

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 09-0402.01 Dan Cartin

HOUSE BILL 09-1015

HOUSE SPONSORSHIP

Murray, Marostica

SENATE SPONSORSHIP

Hodge,

House Committees
State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CERTAIN ACTIONS TAKEN BY THE DESIGNATED ELECTION**
102 **OFFICIAL IN CONDUCTING PRIMARY ELECTIONS.**

Bill Summary

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

Requires a designated election official, if there is not more than one candidate of a major political party who has been nominated for a particular office on the primary election ballot, to cancel the primary election for that nomination and declare the candidate the party nominee for that office at the general election.

Authorizes a designated election official for any political subdivision to conduct a primary election by mail ballot.

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.

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

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

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

12 **SECTION 2.** Part 1 of article 4 of title 1, Colorado Revised
13 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
14 read:

15 **1-4-104.5. Primary election canceled - when.** IF, AT THE CLOSE
16 OF BUSINESS ON THE THIRTIETH DAY BEFORE THE PRIMARY ELECTION,
17 THERE IS NOT MORE THAN ONE CANDIDATE OF A MAJOR POLITICAL PARTY
18 WHO HAS BEEN NOMINATED IN ACCORDANCE WITH THIS ARTICLE FOR A
19 PARTICULAR OFFICE ON THE PRIMARY ELECTION BALLOT, THE DESIGNATED
20 ELECTION OFFICIAL SHALL CANCEL THE PRIMARY ELECTION FOR THAT
21 NOMINATION AND DECLARE THE CANDIDATE THE PARTY NOMINEE FOR
22 THAT OFFICE AT THE GENERAL ELECTION. THE NAME OF THE NOMINEE
23 SHALL BE PRINTED ON THE OFFICIAL BALLOT PREPARED FOR THE ENSUING
24 GENERAL ELECTION.

25 **SECTION 3.** 1-7.5-103 (4), Colorado Revised Statutes, is
26 amended to read:

1 **1-7.5-103. Definitions.** As used in this article, unless the context
2 otherwise requires:

3 (4) "Mail ballot election" means an election for which eligible
4 electors may cast ballots by mail and in accordance with this article in A
5 PRIMARY ELECTION OR an election that involves only nonpartisan
6 candidates or ballot questions or ballot issues.

7 **SECTION 4.** 1-7.5-104 (2), Colorado Revised Statutes, is
8 amended to read:

9 **1-7.5-104. Mail ballot elections - optional.** (2) Notwithstanding
10 the provisions of subsection (1) of this section, a mail ballot election shall
11 not be held for:

12 (a) Elections or recall elections that involve partisan candidates,
13 EXCEPT FOR PRIMARY ELECTIONS;

14 (b) Elections held in conjunction with, or on the same day as, a
15 primary or congressional vacancy election, UNLESS THE PRIMARY
16 ELECTION IS CONDUCTED AS A MAIL BALLOT ELECTION.

17 **SECTION 5. Act subject to petition - effective date.** This act
18 shall take effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly that is
20 allowed for submitting a referendum petition pursuant to article V,
21 section 1 (3) of the state constitution, (August 4, 2009, if adjournment
22 sine die is on May 6, 2009); except that, if a referendum petition is filed
23 against this act or an item, section, or part of this act within such period,
24 then the act, item, section, or part, if approved by the people, shall take
25 effect on the date of the official declaration of the vote thereon by
26 proclamation of the governor.