

Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

**REENGROSSED**

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

LLS NO. 20-1163.01 Megan Waples x4348

**HOUSE BILL 20-1359**

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**HOUSE SPONSORSHIP**

**Garnett and Neville,**

**SENATE SPONSORSHIP**

**Fenberg and Holbert,**

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**House Committees**  
Judiciary

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING MODIFICATIONS TO PARTY CANDIDATE DESIGNATION**  
102 **REQUIREMENTS TO ACCOMMODATE PUBLIC HEALTH CONCERNS.**

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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://leg.colorado.gov>.)*

The bill extends various deadlines related to ballot access requirements in 2020 due to public health concerns. Parties may amend their bylaws as needed during 2020 to allow remote participation in assemblies and conventions and to fill vacancies. Delegates to assemblies may participate remotely if allowed by the party, and parties may reduce or waive any quorum requirements to allow assemblies to proceed.

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

HOUSE  
Amended 3rd Reading  
March 13, 2020

HOUSE  
Amended 2nd Reading  
March 12, 2020

Members of vacancy committees may participate in meetings remotely if allowed by the party, and parties may determine whether to allow proxies at vacancy committee meetings. The ability of the state chair to fill a vacancy is extended to situations in which the vacancy occurs because the designation was not filled by the assembly or the vacancy committee. The modifications are repealed effective December 31, 2020.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-3-103, **amend**  
3 (9)(a); and **add** (9)(c) as follows:

4 **1-3-103. Party committees - repeal.** (9) (a) No later than ninety  
5 days after the organization of the state central committees of the major  
6 political parties in each odd-numbered year, each committee shall adopt  
7 in its bylaws or rules its general guidelines and regulations for all county  
8 party matters. Such bylaws or rules shall establish a procedure for the  
9 selection of delegates to any party assembly that is consistent with party  
10 practice. Any method under such procedure for choosing or allocating  
11 delegates in a county based on the number of votes cast at an election for  
12 a particular candidate shall be uniform among the counties so that all  
13 types of ballots are counted or not counted for purposes of determining  
14 the number of votes cast. Any county central committee may adopt its  
15 own rules in conformance with those of the state central committee. In the  
16 absence of county rules pertaining to specific items, the party's state  
17 central committee's guidelines and rules shall apply. Each state central  
18 committee shall file its party's bylaws or rules with the secretary of state  
19 no later than the first Monday in February in each even-numbered year  
20 and, if filed prior to that date, the bylaws or rules may be amended until  
21 that date. EXCEPT AS PROVIDED IN SUBSECTION (9)(c) OF THIS SECTION, no  
22 bylaw or rule may be filed or amended after the first Monday in February

1 in each even-numbered year. Where the bylaws or rules are not filed in  
2 accordance with this section, the party's state central committee, as well  
3 as the party's county central committee, are subject to the code through  
4 the general election of the same year. Each state central committee shall  
5 compile and provide to the secretary of state information concerning the  
6 membership of the county central committees of the party in addition to  
7 the bylaws or rules of each county central committee.

8 (c) (I) NOTWITHSTANDING SUBSECTION (9)(a) OF THIS SECTION,  
9 DUE TO PUBLIC HEALTH CONCERNS, A PARTY MAY AMEND ITS BYLAWS AS  
10 NECESSARY IN 2020 TO PROVIDE FOR REMOTE ACCESS TO AND  
11 PARTICIPATION IN PARTY ASSEMBLIES AND CONVENTIONS AND TO FILL  
12 VACANCIES. IF A PARTY AMENDS ITS BYLAWS TO ALLOW REMOTE ACCESS  
13 AND PARTICIPATION, THE BYLAWS MUST INCLUDE PROVISIONS REQUIRING  
14 THE CREATION OF A VERIFIABLE RECORD OF ALL REMOTE ACCESS AND  
15 PARTICIPATION.

16 (II) THIS SUBSECTION (9)(c) IS REPEALED, EFFECTIVE DECEMBER  
17 31, 2020.

18 **SECTION 2.** In Colorado Revised Statutes, 1-3-105, **add** (3) as  
19 follows:

20 **1-3-105. Powers of central committees - repeal.**

21 (3) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, DUE TO  
22 PUBLIC HEALTH CONCERNS, FOR THE 2020 ELECTION, TO THE EXTENT THAT  
23 STATE POLITICAL PARTIES HAVE ANY RESTRICTIONS IN THEIR RULES OR  
24 BYLAWS GOVERNING REQUIRED NOTICE FOR MEETINGS OF EITHER THE  
25 STATE CENTRAL COMMITTEE OR ANY MEETING AT WHICH THE RULES OR  
26 BYLAWS WILL BE AMENDED, SUCH REQUIREMENTS MAY BE DISREGARDED  
27 AS LONG AS NO LESS THAN THREE DAYS NOTICE IS PROVIDED.

1 (b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE DECEMBER 31,  
2 2020.

3 SECTION 3. In Colorado Revised Statutes, 1-4-601, amend (1)  
4 and (2) as follows:

5 1-4-601. Designation of candidates for primary election -  
6 repeal. (1) (a) Assemblies of the major political parties may make  
7 assembly designations of candidates for nomination on the primary  
8 election ballot. EXCEPT AS PROVIDED IN SUBSECTION (1)(b) OF THIS  
9 SECTION, an assembly shall be held no later than seventy-three days  
10 preceding the primary election.

11 (b) (I) NOTWITHSTANDING SUBSECTION (1)(a) OF THIS SECTION,  
12 DUE TO PUBLIC HEALTH CONCERNS, FOR THE 2020 PRIMARY ELECTION, A  
13 PARTY ASSEMBLY SHALL BE HELD ON OR BEFORE APRIL 25, 2020.

14 (II) THIS SUBSECTION (1)(b) IS REPEALED, EFFECTIVE DECEMBER  
15 31, 2020.

16 (2) (a) An assembly must take no more than two ballots for party  
17 candidates for each office to be filled at the next general election. Every  
18 candidate receiving thirty percent or more of the votes of all duly  
19 accredited assembly delegates who are present and voting on that office  
20 must be certified by affidavit of the presiding officer and secretary of the  
21 assembly. If no candidate receives thirty percent or more of the votes of  
22 all duly accredited assembly delegates who are present and voting, a  
23 second ballot must be cast on all the candidates for that office. If on the  
24 second ballot no candidate receives thirty percent or more of the votes  
25 cast, the two candidates receiving the highest number of votes must be  
26 certified as candidates for that office by the assembly. The certificate of  
27 designation by assembly must state the name of the office for which each

1 person is a candidate and the candidate's name and address, must  
2 designate in not more than three words the name of the political party  
3 which the candidate represents, and must certify that the candidate has  
4 been a member of the political party for the period of time required by  
5 party rule or by subsection (4) of this section if the party has no such rule.  
6 The candidate's affiliation, as shown in the statewide voter registration  
7 system, is prima facie evidence of political party membership. The  
8 certificate of designation must indicate the order of the vote received at  
9 the assembly by candidates for each office, but no assembly shall declare  
10 that any one candidate has received the nomination of the assembly. The  
11 certificate of designation must be filed in accordance with section  
12 1-4-604. If two or more candidates receiving designation under this  
13 subsection (2) have received an equal number of votes, the order of  
14 certification of designation is determined by lot by the candidates. The  
15 assembly shall select a vacancy committee for vacancies in designation  
16 or nomination only.

17 (b) (I) NOTWITHSTANDING ANY REQUIREMENT IN SUBSECTION  
18 (2)(a) OF THIS SECTION TO THE CONTRARY, DUE TO PUBLIC HEALTH  
19 CONCERNS, IN ANY ASSEMBLY HELD IN 2020:

20 (A) A DELEGATE MAY PARTICIPATE IN THE ASSEMBLY REMOTELY,  
21 INCLUDING CASTING HIS OR HER VOTE BY E-MAIL, MAIL, TELEPHONE, OR  
22 THROUGH AN INTERNET-BASED APPLICATION IF ALLOWED BY THE PARTY;

23 (B) A PERSON MAY CARRY UP TO FIVE PROXIES, IF PROXIES ARE  
24 ALLOWED BY THE PARTY; AND

25 (C) IF THE PARTY HAS A REQUIREMENT FOR A QUORUM, THE PARTY  
26 MAY WAIVE OR REDUCE THE QUORUM REQUIREMENT IN ORDER TO ALLOW  
27 THE ASSEMBLY TO PROCEED.

1 (II) THIS SUBSECTION (2)(b) IS REPEALED, EFFECTIVE DECEMBER  
2 31, 2020.

3 **SECTION 4.** In Colorado Revised Statutes, 1-4-602, **amend**  
4 (1)(a)(I); and **add** (1)(a)(III) as follows:

5 **1-4-602. Delegates to party assemblies - definition - repeal.**

6 (1) (a) (I) EXCEPT AS PROVIDED IN SUBSECTION (1)(a)(III) OF THIS  
7 SECTION, county assemblies shall be held no later than twenty-five days  
8 after precinct caucuses. If a political party holds its precinct caucuses on  
9 the first Tuesday in February in a year in which a presidential election  
10 will be held, the county assemblies of the political party shall be held not  
11 less than fifteen days nor more than fifty days after the precinct caucuses.  
12 The county central committee or executive committee shall fix the  
13 number of delegates from each precinct to participate in the county  
14 assembly pursuant to the procedure for the selection of delegates  
15 contained in the state party central committee's bylaws or rules. The  
16 persons receiving the highest number of votes at the precinct caucus shall  
17 be the delegates to the county assembly from the precinct. If two or more  
18 candidates receive an equal number of votes for the last available place  
19 in the election of delegates to county assemblies at the precinct caucuses,  
20 the delegate shall be determined by lot by the candidates. Except as  
21 provided in subsections (2) and (6) of this section, delegates to all other  
22 party assemblies shall be selected by the respective county assemblies  
23 from among the members of the county assemblies pursuant to the state  
24 party central committee's bylaws or rules.

25 (III) (A) NOTWITHSTANDING SUBSECTION (1)(a)(I) OF THIS  
26 SECTION, DUE TO PUBLIC HEALTH CONCERNS, COUNTY ASSEMBLIES IN 2020  
27 SHALL BE COMPLETED NO LATER THAN THIRTY-FIVE DAYS AFTER PRECINCT

1 CAUCUSES. COUNTY ASSEMBLIES HELD IN 2020 MAY BE HELD OVER A  
2 PERIOD OF DAYS, NOT TO EXCEED SEVEN DAYS, TO PERMIT REMOTE  
3 PARTICIPATION AS ALLOWED BY THE PARTY.

4 (B) THIS SUBSECTION (1)(a)(III) IS REPEALED, EFFECTIVE  
5 DECEMBER 31, 2020.

6 **SECTION 5.** In Colorado Revised Statutes, 1-4-604, **amend**  
7 (6)(a) as follows:

8 **1-4-604. Filing of petitions and certificates of designation by**  
9 **assembly - legislative declaration - repeal.** (6) (a) (I) EXCEPT AS  
10 PROVIDED IN SUBSECTION (6)(a)(II) OF THIS SECTION, no later than four  
11 days after the adjournment of the assembly, the state central committee  
12 of each political party, utilizing the information described in ~~paragraph~~  
13 ~~(b) of subsection (1)~~ SUBSECTION (1)(b) of this section, shall file with the  
14 secretary of state a compilation of the certificates of designation of each  
15 assembly that nominated candidates for any national or state office or for  
16 member of the general assembly, district attorney, or district office greater  
17 than a county office. Such a compilation of certificates of designation  
18 may be transmitted by facsimile transmission; however, the original  
19 compilation must also be filed and postmarked no later than ten days after  
20 the adjournment of the assembly.

21 (II) (A) NOTWITHSTANDING SUBSECTION (6)(a)(I) OF THIS  
22 SECTION, DUE TO PUBLIC HEALTH CONCERNS, IN 2020 THE STATE CENTRAL  
23 COMMITTEE OF EACH POLITICAL PARTY SHALL FILE THE INFORMATION  
24 REQUIRED BY SUBSECTION (6)(a)(I) OF THIS SECTION WITH THE SECRETARY  
25 OF STATE NO LATER THAN SIXTY DAYS BEFORE THE PRIMARY ELECTION.  
26 THE ORIGINAL COMPILATION MUST BE FILED AND POSTMARKED NO LATER  
27 THAN SIXTY DAYS BEFORE THE PRIMARY ELECTION.

1 (B) THIS SUBSECTION (6)(a)(II) IS REPEALED, EFFECTIVE  
2 DECEMBER 31, 2020.

3 **SECTION 6.** In Colorado Revised Statutes, 1-4-801, **amend** (5)  
4 as follows:

5 **1-4-801. Designation of party candidates by petition - repeal.**

6 (5) (a) Party petitions shall not be circulated nor any signatures be  
7 obtained prior to the third Tuesday in January. EXCEPT AS PROVIDED IN  
8 SUBSECTION (5)(b)(I) OF THIS SECTION, petitions must be filed no later  
9 than the third Tuesday in March.

10 (b) (I) NOTWITHSTANDING SUBSECTION (5)(a) OF THIS SECTION,  
11 DUE TO PUBLIC HEALTH CONCERNS, IN 2020 THE DEADLINE FOR FILING  
12 PARTY PETITIONS SHALL BE EXTENDED BY FOURTEEN DAYS.

13 (II) THIS SUBSECTION (5)(b) IS REPEALED, EFFECTIVE DECEMBER  
14 31, 2020.

15 **SECTION 7.** In Colorado Revised Statutes, 1-4-1002, **amend** (1);  
16 and **add** (6) as follows:

17 **1-4-1002. Vacancies in major party designation up to the**  
18 **sixty-eighth day before primary election day - repeal.** (1) For the  
19 purposes of this section, a vacancy is caused by:

20 (a) The declination, death, disqualification, or withdrawal of the  
21 person designated by a party assembly as a candidate for nomination; ~~or~~

22 (b) The failure of a party assembly to make designation of any  
23 candidate for nomination; OR

24 (c) (I) THE INABILITY OF A POLITICAL PARTY TO CONDUCT AN  
25 ASSEMBLY DUE TO A PROHIBITION FROM THE GOVERNOR ON PUBLIC  
26 GATHERINGS OVER A CERTAIN SIZE, IF EFFORTS TO CONDUCT AN ASSEMBLY  
27 PURSUANT TO SECTIONS 1-4-601, 1-4-602, OR 1-4-604, AS AMENDED BY

1 HOUSE BILL 20-1359, ENACTED IN 2020, HAVE BEEN UNAVAILABLE.

2 (II) THIS SUBSECTION (1)(c) IS REPEALED, EFFECTIVE DECEMBER  
3 31, 2020.

4 (6) (a) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO  
5 THE CONTRARY, DUE TO PUBLIC HEALTH CONCERNS, FOR ANY VACANCY  
6 OCCURRING IN 2020:

7 (I) A MEMBER OF A VACANCY COMMITTEE MAY PARTICIPATE IN A  
8 VACANCY COMMITTEE MEETING REMOTELY, INCLUDING CASTING HIS OR  
9 HER VOTE BY E-MAIL, MAIL, TELEPHONE, OR THROUGH AN  
10 INTERNET-BASED APPLICATION IF ALLOWED BY THE PARTY;

11 (II) A PARTY MAY DETERMINE WHETHER TO ALLOW PROXIES FOR  
12 A VACANCY COMMITTEE MEETING;

13 (III) THE STATE CHAIR OF A PARTY MAY FILL A VACANCY IN  
14 ACCORDANCE WITH SUBSECTION (3)(b)(IV) OF THIS SECTION IF THE  
15 VACANCY OCCURS BECAUSE THE DESIGNATION WAS NOT MADE BY THE  
16 ASSEMBLY, THE POLITICAL PARTY WAS UNABLE TO CONDUCT AN  
17 ASSEMBLY DUE TO A PROHIBITION FROM THE GOVERNOR ON PUBLIC  
18 GATHERINGS OVER A CERTAIN SIZE, OR THE VACANCY WAS NOT FILLED BY  
19 THE VACANCY COMMITTEE; AND

20 (IV) THE DESIGNATION AND ACCEPTANCE OF THE PERSON  
21 SELECTED TO FILL A VACANCY MUST BE SUBMITTED TO THE DESIGNATED  
22 ELECTION OFFICIAL NO LATER THAN TEN DAYS FROM EITHER THE DATE OF  
23 THE VACANCY COMMITTEE MEETING OR FROM THE DATE OF APPOINTMENT  
24 BY THE STATE CHAIR PURSUANT TO SUBSECTION (6)(a)(III) OF THIS  
25 SECTION, AS APPLICABLE; EXCEPT THAT SUCH CERTIFICATION MUST IN ALL  
26 CASES BE SUBMITTED NO LATER THAN THE SIXTIETH DAY BEFORE THE  
27 DATE OF THE PRIMARY ELECTION.

1 (b) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE DECEMBER 31,  
2 2020.

3 **SECTION 8.** In Colorado Revised Statutes, 1-4-1003, **amend** (1)  
4 as follows:

5 **1-4-1003. Vacancies in major party designation occurring**  
6 **between the sixty-seventh day before a primary election and the**  
7 **earliest day to mail primary election ballots - repeal.** (1) (a) For the  
8 purposes of this section, a vacancy is caused by the declination, death,  
9 disqualification, or withdrawal of the person designated by the assembly  
10 as a candidate for nomination.

11 (b) (I) FOR THE PURPOSES OF THIS SECTION, A VACANCY IS CAUSED  
12 BY THE INABILITY OF A POLITICAL PARTY TO CONDUCT AN ASSEMBLY DUE  
13 TO A PROHIBITION FROM THE GOVERNOR ON PUBLIC GATHERINGS OVER A  
14 CERTAIN SIZE.

15 (II) THIS SUBSECTION (1)(b) IS REPEALED, EFFECTIVE DECEMBER  
16 31, 2020.

17 **SECTION 9.** In Colorado Revised Statutes, 1-5-203, **amend**  
18 (1)(a) introductory portion; and **add** (1)(c) as follows:

19 **1-5-203. Certification of ballot - repeal.** (1) (a) EXCEPT AS  
20 PROVIDED IN SUBSECTION (1)(c) OF THIS SECTION, no later than sixty days  
21 before any primary election, and no later than fifty-seven days before any  
22 general or odd-year November election or congressional vacancy election,  
23 the secretary of state shall deliver by electronic transmission and  
24 registered mail to the county clerk and recorder of each county a  
25 certificate in writing of the ballot order and content for each county, as  
26 follows:

27 (c) (I) DUE TO PUBLIC HEALTH CONCERNS, FOR THE 2020 STATE

1 PRIMARY ELECTION, THE SECRETARY OF STATE SHALL DELIVER THE  
2 CERTIFICATE OF THE BALLOT REQUIRED BY SUBSECTION (1)(a) OF THIS  
3 SECTION ON OR BEFORE MAY 7, 2020.

4 (II) THIS SUBSECTION (1)(c) IS REPEALED, EFFECTIVE DECEMBER  
5 31, 2020.

6 **SECTION 10.** In Colorado Revised Statutes, 1-4-1304, **amend**  
7 (1.5)(b)(I); and **add** (1.5)(f) as follows:

8 **1-4-1304. Nomination of candidates - repeal.** (1.5) (b) (I) A  
9 minor political party may nominate candidates for offices to be filled at  
10 a general election by assembly. EXCEPT AS PROVIDED IN SUBSECTION  
11 (1.5)(f) OF THIS SECTION, an assembly shall be held no later than  
12 seventy-three days preceding the primary election.

13 (1.5) (f) (I) NOTWITHSTANDING SUBSECTION (1.5)(b)(I) OF THIS  
14 SECTION, DUE TO PUBLIC HEALTH CONCERNS, FOR THE 2020 ELECTION, AN  
15 ASSEMBLY OF A MINOR POLITICAL PARTY SHALL BE HELD ON OR BEFORE  
16 APRIL 25, 2020.

17 (II) THIS SUBSECTION (1.5)(f) IS REPEALED, EFFECTIVE DECEMBER  
18 31, 2020.

19 **SECTION 11. Safety clause.** The general assembly hereby finds,  
20 determines, and declares that this act is necessary for the immediate  
21 preservation of the public peace, health, or safety.