

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0386.01 Kate Meyer x4348

HOUSE BILL 14-1062

HOUSE SPONSORSHIP

Singer,

SENATE SPONSORSHIP

Balmer,

House Committees
State, Veterans, & Military Affairs

Senate 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, 2014. The secretary of state is directed to adopt rules and provide advice to local governments regarding approval voting.

County clerk and recorders may decline to coordinate an election if a local government elects to employ approval voting in the election.

The bill makes necessary modifications to current law occasioned by the use of approval voting, such as excluding approval voting from the definition of "overvote" and adjusting provisions prescribing the form of ballots and automatic recount triggers.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-1-104, **amend**
3 (23.4) as follows:

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

6 (23.4) "Overvote" means the selection by an elector of more
7 names than there are persons to be elected to an office or the designation
8 of more than one answer to a ballot question or ballot issue. "OVERVOTE"
9 DOES NOT INCLUDE APPROVAL VOTING, AS DEFINED IN SECTION 1-7-1102
10 (1).

11 **SECTION 2.** In Colorado Revised Statutes, 1-5-407, **amend** (2)
12 and (3) as follows:

13 **1-5-407. Form of ballots.** (2) The ballots shall be printed so as
14 to give to each eligible elector a clear opportunity to designate his or her
15 choice of candidates, joint candidates, ballot issues, and ballot questions
16 by a mark as instructed. On the ballot may be printed words that will aid
17 the elector, such as "vote for not more than one" OR, FOR AN ELECTION
18 CONDUCTED USING APPROVAL VOTING PURSUANT TO PART 11 OF ARTICLE
19 7 OF THIS TITLE, "VOTE FOR NOT MORE THAN [NUMBER OF CANDIDATES

1 FOR THE SEAT, INCLUDING WRITE-IN CANDIDATES APPROVED UNDER PART
2 11 OF ARTICLE 4 OF TITLE 1, C.R.S.]".

3 (3) (a) At the end of the list of candidates for each different office
4 shall be one or more blank spaces in which the elector may write the
5 name of any eligible person not printed on the ballot who has filed an
6 affidavit of intent of write-in candidate pursuant to section 1-4-1101.
7 EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (3), the
8 number of spaces provided ~~shall be~~ IS the lesser of the number of eligible
9 electors who have properly filed an affidavit of intent of write-in
10 candidate pursuant to section 1-4-1101 or the number of persons to be
11 elected to the office. No such blank spaces ~~shall~~ WILL be provided if no
12 eligible elector properly filed an affidavit of intent of write-in candidate.

13 (b) FOR AN ELECTION CONDUCTED USING AN APPROVAL VOTING
14 METHOD PURSUANT TO PART 11 OF ARTICLE 7 OF THIS TITLE, THE NUMBER
15 OF BLANK SPACES PROVIDED IN WHICH AN ELECTOR MAY WRITE IN THE
16 NAME OF A WRITE-IN CANDIDATE IS THE NUMBER OF ELIGIBLE ELECTORS
17 WHO PROPERLY FILED AN AFFIDAVIT OF INTENT PURSUANT TO SECTION
18 1-4-1101.

19 **SECTION 3.** In Colorado Revised Statutes, 1-7-116, **add** (6) as
20 follows:

21 **1-7-116. Coordinated elections - definition.** (6) A COUNTY
22 CLERK AND RECORDER MAY, IN HIS OR HER DISCRETION, DECLINE TO
23 COORDINATE AN ELECTION FOR A LOCAL GOVERNMENT, AS DEFINED IN
24 SECTION 1-7-1102 (2), IF THE LOCAL GOVERNMENT HAS ELECTED TO USE
25 APPROVAL VOTING PURSUANT TO PART 11 OF THIS ARTICLE.

26 **SECTION 4.** In Colorado Revised Statutes, **add** part 11 to article
27 7 of title 1 as follows:

1 PART 11

2 APPROVAL VOTING

3 **1-7-1101. Short title.** THIS PART 11 SHALL BE KNOWN AND MAY
4 BE CITED AS THE "APPROVAL VOTING ACT".

5 **1-7-1102. Definitions.** AS USED IN THIS PART 11, UNLESS THE
6 CONTEXT OTHERWISE REQUIRES:

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

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

11 (b) THE WINNER OF EACH OFFICE IS THE CANDIDATE WHO RECEIVES
12 THE MOST VOTES.

13 (2) "LOCAL GOVERNMENT" MEANS A CITY OR TOWN, COUNTY, CITY
14 AND COUNTY, SCHOOL DISTRICT, PUBLIC IMPROVEMENT DISTRICT CREATED
15 PURSUANT TO PART 5 OF ARTICLE 20 OF TITLE 30, C.R.S., OR A SPECIAL
16 DISTRICT CREATED PURSUANT TO ARTICLE 1 OF TITLE 32, C.R.S.

17 **1-7-1103. Approval voting methods authorized - when.** (1) A
18 LOCAL GOVERNMENT MAY CONDUCT AN ELECTION USING AN APPROVAL
19 VOTING METHOD IF:

20 (a) THE ELECTION IN WHICH APPROVAL VOTING IS EMPLOYED IS A
21 NONPARTISAN ELECTION;

22 (b) USE OF THE APPROVAL VOTING METHOD IN THE LOCAL
23 GOVERNMENT IS NOT PROHIBITED BY THE CHARTER OF THE LOCAL
24 GOVERNMENT;

25 (c) THE ELECTION IS CONDUCTED IN ACCORDANCE WITH THIS PART
26 11 AND RULES PROMULGATED BY THE SECRETARY OF STATE PURSUANT TO
27 SECTION 1-7-1105; AND

1 (d) THE ELECTION IS CONDUCTED WITH A SYSTEM OF CASTING,
2 RECORDING, AND TABULATING VOTES THAT IS CAPABLE OF CONDUCTING
3 THE ELECTION USING APPROVAL VOTING AND THAT HAS BEEN CERTIFIED
4 BY THE SECRETARY OF STATE.

5 (2) APPROVAL VOTING MAY BE UTILIZED IN ELECTIONS
6 CONDUCTED ON AND AFTER NOVEMBER 1, 2014.

7 **1-7-1104. Conduct of elections using approval voting methods**

8 **- ballots - information provided to electors.** (1) NOTWITHSTANDING
9 SECTION 1-7-114 (3), ANY ELECTION CONTEST CONDUCTED USING AN
10 APPROVAL VOTING METHOD MUST ALLOW AN ELECTOR TO VOTE ON A
11 BALLOT FOR AS MANY CANDIDATES FOR EACH OFFICE AS THE ELECTOR
12 CHOOSES, INCLUDING WRITE-IN CANDIDATES WHO PROPERLY FILED
13 AFFIDAVITS OF INTENT IN ACCORDANCE WITH PART 11 OF ARTICLE 4 OF
14 THIS TITLE OR ARTICLE 10 OF TITLE 31, C.R.S., AS APPLICABLE.

15 (2) (a) (I) IN AN ELECTION CONDUCTED USING AN APPROVAL
16 VOTING METHOD IN WHICH ONE CANDIDATE IS TO BE ELECTED TO AN
17 OFFICE, THE DESIGNATED ELECTION OFFICIAL SHALL DECLARE AS THE
18 WINNER THE CANDIDATE WHO RECEIVES THE GREATEST NUMBER OF
19 VOTES.

20 (II) IN AN ELECTION CONDUCTED USING AN APPROVAL VOTING
21 METHOD IN WHICH MORE THAN ONE CANDIDATE IS TO BE ELECTED TO AN
22 OFFICE IN A MULTIPLE-SEAT DISTRICT OR ON A GOVERNING BODY THAT
23 INCLUDES MULTIPLE AT-LARGE SEATS, THE OFFICES ARE WON BY THOSE
24 CANDIDATES, IN A NUMBER EQUAL TO THE NUMBER OF SEATS BEING
25 FILLED, WHO RECEIVE THE GREATEST NUMBER OF VOTES.

26 (b) NOTHING IN THIS SUBSECTION (2) PROHIBITS A LOCAL
27 GOVERNMENT FROM ENFORCING OR IMPOSING ADDITIONAL REQUIREMENTS

1 FOR DETERMINING THE WINNER OF A LOCAL GOVERNMENT ELECTION USING
2 AN APPROVAL VOTING METHOD.

3 **1-7-1105. Secretary of state - rules - guidance to local**
4 **governments.** (1) (a) PRIOR TO OCTOBER 1, 2014, THE SECRETARY OF
5 STATE SHALL ADOPT RULES IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24,
6 C.R.S., ON THE CONDUCT OF ELECTIONS USING APPROVAL VOTING
7 METHODS. THE RULES SHALL PRESCRIBE THE METHODS AND PROCEDURES
8 FOR TABULATING, AUDITING, AND REPORTING RESULTS IN AN ELECTION
9 USING AN APPROVAL VOTING METHOD.

10 (b) THE SECRETARY OF STATE MAY PROMULGATE RULES AS
11 NECESSARY FOR THE IMPLEMENTATION AND ADMINISTRATION OF THIS
12 PART 11.

13 (2) UPON REQUEST, THE SECRETARY OF STATE SHALL PROVIDE
14 GUIDANCE AND ADVICE TO THE GOVERNING BODIES AND DESIGNATED
15 ELECTION OFFICIALS OF LOCAL GOVERNMENTS OF THE STATE ON THE
16 CONDUCT OF ELECTIONS USING APPROVAL VOTING METHODS.

17 **SECTION 5.** In Colorado Revised Statutes, 1-10.5-101, **add** (1)
18 (c) as follows:

19 **1-10.5-101. Recounts required - expenses.**

20 (1) (c) (I) NOTWITHSTANDING PARAGRAPH (b) OF THIS SUBSECTION (1),
21 FOR AN ELECTION CONTEST CONDUCTED USING AN APPROVAL VOTING
22 METHOD, A RECOUNT IS REQUIRED IF:

23 (A) THE DIFFERENCE BETWEEN THE NUMBER OF VOTES CAST FOR
24 ANY CANDIDATE APPARENTLY ELECTED AND THE NUMBER OF VOTES CAST
25 FOR ANY CANDIDATE APPARENTLY DEFEATED IS LESS THAN OR EQUAL TO
26 ONE-HALF PERCENT OF THE NUMBER OF BALLOTS CAST THAT CONTAIN THE
27 CONTEST, OR LESS THAN SIX IF THE NUMBER OF BALLOTS CAST THAT

1 CONTAIN THE CONTEST IS ONE THOUSAND OR LESS; OR

2 (B) THE DIFFERENCE BETWEEN THE NUMBER OF VOTES CAST FOR
3 ANY CANDIDATE AND A NUMERICAL THRESHOLD THAT TRIGGERS A RUNOFF
4 ELECTION IS LESS THAN OR EQUAL TO ONE-HALF PERCENT OF THE TOTAL
5 BALLOTS CAST THAT CONTAIN THE CONTEST.

6 (II) A CANVASS BOARD MAY, IN ITS DISCRETION, CONDUCT A
7 RECOUNT REQUIRED PURSUANT TO THIS PARAGRAPH (c) BY HAND.

8 **SECTION 6.** In Colorado Revised Statutes, 22-31-103, **amend**
9 (1) as follows:

10 **22-31-103. Board of education to govern conduct of school**
11 **elections - contract with county clerk and recorder - approval voting**
12 **authorized.** (1) (a) Except as otherwise provided in this article, the board
13 of education of each school district shall govern the conduct of all school
14 elections in the district, shall designate an election official who shall be
15 responsible for conducting the election, and shall render all
16 interpretations and make all initial decisions as to controversies or other
17 matters arising in the conduct of such elections. All elections authorized
18 in this article shall be conducted pursuant to the provisions of articles 1
19 to 13 of title 1, C.R.S.

20 (b) A BOARD OF EDUCATION OF A SCHOOL DISTRICT MAY USE AN
21 APPROVAL VOTING METHOD TO CONDUCT A REGULAR BIENNIAL SCHOOL
22 ELECTION TO ELECT SCHOOL DIRECTORS OF THE DISTRICT IN ACCORDANCE
23 WITH SECTION 1-7-1103, C.R.S., AND THE RULES ADOPTED BY THE
24 SECRETARY OF STATE PURSUANT TO SECTION 1-7-1105 (1), C.R.S. AS
25 USED IN THIS SUBSECTION (1), "APPROVAL VOTING" HAS THE SAME
26 MEANING AS SET FORTH IN SECTION 1-7-1102 (1), C.R.S.

27 **SECTION 7.** In Colorado Revised Statutes, **add** 31-10-618 as

1 follows:

2 **31-10-618. Approval voting methods - how used - definition.**

3 (1) (a) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE TO THE
4 CONTRARY, A MUNICIPALITY MAY USE AN APPROVAL VOTING METHOD TO
5 CONDUCT A REGULAR ELECTION TO ELECT THE MAYOR OR MEMBERS OF
6 THE GOVERNING BODY OF THE MUNICIPALITY IN ACCORDANCE WITH
7 SECTION 1-7-1103, C.R.S., AND THE RULES ADOPTED BY THE SECRETARY
8 OF STATE PURSUANT TO SECTION 1-7-1105 (1), C.R.S.

9 (b) NOTWITHSTANDING SECTION 31-10-612, A BALLOT CAST IN AN
10 ELECTION CONDUCTED UNDER THIS ARTICLE USING APPROVAL VOTING IS
11 NOT DEFECTIVE SOLELY BECAUSE AN ELECTOR VOTES FOR MORE NAMES
12 THAN THERE ARE PERSONS TO BE ELECTED TO A PARTICULAR OFFICE.

13 (2) A MUNICIPALITY CONDUCTING AN ELECTION USING AN
14 APPROVAL VOTING METHOD MAY ADAPT THE REQUIREMENTS OF THIS
15 ARTICLE, INCLUDING REQUIREMENTS CONCERNING THE FORM OF THE
16 BALLOT, THE METHOD OF MARKING THE BALLOT, THE PROCEDURE FOR
17 COUNTING BALLOTS, AND THE FORM OF THE ELECTION JUDGES'
18 CERTIFICATE, AS NECESSARY FOR COMPATIBILITY WITH THE APPROVAL
19 VOTING METHOD.

20 (3) AS USED IN THIS SECTION, "APPROVAL VOTING" HAS THE
21 MEANING SET FORTH IN SECTION 1-7-1102 (1), C.R.S.

22 **SECTION 8.** In Colorado Revised Statutes, **add** 32-1-805.7 as
23 follows:

24 **32-1-805.7. Approval voting methods.** (1) NOTWITHSTANDING
25 ANY PROVISION OF THIS ARTICLE TO THE CONTRARY, A SPECIAL DISTRICT
26 MAY USE AN APPROVAL VOTING METHOD TO CONDUCT A REGULAR
27 ELECTION TO ELECT DIRECTORS OF THE SPECIAL DISTRICT IN ACCORDANCE

1 WITH SECTION 1-7-1103, C.R.S., AND THE RULES ADOPTED BY THE
2 SECRETARY OF STATE PURSUANT TO SECTION 1-7-1105, C.R.S.

3 (2) A SPECIAL DISTRICT CONDUCTING AN ELECTION USING AN
4 APPROVAL VOTING METHOD MAY ADAPT THE REQUIREMENTS OF THIS PART
5 8 AND PART 11 OF ARTICLE 7 OF TITLE 1, C.R.S., INCLUDING
6 REQUIREMENTS CONCERNING THE FORM OF THE BALLOT, THE METHOD OF
7 MARKING THE BALLOT, THE PROCEDURE FOR COUNTING BALLOTS, AND THE
8 FORM OF THE ELECTION JUDGES' CERTIFICATE, AS NECESSARY FOR
9 COMPATIBILITY WITH THE APPROVAL VOTING METHOD.

10 (3) AS USED IN THIS SECTION, "APPROVAL VOTING" HAS THE
11 MEANING SET FORTH IN SECTION 1-7-1102 (1), C.R.S.

12 **SECTION 9. Applicability.** This act applies to elections
13 conducted on or after November 1, 2014.

14 **SECTION 10. Act subject to petition - effective date.** This act
15 takes effect at 12:01 a.m. on the day following the expiration of the
16 ninety-day period after final adjournment of the general assembly (August
17 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a
18 referendum petition is filed pursuant to section 1 (3) of article V of the
19 state constitution against this act or an item, section, or part of this act
20 within such period, then the act, item, section, or part will not take effect
21 unless approved by the people at the general election to be held in
22 November 2014 and, in such case, will take effect on the date of the
23 official declaration of the vote thereon by the governor.