

First Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 11-0390.01 Troy Bratton

HOUSE BILL 11-1012

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HOUSE SPONSORSHIP

Casso,

SENATE SPONSORSHIP

(None),

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**House Committees**  
State, Veterans, & Military Affairs

**Senate Committees**

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A BILL FOR AN ACT

101      **CONCERNING THE ABILITY OF AN UNAFFILIATED ELIGIBLE ELECTOR TO**  
102            **CAST THE PRIMARY BALLOT OF A POLITICAL PARTY WITHOUT**  
103            **DECLARING AFFILIATION TO THE POLITICAL PARTY.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

Current law allows an eligible elector to vote in a primary election if the elector is affiliated with a political party or if the elector declares affiliation with a political party prior to or on election day.

The bill allows an eligible elector who is unaffiliated with a

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

political party to request to cast the ballot of a political party in a primary election without declaring affiliation to the political party.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 1-2-219 (1), Colorado Revised Statutes, is amended  
3 to read:

4 **1-2-219. Changing or withdrawing declaration of affiliation.**

5 (1) Any eligible elector desiring to change or withdraw the elector's  
6 affiliation may do so by completing and signing a prescribed request for  
7 the change or withdrawal and filing it with the county clerk and recorder  
8 or by submitting a personal letter written by the elector to the county clerk  
9 and recorder at any time up to and including the twenty-ninth day  
10 preceding an election. The prescribed form or personal letter for the  
11 change shall include the elector's printed name, address within the county,  
12 birth date, social security number, if the elector wishes to state it, and  
13 signature, the date, the elector's previous affiliation status, and the  
14 requested change in affiliation status. A prescribed form shall be  
15 furnished by the county clerk and recorder upon the elector's oral or  
16 written request. Upon receiving the request, the county clerk and recorder  
17 shall change the elector's affiliation on the registration record. If the  
18 affiliation is withdrawn, the designation on the registration record shall  
19 be changed to "unaffiliated". If an elector changes OR WITHDRAWS HIS OR  
20 HER affiliation, the elector is entitled to vote, at any primary election, only  
21 the ballot of the political party to which the elector is currently affiliated  
22 OR, IF UNAFFILIATED, ONLY THE BALLOT OF THE POLITICAL PARTY  
23 REQUESTED BY THE UNAFFILIATED ELECTOR PURSUANT TO SECTION  
24 1-7-201. A change or withdrawal of affiliation may not be made by  
25 anyone other than the elector.

1           **SECTION 2.** 1-5-615 (1) (h), Colorado Revised Statutes, is  
2 amended to read:

3           **1-5-615. Electronic and electromechanical voting systems -**  
4 **requirements.** (1) No electronic or electromechanical voting system  
5 shall be certified by the secretary of state unless such system:

6           (h) In a primary election, permits each elector to vote only for a  
7 candidate seeking nomination by the political party with which the elector  
8 is affiliated OR, IF UNAFFILIATED, ONLY FOR A CANDIDATE SEEKING  
9 NOMINATION BY THE POLITICAL PARTY WHOSE BALLOT IS REQUESTED BY  
10 THE UNAFFILIATED ELECTOR;

11           **SECTION 3.** 1-7-201 (1) and (2), Colorado Revised Statutes, are  
12 amended to read:

13           **1-7-201. Voting at primary election.** (1) Any registered elector  
14 who has declared an affiliation with a political party, ~~that is participating~~  
15 ~~in a primary election~~ and ANY REGISTERED ELECTOR WHO IS DESIGNATED  
16 AS UNAFFILIATED, who desires to vote for candidates of ~~that~~ A POLITICAL  
17 party THAT IS PARTICIPATING at a primary election shall show  
18 identification, as defined in section 1-1-104 (19.5), and write his or her  
19 name and address on a form available at the polling place and give the  
20 form to one of the election judges, who shall clearly and audibly  
21 announce the name.

22           (2) (a) If the name is found on the registration list, the election  
23 judge having charge of the list shall likewise repeat the elector's name  
24 and, IN THE CASE OF AN ELECTOR WHO HAS DECLARED AN AFFILIATION  
25 WITH A POLITICAL PARTY, present the elector with the party ballot of the  
26 political party affiliation last recorded.

27           (b) If unaffiliated, ~~the~~ AN eligible elector WHO WISHES TO VOTE IN

1 THE PRIMARY ELECTION shall:

2 (I) IF THE ELECTOR WISHES TO AFFILIATE WITH A POLITICAL PARTY,  
3 openly declare to the election judges the name of the political party with  
4 which the elector wishes to affiliate, complete the approved form for  
5 voter registration information changes, and initial the registration list in  
6 the space provided; ~~Declaration~~ OR

7 (II) IF THE ELECTOR WISHES TO REMAIN UNAFFILIATED, OPENLY  
8 DECLARE TO THE ELECTION JUDGES THAT THE ELECTOR DOES NOT WISH TO  
9 AFFILIATE WITH A POLITICAL PARTY, THE NAME OF THE POLITICAL PARTY  
10 WHOSE CANDIDATES THE ELECTOR INTENDS TO VOTE FOR, AND INITIAL THE  
11 REGISTRATION LIST IN THE SPACE PROVIDED.

12 (c) UPON A DECLARATION BY AN ELECTOR PURSUANT TO  
13 PARAGRAPH (b) OF THIS SUBSECTION (2), THE ELECTION JUDGES SHALL  
14 DELIVER THE APPROPRIATE PARTY BALLOT TO THE ELIGIBLE ELECTOR.

15 (d) DECLARATION of affiliation with a political party PURSUANT  
16 TO SUBPARAGRAPH (I) OF PARAGRAPH (b) OF THIS SUBSECTION (2) shall be  
17 separately dated and signed or dated and initialed by the eligible elector  
18 in such manner that the elector clearly acknowledges that the affiliation  
19 has been properly recorded. ~~Thereupon, the election judges shall deliver~~  
20 ~~the appropriate party ballot to the eligible elector. Eligible electors who~~  
21 ~~decline to state an affiliation with a political party that is participating in~~  
22 ~~the primary shall not be entitled to vote at the primary election.~~

23 **SECTION 4.** 1-7.5-107 (2.3) (b), (2.3) (c), (2.5) (a) (II), and (3)  
24 (a) (II) (B), Colorado Revised Statutes, are amended to read:

25 **1-7.5-107. Procedures for conducting mail ballot election -**  
26 **primary elections - first-time voters casting a mail ballot after having**  
27 **registered by mail to vote.** (2.3) (b) The notice shall indicate that the

1 unaffiliated elector has the ability to and ~~must~~ MAY affiliate with a  
2 political party ~~in order to~~ AND vote in the primary election OR THAT THE  
3 UNAFFILIATED ELECTOR MAY NOTIFY THE COUNTY CLERK AND RECORDER  
4 THAT THE ELECTOR WISHES TO REMAIN UNAFFILIATED BUT WOULD LIKE TO  
5 RECEIVE THE PRIMARY BALLOT FOR A PARTICULAR POLITICAL PARTY.

6 (c) The notice shall have a returnable portion that allows the  
7 elector to request affiliation with a political party OR TO REQUEST TO  
8 REMAIN UNAFFILIATED BUT RECEIVE THE PRIMARY BALLOT FOR A  
9 PARTICULAR POLITICAL PARTY.

10 (2.5) (a) (II) If a primary election is conducted as a mail ballot  
11 election pursuant to this article, in addition to the items described in the  
12 notice required by subparagraph (I) of this paragraph (a), such notice shall  
13 advise eligible electors who are not affiliated with a political party of the  
14 ability ~~to~~ THAT THE ELECTOR MAY EITHER declare an affiliation with a  
15 political party OR MAY REMAIN UNAFFILIATED, REQUEST THE PRIMARY  
16 BALLOT FOR A PARTICULAR POLITICAL PARTY, and vote in the primary  
17 election.

18 (3) (a) (II) (B) If a primary election is conducted as a mail ballot  
19 election for a minor political party candidate, the mail ballot packet shall  
20 be mailed only to those registered electors described in sub-subparagraph  
21 (A) of this subparagraph (II) who are affiliated with the minor political  
22 party of such candidate AND TO ANY UNAFFILIATED ELECTOR WHO HAS  
23 REQUESTED THE BALLOT OF THE MINOR POLITICAL PARTY PURSUANT TO  
24 SECTION 1-7-201.

25 **SECTION 5.** 1-8-104 (1) (b), Colorado Revised Statutes, is  
26 amended to read:

27 **1-8-104. Applications for mail-in ballot.** (1) (b) If the

1 application is made for a primary election ballot, the application shall  
2 name the political party with which the applicant is affiliated, ~~or~~ THE  
3 POLITICAL PARTY WITH WHICH THE APPLICANT wishes to affiliate, OR THE  
4 POLITICAL PARTY'S BALLOT THAT THE ELECTOR WISHES TO VOTE AND  
5 REMAIN UNAFFILIATED.

6 **SECTION 6.** 1-8.5-101 (5), Colorado Revised Statutes, is  
7 amended to read:

8 **1-8.5-101. Provisional ballot - entitlement to vote.** (5) Any  
9 unaffiliated elector at a primary election may cast a regular party ballot  
10 upon openly declaring to the election judge the name of the political party  
11 with which the elector wishes to affiliate pursuant to section 1-2-218.5 or  
12 1-7-201 OR BY OPENLY DECLARING THAT THE ELECTOR WISHES TO REMAIN  
13 UNAFFILIATED BUT WISHES TO VOTE THE PRIMARY BALLOT FOR A  
14 PARTICULAR POLITICAL PARTY PURSUANT TO SECTION 1-7-201.

15 **SECTION 7. Act subject to petition - effective date.** This act  
16 shall take effect at 12:01 a.m. on the day following the expiration of the  
17 ninety-day period after final adjournment of the general assembly (August  
18 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a  
19 referendum petition is filed pursuant to section 1 (3) of article V of the  
20 state constitution against this act or an item, section, or part of this act  
21 within such period, then the act, item, section, or part shall not take effect  
22 unless approved by the people at the general election to be held in  
23 November 2012 and shall take effect on the date of the official  
24 declaration of the vote thereon by the governor.