

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 11-0771.01 Troy Bratton

SENATE BILL 11-189

SENATE SPONSORSHIP

Heath,

HOUSE SPONSORSHIP

Murray,

Senate Committees
State, Veterans & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE ADJUSTMENT OF CERTAIN DATES RELATED TO THE**
102 **ADMINISTRATION OF ELECTIONS IN ORDER TO COMPLY WITH**
103 **THE FEDERAL "MILITARY AND OVERSEAS VOTER**
104 **EMPOWERMENT (MOVE) ACT" BUT EXCLUDING THE**
105 **ADJUSTMENT OF ANY DATES RELATED TO VOTER REGISTRATION.**

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>.)

Section 3 of the bill moves the date of the primary election from

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.

SENATE
Amended 2nd Reading
April 12, 2011

the 2nd Tuesday in August to the last Tuesday in June.

Section 13 of the bill adjusts the date by which mail-in ballots must be mailed to uniformed and overseas citizens in order to comply with the federal "Military and Overseas Voter Empowerment (MOVE) Act". The remaining sections of the bill make conforming amendments to other dates on the election calendar to accommodate the adjustment of the mail-in ballot delivery date.

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

2 **SECTION 1.** 1-1-104 (32), Colorado Revised Statutes, is
3 amended to read:

4 **1-1-104. Definitions.** As used in this code, unless the context
5 otherwise requires:

6 (32) "Primary election" means the election held on the ~~second~~
7 ~~Tuesday of August in~~ LAST TUESDAY IN JUNE OF each even-numbered
8 year.

9 **SECTION 2.** 1-3-102 (1) (a), Colorado Revised Statutes, is
10 amended to read:

11 **1-3-102. Precinct caucuses.** (1) (a) ~~(f)~~ Precinct committee
12 persons and delegates to county assemblies shall be elected at precinct
13 caucuses that shall be held in a public place or in a private home that is
14 open to the public during the caucus in or proximate to each precinct at
15 a time and place to be fixed by the county central committee or executive
16 committee of each political party. ~~Except as otherwise provided by~~
17 ~~subparagraph (H) of this paragraph (a),~~ The precinct caucuses shall be
18 held on the ~~third~~ FIRST Tuesday in March, in each even-numbered year,
19 which day shall be known as "precinct caucus day".

20 ~~(H) Repealed.~~

21 ~~(HH) In a year in which a presidential election will be held, a~~
22 ~~political party may, by decision of its state central committee, hold its~~

1 ~~precinct caucuses on the first Tuesday in February. The committee shall~~
2 ~~notify the secretary of state and the clerk and recorder of each county in~~
3 ~~the state of the decision within five days after the decision.~~

4 **SECTION 3.** 1-4-101 (1), Colorado Revised Statutes, is amended
5 to read:

6 **1-4-101. Primary election nominations made.** (1) Except as
7 provided in section 1-4-104.5, a primary election shall be held at the
8 regular polling places in each precinct on the ~~second Tuesday of August~~
9 ~~in~~ LAST TUESDAY IN JUNE OF even-numbered years to nominate
10 candidates of political parties to be voted for at the succeeding general
11 election. Except as provided by section 1-4-1304 (1.5), only a major
12 political party, as defined in section 1-1-104 (22), shall be entitled to
13 nominate candidates in a primary election.

14
15 **SECTION 4.** 1-4-303 (1), Colorado Revised Statutes, is amended
16 to read:

17 **1-4-303. Nomination of unaffiliated candidates.** (1) No later
18 than one hundred forty days ONE HUNDRED FIFTY-FIVE DAYS before the
19 general election, a person who desires to be an unaffiliated candidate for
20 the office of president or vice president of the United States shall submit
21 to the secretary of state either a notarized candidate's statement of intent
22 together with a nonrefundable filing fee of five hundred dollars or a
23 petition for nomination pursuant to the provisions of section 1-4-802 and
24 shall include either on the petition or with the filing fee the names of
25 registered electors who are thus nominated as presidential electors. The
26 acceptance of each of the electors shall be endorsed as appended to the
27 first or last page of the nominating petition or the filing fee.

1 **SECTION 5.** 1-4-401 (1), Colorado Revised Statutes, is amended
2 to read:

3 **1-4-401. Time of congressional vacancy elections.** (1) Except
4 as provided in section 1-4-401.5, when any vacancy occurs in the office
5 of representative in congress from this state, the governor shall set a day
6 to hold an election to fill the vacancy and cause notice of the election to
7 be given as required in part 2 of article 5 of this title; but no congressional
8 vacancy election shall be held during the ninety days prior to a general
9 election or less than ~~seventy-five days~~ EIGHTY-FIVE DAYS or more than
10 ~~ninety days~~ ONE HUNDRED DAYS after the vacancy occurs.

11 **SECTION 6.** 1-4-403 (2), Colorado Revised Statutes, is amended
12 to read:

13 **1-4-403. Nomination of unaffiliated candidates for**
14 **congressional vacancy election.** (2) Petitions must be filed by 3 p.m.
15 on the ~~thirtieth day~~ TWENTIETH DAY after the date of the order issued by
16 the governor.

17 **SECTION 7.** 1-4-601 (1), Colorado Revised Statutes, is amended
18 to read:

19 **1-4-601. Designation of candidates for primary election.**
20 (1) Assemblies of the major political parties may make assembly
21 designations of candidates for nomination on the primary election ballot.
22 An assembly shall be held no later than ~~seventy days~~ SEVENTY-THREE
23 DAYS preceding the primary election.

24 **SECTION 8.** 1-4-602 (1) (a) (I), Colorado Revised Statutes, is
25 amended to read:

26 **1-4-602. Delegates to party assemblies.** (1) (a) (I) County
27 assemblies shall be held ~~not less than ten days nor more than thirty days~~

1 NO LATER THAN TWENTY-FIVE DAYS after precinct caucuses. ~~held on the~~
2 ~~third Tuesday in March. If a political party holds its precinct caucuses on~~
3 ~~the first Tuesday in February in a year in which a presidential election~~
4 ~~will be held, the county assemblies of the political party shall be held not~~
5 ~~less than fifteen days nor more than forty days after the precinct caucuses.~~

6 The county central committee or executive committee shall fix the
7 number of delegates from each precinct to participate in the county
8 assembly pursuant to the procedure for the selection of delegates
9 contained in the state party central committee's bylaws or rules. The
10 persons receiving the highest number of votes at the precinct caucus shall
11 be the delegates to the county assembly from the precinct. If two or more
12 candidates receive an equal number of votes for the last available place
13 in the election of delegates to county assemblies at the precinct caucuses,
14 the delegate shall be determined by lot by the candidates. Except as
15 provided in subsections (2) and (6) of this section, delegates to all other
16 party assemblies shall be selected by the respective county assemblies
17 from among the members of the county assemblies pursuant to the state
18 party central committee's bylaws or rules.

19 **SECTION 9.** 1-4-801 (5), Colorado Revised Statutes, is amended
20 to read:

21 **1-4-801. Designation of party candidates by petition.** (5) Party
22 petitions shall not be circulated nor any signatures be obtained prior to the
23 ~~last Monday in March~~ FIRST MONDAY IN FEBRUARY. Petitions shall be
24 filed no later than ~~seventy-five days~~ EIGHTY-FIVE DAYS before the primary
25 election.

26 **SECTION 10.** 1-4-802 (1) (d) and (1) (f), Colorado Revised
27 Statutes, are amended to read:

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

7 (d) (I) No petition to nominate an unaffiliated candidate, except
8 petitions for candidates for vacancies to unexpired terms of
9 representatives in congress and for presidential electors, shall be
10 circulated or any signatures obtained thereon earlier than ~~one hundred~~
11 ~~eighty-six days~~ TWO HUNDRED ELEVEN DAYS before the general election.

12 (II) No petition to nominate a minor political party candidate
13 shall be circulated nor any signatures obtained thereon earlier than the ~~last~~
14 Monday in March ~~FIRST~~ MONDAY IN FEBRUARY in the general election
15 year.

16 (f) (I) Except as provided by subparagraph (II) of this paragraph
17 (f), petitions shall be filed no later than 3 p.m. on the ~~one hundred fortieth~~
18 day ONE HUNDRED FIFTY-FIFTH DAY before the general election or, FOR A
19 CONGRESSIONAL VACANCY ELECTION, NO LATER THAN 3 p.m. on the
20 ~~fifty-fifth day preceding the congressional vacancy election~~ TWENTIETH
21 DAY AFTER THE DATE OF THE ORDER ISSUED BY THE GOVERNOR.

22 (II) Petitions to nominate candidates of minor political parties
23 shall be filed no later than ~~seventy-five days~~ EIGHTY-FIVE DAYS before the
24 primary election as specified in section 1-4-101.

25 **SECTION 11.** 1-4-908 (3), Colorado Revised Statutes, is
26 amended to read:

27 **1-4-908. Verification of petition and official statement.**

1 (3) After review, the official shall notify the candidate of the number of
2 valid signatures and whether the petition appears to be sufficient or
3 insufficient. In the case of a petition for nominating an unaffiliated
4 candidate, the official shall provide notification of sufficiency or
5 insufficiency to the candidate ~~on or before the primary election date~~ NO
6 LATER THAN ONE HUNDRED THIRTY-FOUR DAYS BEFORE THE GENERAL
7 ELECTION. Upon determining that the petition is sufficient and after the
8 time for protest has passed, the designated election official shall certify
9 the candidate to the ballot, and, if the election is a coordinated election,
10 so notify the coordinated election official.

11 **SECTION 12.** 1-4-912, Colorado Revised Statutes, is amended
12 to read:

13 **1-4-912. Cure.** (†) In case a petition for nominating an
14 unaffiliated candidate is not sufficient, it may be amended once no later
15 than 3 p.m. on the ~~ninety-fifth day~~ ONE HUNDRED TWENTY-THIRD DAY
16 before the general election 3 p.m. on the fifty-fifth day preceding a
17 congressional vacancy election, or 3 p.m. on the sixty-seventh day before
18 an election that is not being held concurrently with the general election.
19 If a petition for nominating an unaffiliated candidate is amended, the
20 designated election official shall notify the candidate of whether the
21 petition is sufficient or insufficient no later than the ~~ninetieth day~~ ONE
22 HUNDRED THIRTEENTH DAY before the general election.

23 ~~(2) Repealed.~~

24 **SECTION 13.** 1-4-1102 (1), Colorado Revised Statutes, is
25 amended to read:

26 **1-4-1102. Time of filing affidavit.** (1) Except as provided in
27 subsection (2) of this section, the affidavit of intent shall be filed by the

1 close of business on the sixty-seventh day before a primary election and
2 by the close of business on the ~~seventieth day~~ ONE HUNDRED TENTH DAY
3 before any other election.

4 **SECTION 14.** 1-4-1302 (1), Colorado Revised Statutes, is
5 amended to read:

6 **1-4-1302. Petition to qualify as a minor political party.** (1) A
7 petition to qualify as a minor political party shall be signed by at least ten
8 thousand registered electors and shall be submitted to the secretary of
9 state no later than ~~March 1~~ THE SECOND FRIDAY IN THE JANUARY of the
10 election year for which the minor political party seeks to qualify.

11 **SECTION 15.** 1-4-1304 (1.5) (b) (I), Colorado Revised Statutes,
12 is amended to read:

13 **1-4-1304. Nomination of candidates.** (1.5) (b) (I) A minor
14 political party may nominate candidates for offices to be filled at a
15 general election by assembly. An assembly shall be held no later than
16 ~~sixty-five days~~ SEVENTY-THREE DAYS preceding the primary election.

17 **SECTION 16.** 1-8-111 (1) (b), Colorado Revised Statutes, is
18 amended to read:

19 **1-8-111. Delivery of mail-in ballot and replacement mail-in**
20 **ballots.** (1) (b) A mail-in ballot shall be delivered or mailed to an absent
21 uniformed services elector serving outside the United States not later than
22 ~~thirty days~~ FORTY-FIVE DAYS before the election if the elector has applied
23 for a mail-in ballot or has been placed on the permanent mail-in voter list
24 pursuant to section 1-8-104.5 (2) not later than ~~thirty-five days~~
25 FORTY-FIVE DAYS before such election.

26 **SECTION 17.** 1-10-103 (2), Colorado Revised Statutes, is
27 amended to read:

1 **1-10-103. Transmitting returns to the secretary of state - total**
2 **of results.** (2) No later than the twentieth day after a primary election
3 and no later than the ~~twenty-fourth day~~ THIRTIETH DAY after any other
4 election, the secretary of state shall compile and total the returns received
5 from all counties for all candidates, ballot issues, and ballot questions
6 certified by the secretary of state, determine if a recount of any office,
7 ballot issue, or ballot question is necessary, and order the appropriate
8 recounts, if any.

9 **SECTION 18.** 1-10.5-106 (2), Colorado Revised Statutes, is
10 amended to read:

11 **1-10.5-106. Request for recount by interested party -**
12 **definitions.** (2) Whenever a recount is not required, an interested party
13 may submit a notarized written request for a recount at the expense of the
14 interested party making the request. This request shall be filed with the
15 secretary of state, the county clerk and recorder, the designated election
16 official, or other governing body that originally certified the candidate,
17 ballot question, or ballot issue for the ballot within ~~twenty days~~
18 TWENTY-ONE DAYS after a primary election, WITHIN THIRTY-ONE DAYS
19 AFTER A GENERAL ELECTION, and within twenty-four days after any other
20 election. Such election official shall notify the political subdivision
21 within which the election was held no later than the day following receipt
22 of the request. Before conducting the recount, the election official who
23 will conduct the recount shall determine the cost of the recount within one
24 day of receiving the request to recount, notify the interested party that
25 requested the recount of the cost, and collect the costs of conducting the
26 recount. If the request is filed with the secretary of state, the secretary of
27 state shall determine the cost of the recount by adding the individual

1 amounts determined by the political subdivisions conducting the recount.
2 The interested party that requested the recount shall pay the cost of the
3 recount by certified funds to the election official with whom the request
4 for a recount was filed within one day of receiving the election official's
5 cost determination. The funds shall be placed in escrow for payment of
6 all expenses incurred in the recount. If after the recount the result of the
7 election is reversed in favor of the interested party that requested the
8 recount or if the amended election count is such that a recount otherwise
9 would have been required, the payment for expenses shall be refunded to
10 the interested party that requested the recount. Any escrow amounts not
11 refunded to the interested party that requested the recount shall be paid to
12 the election officials who conducted the recount. Any recount of votes
13 pursuant to this section shall be completed no later than the
14 THIRTY-SEVENTH DAY AFTER A GENERAL ELECTION AND NO LATER THAN
15 THE thirtieth day after ~~the~~ ANY OTHER election.

16 **SECTION 19. Safety clause.** The general assembly hereby finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, and safety.