an assembly shall be held no later than seventy-three days preceding the primary election.

(c) If an assembly designates more than one candidate for an office OTHER THAN A COVERED OFFICE, or if an assembly designates one or more candidates FOR AN OFFICE OTHER THAN A COVERED OFFICE 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.

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

(2) Nominations by a minor political party, to be valid, must be made in accordance with the party's constitution or bylaws. No nomination under this section is valid for ~~any~~A general election FOR AN OFFICE OTHER THAN A COVERED OFFICE unless the nominee:

(5) Nothing in this part 13 shall be construed to allow a minor political party to nominate more than one candidate for ~~any one~~AN office OTHER THAN A COVERED OFFICE.

**SECTION 23.** In Colorado Revised Statutes, 1-5-402, **amend** (1) as follows:

**1-5-402. Primary election ballots for offices other than covered offices.** (1) No later than thirty-two days before the primary election FOR AN OFFICE OTHER THAN A COVERED OFFICE, 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 FOR THE PRIMARY ELECTION FOR OFFICES OTHER THAN COVERED OFFICES 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 FOR THE PRIMARY ELECTION FOR OFFICES OTHER THAN COVERED OFFICES 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 OTHER THAN COVERED 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.

**SECTION 24.** In Colorado Revised Statutes, **add** 1-5-402.5 as follows:

**1-5-402.5. All-candidate primary election ballots for covered offices.** (1) NO LATER THAN THIRTY-TWO DAYS BEFORE THE ALL-CANDIDATE PRIMARY ELECTION FOR A COVERED OFFICE, THE COUNTY CLERK AND RECORDER SHALL PREPARE THE ALL-CANDIDATE PRIMARY ELECTION BALLOT. THE BALLOTS SHALL BE PRINTED IN THE FOLLOWING MANNER:

(a) ALL OFFICIAL BALLOTS FOR THE ALL-CANDIDATE PRIMARY ELECTION FOR COVERED OFFICES SHALL BE PRINTED ACCORDING TO THE PROVISIONS OF SECTIONS 1-5-407 AND 1-5-408.

(b) THE POSITIONS ON THE BALLOT FOR THE ALL-CANDIDATE PRIMARY ELECTION FOR COVERED OFFICES SHALL BE ARRANGED AS FOLLOWS: FIRST, CANDIDATES FOR UNITED STATES SENATOR; NEXT, CONGRESSIONAL CANDIDATES; NEXT, STATE CANDIDATES; AND NEXT, LEGISLATIVE CANDIDATES.

**SECTION 25.** In Colorado Revised Statutes, 1-5-403, **amend** (2) and (4); and **add** (2.5) as follows:

**1-5-403. Content of ballots for general and congressional vacancy elections.** (2) For all elections except those for presidential electors, every ballot shall contain the names of all candidates for offices OTHER THAN COVERED 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”. 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 for any pair of candidates is a vote for the duly nominated presidential electors of the political party or political organization by which the pair of candidates were named.

(2.5) FOR ALL COVERED OFFICE GENERAL ELECTIONS EVERY BALLOT SHALL CONTAIN THE NAMES OF THE CANDIDATES ADVANCING FROM THE ALL-CANDIDATE PRIMARY ELECTION, EXCEPT THOSE WHO HAVE DIED OR WITHDRAWN, AND THE BALLOT SHALL CONTAIN NO OTHER NAMES.

(4) The name of each person nominated FROM A PRIMARY ELECTION OR ADVANCING FROM AN ALL-CANDIDATE PRIMARY ELECTION 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 FROM A PRIMARY ELECTION OR WITH WHICH A CANDIDATE FROM THE ALL-CANDIDATE PRIMARY ELECTION IS AFFILIATED, IF ANY, expressed in not more than three words. Those three words may not promote the candidate or constitute a campaign promise.

**SECTION 26.** In Colorado Revised Statutes, 1-5-404, **amend** (2); and **add** (2.5) as follows:

**1-5-404. Arrangement of names on ballots for partisan elections.** (2) Between July 1 and July 15 of each election year, the officer in receipt of the original designation, nomination, or petition of each candidate FOR AN OFFICE OTHER THAN A COVERED OFFICE shall inform the major political parties, each minor political party that has nominated at least one candidate, and the representative of each political organization that has filed a nominating petition for at least one

candidate of the time and place of the lot-drawing for offices to appear on the general election ballot. Ballot positions shall be assigned to the major political party, minor political party, or political organization in the order in which they are drawn. The name of the candidate shall be inserted on the ballot prior to the ballot certification.

(2.5) IN THE GENERAL ELECTION FOR A COVERED OFFICE, THE NAMES OF THE CANDIDATES ADVANCING FROM THE ALL-CANDIDATE PRIMARY ELECTION SHALL BE PLACED ON THE BALLOT FOR THE GENERAL ELECTION IN AN ORDER DETERMINED BY LOT.

**SECTION 27.** In Colorado Revised Statutes, 1-5-407, **amend** (2) as follows:

**1-5-407. Form of ballots.** (2) The ballots shall be printed so as to give to each eligible elector a clear opportunity to designate his or her choice of candidates, joint candidates, ballot issues, and ballot questions by a mark as instructed. On the ballot may be printed words that will aid the elector, such as “vote for not more than one” IN ELECTIONS CONDUCTED USING SINGLE CHOICE VOTING. FOR ELECTIONS CONDUCTED USING A RANKED VOTING METHOD, THE BALLOT SHALL INCLUDE LANGUAGE THAT WILL AID THE ELECTOR IN RANKING CANDIDATES IN ORDER OF PREFERENCE.

**SECTION 28.** In Colorado Revised Statutes, 1-5-408, **amend** (1) as follows:

**1-5-408. Form of ballots - electronic voting.** (1) Ballot cards placed upon voting equipment shall, so far as practicable, be arranged as provided by sections 1-5-402, **1-5-402.5**, 1-5-403, and 1-5-404; except that they shall be of the size and design required by the voting equipment and may be printed on a number of separate ballot cards that are placed on the voting equipment.

**SECTION 29.** In Colorado Revised Statutes, 1-5-412, **amend** (3) as follows:

**1-5-412. Correction of errors.** (3) (a) If, before the date set for election FOR AN OFFICE OTHER THAN A COVERED OFFICE, a duly nominated candidate withdraws by filing an affidavit of withdrawal with the designated election official, or dies and the fact of the death becomes known to the designated election official before the ballots are printed, or is deemed disqualified, the name of the candidate shall not be printed on the ballots.

(b) (I) IF, BEFORE THE DATE SET FOR THE ALL-CANDIDATE PRIMARY ELECTION FOR A COVERED OFFICE, A DULY NOMINATED CANDIDATE WITHDRAWS BY FILING AN AFFIDAVIT OF WITHDRAWAL WITH THE DESIGNATED ELECTION OFFICIAL, OR DIES AND THE FACT OF THE DEATH BECOMES KNOWN TO THE DESIGNATED ELECTION OFFICIAL BEFORE THE BALLOTS ARE PRINTED, OR IS DEEMED DISQUALIFIED, THE NAME OF THE CANDIDATE SHALL NOT BE PRINTED ON THE ALL-CANDIDATE PRIMARY ELECTION BALLOT.

(II) IF A CANDIDATE FOR COVERED OFFICE ADVANCING FROM THE ALL-CANDIDATE PRIMARY ELECTION TO THE GENERAL ELECTION WITHDRAWS BY FILING AN AFFIDAVIT OF WITHDRAWAL WITH THE DESIGNATED ELECTION OFFICIAL, OR DIES AND THE FACT OF THE DEATH BECOMES KNOWN TO THE DESIGNATED ELECTION OFFICIAL BEFORE THE BALLOTS ARE PRINTED, OR IS DEEMED DISQUALIFIED, THE NAME OF THE CANDIDATE SHALL NOT BE PRINTED ON THE BALLOT, AND THE

DESIGNATED ELECTION OFFICIAL SHALL FOLLOW THE PROCEDURES SPECIFIED IN SECTION 1-4-101.5(2)(d)(IV).

(c) Except in the case of a vacancy to be filled in accordance with section 1-4-1005, 1-4-1006, or 1-4-1009, OR IN AN ELECTION CONDUCTING USING A RANKED VOTING METHOD, if the ballots are already printed, the votes cast for the withdrawn, deceased, or disqualified candidate are invalid and shall not be counted. IN AN ELECTION CONDUCTED USING A RANKED VOTING METHOD, BALLOTS SHALL CONTINUE TO COUNT FOR THEIR HIGHEST-RANKED ACTIVE CANDIDATE, IF ANY.

**SECTION 30.** In Colorado Revised Statutes, 1-7-201, **amend** (1), (2), (2.3), (4), (5), and (6) as follows:

**1-7-201. Voting at primary election for an office other than a covered office.** (1) Any registered elector, including a preregistrant who is eligible under section 1-2-101 (2)(c), who has declared an affiliation with a political party that is participating in a primary election FOR AN OFFICE OTHER THAN A COVERED OFFICE and who desires to vote for candidates of that party at a primary election FOR AN OFFICE OTHER THAN A COVERED OFFICE shall show identification, as defined in section 1-1-104 (19.5), write THEIR ~~his or her~~ name and address on a form available at the voter service and polling center, and give the form to one of the election judges.

(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 FOR THE PRIMARY ELECTION FOR AN OFFICE OTHER THAN A COVERED OFFICE of the political party affiliation last recorded.

(2.3) An eligible unaffiliated elector, including a preregistrant who is eligible under section 1-2-101 (2)(c), is entitled to vote in the primary election FOR AN OFFICE OTHER THAN A COVERED OFFICE of a major political party without affiliating with that political party. To vote in a political party's primary election FOR AN OFFICE OTHER THAN A COVERED OFFICE without declaring an affiliation with the political party, any eligible unaffiliated 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 FOR THE PRIMARY ELECTION FOR AN OFFICE OTHER THAN A COVERED OFFICE 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.

(4) Party ballots FOR THE PRIMARY ELECTION FOR AN OFFICE OTHER THAN A COVERED OFFICE shall be cast in the same manner as in general elections. An elector shall not vote for more candidates for any office than are to be elected at the general election as indicated on the ballot.

(5) Instead of voting for a candidate whose name is printed on the party ballot FOR THE PRIMARY ELECTION FOR AN OFFICE OTHER THAN A COVERED OFFICE, an elector may cast a write-in vote for

any eligible candidate who is a member of the major political party and who has filed an affidavit of intent of write-in candidacy pursuant to section 1-4-1101. When no candidate has been designated by an assembly or by petition FOR THE PRIMARY ELECTION FOR AN OFFICE OTHER THAN A COVERED OFFICE, a write-in candidate for nomination by any major political party FOR THE PRIMARY ELECTION FOR AN OFFICE OTHER THAN A COVERED OFFICE must receive at least the number of votes at any primary election that is required by section 1-4-801(2) to become designated as a candidate by petition.

(6) The provisions of subsections (1), (2), and (4) of this section shall not apply to a primary election FOR AN OFFICE OTHER THAN A COVERED OFFICE conducted as a mail ballot election pursuant to article 7.5 of this title.

**SECTION 31.** In Colorado Revised Statutes, **add** 1-7-201.5 as follows:

**1-7-201.5. Voting at all-candidate primary election for a covered office.** (1) ANY REGISTERED ELECTOR, INCLUDING A PREREGISTRANT WHO IS ELIGIBLE UNDER SECTION 1-2-101(2)(C), WHO DESIRES TO VOTE IN THE ALL-CANDIDATE PRIMARY ELECTION FOR COVERED OFFICES SHALL SHOW IDENTIFICATION, AS DEFINED IN SECTION 1-1-104(19.5), WRITE THEIR NAME AND ADDRESS ON A FORM AVAILABLE AT THE VOTER SERVICE AND POLLING CENTER, AND GIVE THE FORM TO ONE OF THE ELECTION JUDGES.

(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 ALL-CANDIDATE PRIMARY ELECTION BALLOT.

(3) INSTEAD OF VOTING FOR A CANDIDATE WHOSE NAME IS PRINTED ON THE ALL-CANDIDATE PRIMARY ELECTION BALLOT, AN ELECTOR MAY CAST A WRITE-IN VOTE FOR ANY ELIGIBLE CANDIDATE WHO HAS FILED AN AFFIDAVIT OF INTENT OF WRITE-IN CANDIDACY PURSUANT TO SECTION 1-4-1101.

**SECTION 32.** In Colorado Revised Statutes, 1-7-307, **amend** (2); and **add** (2.5), as follows:

**1-7-307. Method of counting paper ballots.** (2) Each ballot shall be read and counted separately.

(2.3) FOR EACH ELECTION USING SINGLE CHOICE VOTING, ~~Every~~ EVERY name and all names of joint candidates separately marked as voted for on the ballot shall be read and an entry made on each of two accounting forms before any other ballot is counted. The entire number of ballots, excepting “excess ballots”, shall be read, counted, and placed on the accounting forms in like manner. When all of the ballots, except “excess ballots”, have been counted, the election judges shall post the votes from the accounting forms.

(2.5) FOR EACH ELECTION USING A RANKED VOTING METHOD, BALLOTS SHALL BE COUNTED PURSUANT TO PART 5, OF THIS ARTICLE 7.

**SECTION 33.** In Colorado Revised Statutes, 1-7-503, **amend** (1) as follows:

**1-7-503. Manner of voting.** (1) Each eligible elector, upon receiving a ballot, shall immediately proceed unaccompanied to one of the voting booths provided. To cast a vote, the eligible elector shall clearly fill the oval, connect the arrow, or otherwise appropriately mark the name of the candidate; ~~or~~ the names of the joint candidates; OR, IN THE EVENT THE ELECTION USES A RANKED VOTING METHOD, RANK THE NAMES OF THE CANDIDATES of the elector's choice for each office to be filled. In the case of a ballot issue, the elector shall clearly fill the oval, connect the arrow, or otherwise appropriately mark the appropriate place opposite the answer that the elector desires to give. Before leaving the voting booth, the eligible elector, without displaying the marks thereon, shall place the ballot in the privacy envelope so that the contents of the ballot or ballot card are concealed and shall place the envelope and the ballot or ballot card in the ballot box.

**SECTION 34.** In Colorado Revised Statutes, 1-7-508, **amend** (2) as follows:

**1-7-508. Determination of improperly marked ballots.** (2) Votes cast for an office to be filled or a ballot question or ballot issue to be decided shall not be counted if a voter marks more names than there are persons to be elected to an office or if for any reason it is impossible to determine the elector's choice of candidate or vote concerning the ballot question or ballot issue; except that an elector's rankings of multiple candidates in an election using ~~instant runoff~~ A RANKED voting METHOD shall be recorded and counted in accordance with ~~section~~SECTIONS **1-4-207** AND 1-7-1003 and rules promulgated by the secretary of state. A defective or an incomplete mark on any ballot in a proper place shall be counted if no other mark is on the ballot indicating an intention to vote for some other candidate or ballot question or ballot issue.

**SECTION 35.** In Colorado Revised Statutes, 1-7-509, **amend** (2)(a) as follows:

**1-7-509. Electronic and electromechanical vote counting - testing of equipment required - rules.** (2) (a) A public test of voting equipment shall be conducted prior to the commencement of voting in accordance with this section by processing a preaudited group of ballots produced so as to record a predetermined number of valid votes for each candidate and on each ballot question or ballot issue. The test shall ensure that the system accurately records votes when the elector has the option of voting for more than one candidate in a race. The test shall ensure that the voting system properly rejects and does not count overvotes and undervotes. If the equipment is to be used in an election using ~~instant runoff~~ A RANKED voting METHOD, the test shall ensure that the voting system accurately records, counts, and tabulates an elector's rankings of multiple candidates in accordance with ~~section~~SECTIONS **1-4-207** AND 1-7-1003 and rules promulgated by the secretary of state.

**SECTION 36.** In Colorado Revised Statutes, 1-7.5-107, **amend** (2.7) 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 - return envelope requirements - repeal.** (2.7) Subsequent to the preparation of ballots in accordance with ~~section~~SECTIONS 1-5-402 AND **1-5-402.5** but prior to the mailing required under subsection (3) of this section, and no sooner than forty-five days nor later than thirty-two



days before an election, a designated election official shall provide a mail ballot PACKET FOR ALL-CANDIDATE PRIMARY ELECTIONS FOR COVERED OFFICES AND FOR PRIMARY ELECTIONS FOR OFFICES OTHER THAN COVERED OFFICES to a registered elector requesting the ballot PACKET at the designated election official's office or the office designated in the election plan filed with the secretary of state.

**SECTION 37. Severability.**

If any provision of this initiative, or the application of any provision of this initiative to any person, office, or circumstance, is held to be unconstitutional, the remainder of this initiative and the application of its provision to any person, office, or circumstance, shall not be affected by the holding.

**SECTION 38. Effective Date.**

This initiative takes effect at 12:01 a.m. on January 1, 2026.



**Ballot Title Setting Board**

**Proposed Initiative 2023-2024 #210<sup>1</sup>**

*Hearing March 20, 2024:*

*Title setting denied on the grounds that the initiative contains multiple subjects and the Board lacks jurisdiction to set title (2-1, Chase).*

*Board Members: Theresa Conley, Jennifer Sullivan, Christy Chase*

*Hearing adjourned 3:53 P.M.*

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<sup>1</sup> Unofficially captioned “**Concerning the Conduct of Elections**” by legislative staff for tracking purposes. This caption is not part of the titles set by the Board.



**Ballot Title Setting Board**

**Proposed Initiative 2023-2024 #210<sup>1</sup>**

*Hearing March 20, 2024:*

*Title setting denied on the grounds that the initiative contains multiple subjects and the Board lacks jurisdiction to set title (2-1, Chase).*

*Board Members: Theresa Conley, Jennifer Sullivan, Christy Chase*

*Hearing adjourned 3:53 P.M.*

*Rehearing April 4, 2024:*

*Motion for Rehearing was denied in its entirety (2-1, Chase).*

*Board Members: Theresa Conley, Christy Chase, Jennifer Sullivan*

*Hearing adjourned 10:29 A.M.*

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<sup>1</sup> Unofficially captioned “**Concerning the Conduct of Elections**” by legislative staff for tracking purposes. This caption is not part of the titles set by the Board.



COLORADO TITLE SETTING BOARD

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IN THE MATTER OF THE TITLE AND BALLOT TITLE AND SUBMISSION CLAUSE  
FOR INITIATIVE 2023-2024 #210

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**MOTION FOR REHEARING – INITIATIVE #210**

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On behalf of Jason Bertolacci and Owen Alexander Clough (the “Proponents”), registered electors of the State of Colorado and designated representatives of Proposed Ballot Initiative 2023-2024 #210 (“Initiative #210”), undersigned counsel hereby submit this Motion for Rehearing pursuant to C.R.S. § 1-40-107, and as grounds therefore states as follows:

**I. Introduction**

Initiative #210 is a nonpartisan measure brought by the Proponents, who are the designated representatives of a bipartisan group of civic and political leaders, to modernize Colorado’s election process so that voters, including unaffiliated voters, have greater participation in electing Colorado’s federal and state elected officials.

Initiative #210’s central purpose is to expand voter choice to elect candidates for certain federal and state offices who better represent the will of a majority of the voters. Initiative #210 would accomplish this single subject by allowing candidates to collect signatures from registered voters—affiliated with any political party or with none—in order to appear on the all-candidate primary election ballot;<sup>1</sup> giving voters the right to participate in an all-candidate primary election, where all candidates appear on the same ballot regardless of political party affiliation and where the four candidates who receive the most votes advance to the general election;<sup>2</sup> and using instant runoff voting in the general election, where voters may rank the candidates by preference in order to prevent the undesired potential outcome of electing a candidate who received just 26% of the vote.

A consequence of this objective is that Initiative #210 reduces the power that political party insiders have in selecting candidates for office—a practice that has proved to limit the choice of voters at the ballot box to candidates who often feel too extreme. The measure addresses this problem by making deliberate and focused changes to Colorado’s system of narrowing the field of candidates and electing a candidate to office that empower voters over party insiders at each stage of the voting process thereby spurring candidates to speak to all voters, not just to the party base. These changes ultimately will result in elected candidates who better reflect the will of the majority of the electorate.

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<sup>1</sup> Initiative #210 maintains the party assembly process for nominating candidates to the all-candidate primary election.

<sup>2</sup> An important feature of the measure is that the all-candidate primary does not serve to nominate a candidate as a political party’s standard bearer.

At the measure’s initial Title Board hearing on March 20, 2024, the Title Board incorrectly found that it lacked jurisdiction to set a title on Initiative #210 on grounds that the measure violated the single-subject requirement by including a provision allowing all any voter, regardless of political party affiliation or non-affiliation, to sign a petition in support of any candidate specific to that voter’s registration seeking to access the all-candidate primary election ballot for certain designated covered offices. In doing so, the Title Board failed to: (1) understand why this allowance is necessarily or properly connected to Initiative #210’s central purpose; (2) recognize that the ability for any voter to sign any petition for a candidate seeking ballot access to the all-candidate primary election ballot is neither misleading nor surreptitious; (3) liberally construe the single-subject requirement as required by the Colorado Supreme Court; and (4) remain within the confines of its delegated authority. These errors can be corrected on rehearing.

Because each of Initiative #210’s changes to Colorado election system necessarily or properly connects to the measure’s primary objective of modernizing the voting system to expand voter choice to elect candidates for certain federal and state offices who better represent the will of a majority of the voters, the Title Board’s initial ruling was in error and it should reverse its determination on rehearing.

## **II. Argument**

### ***a. Initiative #210 has a single subject because each of its provisions are necessarily or properly connected.***

During the hearing, the Title Board’s chief concern appeared to be that Initiative #210’s provision allowing any elector, regardless of political party affiliation or non-affiliation, to sign the petition for any candidate specific to the voter’s registration to access the all-candidate primary election ballot constituted a separate subject because it altered the relevance of political parties in the system by theoretically allowing a candidate affiliated with one political party to access the all-candidate primary election ballot by gathering signatures from voters affiliated with a different political party. *See* Title Board Meeting at 3:45:20; 3:49:30 (Mar. 20, 2024) (identifying the change in the political party’s role as a second subject); *Id.* at 6:49:35 (incorporating discussion of prior measures into discussion on declining jurisdiction on Initiative #210).<sup>3</sup> But allowing any voter, regardless of political affiliation or non-affiliation, to sign candidate petitions is necessarily or properly connected to the measure’s single subject of creating a voting process that more accurately represents the will of a majority of voters. Ballot access is one step in the process of voters selecting which candidates they want to see on their ballot and then electing a candidate to hold office.

As required by C.R.S. § 1-40-106.5(1)(a), citizen-initiated ballot measures are “limited to a single subject.” This requirement aims “[t]o forbid the treatment of incongruous subjects in the same measure, especially the practice of putting together in one measure subjects having no necessary or proper connection, for the purpose of enlisting in support of the measure the advocates of each measure, and thus secure the enactment of measures that could not be carried upon their own merits.” C.R.S. § 1-40-106.5(1)(e)(I). The Colorado Supreme Court has further explained that

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<sup>3</sup> Proponents note that one Title Board member voiced concerns about Initiative #210’s adoption of both the all-candidate primary election and instant runoff voting in the general election, but two Board members disagreed that the features violated the single subject requirement.



“[a] proposed initiative violates this requirement when it ‘relate[s] to more than one subject and . . . [has] at least two distinct and separate purposes which are not dependent upon or connected with each other.’” *In re Title, Ballot Title & Submission Clause, & Summary for 1999-2000 No. 256*, 12 P.3d 246, 253 (Colo. 2000) (quoting *In re Proposed Initiative “Public Rights in Waters II,”* 898 P.2d 1076, 1078-79 (Colo. 1995)). By contrast, “a proposed measure that ‘tends to effect or carry out one general objective or purpose presents only one subject.’” *Id.* (quoting *In re Title, Ballot Title & Submission Clause, & Summary for 1999-2000 #25*, 974 P.2d 458, 463 (Colo. 1999)). Put another way, “[s]o long as the proposal encompasses a single subject, even if the subject is general, it does not violate the constitution.” *Id.*

Initiative #210 is a narrowly tailored measure intended to modernize Colorado’s election system by further empowering voters. As explained above, Initiative #210 effectuates its single and distinct purpose by making purposeful changes to the voting system in order to expand voter choice at multiple steps of the election process to elect candidates who reflect the will of the majority of voters. Which candidates voters wish to see on their primary election ballot is a necessary corollary to the winnowing of candidates through the elections process and thus is as important and critical to the voting process as how candidates are elected to office. These elements bookend the voting process to expand voter choice. And while they might target different steps of the electoral process, they each are necessary or proper to Initiative #210’s uniting objective. As explained by the Colorado Supreme Court, “[m]ultiple ideas might well be parsed from even the simplest proposal by applying ever more exacting levels of analytic abstraction until an initiative measure has been broken into pieces,” but “[s]uch analysis . . . is neither required by the single-subject requirement nor compatible with the right to propose initiatives guaranteed by Colorado’s constitution.” *Matter of Title, Ballot Title, & Submission Clause, Summary Clause for 1997-1998 No. 74*, 962 P.2d 927, 929 (Colo. 1998).

Indeed, given that Initiative #210 creates a novel all-candidate primary election, the Proponents must establish the process by which candidates access the all-candidate primary election ballot. Colorado’s current Election Code does not suffice because currently major political party candidates must advance to the general election ballot through partisan primary elections while minor party and unaffiliated candidates may access the general election ballot through other means. Silence on the question would create an unworkable statutory scheme. Thus, by allowing all registered electors to sign any petition for a candidate seeking access to the all-candidate primary election ballot, the Proponents created a ballot access mechanism that, above all else, promoted the input of the largest pool of electors to motivate candidates to seek support from a larger pool of electors. This mechanism is connected to the measure’s single subject and the Proponent’s objective.

In fact, Initiative #210’s treatment of signatures on petitions is similar to provisions that have previously passed single-subject scrutiny. For example, Proposed Initiative #112 for the 2013-2014 election cycle, which was deemed to have a single subject and for which the Title Board set a title, implemented a “two round” voting process with the second round incorporating instant runoff voting. It also specified a petition process under which candidates could access the first round election ballots, established recount provisions for the first round election, and changed the timing of the surveying of returns by the canvass board and compilation of the returns by the Colorado Secretary of State. Critically, under Proposed Initiative #112, through a web-based portal, electors would have received access to “a list of *all* the candidates in their district circulating

petitions” and would have been given the opportunity to “indicate which petitions they wish[ed] to sign.” (Emphasis added). There, no different from here, the provisions of the measure relating to which petitions electors were allowed to sign carried out the measure’s general objective and were, thus, necessarily and properly connected. *See In re Title, Ballot Title, and Submission Clause, & Summary for 2005-2006 #73*, 135 P.3d 736, 737 (Colo. 2006) (“[T]o pass constitutional muster, a proposed initiative must concern only one subject—that is to say it must effect or carry out only one general object or purpose.”).

Because Initiative #210’s provision allowing any elector, regardless of political party affiliation or non-affiliation, is thus connected to the other provisions of the measure, the Title Board should reverse its initial decision on rehearing and find that the measure contains a single subject.

***b. Initiative #210’s allowance of any voter to sign any petition for a candidate for the all-candidate primary election is neither misleading nor surreptitious.***

The Title Board’s apparent concern that Initiative #210’s allowance of any voter to sign any petition for a candidate for the all-candidate primary election would be misleading or surreptitious to voters, or would be revealed as coiled in the folds, is unwarranted. In addition to ensuring that the provisions of a measure are necessarily or properly connected, the single-subject requirement also prevents “surreptitious measures . . . to prevent surprise and fraud from being practiced upon voters.” C.R.S. § 1-40-106.5(1)(e)(II). The Colorado Supreme Court has explained that in reviewing whether a measure encompasses more than a single subject, the focus is property on the two “evils” the single subject requirement ails to prevent: logrolling and surprise. *See Matter of Title, Ballot Title, & Submission Clause for 2021-2022 #16*, 489 P.3d 1217, 1224 (Colo. 2021).

Here, there is no indication that the measure seeks to garner support from various voter factions with conflicting goals. *See Id.* Indeed, as Title Board member Deputy Director Christy Chase noted during the Title Board hearing, the intent of the measure is to enable more of a variety of voters to engage in the petition process and advance the candidate they want onto the ballot. *See Title Board Meeting at 3:46:50* (Mar. 20, 2024). This change is part and parcel to the Proponent’s single subject. Therefore, there is no risk of logrolling due to the nature of the allowing any elector to sign the petition of any candidate. The entire thrust of Initiative #210 is to involve the voices and choices of more voters during the various stages of the electoral process. This element is not distinct from that effort and therefore voters are unlikely to favor one aspect of Initiative #210 and not this element.

Moreover, there is no indication that voters would be surprised or misled by a provision that allows any voter to sign the petition of any candidate to access the all-candidate primary election ballot. Voters reading or researching the measure would naturally inquire how the candidates are to get their names onto the all-candidate primary election ballot. This natural progression indicates the interrelated nature of the question. *See In re 2021-2022 #16*, 489 P.3d at 1223–24 (tying together provisions of a measure under its “general objective” based on the “natural next question”). Had the Title Board properly found title, it would have been appropriate to include language in the title briefly describing that Initiative #210 allows any elector, regardless of political party affiliation or non-affiliation, to sign any petition for a candidate to access the all-

candidate primary election ballot. The risk of voter surprise—or said differently that an element of the measure is coiled in the folds—is not present.<sup>4</sup>

Because Initiative #210’s allowance of any voter to sign any petition for a candidate to access the all-candidate primary election is neither surreptitious nor misleading, it is not a provision that the single-subject requirement must avert, and the Title Board’s ruling should be reversed.

***c. The Title Board erred by failing to liberally construe the single-subject requirement.***

By admitting on the record that whether Initiative #210 encompassed a single subject was a close call, the Title Board failed to follow its statutory obligation to construe the single-subject requirement liberally when it failed to set a title. *See, e.g.*, Title Board Meeting at 1:37:20 (Mar. 20, 2024) (noting that the Board was going round and around about whether Proponents’ measures reflected a single subject); *id.* at 1:54:10 (stating that the Board was going in circles). The statutory single-subject requirement, per its own plain language, must be “liberally construed.” C.R.S. § 1-40-106.5(2). The purpose of this generous standard is to both “avert the practices against which [the single-subject requirement is] aimed at and, at the same time, to preserve and protect the right of initiative and referendum.” *Id.* And the Colorado Supreme Court has further affirmed, that “[t]he single-subject requirement must be liberally construed . . . so as not to impose undue restrictions on the initiative process.” *In re 1997-1998 No. 74*, 962 P.2d at 929. Importantly, this means the task is not “to speculate on the motivations of initiative proponents or to construe the legal effect of the initiative as if it were law.” *In re Title, Ballot Title and Submission Clause, & Summary for 1999-2000 No. 200A*, 992 P.2d 27, 30 (Colo. 2000). As noted above, “[m]ultiple ideas might well be parsed from even the simplest proposal by applying ever more exacting levels of analytic abstraction until and initiative measure has been broken into pieces.” *In 1997-1998 No. 74*, 962 P.2d at 929.

And yet, rather than liberally construe the single subject requirement as mandated, here, the Title Board plainly stated that it viewed close calls as indicators that no single subject existed. *See* Title Board Meeting at 1:37:20 (Mar. 20, 2024); *id.* at 1:54:10. This was an incorrect statement and application of the law and merits reversal of the Title Board’s single subject determination for Initiative #210.

***d. The Title Board overstepped its jurisdiction by speculating as to the effect of the measure.***

To arrive at its determination that Initiative #210 did not meet the single subject requirement, the Title Board strayed beyond its jurisdiction and considered both the effect of the measure on the political parties and whether voters would be confused by the implications of the measure. First, as Title Board Member Deputy Director Chase commented, the Board’s focus on the consequences to a political party’s power due to Initiative #210’s allowance of any voter to sign the petition for any candidate to access the all-candidate primary election ballot does not fall under the Board’s authority to consider single subject. *See* Title Board Meeting at 3:46:50 (Mar.

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<sup>4</sup> Again, as noted above, Initiative #210 does not change a political party’s option to place a candidate on the all-candidate primary election ballot by assembly. Allowing any voter to sign a petition for a candidate specific to their electoral district is simply one way that candidates may get on the all-candidate primary election ballot.

20, 2024). It is not the Board's task "to speculate on the motivations of initiative proponents or to construe the legal effect of the initiative as if it were law." *In re Tile, Ballot Title & Submission Clause and Summary for 1999-2000 No. 200A*, 992 P.2d 27, 31 (Colo. 2000). Here, the Title Board looked beyond the text and objective of the measure and gauged its secondary effects. This step was improper. Because the Title Board strayed from its mandate, the Title Board's finding should be reversed and single subject should be found. There is a direct connection between Initiative #210's provision regarding which electors are eligible to sign petitions of candidates seeking access to the all-candidate primary election and the other provisions of the measure.

Relatedly, the Title Board speculated as to whether voters would be confused by the hypothetical outcome of Initiative #210 that a candidate who identified on the all-candidate primary election ballot as being from a certain major political party could theoretically gain access to that ballot by collecting signatures from electors affiliated with a different major political party. *See* Title Board Meeting at 3:24:15 (Mar. 20, 2024). Not only is such speculation construing the potential effects of the measure, but the United States Supreme Court has expressly rejected this same concern regarding voter confusion in a case involving Washington state's blanket primary election system. Of course, as Title Board indicated and Proponents recognize, the constitutional question here is different. But when discussing this idea of a free-floating free of voter confusion, the Supreme Court reasoned that "our cases reflect a greater faith in the ability of individual voters to inform themselves about campaign issues." *Washington State Grange v. Washington State Republican Party*, 552 U.S. 442, 454 (2008) (quoting *Tashjian v. Republican Party of Connecticut*, 479 U.S. 208, 220 (1986)). "There is simply no basis to presume that a well-informed electorate will interpret a candidate's party-preference designation to mean that the candidate is the party's chosen nominee or representative or that the party associates with or approves of the candidate." *Id.* Therefore, Title Board based its second subject off of a fear that this country's highest Court has determined to be unfounded. The Board's ruling finding Initiative #210 to encompass a second subject should be reversed.

### **III. Conclusion**

For the reasons stated above, each of Initiative #210's provisions, including the provision allowing any eligible elector, regardless of political party affiliation or non-affiliation, to sign a petition for any candidate seeking access to the all-candidate primary election, necessarily or properly connects to the measure's primary objective of expanding voter choice to elect candidates for certain federal and state offices who better represent the will of a majority of the voters. Accordingly, the measure satisfies the liberally construed single-subject requirement of C.R.S. § 1-40-106.5, and the Proponents respectfully request that this Motion for Rehearing be granted and that a title be set at a rehearing held pursuant to C.R.S. § 1-40-107(1).

Respectfully submitted this 27th day of March, 2024.

*/s/ David B. Meschke*

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Testimony of Linda Templin, MPA

Initiatives 2023-2024 #186-191, 209-213, 215-216, & 219 Concerning the Conduct of Elections

### Potential Single Subject Violations

**Measure contains multiple subjects: All-candidate primaries could be enacted with other means of voting. Ranked Choice Voting (RCV) is the “shiny” object.**

At the time of prior hearing, I incidentally understated an important fact when explaining that RCV does not need all-candidate primaries to function. My error was using the word “should” rather than “could” when discussing the combination of RCV with an all-candidate, four-winner primaries in combination with an RCV general election. To my understanding, the Title Board is neutral on issues of policy preference leaving matters of “should” up to the voters.

All-candidate primaries can be a stand-alone measure. Blanket primaries can be implemented in non-RCV scenarios including the current pick-one voting with a plurality tally. Whether it should contain an implementation clause triggered is up to the proponents.

RCV has been implemented in Maine without all-candidate primaries, so it is demonstrated to be a stand-alone measure.

Noteworthy leaders such as the Independence Institute’s Jon Caldera oppose RCV, but support all-candidate primaries. If the general election maintains the current voting method, or moves to another one is a matter for the consent of the voters.

Partisan leaders in Colorado support RCV, but oppose all-candidate primaries. There is no public interest in limiting the number of candidates in the general election to the arbitrary number of four. RCV ballot usability studies (Lee Drutman et al) show that voters prefer to rank their favorites among the 6-12 candidates appearing on an RCV ballot.

For changes of the great magnitude to elections in Colorado combining all-candidate primaries with RCV would yield a meaningless result:

- Supporters of all-candidate primaries would vote **against it because** it contains RCV.
- Supporters of all-candidate primaries would vote **for it despite that** it contains RCV.
- Supporters of RCV would vote **against it because** it contains all-candidate primaries.
- Supporters of RCV would vote **for it despite that** it contains all-candidate primaries.

It would be impossible to determine the actual voter intent. Even post-election polls would not accurately reflect voter thinking on election day.

Colorado conducts the best-in-nation elections because it has higher standards than other states like Alaska and Nevada. In Alaska, elections administrators themselves were surprised in the summer of 2022 to learn that they were to run RCV elections. That proponents’ combination was considered single-subject there is not a good reason for Colorado to do it.

## **Potential Single Subject Violations**

### **Measure contains multiple subjects: Limit general election ballot access to four candidates and RCV**

The bright line between all-candidate primaries and RCV is the narrow opening of ballot access. All references to four candidates belong squarely with the all-candidate primary because there is no public interest in limiting ballot access beyond the current requirements.

Voters who support RCV are already clamoring to assist in gathering signatures. Voter enthusiasm for being free to fearlessly rank their values on election day will blind voters to the likely outcome of the all-candidate primaries in that there would be no minor party options on the general election ballot.



**From:** [Linda Opines](#)  
**To:** [Statewide Initiatives](#)  
**Subject:** [EXTERNAL] Public comment  
**Date:** Tuesday, March 19, 2024 2:21:26 AM

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Via email to: [statewide.initiatives@coloradosos.gov](mailto:statewide.initiatives@coloradosos.gov)

Subject: Initiatives Concerning the Conduct of Elections

Date: March 19, 2024

To: Initiative Title Board

Please accept the following as my Public Comment on Initiatives being heard at the Title Board on March 20, 2024.

As with the previous round of initiatives vying for Title concerning the conduct of election/Ranked Voting Method, the next to batches filed also violate the constitutional requirement that initiatives be a single subject. During the Title Board hearing on February 7, 2024 the Title board denied setting Title for similar initiatives #117 and 8 others after a motion for rehearing was filed and public comment was considered. I am asking this title board to deny the following initiatives before the board on March 20<sup>th</sup>, 2024 due to their failure to meet the Constitutional standard of a Single subject. I am concerned that this board appears to be approving initiatives with multiple subjects unless the public enters opposition as we now have seen the board initially approve similar multiple subject initiatives.

The following initiatives are not single subject and must be denied title.

Initiatives for rehearing: 2023-2024 #186, 187, 188, 189, 190, 191: Concerning the Conduct of Elections

A. Multiple subjects:

1. Creates new designation of offices elected by Single Choice Voting (Plurality),
2. Creates a new designation "Covered Offices" for offices elected by Ranked Voting Method (Ranked Choice Voting, or Instant Runoff),
3. Creates an All-Candidate Primary which abolished the existing Party Primary elections,
4. Creates a new deadline for candidates to designate Party affiliation,
5. Creates new standard for candidates to be listed on the ballot with a method of chance called a "Lot",
6. Limits the number of candidates to appear on the general election ballot to 4 candidates regardless of party,
7. Eliminates the mandatory recount by replacing it with a method of chance called a "Lot",
8. Creates a new method of advancing candidates who previously lost in the All-Candidate Primary to fill any vacancy on the General election ballot,
9. Eliminates In Person voting in the All-Candidate Primary election,
10. Creates a new standard for verifying a candidates residency requirement,

Initiatives 2023-2024 #209 & #210

1. Multiple Subject

1. Creates new designation of offices elected by Single Choice Voting (Plurality),

2. Creates a new designation of "Covered Offices" to include state legislative offices
3. Establishes Ranked Voting Method as the means to elect US Congress.
4. Creates an All-Candidate Primary which abolished the existing Party Primary elections,
5. Creates a new deadline for candidates to designate Party affiliation,
6. Creates new standard for candidates to be listed on the ballot with a method of chance called a "Lot",
7. Limits the number of candidates to appear on the general election ballot to 4 candidates regardless of party,
8. Eliminates the mandatory recount by replacing it with a method of chance called a "Lot",
9. Creates a new method of advancing candidates who previously lost in the All-Candidate Primary to fill any vacancy on the General election ballot,
10. Eliminates In Person voting in the All-Candidate Primary election,
11. Creates a new standard for verifying a candidates residency requirement,

Initiatives 2023-2024 #211 & 212

1. Multiple Subject

1. Creates a new designation of "Covered Office" to include US Congress, state legislators and state offices.
2. Ranked Voting Method for Covered Offices in the Primary
3. Ranked Voting Method for Covered Offices in the General
4. Creates a new authority for election officials to self-determine a tie for lowest ranked vote.
5. Instant Run off for President of the US.

Initiative 2023-2024 #213

A. Multiple subjects:

1. Creates a new designation of "Covered Offices" to include state legislative offices
2. Creates an All candidate Primary (open primary) election.
3. Petition only onto the ballot 1-4-603(2) "SHALL BE PLACED ON THE ALL-CANDIDATE PRIMARY ELECTION BALLOT BY PETITION"
4. Creates a new method for replacing a candidate who withdraws from the primary race.

Initiatives 2023-2024 #215 & 216 4 pgs

A. Multiple subjects:

5. Creates a new designation of "Covered Offices" to include state legislative offices
6. Establishes Ranked Voting Method as the means to elect State legislators.
7. Creates new standard for candidates to be listed on the ballot with a method of chance called a "Lot"
8. Limits the number of candidates to appear on the general election ballot to 4 candidates regardless of party,
9. THEN THE CANDIDATE TO BE ELIMINATED SHALL BE DETERMINED BY LOT. ELECTION OFFICIALS MAY RESOLVE PROSPECTIVE TIES
10. Eliminates the mandatory recount by replacing it with a method of chance called a "Lot", Which gives the election official an unprecedented, and possibly unconstitutional, authority to determine the will of the people.
11. requires The SOS to publish the results as they come in creating a new standard and

providing an avenue for fraud. Knowing the results as they come in allows for fake ballots to be entered.

Initiatives 2023-2024 #197 and #219 Vacancies

1. Multiple subjects

1. Vacancies filled by Election not appointment
2. Election must be Ranked Voting Method which is not the current voting ethos used for General Assembly

Initiatives 2023-2024 #223

1. Multiple subjects

1. Creates an online Petition Process
2. Limits the number of candidates in the General election to 4
3. Creates Ranked Voting Method (Instant Runoff) for all elected offices.

Linda Good  
720-219-3053



**From:** [Patty McKernan](#)  
**To:** [Statewide Initiatives](#)  
**Subject:** [EXTERNAL] Challenge to the Initiatives for Conduct of Elections  
**Date:** Tuesday, March 19, 2024 3:17:59 PM

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Dear Initiative Title Board,

Unfortunately, we need to do this again. Please accept the following as my Public Comment on Initiatives being heard at the Title Board on March 20, 2024.

As with the previous round of initiatives vying for Title concerning the conduct of election/Ranked Voting Method, the next to batches filed also violate the constitutional requirement that initiatives be a single subject. During the Title Board hearing on February 7, 2024 the Title board denied setting Title for similar initiatives #117 and 8 others after a motion for rehearing was filed and public comment was considered. I am asking this title board to deny the following initiatives before the board on March 20th, 2024 due to their failure to meet the Constitutional standard of a Single subject. I am concerned that this board appears to be approving initiatives with multiple subjects unless the public enters opposition as we now have seen the board initially approve similar multiple subject initiatives. The following initiatives are not single subject and must be denied title.

Initiatives for rehearing: 2023-2024 #186, 187, 188, 189, 180, 191: Concerning the Conduct of Elections

A. Multiple subjects:

1. Creates new designation of offices elected by Single Choice Voting (Plurality),
2. Creates a new designation "Covered Offices" for offices elected by Ranked Voting Method (Ranked Choice Voting, or Instant Runoff),
3. Creates an All-Candidate Primary which abolished the existing Party Primary elections,
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7. Eliminates the mandatory recount by replacing it with a method of chance called a "Lot",
8. Creates a new method of advancing candidates who previously lost in the All-Candidate Primary to fill any vacancy on the General election ballot,
9. Eliminates In Person voting in the All-Candidate Primary election,
10. Creates a new standard for verifying a candidates residency requirement,

Initiatives 2023-2024 #209 & #210

A. Multiple Subject

1. Creates new designation of offices elected by Single Choice Voting (Plurality),
2. Creates a new designation of "Covered Offices" to include state legislative offices
3. Establishes Ranked Voting Method as the means to elect US Congress.
4. Creates an All-Candidate Primary which abolished the existing Party Primary elections,
5. Creates a new deadline for candidates to designate Party affiliation,
6. Creates new standard for candidates to be listed on the ballot with a method of chance called a "Lot",
7. Limits the number of candidates to appear on the general election ballot to 4 candidates regardless of party,
8. Eliminates the mandatory recount by replacing it with a method of chance called a "Lot",
9. Creates a new method of advancing candidates who previously lost in the All-Candidate Primary to fill any vacancy on the General election ballot,
10. Eliminates In Person voting in the All-Candidate Primary election,
11. Creates a new standard for verifying a candidates residency requirement,

Initiatives 2023-2024 #211 & 212 A. Multiple Subject

1. Creates a new designation of "Covered Office" to include US Congress, state legislators and state offices.
2. Ranked Voting Method for Covered Offices in the Primary
3. Ranked Voting Method for Covered Offices in the General

4. Creates a new authority for election officials to self-determine a tie for lowest ranked vote.

5. Instant Run off for President of the US.

Initiative 2023-2024 #213 A. Multiple subjects:

1. Creates a new designation of "Covered Offices" to include state legislative offices

2. Creates an All candidate Primary (open primary) election.

3. Petition only onto the ballot 1-4-603(2) "SHALL BE PLACED ON THE ALL-CANDIDATE PRIMARY ELECTION BALLOT BY PETITION"

4. Creates a new method for replacing a candidate who withdraws from the primary race.

Initiatives 2023-2024 #215 & 216 4 pgs A. Multiple subjects:

5. Creates a new designation of "Covered Offices" to include state legislative offices

6. Establishes Ranked Voting Method as the means to elect State legislators.

7. Creates new standard for candidates to be listed on the ballot with a method of chance called a "Lot"

8. Limits the number of candidates to appear on the general election ballot to 4 candidates regardless of party,

9. THEN THE CANDIDATE TO BE ELIMINATED SHALL BE DETERMINED BY LOT. ELECTION OFFICIALS

MAY RESOLVE PROSPECTIVE TIES

10. Eliminates the mandatory recount by replacing it with a method of chance called a "Lot", Which gives the election official an unprecedented, and possibly unconstitutional, authority to determine the will of the people.

11. requires The SOS to publish the results as they come in creating a new standard and providing an avenue for fraud. Knowing the results as they come in allows for fake ballots to be entered.

Initiatives 2023-2024 #197 and #219 Vacancies A. Multiple subjects

1. Vacancies filled by Election not appointment

2. Election must be Ranked Voting Method which is not the current voting ethos used for General Assembly

Initiatives 2023-2024 #223

B. Multiple subjects

1. Creates an online Petition Process

2. Limits the number of candidates in the General election to 4

3. Creates Ranked Voting Method (Instant Runoff) for all elected offices.

1-40-106.5. Single-subject requirements for initiated measures and referred

constitutional amendments - legislative declaration. (1) The general assembly hereby finds, determines, and declares that:

(a) Section 1 (5.5) of article V and section 2 (3) of article XIX of the state constitution

require that every constitutional amendment or law proposed by initiative and every constitutional amendment proposed by the general assembly be limited to a single subject, which shall be clearly expressed in its title;

(b) Such provisions were referred by the general assembly to the people for their approval at the 1994 general election pursuant to Senate Concurrent Resolution 93-4;

(c) The language of such provisions was drawn from section 21 of article V of the state constitution, which requires that every bill, except general appropriation bills, shall be limited to a single subject, which shall be clearly expressed in its title;

(d) The Colorado supreme court has held that the constitutional single-subject requirement for bills was designed to prevent or inhibit various inappropriate or misleading practices that might otherwise occur, and the intent of the general assembly in referring to the people section 1 (5.5) of article V and section 2 (3) of article XIX was to protect initiated

measures and referred constitutional amendments from similar practices;

(e) The practices intended by the general assembly to be inhibited by section 1 (5.5) of article V and section 2 (3) of article XIX are as follows:

(I) To forbid the treatment of incongruous subjects in the same measure, especially the practice of putting together in one measure subjects having no necessary or proper connection, for the purpose of enlisting in support of the measure the advocates of each measure, and thus securing the enactment of measures that could not be carried upon their merits;

(II) To prevent surreptitious measures and apprise the people of the subject of each measure by the title, that is, to prevent surprise and fraud from being practiced upon voters.

- (2) It is the intent of the general assembly that section 1 (5.5) of article V and section 2 (3) of article XIX be liberally construed, so as to avert the practices against which they are aimed and, at the same time, to preserve and protect the right of initiative and referendum.
- (3) It is further the intent of the general assembly that, in setting titles pursuant to section 1 (5.5) of article V, the initiative title setting review board created in section 1-40-106 should apply judicial decisions construing the constitutional single-subject requirement for bills and should follow the same rules employed by the general assembly in considering titles for bills.

Many blessings,  
Patty McKernan





**From:** [Candice Stutzriem](#)  
**To:** [Statewide Initiatives](#)  
**Subject:** [EXTERNAL] Objections to Proposed Initiatives numbered #209, #210, #211, #212, #213, #214, #215, #216 and #223  
**Date:** Tuesday, March 19, 2024 3:58:16 PM

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Addressed to the March 20, 2024 Title Board Hearing:

I am writing to convey my reaction to the attempts to Modernize Colorado Elections through the sweeping changes brought on by the proposed initiatives numbered #209 through ##223.

Quoting Article V, Section 1(5.5) of th Colorado Constitution, "if any subject shall be embraced in any measure which shall not be expressed in the title, such measure shall be void only as to so much thereof as shall not be so expressed. If a measure contains more than one subject, such that a ballot title cannot be fixed that clearly expresses a single subject, no title shall be set and the measure shall not be submitted to the people for adoption or rejection at the polls."

Not a single Proposed Initiative numbered #209, #210, #211, #212, #213, #214, #215, #216 and #223, qualifies for the ballot due to this restriction. Not a single proposal limits its content to a single concept. All nine propose to rewrite the totality of Title One of the Colorado Revised Statutes. It is impossible to do so initiative by initiative on the ballot. This is why such sweeping alteration to the time tested methods of conducting elections in this state should not we changed by such surreptitious and fraudulent individual ballot initiatives.

Quoting C.R.S. 1-40-106.5 €(II)

"To prevent surreptitious measures and apprise the people of the subject of each measure by the title, that is, to prevent surprise and fraud from being practiced upon voters."

I submit this is the precise objective of the proponents' choosing to enact such sweeping, draconian change to election law through changes to the constitution. It is precisely the surprise and fraud of a bait and switch operation where the voter elects for "Modernization of Election Systems" and ends up: Eliminating the caucus and assembly system, doing away with trusted partisan primaries where likeminded people chose their best candidate, ending up with a "jungle primary" free from party distinction intended to clarify a candidates' ideology, and sweeping in the dreaded Ranked Choice Voting into the General Election, where a contrived "majority" elects candidates who paid their way onto the ballot. It's like choosing Prince Charming and waking up with Dracula. Only there is no annulment in the morning. These changes will be baked into the constitution.

Historical and contemporary experience with Open and Jungle Primaries, ending the caucus system and Ranked Choice Voting reveals a dismal track record. The history of Ranked Choice Voting is the single best argument against it. 85 percent of municipalities who have tried the method have later repealed the scheme altogether. I am therefore most

concerned that Colorado's dalliance with this system is being introduced as a Constitutional amendment rather than approaching these sweeping changes by legislative pathways. By bringing the issue to the People's House, the merits and detractions of these far-reaching changes might be discussed in the light of day. Instead, the constitutional changes are brought about through misleading titles, multiple subjects are blended into a single decision which are at best vaguely understood by the voter. Further, the most significant result is that it will take a constitutional amendment to repeal the monstrosity. We are going in to this knowing of its dismal track record without an exit strategy. We will be locked into this decision like quickset concrete.

I respectfully ask you to pump the brakes and acknowledge the reason these initiatives can't pass the muster of the Title Board is because they have no legitimacy appearing before you. The system is rejecting them because it is designed to prevent the kind of damage they will inflict.

Respectfully,  
Candice Stutzriem  
El Paso County  
703-434-0888

**From:** [Linda Templin](#)  
**To:** [Statewide Initiatives](#)  
**Subject:** [EXTERNAL] Initiatives: Concerning the conduct of elections  
**Date:** Wednesday, April 3, 2024 2:55:17 PM

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Date: April 3, 2024

To: Title Board Members: Theresa Conley, Christie Chase, Jennifer Sullivan  
Office of the Colorado Secretary of State

From: Linda Templin, Patrick Dillon, and Caryn Ann Harlos, Colorado  
Registered Electors

Re: Initiatives 188, 210, 212, 219, 223, and 231  
Application of single-subject and title language

**1. At-issue:** A fair, sufficient, and clear title for the subjects of the all-candidate primaries and the Ranked Choice Voting (RCV) do not fit within the same proper and fair title. RCV in the general election requires a title that contains RCV and nothing else.

Colorado voters who RCV say that the ballots are easy, but the majority of Colorado voters have only used pick-one or pick-two voting. Many voters are not familiar with RCV. In other states the tallies can be different, it is important to clearly explain what the voting and tally methods means in Colorado.

Adding to the cognitive overload of a presidential year, a well-known "Sour Grapes" candidate from Alaska is actively publicizing misinformation about RCV along with conspiracy theories. This is unfortunate because the channel for that information includes the very people who would benefit the most. It is of utmost importance to make clear what RCV means in Colorado so that voters may make an informed decision.

**Request:** That the title language be limited to a description of Ranked Choice Voting. The intent of which is detailed in Rule 26. Ranked Voting Method. Appropriate text could be

"Ranked Choice Voting

Shall the State of Colorado Adopt Ranked Choice Voting of certain covered state and federal offices. Ranked choice voting ballots allow voters to vote once for the office by ranking as many or as few candidates as they like in order of preference. The tally finds the consensus of a majority by

counting all of the first choice votes. If a candidate has surpassed the majority win threshold, then they are declared the winner. If and only if no candidate has earned the support of a majority, then there is an instant runoff using the same ballots. The candidate with the fewest first-choices is eliminated. Those ballots and only those ballots are added to the vote total for the voters' second choice. The process continues until a winner has earned enough support to pass the win threshold." (... and then the description of the covered offices)

*Suggestion to the proponents:* In 2023, an RCV race was run on the same county equipment as every other election. There was an audit to ensure accuracy. It may be helpful to underscore that RCV uses the same equipment and tally audit that all county-level elections do.

**Why this change is appropriate:** Prior ruling relied upon precedent from the Alaska and Nevada State Supreme Courts. The requirement of the single-subject rules in those states is less stringent than the one protecting Colorado voters.

Comparison of state standards.

Alaska's rule is the most cursory. The standards to be met are only that a measure be:

- Confined to one subject
- The subject is in the title

Nevada's single subject standard is that there can only be

- One subject
- And also matters necessarily connected if the parts are functionally germane in a way that provides sufficient notice of the general subject and the interests likely to be affected.

Colorado's single-subject rule is that there can only be

- No more than one
- The subject is clearly expressed in the title

- If the subject is so complex that it cannot be clearly expressed in the title, it fails to be a single-subject

Colorado's single-subject rule together with the code directing directing the title board

**CRS 1-40-106**

Subsection (1) "proper fair title" "together with a submission clause"

Subsection (3) In setting a title, the title board shall consider the public confusion that **might** be caused by misleading titles and shall, whenever practicable, avoid titles for which the general understanding of the effect of a "yes/for" or "no/against" vote will be unclear.

The title for the proposed law or constitutional amendment, which shall correctly and fairly express the true intent and meaning thereof

Has yielded the precedent that:

The summary, single subject and title requirements serve to prevent voter confusion and promote informed decisions by narrowing the initiative to a single matter and providing **information on that single subject.**

Campbell v. Buckley, 203 F.3d 738 (10th Cir. 2000).

The requirements serve to prevent a provision that would not otherwise pass from becoming law by "piggybacking" it on a more popular proposal or concealing it in a long and complex initiative. Campbell v. Buckley, 203 F.3d 738 (10th Cir. 2000).

The titles and summary of a proposed initiative **need not spell out every detail** of a proposed initiative in order to convey its meaning accurately and fairly.

*Matter of Ballot Title* 1997-98 No. 74, 962 P.2d 927 (Colo. 1998).

No requirement that the board **state** the effect an initiative will have on other constitutional and statutory provisions or describe every feature of a proposed measure in the titles.

*In re Proposed Initiated Constitutional Amendment Concerning Limited Gaming in the Town of Burlington*, 830 P.2d 1023 (Colo. 1992);

*In re Proposed Initiated Constitutional Amendment Concerning*

*Limited Gaming in Manitou Springs*, 826 P.2d 1241 (Colo. 1992);  
Matter of [Election Reform Amendment](#), 852 P.2d 28 (Colo. 1993);  
Matter of [Title, Ballot Title S. Clause](#), 875 P.2d 207 (Colo. 1994);  
*In re Petition on Campaign and Political Finance*, 877 P.2d 311 (Colo. 1994).

**2. At-issue:** At least one of the initiatives in this group of filings contains a tally method different from what is described in the state's Rule 26: Ranked Voting Method. RCV advocates around the state have been educating voters about the very narrow interpretation of RCV found within that rule. The intent of the rule is to be fair to all concerned.

The purpose of the proposed variations from the tally rules is not clear. As such, changes to the tally should not be permitted to bear the moniker "Ranked Choice Voting" as it would be a substantive bait-and-switch.

Ranked Choice Voting for Colorado  
[1536 Wynkoop Street, #908](#)  
[Denver, CO 80202](#)  
303-454-3335  
[www.RCVforColorado.org](http://www.RCVforColorado.org)

**From:** [Linda Templin](#)  
**To:** [Statewide Initiatives](#)  
**Subject:** [EXTERNAL] Additional comments: 188, 210, 212 Concerning the conduct of elections  
**Date:** Wednesday, April 3, 2024 5:26:17 PM

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Date: April 3, 2024

To: Title Board Members: Theresa Conley, Christie Chase, Jennifer Sullivan  
Office of the Colorado Secretary of State

From: Linda Templin, Patrick Dillon, and Caryn Ann Harlos, Colorado  
Registered Electors

Re: Additional comments re Initiatives 188, 210, and 212

Title language

### **Prior comments concluded with**

**2. At-issue:** At least one of the initiatives in this group of filings contains a tally method different from what is described in the state's Rule 26: Ranked Voting Method. RCV advocates around the state have been educating voters about the very narrow interpretation of RCV found within that rule. The intent of the rule is to be fair to all concerned.

The purpose of the proposed variations from the tally rules is not clear. As such, changes to the tally should not be permitted to bear the moniker "Ranked Choice Voting" as it would be a substantive bait-and-switch.

### **Specifically**

The current rules for "Ranked Voting Method" popularly known by the voter-centered name "Ranked Choice Voting" is located in 8CCR1505-1 Rule 26

[https://www.coloradosos.gov/pubs/rule\\_making/CurrentRules/8CCR1505-1/Rule26.pdf](https://www.coloradosos.gov/pubs/rule_making/CurrentRules/8CCR1505-1/Rule26.pdf) These rules were instituted under a Republican administration and made permanent by a Democratic administration.

In measures #188, #210, #212 section 2 1-1-104 (19.1)

#212 section 2 1-1-104 (1)(c)

creates definition and substitutes the wording "highest ranked" for current rule 26 language "first-choice". It in the context of the tally, it could reasonably be interpreted to mean candidate with the most first-choice votes.

Measure #188 Section 9 1-4-207 (2)(II)

Measure #210 Section 9 1-4-207 (4)(a)

Measure #212 Section 2 1-4-207 (1)(c)

goes on to describe the tally that "each ballot shall count for the highest ranked on the ballot." Given the definition of the highest ranked candidate,

this could mean that an individual voter's ballot could be counted for the candidate with the most first-choice votes in the race, instead of the individual voter's first-choice ranking.

This material and substantial change from the current state rules would change the outcome in roughly 5% of races. This novel voting method would unfairly favor the candidate with the most first-choice votes. The spirit and the letter of the law are different from RCV, and cannot fairly be called "Ranked Choice Voting" or anything that could be confused for it.

Ranked Choice Voting for Colorado  
[1536 Wynkoop Street, #908](#)  
[Denver, CO 80202](#)  
303-454-3335  
[www.RCVforColorado.org](http://www.RCVforColorado.org)





## Legislative Council Staff

*Nonpartisan Services for Colorado's Legislature*

# Initiative 210

## Fiscal Summary

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**Date:** March 19, 2024

**Fiscal Analyst:** Hamza Syed (303-866-4976)

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### LCS TITLE: CONCERNING THE CONDUCT OF ELECTIONS

### Fiscal Summary of Initiative 210

This fiscal summary, prepared by the nonpartisan Director of Research of the Legislative Council, contains a preliminary assessment of the measure's fiscal impact. A full fiscal impact statement for this initiative is or will be available at [leg.colorado.gov/bluebook](https://leg.colorado.gov/bluebook). This fiscal summary identifies the following impact.

**State expenditures and revenue.** The measure is estimated to increase state expenditures in the Department of State (DOS) by about \$2.8 million in FY 2025-26 to implement several changes to elections systems and processes and to begin operating under the new procedures for the 2026 election cycle. Specifically, the DOS must update election rules, modify election software and information technology systems, and conduct public awareness campaigns to inform voters about the changes to voting in Colorado. Costs will also increase in FY 2026-27 and future years, primarily related to increased cost reimbursement to counties provided by the state, which are equal to 45 percent of county costs under current law (see local government impacts below). If costs are paid from the Department of State Cash Fund, state revenue from business filing fees paid to the DOS must be increased. The actual amount of new revenue and fee charges will be set administratively by DOS in order to cover any costs to implement the initiative paid from the DOS Cash Fund.

**Local government impact.** The measure increases costs for county clerks and other local election officials in several ways. Conducting an all-candidate primary election increases the size and complexity of printed ballots, which will require that clerks educate voters, and revise processes for the operation of polling places and ballot counting. For some counties, this will require new election system software and equipment. Other counties will have costs to modify existing voting systems. A portion of local costs under the bill will be reimbursed by the state under current law.

**Economic impacts.** The measure has no direct impact on the state economy. Changes to elections may result in different leadership and different policies, which could have an economic effect. However, these effects depend on voter choices and future decision making.