

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0345.01 Jason Gelender

HOUSE BILL 10-1077

HOUSE SPONSORSHIP

Tyler,

SENATE SPONSORSHIP

(None),

House Committees
State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING AUTHORIZATION FOR FUSION VOTING BY WHICH A
102 CANDIDATE IN AN ELECTION FOR A PARTISAN POLITICAL OFFICE
103 MAY BE THE NOMINEE OF MORE THAN ONE POLITICAL PARTY.

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>.)

The bill amends the "Uniform Election Code of 1992" to allow fusion voting in elections for federal and state partisan political offices. Fusion voting is a type of voting in which the same candidate for a partisan political office may be the nominee of more than one political

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.

party. Specifically:

- ! **Section 4** amends the statute that governs the contents of ballots for general and congressional vacancy elections by:
 - ! Requiring the name of a person nominated for the same partisan office by more than one political party to appear on the line of the ballot designated for the party nominee for the office of each party that nominated the person;
 - ! Requiring the ballot to include for such a person a statement that the person has been nominated for the office by multiple political parties but that the voter may vote for the person only once; and
 - ! Specifying that if a voter nonetheless votes for the same person more than once on the same ballot, the vote shall be counted once as a vote for the person but shall not be attributed to any political party in any abstract of votes cast or for any purpose.
- ! **Section 1** amends the "sore loser" statute that disqualifies a candidate who loses a primary election for the nomination of a political party for a partisan political office from running for the office in the general election as an independent candidate, write-in candidate, or candidate of another political party to allow a nominee of a minor political party for a partisan political office who is subsequently defeated in a primary election for the nomination of another political party for the same office to remain eligible for election to the office as the nominee of the minor political party.
- ! **Section 2** amends the statute that governs petitions for nominating minor political party and unaffiliated candidates for a partisan office to allow a minor political party to relax or waive through its constitution or bylaws the statutory requirement that a candidate seeking its nomination by petition be registered as affiliated with the minor political party or registered as unaffiliated for at least 12 months prior to the petition filing deadline.
- ! **Section 3** amends the statute that governs signatures on petitions to nominate candidates from a minor political party or unaffiliated candidates in a partisan election to allow an eligible elector to sign multiple petitions to nominate the same candidate for the same office from more than one minor political party.

1 **SECTION 1.** 1-4-105, Colorado Revised Statutes, is amended to
2 read:

3 **1-4-105. Defeated candidate ineligible.** No person who has been
4 defeated as a candidate in a primary election shall be eligible for election
5 to the same office by ballot or as a write-in candidate in the next general
6 election unless the party vacancy committee nominates that person;
7 EXCEPT THAT A PERSON WHO HAS BEEN NOMINATED AS THE CANDIDATE OF
8 A MINOR POLITICAL PARTY AND IS SUBSEQUENTLY DEFEATED IN A
9 PRIMARY ELECTION FOR THE NOMINATION OF ANOTHER POLITICAL PARTY
10 FOR THE SAME OFFICE SHALL REMAIN ELIGIBLE FOR ELECTION TO THE
11 OFFICE AS THE NOMINEE OF THE MINOR POLITICAL PARTY.

12 **SECTION 2.** 1-4-802 (1) (g), Colorado Revised Statutes, is
13 amended to read:

14 **1-4-802. Petitions for nominating minor political party and**
15 **unaffiliated candidates for a partisan office.** (1) Candidates for
16 partisan public offices to be filled at a general or congressional vacancy
17 election who do not wish to affiliate with a major political party may be
18 nominated, other than by a primary election or a convention, in the
19 following manner:

20 (g) No person shall be placed in nomination by petition unless the
21 person is an eligible elector of the political subdivision or district in
22 which the officer is to be elected and unless the person was registered as
23 affiliated with a minor political party or as unaffiliated, as shown on the
24 books of the county clerk and recorder, for at least twelve months prior
25 to the last date the petition may be filed; except that:

26 (I) If ~~such~~ THE nomination is for a nonpartisan election, the person
27 shall be an eligible elector of the political subdivision or district and be

1 a registered elector, as shown on the books of the county clerk and
2 recorder, on the date of the earliest signature on the petition; AND

3 (II) IF THE NOMINATION IS THAT OF A MINOR POLITICAL PARTY,
4 AND THE CONSTITUTION OR BYLAWS OF THE MINOR POLITICAL PARTY
5 EITHER DO NOT REQUIRE A PERSON TO BE REGISTERED AS AFFILIATED WITH
6 THE MINOR POLITICAL PARTY OR REGISTERED AS UNAFFILIATED IN ORDER
7 TO BE PLACED IN NOMINATION BY PETITION OR REQUIRE A PERSON TO BE
8 REGISTERED AS AFFILIATED WITH THE MINOR POLITICAL PARTY OR
9 REGISTERED AS UNAFFILIATED FOR A PERIOD OF LESS THAN TWELVE
10 MONTHS IN ORDER TO BE PLACED IN NOMINATION BY PETITION, THE
11 PERSON SHALL HAVE BEEN REGISTERED AS AFFILIATED WITH THE MINOR
12 POLITICAL PARTY OR REGISTERED AS UNAFFILIATED ONLY TO THE EXTENT
13 REQUIRED BY THE CONSTITUTION OR BYLAWS OF THE MINOR POLITICAL
14 PARTY.

15 **SECTION 3.** 1-4-904 (2) (b), Colorado Revised Statutes, is
16 amended to read:

17 **1-4-904. Signatures on the petitions.** (2) (b) Petitions to
18 nominate candidates from a minor political party or unaffiliated
19 candidates in a partisan election may be signed by any eligible elector
20 who has not signed any other petition for any other candidate for the same
21 office. AN ELIGIBLE ELECTOR MAY SIGN MULTIPLE PETITIONS TO
22 NOMINATE THE SAME CANDIDATE FOR THE SAME OFFICE FROM MORE THAN
23 ONE MINOR POLITICAL PARTY.

24 **SECTION 4.** 1-5-403 (4), Colorado Revised Statutes, is amended
25 to read:

26 **1-5-403. Content of ballots for general and congressional**
27 **vacancy elections.** (4) The name of each person nominated shall be

1 printed or written upon the ballot in only one place; EXCEPT THAT THE
2 NAME OF A PERSON NOMINATED FOR THE SAME OFFICE BY MORE THAN ONE
3 POLITICAL PARTY SHALL APPEAR ON THE LINE OF THE BALLOT DESIGNATED
4 PURSUANT TO SECTION 1-5-404 FOR THE PARTY NOMINEE FOR THE OFFICE
5 OF EACH PARTY THAT NOMINATED THE PERSON. Opposite the name of
6 each person nominated, including candidates for president and vice
7 president and joint candidates for governor and lieutenant governor, shall
8 be the name of the political party or political organization ~~which~~ THAT
9 nominated the candidate, expressed in not more than three words. Those
10 three words may not promote the candidate or constitute a campaign
11 promise. IN THE CASE OF A PERSON NOMINATED FOR THE SAME OFFICE BY
12 MORE THAN ONE POLITICAL PARTY, THE BALLOT SHALL ALSO INCLUDE A
13 STATEMENT THAT THE PERSON HAS BEEN NOMINATED FOR THE OFFICE BY
14 MULTIPLE POLITICAL PARTIES BUT THAT THE VOTER MAY VOTE FOR THE
15 PERSON ONLY ONCE. IF A VOTER NONETHELESS VOTES FOR A PERSON
16 MORE THAN ONCE ON THE SAME BALLOT, THE VOTE SHALL BE COUNTED
17 ONCE AS A VOTE FOR THE PERSON BUT SHALL NOT BE ATTRIBUTED TO ANY
18 POLITICAL PARTY IN ANY ABSTRACT OF VOTES CAST OR FOR ANY PURPOSE.

19 **SECTION 5. Act subject to petition - specified effective date**
20 **- applicability.** (1) This act shall take effect January 1, 2011; except
21 that, if a referendum petition is filed pursuant to section 1 (3) of article V
22 of the state constitution against this act or an item, section, or part of this
23 act within the ninety-day period after final adjournment of the general
24 assembly, then the act, item, section, or part shall not take effect unless
25 approved by the people at the general election to be held in November
26 2010 and shall take effect on January 1, 2011, or on the date of the
27 official declaration of the vote thereon by the governor, whichever is

1 later.

2 (2) The provisions of this act shall apply to elections held on or

3 after the applicable effective date of this act.