

Second Regular Session
Sixty-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 04-0623.01 Bob Lackner

SENATE BILL 04-043

SENATE SPONSORSHIP

Gordon,

HOUSE SPONSORSHIP

(None),

Senate Committees

State Veterans & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE ELIGIBILITY OF UNAFFILIATED ELECTORS TO CAST**
102 **BALLOTS FOR CANDIDATES OF A POLITICAL PARTY IN PRIMARY**
103 **ELECTIONS WITHOUT DECLARING AN AFFILIATION WITH A**
104 **POLITICAL PARTY.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

States that no person eligible to vote in any election shall be required to declare his or her affiliation with a political party as a condition of voting in a primary election. Allows any registered elector who desires to vote for candidates of a political party that is participating in a primary election but who does not elect to declare an affiliation with

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.

that or any other political party to be given a primary election ballot of the political party designated by the elector where the elector's name is found on the registration list. Requires the elector to provide sufficient identification and write his or her name, address, and the name of the political party for which the elector desires to cast a ballot on a form available at the polling place.

Specifies that no elector shall be entitled to vote in more than one primary election held on the same day. Prohibits an elector who has declared an affiliation with one political party from obtaining the party ballot of another political party or otherwise voting for candidates of another political party in a primary election.

Makes conforming amendments.

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

2 **SECTION 1.** 1-7-201 (1) and (2), Colorado Revised Statutes, are
3 amended, and the said 1-7-201 is further amended BY THE ADDITION
4 OF A NEW SUBSECTION, to read:

5 **1-7-201. Voting at primary election.** (1) NO PERSON ELIGIBLE
6 TO VOTE IN ANY ELECTION SHALL BE REQUIRED TO DECLARE HIS OR HER
7 AFFILIATION WITH A POLITICAL PARTY AS A CONDITION OF VOTING IN A
8 PRIMARY ELECTION. Any registered elector who has declared an
9 affiliation with a political party that is participating in a primary election
10 and who desires to vote for candidates of that party at a primary election
11 shall show identification, as defined in section 1-1-104 (19.5), and write
12 his or her name and address on a form available at the polling place and
13 give the form to one of the election judges, who shall clearly and audibly
14 announce the name.

15 (2) If the name OF THE ELECTOR WHO HAS DECLARED AN
16 AFFILIATION WITH A POLITICAL PARTY is found on the registration list, the
17 election judge having charge of the list shall likewise repeat the elector's
18 name and present the elector with the party ballot of the political party
19 affiliation last recorded. If THE ELECTOR IS unaffiliated BUT WISHES TO

1 DECLARE AN AFFILIATION WITH A POLITICAL PARTY AT THE POLLING PLACE
2 IN A PRIMARY ELECTION, the eligible elector shall openly declare to the
3 election judges the name of the political party with which the elector
4 wishes to affiliate, complete the approved form for voter registration
5 information changes, and initial the registration list in the space provided.
6 Declaration of affiliation with a political party shall be separately dated
7 and signed or dated and initialed by the eligible elector in such manner
8 that the elector clearly acknowledges that the affiliation has been properly
9 recorded. Thereupon, the election judges shall deliver the appropriate
10 party ballot to the eligible elector. ~~Eligible electors who decline to state~~
11 ~~an affiliation with a political party that is participating in the primary~~
12 ~~shall not be entitled to vote at the primary election.~~

13 (2.5) (a) ANY REGISTERED ELECTOR WHO DESIRES TO VOTE FOR
14 CANDIDATES OF A POLITICAL PARTY THAT IS PARTICIPATING IN A PRIMARY
15 ELECTION BUT WHO DOES NOT ELECT TO DECLARE AN AFFILIATION WITH
16 THAT OR ANY OTHER POLITICAL PARTY MAY CAST A PARTY BALLOT IN A
17 PRIMARY ELECTION IN ACCORDANCE WITH THE REQUIREMENTS OF THIS
18 SUBSECTION (2.5). TO CAST A PARTY BALLOT IN A PRIMARY ELECTION,
19 EACH SUCH ELECTOR SHALL SHOW IDENTIFICATION, AS DEFINED IN SECTION
20 1-1-104 (19.5), AND WRITE HIS OR HER NAME, ADDRESS, AND THE NAME OF
21 THE POLITICAL PARTY FOR WHICH THE ELECTOR DESIRES TO CAST A
22 BALLOT ON A FORM AVAILABLE AT THE POLLING PLACE AND GIVE THE
23 FORM TO ONE OF THE ELECTION JUDGES, WHO SHALL CLEARLY AND
24 AUDIBLY ANNOUNCE THE NAME. IF THE NAME IS FOUND ON THE
25 REGISTRATION LIST, AN ELECTION JUDGE SHALL LIKEWISE REPEAT THE
26 ELECTOR'S NAME AND PRESENT THE ELECTOR WITH THE PARTY BALLOT OF
27 THE POLITICAL PARTY DESIGNATED BY THE ELECTOR.

1 (b) NOTWITHSTANDING ANY OTHER PROVISION OF LAW:

2 (I) NO ELECTOR SHALL BE ENTITLED TO VOTE IN MORE THAN ONE
3 PRIMARY ELECTION HELD ON THE SAME DAY; AND

4 (II) NO ELECTOR WHO HAS DECLARED AN AFFILIATION WITH ONE
5 POLITICAL PARTY SHALL BE PERMITTED TO OBTAIN THE PARTY BALLOT OF
6 ANOTHER POLITICAL PARTY OR OTHERWISE VOTE FOR CANDIDATES OF
7 ANOTHER POLITICAL PARTY IN A PRIMARY ELECTION.

8 **SECTION 2.** 1-8-104 (1), Colorado Revised Statutes, is amended
9 to read:

10 **1-8-104. Applications for absentee ballot.** (1) The application
11 for an absentee ballot shall be made in writing or by fax, using the
12 application form furnished by the designated election official or in the
13 form of a letter that includes the applicant's printed name, signature,
14 residence address, mailing address if the applicant wishes to receive the
15 absentee ballot by mail, and date of birth. If the application is made for
16 a primary election ballot, the application shall name EITHER the political
17 party with which the applicant is affiliated or wishes to affiliate OR THE
18 POLITICAL PARTY FOR WHICH THE ELECTOR DESIRES TO CAST A BALLOT IN
19 ACCORDANCE WITH THE REQUIREMENTS OF SECTION 1-7-201 (2.5).

20 **SECTION 3.** 1-2-219 (1), Colorado Revised Statutes, is amended
21 to read:

22 **1-2-219. Changing or withdrawing declaration of affiliation.**
23 (1) Any eligible elector desiring to change or withdraw the elector's
24 affiliation may do so by completing and signing a prescribed request for
25 the change or withdrawal and filing it with the county clerk and recorder
26 or by submitting a personal letter written by the elector to the county
27 clerk and recorder at any time up to and including the twenty-ninth day

1 preceding an election. The prescribed form or personal letter for the
2 change shall include the elector's printed name, address within the
3 county, birth date, social security number, if the elector wishes to state it,
4 and signature, the date, the elector's previous affiliation status, and the
5 requested change in affiliation status. A prescribed form shall be
6 furnished by the county clerk and recorder upon the elector's oral or
7 written request. Upon receiving the request, the county clerk and
8 recorder shall change the elector's affiliation on the registration record.
9 If the affiliation is withdrawn, the designation on the registration record
10 shall be changed to "unaffiliated". EXCEPT AS PROVIDED IN SECTION
11 1-7-201 (2.5), if an elector changes affiliation, the elector is entitled to
12 vote, at any primary election, only the ballot of the political party to
13 which the elector is currently affiliated. A change or withdrawal of
14 affiliation may not be made by anyone other than the elector.

15 **SECTION 4. Safety clause.** The general assembly hereby finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, and safety.