

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 #132 and #133, 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.

Proposed initiatives 2023-2024 #132 and #133 were submitted with a series of initiatives including proposed initiatives 2023-2024 ##117 to 131 and ##134 to 136. The comments and questions raised in this memorandum will not include comments and questions that were addressed in the memorandum for proposed initiatives 2023-2024 ##117 to 131, except as necessary to fully understand the issues raised by the revised proposed initiative. Comments and questions addressed in the other memorandum may also be relevant, and those questions and comments are hereby incorporated by reference in this memorandum. Proposed initiatives ##134 to 136 did not raise any new questions or comments and therefore were not included in the

memorandum regarding proposed initiatives ##117 to 131 and will not be included 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 initiatives. 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 #132

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;

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 #133

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;
9. 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

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- whereby the candidate who receives a majority of the votes is elected; To require the secretary of state to promulgate rules as specified in the proposed measure for the implementation of the proposed measure.
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 initiative raises 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?

Technical Comments

There are no new technical comments for either of the proposed initiatives included in this memorandum.