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EXECUTIVE ORDER

Directing State Parties and Secretary of State to Amend Rules Regarding In-Person Gatherings to allow the 2020 Primary Election to Proceed without Interruption, in light of the Disaster Declaration set forth in Executive Order D 2020 003

In light of the earlier declaration of a State disaster emergency in Executive Order D 2020 003 due to the presence of COVID-19 in the State of Colorado, and pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution and the relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.* (Act), I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order suspending certain laws governing the conduct of the 2020 primary election.

I. Background and Purpose

On March 5, 2020, the Colorado Department of Public Health and Environment's (CDPHE) public health laboratory confirmed the first presumptive positive COVID-19 test result from Colorado. Since then, CDPHE confirmed more than one hundred sixty (160) additional presumptive positive cases and concluded that Colorado is experiencing community spread of the disease. I declared a disaster emergency on March 11, 2020 and issued Executive Order D 2020 003.

COVID-19 is a highly contagious viral disease that has spread throughout many of our State's communities. Public health officials concluded that disease control measures aimed at specific individuals or groups are no longer sufficient to contain the further spread of the virus. Since COVID-19 was first detected in Colorado, numerous school districts have closed, institutions of higher learning have shifted to virtual instruction, and local governments across the State have prohibited large social gatherings. Per my instruction, CDPHE and the Colorado Department of Human Services issued emergency rules limiting visits to facilities that serve older Coloradans.

The circumstances surrounding COVID-19 change quickly and our response must include planning for the future to protect public health and safety while we carry out essential State business. The State's political parties will be conducting district, county, and State assemblies and conventions pursuant to law in the coming months. To ensure that these functions proceed without interruption and consistently with any emergency rules, guidelines, or orders in place pursuant to Executive Order D 2020 003, the General Assembly passed House Bill 20-1359 (HB20-1359) to allow Colorado's major political parties to amend certain rules and procedures governing the conduct of their assemblies and conventions and the resulting

designations of party candidates to the primary election ballot. I signed HB20-1359 into law simultaneously with this Executive Order.

By this Executive Order, I incorporate, by reference, the measures taken by the General Assembly in HB20-1359 and further direct the major political parties to make any amendments necessary to their bylaws to comply with any emergency order issued pursuant to Executive Order D 2020 003 or any relevant subsequent executive order. I also direct the Secretary of State to set deadlines consistent with any amended party rules and bylaws and take appropriate actions to allow the primary election scheduled for June 30, 2020 to proceed without interruption. We will continue to monitor the course of the COVID-19 outbreak in the State and may amend this Executive Order accordingly.

II. Directives

A. I hereby incorporate, by reference, the measures taken by the General Assembly in HB20-1359 and direct the Secretary of State to set deadlines by which the State parties must file a certified copy of any amended rules and bylaws.

B. I hereby direct that the major parties make any changes necessary to their rules to comply with restrictions that may arise due to the disaster emergency declared in Executive Order D 2020 003, including but not limited to, changes to proxy or quorum requirements, and that any such changes to party rules can be done outside the existing political party rules process.

C. I hereby suspend all requirements for public meetings or in-person transactions under Title I of Colorado Revised Statutes and 8 Colorado Code of Regulations 1505-1 and 1505-3 and direct the Secretary of State to promulgate and issue emergency rules that allow all eligible voters to participate in the June 30, 2020 election in a manner that complies with any emergency order issued under Executive Order D 2020 003 or any related subsequent order or any guidance issued by CDPHE. I further direct the Secretary of State to work with appropriate personnel at CDPHE as these rules are developed.

D. I hereby suspend any notarization or handwritten signature requirements in any rules, regulations, or forms regarding the certification or acceptance of nomination, selection, or appointment pursuant to C.R.S. §§ 1-4-601, 12-203, 12-206 and direct the Secretary of State to promulgate and issue emergency rules that allow for the use of electronic means regarding the certification or acceptance of nomination, selection, or appointment under C.R.S. §§ 1-4-601, 12-203, 12-206.

E. Nothing in this Executive Order waives the requirement set forth in C.R.S. § 1-5-203(1)(a) requiring that any names be submitted to the Secretary of State not later than sixty (60) days prior to an election.

III. Duration

This Executive Order shall expire thirty (30) days from March 16, 2020, unless extended further by Executive Order.

GIVEN under my hand and the Executive Seal of the State of Colorado, this sixteenth day of March, 2020.

Jared Polis
Governor