

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 13-0013.01 Kate Meyer x4348

SENATE BILL 13-065

SENATE SPONSORSHIP

Balmer,

HOUSE SPONSORSHIP

Singer,

Senate Committees
State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 CONCERNING THE OPTIONAL USE OF APPROVAL VOTING METHODS BY
102 LOCAL GOVERNMENTS IN NONPARTISAN ELECTIONS.

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>.)

"Approval voting" is a type of voting that allows an elector to cast a vote for as many of the candidates per office as the elector chooses. The winner of each office is the candidate who receives the most votes or, for elections in which multiple candidates fill open seats, the winners are those candidates, in a number equal to the number of seats being filled,

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.

attaining the greatest number of votes.

The bill authorizes cities, towns, counties, cities and counties, school districts, and special districts (collectively, "local governments") to conduct nonpartisan elections using approval voting methods on and after November 1, 2013. The secretary of state is directed to adopt rules and provide advice to local governments regarding approval voting.

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

SECTION 1. In Colorado Revised Statutes, 1-1-104, **amend** (23.4) as follows:

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

(23.4) "Overvote" means the selection by an elector of more names than there are persons to be elected to an office or the designation of more than one answer to a ballot question or ballot issue. "OVERVOTE" DOES NOT INCLUDE APPROVAL VOTING, AS DEFINED IN SECTION 1-7-1103 (1).

SECTION 2. In Colorado Revised Statutes, **add** part 11 to article 7 of title 1 as follows:

PART 11

APPROVAL VOTING

1-7-1101. Short title. THIS PART 11 SHALL BE KNOWN AND MAY BE CITED AS THE "APPROVAL VOTING ACT".

1-7-1102. Definitions. AS USED IN THIS PART 11, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "APPROVAL VOTING" MEANS ANY SYSTEM OF VOTING IN WHICH:

(a) AN ELECTOR MAY CAST A VOTE FOR AS MANY OF THE CANDIDATES PER OFFICE AS THE ELECTOR CHOOSES; AND

1 (b) THE WINNER OF EACH OFFICE IS THE CANDIDATE WHO RECEIVES
2 THE MOST VOTES.

3 (2) "LOCAL GOVERNMENT" MEANS A STATUTORY CITY OR TOWN,
4 COUNTY, OR CITY AND COUNTY, A SCHOOL DISTRICT, OR A SPECIAL
5 DISTRICT CREATED PURSUANT TO ARTICLE 1 OF TITLE 32, C.R.S.

6 **1-7-1103. Approval voting methods authorized - when.** (1) A
7 LOCAL GOVERNMENT MAY CONDUCT AN ELECTION USING AN APPROVAL
8 VOTING METHOD IF:

9 (a) THE ELECTION IN WHICH APPROVAL VOTING IS EMPLOYED IS A
10 NONPARTISAN ELECTION;

11 (b) USE OF THE APPROVAL VOTING METHOD IN THE LOCAL
12 GOVERNMENT IS NOT PROHIBITED BY THE CHARTER OF THE LOCAL
13 GOVERNMENT;

14 (c) THE ELECTION IS CONDUCTED IN ACCORDANCE WITH THIS PART
15 11 AND RULES PROMULGATED BY THE SECRETARY OF STATE PURSUANT TO
16 THIS PART 11; AND

17 (d) THE ELECTION IS CONDUCTED WITH A SYSTEM OF CASTING,
18 RECORDING, AND TABULATING VOTES THAT IS CAPABLE OF CONDUCTING
19 THE ELECTION USING APPROVAL VOTING AND THAT HAS BEEN APPROVED
20 BY THE GOVERNING BODY AND THE DESIGNATED ELECTION OFFICIAL OF
21 THE LOCAL GOVERNMENT.

22 (2) APPROVAL VOTING MAY BE UTILIZED IN ELECTIONS
23 CONDUCTED ON AND AFTER NOVEMBER 1, 2013.

24 **1-7-1104. Conduct of elections using approval voting methods**
25 **- ballots - information provided to electors.** (1) (a) AN APPROVAL
26 VOTING BALLOT MUST ALLOW AN ELECTOR TO VOTE FOR AS MANY
27 CANDIDATES FOR EACH OFFICE AS THE ELECTOR CHOOSES.

1 (b) (I) NOTWITHSTANDING SECTION 1-7-114 (3), THE MAXIMUM
2 NUMBER OF WRITE-IN CANDIDATES IS THE LESSER OF EITHER:

3 (A) THE QUANTITY OF OPEN SEATS; OR

4 (B) WRITE-IN CANDIDATES APPROVED IN ACCORDANCE WITH PART
5 11 OF ARTICLE 4 OF THIS TITLE.

6 (II) A VOTE FOR ANY WRITE-IN CANDIDATE IS ONLY COUNTED IF
7 THAT CANDIDATE IS QUALIFIED TO HOLD THE OFFICE FOR WHICH THE
8 ELECTOR'S VOTE IS CAST.

9 (2) (a) IN AN ELECTION CONDUCTED USING AN APPROVAL VOTING
10 METHOD IN WHICH ONE CANDIDATE IS TO BE ELECTED TO AN OFFICE, THE
11 DESIGNATED ELECTION OFFICIAL SHALL DECLARE THE CANDIDATE WHO
12 RECEIVES THE GREATEST NUMBER OF VOTES THE WINNER.

13 (b) IN AN ELECTION CONDUCTED USING AN APPROVAL VOTING
14 METHOD IN WHICH MORE THAN ONE CANDIDATE IS TO BE ELECTED TO AN
15 OFFICE IN A MULTIPLE-SEAT DISTRICT OR ON A GOVERNING BODY THAT
16 INCLUDES MULTIPLE AT-LARGE SEATS, THE OFFICES ARE WON BY THOSE
17 CANDIDATES, IN A NUMBER EQUAL TO THE NUMBER OF SEATS BEING
18 FILLED, WHO RECEIVE THE GREATEST NUMBER OF VOTES.

19 **1-7-1105. Secretary of state - rules - guidance to local**
20 **governments.** (1) PRIOR TO OCTOBER 1, 2013, THE SECRETARY OF STATE
21 SHALL ADOPT RULES IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.,
22 ON THE CONDUCT OF ELECTIONS USING APPROVAL VOTING METHODS. THE
23 RULES SHALL PRESCRIBE THE METHODS AND PROCEDURES FOR
24 TABULATING, AUDITING, AND REPORTING RESULTS IN AN ELECTION USING
25 AN APPROVAL VOTING METHOD.

26 (2) UPON REQUEST, THE SECRETARY OF STATE SHALL PROVIDE
27 GUIDANCE AND ADVICE TO THE GOVERNING BODIES AND DESIGNATED

1 ELECTION OFFICIALS OF LOCAL GOVERNMENTS OF THE STATE ON THE
2 CONDUCT OF ELECTIONS USING APPROVAL VOTING METHODS.

3 **SECTION 3. Applicability.** This act applies to elections
4 conducted on or after November 1, 2013.

5 **SECTION 4. Act subject to petition - effective date.** This act
6 takes effect at 12:01 a.m. on the day following the expiration of the
7 ninety-day period after final adjournment of the general assembly (August
8 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a
9 referendum petition is filed pursuant to section 1 (3) of article V of the
10 state constitution against this act or an item, section, or part of this act
11 within such period, then the act, item, section, or part will not take effect
12 unless approved by the people at the general election to be held in
13 November 2014 and, in such case, will take effect on the date of the
14 official declaration of the vote thereon by the governor.