

# STATE OF COLORADO

## Colorado General Assembly

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### MEMORANDUM

**TO:** Charles Dukes and Roberta Lynn Moreland  
**FROM:** Legislative Council Staff and Office of Legislative Legal Services  
**DATE:** December 29, 2023  
**SUBJECT:** Proposed initiative measures 2023-2024 ##117 to 131, concerning the conduct of elections

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Colorado Legislative Council and the Office of Legislative Legal Services to "review and comment" on initiative petitions for proposed laws and amendments to the Colorado constitution. We hereby submit our comments to you regarding the appended proposed initiatives.

The purpose of this statutory requirement of the directors of Legislative Council and the Office of Legislative Legal Services is to provide comments intended to aid proponents in determining the language of their proposals and to avail the public of knowledge of the contents of the proposals. Our first objective is to be sure we understand your intent and your objective in proposing the amendments. We hope that the statements and questions contained in this memorandum will provide a basis for discussion and understanding of the proposals.

These initiatives were submitted as a series including proposed initiatives 2023-2024 ##117 to 136. Proposed initiatives ##132 and 133 will be discussed at a hearing set for January 5, 2024, and are therefore not addressed in this memorandum. Proposed initiatives ##134 to 136 did not raise any new questions or comments and are therefore not addressed in this memorandum.

Earlier versions of these proposed initiatives, proposed initiatives\_2023-2024 ##98 to 100, were the subject of memoranda dated December 1, 2023, which were discussed at a public meeting on December 5, 2023. The substantive and technical comments and

questions raised in this memorandum will not include comments and questions that were addressed at the earlier meetings, except as necessary to fully understand the issues raised by the revised proposed initiative. However, the prior comments and questions that are not restated here continue to be relevant and are hereby incorporated by reference in this memorandum.

## **Purposes**

### **Purposes for Proposed Initiative 2023-2024 #117**

The major purposes of the proposed amendments to the Colorado constitution appear to be:

1. To require all candidates for covered offices, as defined in the proposed measure, to petition onto the primary election ballot by collecting signatures from registered electors;
2. To require all candidates for covered offices who qualify for the ballot to appear on the same primary election ballot regardless of political party affiliation or nomination or lack thereof;
3. To allow registered electors to cast their ballots for candidates for covered offices in the primary election regardless of the candidates' political party affiliation or nomination, or lack thereof, and regardless of the electors' political party affiliation or lack thereof;
4. To specify that the four candidates for each covered office who receive the greatest number of votes in the primary election advance to the general election;
5. To require the general election for candidates for covered offices to be conducted by instant runoff voting whereby registered electors rank the candidates in order of preference, and the candidate for each office who receives a majority of the top-ranked votes wins the general election for that office;
6. To require that a vacancy election for the United States House of Representatives be conducted by instant runoff voting;
7. To prohibit the use of vacancy committees to fill vacancies in the Colorado General Assembly and to require such vacancies to be filled by an election whereby the candidate who receives a majority of the votes is elected; and
8. To require the secretary of state to promulgate rules as specified in the proposed measure for the implementation of the proposed measure.

## **Purposes for Proposed Initiative 2023-2024 #118**

The major purposes of the proposed amendments to the Colorado constitution appear to be:

1. To require all candidates for covered offices, as defined in the proposed measure, to petition onto the primary election ballot by collecting signatures from registered electors;
2. To require all candidates for covered offices who qualify for the ballot to appear on the same primary election ballot regardless of political party affiliation or nomination or lack thereof;
3. To allow registered electors to cast their ballots for candidates for covered offices in the primary election regardless of the candidates' political party affiliation or nomination, or lack thereof, and regardless of the electors' political party affiliation or lack thereof;
4. To specify that the four candidates for each covered office who receive the greatest number of votes in the primary election advance to the general election;
5. To require the general election for candidates for covered offices to be conducted by instant runoff voting whereby registered electors rank the candidates in order of preference, and the candidate for each office who receives a majority of the top-ranked votes wins the general election for that office;
6. To require that a vacancy election for the United States House of Representatives be conducted by instant runoff voting;
7. To require that the processing and counting of mail ballots for instant runoff elections begins upon receipt of the ballot and that every ballot received before election day be counted by election day;
8. To prohibit the use of vacancy committees to fill vacancies in the Colorado General Assembly and to require such vacancies to be filled by an election whereby the candidate who receives a majority of the votes is elected; and
9. To require the secretary of state to promulgate rules as specified in the proposed measure for the implementation of the proposed measure.

## **Purposes for Proposed Initiative 2023-2024 #119**

The major purposes of the proposed amendments to the Colorado constitution and to the Colorado Revised Statutes appear to be:

1. To require all candidates for covered offices, as defined in the proposed measure, to petition onto the primary election ballot by collecting signatures from registered electors;
2. To require all candidates for covered offices who qualify for the ballot to appear on the same primary election ballot regardless of political party affiliation or nomination or lack thereof;
3. To allow registered electors to cast their ballots for candidates for covered offices in the primary election regardless of the candidates' political party affiliation or nomination, or lack thereof, and regardless of the electors' political party affiliation or lack thereof;
4. To specify that the four candidates for each covered office who receive the greatest number of votes in the primary election advance to the general election;
5. To require the general election for candidates for covered offices to be conducted by instant runoff voting whereby registered electors rank the candidates in order of preference, and the candidate for each office who receives a majority of the top-ranked votes wins the general election for that office;
6. To require that a vacancy election for the United States House of Representatives be conducted by instant runoff voting;
7. To prohibit the use of vacancy committees to fill vacancies in the Colorado General Assembly and to require such vacancies to be filled by an election whereby the candidate who receives a majority of the votes is elected;
8. To require the secretary of state to promulgate rules as specified in the proposed measure for the implementation of the proposed measure; and
9. For specified offices, to reduce the number of signatures that a candidate for political party nomination or a candidate for partisan public office who does not wish to affiliate with a major political party is required to collect to be placed on the primary election ballot by petition.

### **Purposes for Proposed Initiative 2023-2024 #120**

The major purposes of the proposed amendments to the Colorado constitution and to the Colorado Revised Statutes appear to be:

1. To require all candidates for covered offices, as defined in the proposed measure, to petition onto the primary election ballot by collecting signatures from registered electors;

2. To require all candidates for covered offices who qualify for the ballot to appear on the same primary election ballot regardless of political party affiliation or nomination or lack thereof;
3. To allow registered electors to cast their ballots for candidates for covered offices in the primary election regardless of the candidates' political party affiliation or nomination, or lack thereof, and regardless of the electors' political party affiliation or lack thereof;
4. To specify that the four candidates for each covered office who receive the greatest number of votes in the primary election advance to the general election;
5. To require the general election for candidates for covered offices to be conducted by instant runoff voting whereby registered electors rank the candidates in order of preference, and the candidate for each office who receives a majority of the top-ranked votes wins the general election for that office;
6. To require that a vacancy election for the United States House of Representatives be conducted by instant runoff voting;
7. To require that the processing and counting of mail ballots for instant runoff elections begins upon receipt of the ballot and that every ballot received before election day be counted by election day;
8. To prohibit the use of vacancy committees to fill vacancies in the Colorado General Assembly and to require such vacancies to be filled by an election whereby the candidate who receives a majority of the votes is elected;
9. To require the secretary of state to promulgate rules as specified in the proposed measure for the implementation of the proposed measure; and
10. For specified offices, to reduce the number of signatures that a candidate for political party nomination or a candidate for partisan public office who does not wish to affiliate with a major political party is required to collect to be placed on the primary election ballot by petition.

### **Purposes for Proposed Initiative 2023-2024 #121**

The major purposes of the proposed amendments to the Colorado constitution appear to be:

1. To require all candidates for covered offices, as defined in the proposed measure, to petition onto the primary election ballot by collecting signatures from registered electors;

2. To require all candidates for covered offices who qualify for the ballot to appear on the same primary election ballot regardless of political party affiliation or nomination or lack thereof;
3. To allow registered electors to cast their ballots for candidates for covered offices in the primary election regardless of the candidates' political party affiliation or nomination, or lack thereof, and regardless of the electors' political party affiliation or lack thereof;
4. To specify that the four candidates for each covered office who receive the greatest number of votes in the primary election advance to the general election;
5. To require the general election for candidates for covered offices to be conducted by instant runoff voting whereby registered electors rank the candidates in order of preference, and the candidate for each office who receives a majority of the top-ranked votes wins the general election for that office;
6. To require that a vacancy election for the United States House of Representatives be conducted by instant runoff voting;
7. To require that the general election for president and vice president of the United States also be conducted by instant runoff voting;
8. To prohibit the use of vacancy committees to fill vacancies in the Colorado General Assembly and to require such vacancies to be filled by an election whereby the candidate who receives a majority of the votes is elected; and
9. To require the secretary of state to promulgate rules as specified in the proposed measure for the implementation of the proposed measure.

### **Purposes for Proposed Initiative 2023-2024 #122**

The major purposes of the proposed amendments to the Colorado constitution appear to be:

1. To require all candidates for covered offices, as defined in the proposed measure, to petition onto the primary election ballot by collecting signatures from registered electors;
2. To require all candidates for covered offices who qualify for the ballot to appear on the same primary election ballot regardless of political party affiliation or nomination or lack thereof;
3. To allow registered electors to cast their ballots for candidates for covered offices in the primary election regardless of the candidates' political party

- affiliation or nomination, or lack thereof, and regardless of the electors' political party affiliation or lack thereof;
4. To specify that the four candidates for each covered office who receive the greatest number of votes in the primary election advance to the general election;
  5. To require the general election for candidates for covered offices to be conducted by instant runoff voting whereby registered electors rank the candidates in order of preference, and the candidate for each office who receives a majority of the top-ranked votes wins the general election for that office;
  6. To require that a vacancy election for the United States House of Representatives be conducted by instant runoff voting;
  7. To require that the processing and counting of mail ballots for instant runoff elections begins upon receipt of the ballot and that every ballot received before election day be counted by election day;
  8. To require that the general election for president and vice president of the United States also be conducted by instant runoff voting;
  9. To require that the processing and counting of mail ballots for presidential general elections begins upon receipt of the ballot and that every ballot received before election day be counted by election day;
  10. To prohibit the use of vacancy committees to fill vacancies in the Colorado General Assembly and to require such vacancies to be filled by an election whereby the candidate who receives a majority of the votes is elected; and
  11. To require the secretary of state to promulgate rules as specified in the proposed measure for the implementation of the proposed measure.

### **Purposes for Proposed Initiative 2023-2024 #123**

The major purposes of the proposed amendments to the Colorado constitution and to the Colorado Revised Statutes appear to be:

1. To require all candidates for covered offices, as defined in the proposed measure, to petition onto the primary election ballot by collecting signatures from registered electors;
2. To require all candidates for covered offices who qualify for the ballot to appear on the same primary election ballot regardless of political party affiliation or nomination or lack thereof;
3. To allow registered electors to cast their ballots for candidates for covered offices in the primary election regardless of the candidates' political party

- affiliation or nomination, or lack thereof, and regardless of the electors' political party affiliation or lack thereof;
4. To specify that the four candidates for each covered office who receive the greatest number of votes in the primary election advance to the general election;
  5. To require the general election for candidates for covered offices to be conducted by instant runoff voting whereby registered electors rank the candidates in order of preference, and the candidate for each office who receives a majority of the top-ranked votes wins the general election for that office;
  6. To require that a vacancy election for the United States House of Representatives be conducted by instant runoff voting;
  7. To require that the general election for president and vice president of the United States also be conducted by instant runoff voting;
  8. To prohibit the use of vacancy committees to fill vacancies in the Colorado General Assembly and to require such vacancies to be filled by an election whereby the candidate who receives a majority of the votes is elected;
  9. To require the secretary of state to promulgate rules as specified in the proposed measure for the implementation of the proposed measure; and
  10. For specified offices, to reduce the number of signatures that a candidate for political party nomination or a candidate for partisan public office who does not wish to affiliate with a major political party is required to collect to be placed on the primary election ballot by petition.

### **Purposes for Proposed Initiative 2023-2024 #124**

The major purposes of the proposed amendments to the Colorado constitution and to the Colorado Revised Statutes appear to be:

1. To require all candidates for covered offices, as defined in the proposed measure, to petition onto the primary election ballot by collecting signatures from registered electors;
2. To require all candidates for covered offices who qualify for the ballot to appear on the same primary election ballot regardless of political party affiliation or nomination or lack thereof;
3. To allow registered electors to cast their ballots for candidates for covered offices in the primary election regardless of the candidates' political party affiliation or nomination, or lack thereof, and regardless of the electors' political party affiliation or lack thereof;



4. To specify that the four candidates for each covered office who receive the greatest number of votes in the primary election advance to the general election;
5. To require the general election for candidates for covered offices to be conducted by instant runoff voting whereby registered electors rank the candidates in order of preference, and the candidate for each office who receives a majority of the top-ranked votes wins the general election for that office;
6. To require that a vacancy election for the United States House of Representatives be conducted by instant runoff voting;
7. To require that the processing and counting of mail ballots for instant runoff elections begins upon receipt of the ballot and that every ballot received before election day be counted by election day;
8. To require that the general election for president and vice president of the United States also be conducted by instant runoff voting;
9. To require that the processing and counting of mail ballots for presidential general elections begins upon receipt of the ballot and that every ballot received before election day be counted by election day;
10. To prohibit the use of vacancy committees to fill vacancies in the Colorado General Assembly and to require such vacancies to be filled by an election whereby the candidate who receives a majority of the votes is elected;
11. To require the secretary of state to promulgate rules as specified in the proposed measure for the implementation of the proposed measure; and
12. For specified offices, to reduce the number of signatures that a candidate for political party nomination or a candidate for partisan public office who does not wish to affiliate with a major political party is required to collect to be placed on the primary election ballot by petition.

### **Purposes for Proposed Initiative 2023-2024 #125**

The major purposes of the proposed amendments to the Colorado constitution appear to be:

1. To require all candidates for covered offices who qualify for the ballot to appear on the same primary election ballot regardless of political party affiliation or nomination or lack thereof;
2. To allow registered electors to cast their ballots for candidates for covered offices in the primary election regardless of the candidates' political party

- affiliation or nomination, or lack thereof, and regardless of the electors' political party affiliation or lack thereof;
3. To specify that the four candidates for each covered office who receive the greatest number of votes in the primary election advance to the general election;
  4. To require the general election for candidates for covered offices to be conducted by instant runoff voting whereby registered electors rank the candidates in order of preference, and the candidate for each office who receives a majority of the top-ranked votes wins the general election for that office;
  5. To require that a vacancy election for the United States House of Representatives be conducted by instant runoff voting; and
  6. To require the secretary of state to promulgate rules as specified in the proposed measure for the implementation of the proposed measure.

### **Purposes for Proposed Initiative 2023-2024 #126**

The major purposes of the proposed amendments to the Colorado constitution appear to be:

1. To require all candidates for covered offices who qualify for the ballot to appear on the same primary election ballot regardless of political party affiliation or nomination or lack thereof;
2. To allow registered electors to cast their ballots for candidates for covered offices in the primary election regardless of the candidates' political party affiliation or nomination, or lack thereof, and regardless of the electors' political party affiliation or lack thereof;
3. To specify that the four candidates for each covered office who receive the greatest number of votes in the primary election advance to the general election;
4. To require the general election for candidates for covered offices to be conducted by instant runoff voting whereby registered electors rank the candidates in order of preference, and the candidate for each office who receives a majority of the top-ranked votes wins the general election for that office;
5. To require that a vacancy election for the United States House of Representatives be conducted by instant runoff voting;
6. To require that the general election for president and vice president of the United States also be conducted by instant runoff voting; and

7. To require the secretary of state to promulgate rules as specified in the proposed measure for the implementation of the proposed measure.

### **Purposes for Proposed Initiative 2023-2024 #127**

The major purposes of the proposed amendments to the Colorado constitution appear to be:

1. To require all candidates for covered offices who qualify for the ballot to appear on the same primary election ballot regardless of political party affiliation or nomination or lack thereof;
2. To allow registered electors to cast their ballots for candidates for covered offices in the primary election regardless of the candidates' political party affiliation or nomination, or lack thereof, and regardless of the electors' political party affiliation or lack thereof;
3. To specify that the four candidates for each covered office who receive the greatest number of votes in the primary election advance to the general election;
4. To require the general election for candidates for covered offices to be conducted by instant runoff voting whereby registered electors rank the candidates in order of preference, and the candidate for each office who receives a majority of the top-ranked votes wins the general election for that office;
5. To require that a vacancy election for the United States House of Representatives be conducted by instant runoff voting;
6. To require that the processing and counting of mail ballots for instant runoff elections begins upon receipt of the ballot and that every ballot received before election day be counted by election day;
7. To require that the general election for president and vice president of the United States also be conducted by instant runoff voting;
8. To require that the processing and counting of mail ballots for presidential general elections begins upon receipt of the ballot and that every ballot received before election day be counted by election day; and
9. To require the secretary of state to promulgate rules as specified in the proposed measure for the implementation of the proposed measure.

## **Purposes for Proposed Initiative 2023-2024 #128**

The major purposes of the proposed amendments to the Colorado constitution and to the Colorado Revised Statutes appear to be:

1. To require all candidates for covered offices, as defined in the proposed measure, to petition onto the primary election ballot by collecting signatures from registered electors;
2. To require all candidates for covered offices who qualify for the ballot to appear on the same primary election ballot regardless of political party affiliation or nomination or lack thereof;
3. To allow registered electors to cast their ballots for candidates for covered offices in the primary election regardless of the candidates' political party affiliation or nomination, or lack thereof, and regardless of the electors' political party affiliation or lack thereof;
4. To specify that the four candidates for each covered office who receive the greatest number of votes in the primary election advance to the general election;
5. To require the general election for candidates for covered offices to be conducted by instant runoff voting whereby registered electors rank the candidates in order of preference, and the candidate for each office who receives a majority of the top-ranked votes wins the general election for that office;
6. To require that a vacancy election for the United States House of Representatives be conducted by instant runoff voting;
7. To require that the general election for president and vice president of the United States also be conducted by instant runoff voting;
8. To require the secretary of state to promulgate rules as specified in the proposed measure for the implementation of the proposed measure; and
9. For specified offices, to reduce the number of signatures that a candidate for political party nomination or a candidate for partisan public office who does not wish to affiliate with a major political party is required to collect to be placed on the primary election ballot by petition.

## **Purposes for Proposed Initiative 2023-2024 #129**

The major purposes of the proposed amendments to the Colorado constitution and to the Colorado Revised Statutes appear to be:

1. To require all candidates for covered offices, as defined in the proposed measure, to petition onto the primary election ballot by collecting signatures from registered electors;
2. To require all candidates for covered offices who qualify for the ballot to appear on the same primary election ballot regardless of political party affiliation or nomination or lack thereof;
3. To allow registered electors to cast their ballots for candidates for covered offices in the primary election regardless of the candidates' political party affiliation or nomination, or lack thereof, and regardless of the electors' political party affiliation or lack thereof;
4. To specify that the four candidates for each covered office who receive the greatest number of votes in the primary election advance to the general election;
5. To require the general election for candidates for covered offices to be conducted by instant runoff voting whereby registered electors rank the candidates in order of preference, and the candidate for each office who receives a majority of the top-ranked votes wins the general election for that office;
6. To require that a vacancy election for the United States House of Representatives be conducted by instant runoff voting;
7. To require that the processing and counting of mail ballots for instant runoff elections begins upon receipt of the ballot and that every ballot received before election day be counted by election day;
8. To require that the general election for president and vice president of the United States also be conducted by instant runoff voting;
9. To require that the processing and counting of mail ballots for presidential general elections begins upon receipt of the ballot and that every ballot received before election day be counted by election day;
10. To require the secretary of state to promulgate rules as specified in the proposed measure for the implementation of the proposed measure; and
11. For specified offices, to reduce the number of signatures that a candidate for political party nomination or a candidate for partisan public office who does not wish to affiliate with a major political party is required to collect to be placed on the primary election ballot by petition.

## **Purposes for Proposed Initiative 2023-2024 #130**

The major purposes of the proposed amendments to the Colorado constitution appear to be:

1. To require all candidates for covered offices, as defined in the proposed measure, to petition onto the primary election ballot by collecting signatures from registered electors;
2. To require all candidates for covered offices who qualify for the ballot to appear on the same primary election ballot regardless of political party affiliation or nomination or lack thereof;
3. To allow registered electors to cast their ballots for candidates for covered offices in the primary election regardless of the candidates' political party affiliation or nomination, or lack thereof, and regardless of the electors' political party affiliation or lack thereof;
4. To specify that the four candidates for each covered office who receive the greatest number of votes in the primary election advance to the general election;
5. To require the general election for candidates for covered offices to be conducted by instant runoff voting whereby registered electors rank the candidates in order of preference, and the candidate for each office who receives a majority of the top-ranked votes wins the general election for that office;
6. To require that a vacancy election for the United States House of Representatives be conducted by instant runoff voting;
7. To require that the general election for president and vice president of the United States also be conducted by instant runoff voting; and
8. To require the secretary of state to promulgate rules as specified in the proposed measure for the implementation of the proposed measure.

## **Purposes for Proposed Initiative 2023-2024 #131**

The major purposes of the proposed amendments to the Colorado constitution appear to be:

1. To require all candidates for covered offices, as defined in the proposed measure, to petition onto the primary election ballot by collecting signatures from registered electors;

2. To require all candidates for covered offices who qualify for the ballot to appear on the same primary election ballot regardless of political party affiliation or nomination or lack thereof;
3. To allow registered electors to cast their ballots for candidates for covered offices in the primary election regardless of the candidates' political party affiliation or nomination, or lack thereof, and regardless of the electors' political party affiliation or lack thereof;
4. To specify that the four candidates for each covered office who receive the greatest number of votes in the primary election advance to the general election;
5. To require the general election for candidates for covered offices to be conducted by instant runoff voting whereby registered electors rank the candidates in order of preference, and the candidate for each office who receives a majority of the top-ranked votes wins the general election for that office;
6. To require that a vacancy election for the United States House of Representatives be conducted by instant runoff voting;
7. To require that the processing and counting of mail ballots for instant runoff elections begins upon receipt of the ballot and that every ballot received before election day be counted by election day;
8. To require that the general election for president and vice president of the United States also be conducted by instant runoff voting;
9. To require that the processing and counting of mail ballots for presidential general elections begins upon receipt of the ballot and that every ballot received before election day be counted by election day; and
10. To require the secretary of state to promulgate rules as specified in the proposed measure for the implementation of the proposed measure.

## **Substantive Comments and Questions**

The substance of the proposed initiatives raise the following comments and questions:

1. Article V, section 1 (5.5) of the Colorado constitution requires all proposed initiatives to have a single subject. What is the single subject of each of the proposed initiatives?
2. The following comments and questions relate to the provisions concerning reporting of election results which is subsection (5) in the section that adds a constitutional section to article VII concerning "Top Four General Elections" in

proposed initiatives 2023-2024 ##118, 120, 122, 124, 127, 129, and 131 and is also in subsection (3) in the section that adds a constitutional section to article VII concerning "Presidential General Elections" in proposed initiatives 2023-2024 ##122, 124, 129, and 131:

- a. Regarding the requirements that the processing and counting of mail ballots begin upon receipt and that every ballot received before election day be counted by election day:
    - i. Is this requirement only applicable to ballots that include candidates to be elected via instant runoff voting? Or does it apply to all ballots received on election day regardless of substance?
    - ii. If the requirement is only applicable to ballots that include candidates to be elected via instant runoff voting, does the proposed initiative in effect apply these requirements to the election returns for all elections? Do you anticipate that designated election officials would first count the races that were conducted via instant runoff voting and then go back to count other races that were not conducted via instant runoff voting?
    - iii. Is requiring that every ballot received before election day be counted by election day different from how such ballots are currently counted? If so, will it be feasible for local governments to implement this change?
  - b. How is the reporting of results of tabulation for the instant runoff different from the way election results are currently reported?
3. The following comments and questions relate to the two sections that make statutory changes to sections 1-4-801 and 1-4-802, C.R.S., which are in proposed initiatives 2023-2024 ##119, 120, 123, 124, 128, and 129:
- a. How do the amendments proposed to these two sections relate to the single subject of the proposed initiatives 2023-2024 ##119, 120, 123, 124, 128, and 129?
  - b. Regarding changes to section 1-4-801, C.R.S.:
    - i. Why is the required amount of petition signors reduced by half for petitions for candidates for a member of the United States house of representatives, a member of the state board of



education for a congressional district, a member of the board of regents of the University of Colorado for a congressional district, a member of the General Assembly, the offices of governor, United States senator, secretary of state, attorney general, state treasurer, and of an at-large seat on either the state board of education or the board of regents of the university of Colorado?

- ii. Why do the proposed initiatives not make changes to the requirements for petitions for a candidate for any county office, any district office greater than a county office, or the office of district attorney?
- iii. Due to the amendments in the proposed initiatives, is an amendment required to section 1-4-801 (4), C.R.S., which states "No person who attempted and failed to receive at least ten percent of the votes for the nomination of a political party assembly for a particular office shall be placed in nomination by petition on behalf of the political party for the same office."?

c. Regarding changes to section 1-4-802, C.R.S.:

- i. Why is the required amount of petition signors reduced by half for petitions for candidates for the offices of governor, secretary of state, attorney general, treasurer, United States senator, the office of an at-large seat on either the state board of education or the board of regents of the university of Colorado, for the offices of member of the United States house of representatives, member of the state board of education for a congressional district, or member of the board of regents of the university of Colorado for a congressional district, office of member of the state senate, and office of member of the state house of representatives?
- ii. Why do the proposed initiatives not make changes to the requirements for petitions for a candidate for the office of president and vice president, office of district attorney, and any county office?

## Technical Comments

The following comments address technical issues raised by the form of the proposed initiatives. These comments will be read aloud at the public meeting only if the proponents so request. You will have the opportunity to ask questions about these comments at the review and comment meeting. Please consider revising the proposed initiative as suggested below.

1. The proposed initiatives all appear to have a non-statutory legislative declaration. In the case of non-statutory legislative declarations, the language does not need to be shown in small caps but rather can be in regular capitalization. Additionally, introductory portions and subsections of a non-statutory legislative declaration may be shown as numerals or letters instead of bullet points. Here is an example of correct statutory organization, which can also be applied to non-statutory legislative declarations:

**X-X-XXXX. Headnote.** (1) Subsection.

(a) Paragraph

(I) Subparagraph

(A) Sub-subparagraph

(B) Sub-subparagraph

(II) Subparagraph

(b) Paragraph

(2) Subsection

(3) Subsection

2. Section numbers and headnotes of added provisions do not need to be in small caps. Additionally, only the first word in a headnote needs to be capitalized. For example, "**SECTION 13. CANDIDATE ACCESS TO PRIMARY ELECTION BALLOT.**" can be revised to "**Section 13. Candidate access to primary election ballot.**".
3. The text of last section in each proposed initiative with the effective date provision does not need to be in small caps.
4. Where it appears in the Constitution or statute, the word "section" does not need to be capitalized.