

2023-2024 # _____

Be it Enacted by the People of the State of Colorado:

SECTION 1. Declaration of the People of Colorado.

(1) It is in the interest of the people of the state of Colorado to modernize our election system so that all voters and candidates have equal access in certain state and federal elections and voters have more choice to elect candidates who better reflect the will of a majority of the voters. In furtherance of this objective, the people of the state of Colorado establish that all voters have the right to participate in general elections where the four candidates advancing from a primary election, which included all voters and featured all candidates regardless of political party affiliation or non-affiliation, are elected with a majority of votes.

(2) This equal access provides voters more choices, generates more competitive candidates for elective office, promotes more meaningful voter participation, and holds elected officials more accountable.

SECTION 2. In Colorado Revised Statutes, **add** 1-4-207, as follows:

1-4-207. General elections for covered offices. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) “ACTIVE CANDIDATE” MEANS ANY CANDIDATE OR SLATE OF CANDIDATES WHO HAS NOT BEEN ELIMINATED OR ELECTED.

(b) “COVERED OFFICE” MEANS THE OFFICE OF UNITED STATES SENATOR, REPRESENTATIVE TO THE UNITED STATES HOUSE OF REPRESENTATIVES, STATE OFFICER, AND STATE SENATOR OR STATE REPRESENTATIVE SERVING IN THE GENERAL ASSEMBLY.

(c) “HIGHEST-RANKED ACTIVE CANDIDATE” MEANS THE ACTIVE CANDIDATE ASSIGNED TO A HIGHER RANKING THAN ANY OTHER ACTIVE CANDIDATE.

(d) “INSTANT RUNOFF VOTING” MEANS A RANKED VOTING METHOD USED TO SELECT A SINGLE WINNER IN A RACE, AS SET FORTH IN THIS SECTION AND SECTION 1-7-1003(3).

(e) “OVERVOTE” MEANS THE SELECTION BY AN ELECTOR OF MORE NAMES THAN THERE ARE PERSONS TO BE ELECTED TO AN OFFICE, THE ASSIGNMENT OF MORE THAN ONE NAME TO ONE RANKING IN AN ELECTION USING A RANKED VOTING METHOD, OR THE DESIGNATION OF MORE THAN ONE ANSWER TO A BALLOT QUESTION OR BALLOT ISSUE. “OVERVOTE” DOES NOT INCLUDE THE RANKING OF MULTIPLE CANDIDATES IN AN ELECTION USING A RANKED VOTING METHOD.

(f) “RANKING” MEANS THE NUMBER AVAILABLE TO BE ASSIGNED BY A VOTER TO A CANDIDATE TO EXPRESS THE VOTER’S PREFERENCE FOR THAT CANDIDATE; THE NUMBER “1” IS THE HIGHEST RANKING, FOLLOWED BY “2,” AND THEN “3,” AND SO ON.

(g) “RANKED VOTING METHOD” MEANS A METHOD OF CASTING AND TABULATING BALLOTS VOTES THAT ALLOWS ELECTORS TO RANK THE CANDIDATES FOR AN OFFICE IN ORDER OF PREFERENCE AND USES THESE PREFERENCES TO DETERMINE THE WINNER OF THE ELECTION. “RANKED VOTING METHOD” INCLUDES INSTANT RUNOFF VOTING AND CHOICE VOTING OR PROPORTIONAL VOTING AS DESCRIBED IN THIS SECTION AND SECTION 1-7-1003.

(h) “STATE OFFICER” MEANS THE GOVERNOR AND LIEUTENANT GOVERNOR, THE SECRETARY OF STATE, THE STATE TREASURER, THE ATTORNEY GENERAL, MEMBERS OF THE STATE BOARD OF EDUCATION, AND REGENTS OF THE UNIVERSITY OF COLORADO.

(i) “UNDERVOTE” MEANS THE FAILURE OF AN ELECTOR TO VOTE ON A BALLOT QUESTION OR BALLOT ISSUE, THE FAILURE OF AN ELECTOR TO VOTE FOR OR RANK ANY CANDIDATE FOR AN OFFICE, OR THE DESIGNATION BY AN ELECTOR OF FEWER VOTES THAN THERE ARE OFFICES TO BE FILLED; EXCEPT THAT IT IS NOT AN UNDERVOTE IF THERE ARE FEWER CANDIDATES THAN OFFICES TO BE FILLED AND THE ELECTOR DESIGNATES AS MANY VOTES AS THERE ARE CANDIDATES.

(2) EACH ELECTOR MAY VOTE IN THE GENERAL ELECTION FOR EACH COVERED OFFICE FOR ANY OF THE FOUR CANDIDATES ADVANCING FROM THE CORRESPONDING PRIMARY ELECTION, WHICH INCLUDED ALL VOTERS AND FEATURED ALL CANDIDATES FOR THAT COVERED OFFICE AND WHERE THE FOUR CANDIDATES WHO RECEIVED THE HIGHEST NUMBER OF VOTES, REGARDLESS OF POLITICAL PARTY AFFILIATION OR NON-AFFILIATION, ADVANCED.

(3) EACH GENERAL ELECTION FOR COVERED OFFICE SHALL BE CONDUCTED BY INSTANT RUNOFF VOTING.

(4) THE GENERAL ELECTION BALLOT FOR COVERED OFFICES SHALL BE FORMATTED AS FOLLOWS:

(a) NOTWITHSTANDING SECTION 1-5-404, THE NAMES OF THE CANDIDATES ADVANCING FROM THE PRIMARY ELECTION FOR EACH COVERED OFFICE ALONG WITH THEIR POLITICAL PARTY AFFILIATION, IF ANY, SHALL BE PLACED ON THE GENERAL ELECTION BALLOT IN AN ORDER DETERMINED BY LOT.

(b) FOR A CANDIDATE WHO IS AFFILIATED WITH A POLITICAL PARTY, THEIR POLITICAL PARTY AFFILIATION SHALL APPEAR NEXT TO THEIR NAME. NO CANDIDATE SHALL HAVE A POLITICAL PARTY AFFILIATION NEXT TO THEIR NAME UNLESS THE CANDIDATE WAS AFFILIATED WITH THE POLITICAL PARTY, AS SHOWN IN THE STATEWIDE VOTER REGISTRATION SYSTEM, NO LATER THAN THE FIRST BUSINESS DAY OF THE JANUARY IMMEDIATELY PRECEDING THE ELECTION.

(c) FOR A CANDIDATE WHO IS NOT AFFILIATED WITH A POLITICAL PARTY, THE WORD “UNAFFILIATED” SHALL APPEAR NEXT TO THEIR NAME.

(d) THE GENERAL ELECTION BALLOTS SHALL BE DESIGNED SO THAT THE VOTER MAY RANK CANDIDATES IN ORDER OF PREFERENCE.

(5) (a) A VOTER MAY CHOOSE TO RANK AS MANY OR AS FEW CANDIDATES FOR THE COVERED OFFICES ON THE GENERAL ELECTION BALLOT AS THE VOTER WISHES, INCLUDING RANKING JUST ONE CANDIDATE PER COVERED OFFICE.

(b) THE BALLOT SHALL INCLUDE LANGUAGE THAT WILL AID THE ELECTOR IN RANKING CANDIDATES IN ORDER OF PREFERENCE.

(6) (a) EACH BALLOT SHALL COUNT AS ONE VOTE FOR THE HIGHEST-RANKED ACTIVE CANDIDATE ON THAT BALLOT. THE CANDIDATE WITH THE HIGHEST NUMBER OF VOTES AT THE END OF THE RANKED VOTING TALLY IS ELECTED. THE RANKED VOTING TALLY SHALL PROCEED IN ROUNDS AS FOLLOWS:

(b) IF THERE ARE MORE THAN TWO ACTIVE CANDIDATES, THE ACTIVE CANDIDATE RANKED HIGHEST ON THE FEWEST BALLOTS IS ELIMINATED. BALLOTS RANKING THE ELIMINATED CANDIDATE ARE COUNTED FOR THEIR NEXT-RANKED ACTIVE CANDIDATE AND A NEW ROUND BEGINS.

(c) IF THERE ARE TWO OR FEWER ACTIVE CANDIDATES, THE RANKED VOTING TALLY IS COMPLETE AND THE CANDIDATE WITH THE HIGHEST NUMBER OF VOTES IS ELECTED.

(7) BALLOTS FOR EACH GENERAL ELECTION FOR COVERED OFFICE CONDUCTED BY INSTANT RUNOFF VOTING SHALL BE TREATED AS FOLLOWS:

(a) AN UNDERVOTE DOES NOT COUNT AS AN ACTIVE OR INACTIVE BALLOT IN ANY ROUND OF A RANKED VOTING TALLY OF THAT CONTEST.

(b) AN INACTIVE BALLOT IS A BALLOT THAT CEASES IN A ROUND OF A RANKED VOTING TALLY TO COUNT FOR ANY CANDIDATE FOR THE REMAINDER OF THE RANKED VOTING TALLY OF THE CONTEST BECAUSE EITHER:

(I) ALL CANDIDATES RANKED ON THE BALLOT HAVE BECOME INACTIVE; OR

(II) THE BALLOT INCLUDES AN OVERVOTE AND ANY CANDIDATES RANKED HIGHER THAN THE OVERVOTE HAVE BECOME INACTIVE.

(8) DURING A RANKED VOTING TALLY, A BALLOT SHALL REMAIN ACTIVE AND CONTINUE TO COUNT FOR ITS HIGHEST-RANKED ACTIVE CANDIDATE NOTWITHSTANDING ANY SKIPPED OR REPEATED RANKINGS ON THE BALLOT. A SKIPPED RANKING OCCURS WHEN A VOTER LEAVES A RANKING UNASSIGNED BUT RANKS A CANDIDATE AT A SUBSEQUENT RANKING. A REPEATED RANKING OCCURS WHEN A VOTER RANKS THE SAME CANDIDATE AT MULTIPLE RANKINGS.

(9) IF TWO OR MORE CANDIDATES ARE TIED WITH THE FEWEST BALLOTS, AND THE RANKED VOTING TALLY CANNOT CONTINUE UNTIL A CANDIDATE IS ELIMINATED, THEN THE CANDIDATE TO BE ELIMINATED SHALL BE DETERMINED BY LOT. ELECTION OFFICIALS MAY RESOLVE PROSPECTIVE TIES BETWEEN CANDIDATES PRIOR TO THE RANKED VOTING TALLY. THE RESULT OF ANY TIE RESOLUTION MUST BE RECORDED AND REUSED IN THE EVENT OF A RECOUNT. IF THERE ARE TWO CANDIDATES TIED WITH THE HIGHEST NUMBER OF VOTES AND THE RANKED VOTING TALLY IS COMPLETE, THE CANDIDATE TO BE ELECTED SHALL BE DETERMINED IN THE MANNER PROVIDED BY LAW OR BY LOT, AS APPLICABLE.

(10) FOR ANY ELECTION FOR A COVERED OFFICE USING A RANKED VOTING METHOD, THE SECRETARY OF STATE SHALL RELEASE PRELIMINARY RANKED VOTING TALLIES AS SOON AS PRACTICABLE ON ELECTION NIGHT AND SHALL UPDATE THE RANKED VOTING TALLIES AT REGULAR INTERVALS UNTIL THE OFFICIAL CANVASS OF THE VOTE IS COMPLETE.

SECTION 3. In Colorado Revised Statutes, 1-5-403, **amend** (2) and (4); and **add** (2.5), as follows:

1-5-403. Content of ballots for general and congressional vacancy elections. (2) For all elections except those for presidential electors, every ballot shall contain the names of all candidates for offices OTHER THAN COVERED OFFICES to be voted for at that election whose nominations have been made and accepted, except those who have died or withdrawn, and the ballot shall contain no other names. When presidential electors are to be elected, their names shall not be printed on the ballot, but the names of the candidates of the respective political parties or political organizations for president and vice president of the United States shall be printed together in pairs under the title “presidential electors”. The pairs shall be arranged in the alphabetical order of the names of the candidates for president in the manner provided for in section 1-5-404. A vote for any pair of candidates is a vote for the duly nominated presidential electors of the political party or political organization by which the pair of candidates were named.

(2.5) FOR ALL COVERED OFFICE GENERAL ELECTIONS EVERY BALLOT SHALL CONTAIN THE NAMES OF THE FOUR CANDIDATES ADVANCING FROM THE PRIMARY ELECTION INCLUDING ALL VOTERS AND FEATURING ALL CANDIDATES, REGARDLESS OF POLITICAL PARTY AFFILIATION OR NON-AFFILIATION, FOR THAT COVERED OFFICE, EXCEPT THOSE WHO HAVE DIED OR WITHDRAWN. THE BALLOT SHALL CONTAIN NO OTHER NAMES.

(4) The name of each person nominated FROM A PRIMARY ELECTION OR ADVANCING FROM A PRIMARY ELECTION FOR A COVERED OFFICE shall be printed or written upon the ballot in only one place. Each ~~nominated~~ person’s name may include one nickname, if the person regularly uses the nickname and the nickname does not include any part of a political party name. Opposite the name of each person ~~nominated~~, including candidates for president and vice president and joint candidates for governor and lieutenant governor, shall be the name of the political party or political organization which nominated the candidate FROM A PRIMARY ELECTION OR WITH WHICH A CANDIDATE FROM THE PRIMARY ELECTION FOR A COVERED OFFICE IS AFFILIATED, IF ANY, expressed in not more than three words. Those three words may not promote the candidate or constitute a campaign promise.

SECTION 4. In Colorado Revised Statutes, 1-5-404, **amend** (2); and **add** (2.5), as follows:

1-5-404. Arrangement of names on ballots for partisan elections. (2) Between July 1 and July 15 of each election year, the officer in receipt of the original designation, nomination, or petition of each candidate FOR AN OFFICE OTHER THAN A COVERED OFFICE shall inform the major political parties, each minor political party that has nominated at least one candidate, and the representative of each political organization that has filed a nominating petition for at least one candidate of the time and place of the lot-drawing for offices to appear on the general election

ballot. Ballot positions shall be assigned to the major political party, minor political party, or political organization in the order in which they are drawn. The name of the candidate shall be inserted on the ballot prior to the ballot certification.

(2.5) IN THE GENERAL ELECTION FOR A COVERED OFFICE, THE NAMES OF THE CANDIDATES ADVANCING FROM THE PRIMARY ELECTION, WHICH INCLUDED ALL VOTERS AND FEATURED ALL CANDIDATES, REGARDLESS OF POLITICAL PARTY AFFILIATION OR NON-AFFILIATION, FOR THAT COVERED OFFICE, SHALL BE PLACED ON THE BALLOT FOR THE GENERAL ELECTION IN AN ORDER DETERMINED BY LOT.

SECTION 5. In Colorado Revised Statutes, 1-5-407, **amend** (2) as follows:

1-5-407. Form of ballots. (2) The ballots shall be printed so as to give to each eligible elector a clear opportunity to designate his or her choice of candidates, joint candidates, ballot issues, and ballot questions by a mark as instructed. On the ballot may be printed words that will aid the elector, such as “vote for not more than one” IN ELECTIONS CONDUCTED USING SINGLE CHOICE VOTING. FOR ELECTIONS CONDUCTED USING A RANKED VOTING METHOD, THE BALLOT SHALL INCLUDE LANGUAGE THAT WILL AID THE ELECTOR IN RANKING CANDIDATES IN ORDER OF PREFERENCE.

SECTION 6. In Colorado Revised Statutes, 1-5-412, **amend** (3), as follows:

1-5-412. Correction of errors. (3) (a) If, before the date set for election FOR AN OFFICE OTHER THAN A COVERED OFFICE, a duly nominated candidate withdraws by filing an affidavit of withdrawal with the designated election official, or dies and the fact of the death becomes known to the designated election official before the ballots are printed, or is deemed disqualified, the name of the candidate shall not be printed on the ballots.

(b) IF A CANDIDATE FOR COVERED OFFICE ADVANCING TO THE GENERAL ELECTION FROM THE PRIMARY ELECTION, WHICH INCLUDED ALL VOTERS AND FEATURED ALL CANDIDATES, REGARDLESS OF POLITICAL PARTY AFFILIATION OR NON-AFFILIATION, FOR THAT COVERED OFFICE, WITHDRAWS BY FILING AN AFFIDAVIT OF WITHDRAWAL WITH THE DESIGNATED ELECTION OFFICIAL, OR DIES AND THE FACT OF THE DEATH BECOMES KNOWN TO THE DESIGNATED ELECTION OFFICIAL BEFORE THE BALLOTS ARE PRINTED, OR IS DEEMED DISQUALIFIED, THE NAME OF THE CANDIDATE SHALL NOT BE PRINTED ON THE BALLOT, AND THE DESIGNATED ELECTION OFFICIAL SHALL FOLLOW THE PROCEDURES SPECIFIED IN SECTION 1-4-101.5(2)(d)(IV).

(c) Except in the case of a vacancy to be filled in accordance with section 1-4-1005, 1-4-1006, or 1-4-1009, OR IN AN ELECTION CONDUCTING USING A RANKED VOTING METHOD, if the ballots are already printed, the votes cast for the withdrawn, deceased, or disqualified candidate are invalid and shall not be counted. IN AN ELECTION CONDUCTED USING A RANKED VOTING METHOD, BALLOTS SHALL CONTINUE TO COUNT FOR THEIR HIGHEST-RANKED ACTIVE CANDIDATE, IF ANY.

SECTION 7. In Colorado Revised Statutes, 1-7-307, **amend** (2); and **add** (2.5), as follows:

1-7-307. Method of counting paper ballots. (2) Each ballot shall be read and counted separately.

(2.3) FOR EACH ELECTION USING SINGLE CHOICE VOTING, ~~Every~~ EVERY name and all names of joint candidates separately marked as voted for on the ballot shall be read and an entry made on each of two accounting forms before any other ballot is counted. The entire number of ballots, excepting “excess ballots”, shall be read, counted, and placed on the accounting forms in like manner. When all of the ballots, except “excess ballots”, have been counted, the election judges shall post the votes from the accounting forms..

(2.5) FOR EACH ELECTION USING A RANKED VOTING METHOD, BALLOTS SHALL BE COUNTED PURSUANT TO PART 5 OF THIS ARTICLE 7.

SECTION 8. In Colorado Revised Statutes, 1-7-503, **amend** (1), as follows:

1-7-503. Manner of voting. (1) Each eligible elector, upon receiving a ballot, shall immediately proceed unaccompanied to one of the voting booths provided. To cast a vote, the eligible elector shall clearly fill the oval, connect the arrow, or otherwise appropriately mark the name of the candidate; ~~or~~ the names of the joint candidates; OR, IN THE EVENT THE ELECTION USES A RANKED VOTING METHOD, RANK THE NAMES OF THE CANDIDATES of the elector’s choice for each office to be filled. In the case of a ballot issue, the elector shall clearly fill the oval, connect the arrow, or otherwise appropriately mark the appropriate place opposite the answer that the elector desires to give. Before leaving the voting booth, the eligible elector, without displaying the marks thereon, shall place the ballot in the privacy envelope so that the contents of the ballot or ballot card are concealed and shall place the envelope and the ballot or ballot card in the ballot box.

SECTION 9. In Colorado Revised Statutes, 1-7-508, **amend** (2), as follows:

1-7-508. Determination of improperly marked ballots. (2) Votes cast for an office to be filled or a ballot question or ballot issue to be decided shall not be counted if a voter marks more names than there are persons to be elected to an office or if for any reason it is impossible to determine the elector’s choice of candidate or vote concerning the ballot question or ballot issue; except that an elector’s rankings of multiple candidates in an election using ~~instant runoff~~ A RANKED voting METHOD shall be recorded and counted in accordance with ~~section~~ SECTIONS **1-4-207** AND 1-7-1003 and rules promulgated by the secretary of state. A defective or an incomplete mark on any ballot in a proper place shall be counted if no other mark is on the ballot indicating an intention to vote for some other candidate or ballot question or ballot issue.

SECTION 10. In Colorado Revised Statutes, 1-7-509, **amend** (2) (a), as follows:

1-7-509. Electronic and electromechanical vote counting - testing of equipment required - rules. (2) (a) A public test of voting equipment shall be conducted prior to the commencement of voting in accordance with this section by processing a preaudited group of ballots produced so as to record a predetermined number of valid votes for each candidate and on each ballot question or ballot issue. The test shall ensure that the system accurately records votes when the elector has the option of voting for more than one candidate in a race. The test shall ensure that the voting

system properly rejects and does not count overvotes and undervotes. If the equipment is to be used in an election using ~~instant runoff~~ A RANKED voting METHOD, the test shall ensure that the voting system accurately records, counts, and tabulates an elector's rankings of multiple candidates in accordance with ~~section~~ SECTIONS **1-4-207** AND 1-7-1003 and rules promulgated by the secretary of state.

SECTION 11. Severability.

If any provision of this initiative, or the application of any provision of this initiative to any person, office, or circumstance, is held to be unconstitutional, the remainder of this initiative and the application of its provision to any person, office, or circumstance, shall not be affected by the holding.

SECTION 12. Effective date – applicability. (1) Except as otherwise provided in subsection (2) of this section, this act takes effect at 12:01 a.m. on January 1, 2026.

(2) This Initiative shall take effect for any of the covered offices only if an initiative or referred measure is approved by voters, takes effect, and becomes law, or a legislative bill is enacted and becomes law that establishes that candidates advancing to the general election for that covered office must do so through an all-candidate primary election whereby, for each covered office: (1) all candidates who qualify for the ballot shall compete with all other qualifying candidates regardless of political party affiliation or non-affiliation; (2) each elector is eligible to vote for any candidate specific to the districts of the elector's registration regardless of political party affiliation or non-affiliation of the elector; and (3) the four candidates who receive the highest number of votes, regardless of political party affiliation or non-affiliation, advance to the general election.