

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 20-1163.01 Megan Waples x4348

HOUSE BILL 20-1359

HOUSE SPONSORSHIP

Garnett and Neville,

SENATE SPONSORSHIP

Fenberg and Holbert,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

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

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.

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 The modifications are repealed effective December 31, 2020.

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, 1-4-601, **amend** (1)
19 and (2) as follows:

20 **1-4-601. Designation of candidates for primary election -**
21 **repeal.** (1) (a) Assemblies of the major political parties may make
22 assembly designations of candidates for nomination on the primary
23 election ballot. EXCEPT AS PROVIDED IN SUBSECTION (1)(b) OF THIS
24 SECTION, an assembly shall be held no later than seventy-three days
25 preceding the primary election.

26 (b) (I) NOTWITHSTANDING SUBSECTION (1)(a) OF THIS SECTION,
27 DUE TO PUBLIC HEALTH CONCERNS, FOR THE 2020 PRIMARY ELECTION, A

1 PARTY ASSEMBLY SHALL BE HELD ON OR BEFORE APRIL 25, 2020.

2 (II) THIS SUBSECTION (1)(b) IS REPEALED, EFFECTIVE DECEMBER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

4 (2) (a) An assembly must take no more than two ballots for party
5 candidates for each office to be filled at the next general election. Every
6 candidate receiving thirty percent or more of the votes of all duly
7 accredited assembly delegates who are present and voting on that office
8 must be certified by affidavit of the presiding officer and secretary of the
9 assembly. If no candidate receives thirty percent or more of the votes of
10 all duly accredited assembly delegates who are present and voting, a
11 second ballot must be cast on all the candidates for that office. If on the
12 second ballot no candidate receives thirty percent or more of the votes
13 cast, the two candidates receiving the highest number of votes must be
14 certified as candidates for that office by the assembly. The certificate of
15 designation by assembly must state the name of the office for which each
16 person is a candidate and the candidate's name and address, must
17 designate in not more than three words the name of the political party
18 which the candidate represents, and must certify that the candidate has
19 been a member of the political party for the period of time required by
20 party rule or by subsection (4) of this section if the party has no such rule.
21 The candidate's affiliation, as shown in the statewide voter registration
22 system, is prima facie evidence of political party membership. The
23 certificate of designation must indicate the order of the vote received at
24 the assembly by candidates for each office, but no assembly shall declare
25 that any one candidate has received the nomination of the assembly. The
26 certificate of designation must be filed in accordance with section
27 1-4-604. If two or more candidates receiving designation under this

1 subsection (2) have received an equal number of votes, the order of
2 certification of designation is determined by lot by the candidates. The
3 assembly shall select a vacancy committee for vacancies in designation
4 or nomination only.

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

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

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

13 (C) IF THE PARTY HAS A REQUIREMENT FOR A QUORUM, THE PARTY
14 MAY WAIVE OR REDUCE THE QUORUM REQUIREMENT IN ORDER TO ALLOW
15 THE ASSEMBLY TO PROCEED.

16 (II) THIS SUBSECTION (2)(b) IS REPEALED, EFFECTIVE DECEMBER
17 31, 2020.

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

20 **1-4-602. Delegates to party assemblies - definition - repeal.**

21 (1) (a) (I) EXCEPT AS PROVIDED IN SUBSECTION (1)(a)(III) OF THIS
22 SECTION, county assemblies shall be held no later than twenty-five days
23 after precinct caucuses. If a political party holds its precinct caucuses on
24 the first Tuesday in February in a year in which a presidential election
25 will be held, the county assemblies of the political party shall be held not
26 less than fifteen days nor more than fifty days after the precinct caucuses.
27 The county central committee or executive committee shall fix the

1 number of delegates from each precinct to participate in the county
2 assembly pursuant to the procedure for the selection of delegates
3 contained in the state party central committee's bylaws or rules. The
4 persons receiving the highest number of votes at the precinct caucus shall
5 be the delegates to the county assembly from the precinct. If two or more
6 candidates receive an equal number of votes for the last available place
7 in the election of delegates to county assemblies at the precinct caucuses,
8 the delegate shall be determined by lot by the candidates. Except as
9 provided in subsections (2) and (6) of this section, delegates to all other
10 party assemblies shall be selected by the respective county assemblies
11 from among the members of the county assemblies pursuant to the state
12 party central committee's bylaws or rules.

13 (III) (A) NOTWITHSTANDING SUBSECTION (1)(a)(I) OF THIS
14 SECTION, DUE TO PUBLIC HEALTH CONCERNS, COUNTY ASSEMBLIES IN 2020
15 SHALL BE COMPLETED NO LATER THAN THIRTY-FIVE DAYS AFTER PRECINCT
16 CAUCUSES. COUNTY ASSEMBLIES HELD IN 2020 MAY BE HELD OVER A
17 PERIOD OF DAYS, NOT TO EXCEED SEVEN DAYS, TO PERMIT REMOTE
18 PARTICIPATION AS ALLOWED BY THE PARTY.

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

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

23 **1-4-604. Filing of petitions and certificates of designation by**
24 **assembly - legislative declaration - repeal.** (6) (a) (I) EXCEPT AS
25 PROVIDED IN SUBSECTION (6)(a)(II) OF THIS SECTION, no later than four
26 days after the adjournment of the assembly, the state central committee
27 of each political party, utilizing the information described in paragraph

1 ~~(b) of subsection (1)~~ SUBSECTION (1)(b) of this section, shall file with the
2 secretary of state a compilation of the certificates of designation of each
3 assembly that nominated candidates for any national or state office or for
4 member of the general assembly, district attorney, or district office greater
5 than a county office. Such a compilation of certificates of designation
6 may be transmitted by facsimile transmission; however, the original
7 compilation must also be filed and postmarked no later than ten days after
8 the adjournment of the assembly.

9 (II) (A) NOTWITHSTANDING SUBSECTION (6)(a)(I) OF THIS
10 SECTION, DUE TO PUBLIC HEALTH CONCERNS, IN 2020 THE STATE CENTRAL
11 COMMITTEE OF EACH POLITICAL PARTY SHALL FILE THE INFORMATION
12 REQUIRED BY SUBSECTION (6)(a)(I) OF THIS SECTION WITH THE SECRETARY
13 OF STATE NO LATER THAN SIXTY DAYS BEFORE THE PRIMARY ELECTION.
14 THE ORIGINAL COMPILATION MUST BE FILED AND POSTMARKED NO LATER
15 THAN SIXTY DAYS BEFORE THE PRIMARY ELECTION.

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

18 **SECTION 5.** In Colorado Revised Statutes, 1-4-1002, **amend** (1);
19 and **add** (6) as follows:

20 **1-4-1002. Vacancies in major party designation up to the**
21 **sixty-eighth day before primary election day - repeal.** (1) For the
22 purposes of this section, a vacancy is caused by:

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

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

27 (c) (I) THE INABILITY OF A POLITICAL PARTY TO CONDUCT AN

1 ASSEMBLY DUE TO A PROHIBITION ON PUBLIC GATHERINGS OVER A
2 CERTAIN SIZE.

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

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

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

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

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

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

1 DATE OF THE PRIMARY ELECTION.

2 (b) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE DECEMBER 31,
3 2020.

4 **SECTION 6.** In Colorado Revised Statutes, 1-4-1003, **amend** (1)
5 as follows:

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

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

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

17 **SECTION 7.** 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 8. Safety clause.** The general assembly hereby finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, or safety.