

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 23-0337.01 Alison Killen x4350

SENATE BILL 23-021

SENATE SPONSORSHIP

Liston, Mullica

HOUSE SPONSORSHIP

(None),

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING MODIFICATION OF THE PROCEDURE FOR ORDERING OF**
102 **NAMES ON PRIMARY ELECTION BALLOTS, AND, IN CONNECTION**
103 **THEREWITH, MAKING CONFORMING AMENDMENTS TO THE**
104 **PROCEDURE FOR ORDERING OF NAMES ON A CERTIFICATE OF**
105 **DESIGNATION BY ASSEMBLY.**

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>.)

Current law requires candidates by petition to be placed after candidates designated and certified by assembly on the primary election

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.

ballot. The bill eliminates this requirement and instead requires all candidates to be placed on the primary ballot in an order determined by lot. In conformity with this change, the bill also eliminates the requirements that a certificate of designation by assembly indicate the order of the vote received by candidates for each office and that candidates who receive the same number of votes be ordered by lot.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 1-4-103 as
3 follows:

4 **1-4-103. Order of names on primary election ballot.** Candidates
5 designated and certified by assembly AND CANDIDATES BY PETITION for
6 a particular office shall be placed on the primary election ballot in AN
7 ORDER DETERMINED BY LOT. ~~the order of the vote received at the~~
8 ~~assembly. The candidate receiving the highest vote shall be placed first~~
9 ~~in order on the ballot, followed by the candidate receiving the next~~
10 ~~highest vote.~~ To qualify for placement on the primary election ballot, a
11 candidate must receive thirty percent or more of the votes of the
12 assembly. ~~The names of two or more candidates receiving an equal~~
13 ~~number of votes for designation by assembly shall be placed on the~~
14 ~~primary ballot in the order determined by lot in accordance with section~~
15 ~~1-4-601 (2). Candidates by petition for any particular office shall follow~~
16 ~~assembly candidates and shall be placed on the primary election ballot in~~
17 ~~an order established by lot.~~

18 **SECTION 2.** In Colorado Revised Statutes, **amend** 1-4-605 as
19 follows:

20 **1-4-605. Order of names on primary election ballot.** Candidates
21 designated and certified by assembly AND CANDIDATES BY PETITION for
22 a particular office shall be placed on the primary election ballot in AN

1 ORDER DETERMINED BY LOT. ~~the order of the vote received at the~~
2 ~~assembly. The candidate receiving the highest vote shall be placed first~~
3 ~~in order on the ballot, followed by the candidate receiving the next~~
4 ~~highest vote, and so on until all of the candidates designated have been~~
5 ~~placed on the ballot. The names of two or more candidates receiving an~~
6 ~~equal number of votes for designation by assembly shall be placed on the~~
7 ~~primary ballot in the order determined by lot in accordance with section~~
8 ~~1-4-601 (2). Candidates by petition for any particular office shall follow~~
9 ~~assembly candidates and shall be placed on the primary election ballot in~~
10 ~~an order established by lot.~~

11 **SECTION 3.** In Colorado Revised Statutes, 1-4-601, **amend**
12 (2)(a) as follows:

13 **1-4-601. Designation of candidates for primary election -**
14 **definition.** (2) (a) An assembly must take no more than two ballots for
15 party candidates for each office to be filled at the next general election.
16 Every candidate receiving thirty percent or more of the votes of all duly
17 accredited assembly delegates who are present and voting on that office
18 must be certified by affidavit of the presiding officer and secretary of the
19 assembly. If no candidate receives thirty percent or more of the votes of
20 all duly accredited assembly delegates who are present and voting, a
21 second ballot must be cast on all the candidates for that office. If on the
22 second ballot no candidate receives thirty percent or more of the votes
23 cast, the two candidates receiving the highest number of votes must be
24 certified as candidates for that office by the assembly. The certificate of
25 designation by assembly must state the name of the office for which each
26 person is a candidate and the candidate's name and address, must
27 designate in not more than three words the name of the political party

1 which the candidate represents, and must certify that the candidate has
2 been a member of the political party for the period of time required by
3 party rule or by subsection (4) of this section if the party has no such rule.
4 The candidate's affiliation, as shown in the statewide voter registration
5 system, is prima facie evidence of political party membership. ~~The~~
6 ~~certificate of designation must indicate the order of the vote received at~~
7 ~~the assembly by candidates for each office, but IF TWO OR MORE~~
8 ~~CANDIDATES ARE CERTIFIED FOR AN OFFICE, no assembly shall declare that~~
9 any one candidate has received the nomination of the assembly. The
10 certificate of designation must be filed in accordance with section
11 1-4-604. ~~If two or more candidates receiving designation under this~~
12 ~~subsection (2) have received an equal number of votes, the order of~~
13 ~~certification of designation is determined by lot by the candidates.~~ The
14 assembly shall select a vacancy committee for vacancies in designation
15 or nomination only.

16 **SECTION 4. Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly; except
19 that, if a referendum petition is filed pursuant to section 1 (3) of article V
20 of the state constitution against this act or an item, section, or part of this
21 act within such period, then the act, item, section, or part will not take
22 effect unless approved by the people at the general election to be held in
23 November 2024 and, in such case, will take effect on the date of the
24 official declaration of the vote thereon by the governor.