NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 20-1359

BY REPRESENTATIVE(S) Garnett and Neville, Arndt, Benavidez, Bird, Buckner, Caraveo, Coleman, Duran, Esgar, Exum, Gonzales-Gutierrez, Herod, Hooton, Jackson, Kipp, Lontine, McKean, McLachlan, Mullica, Snyder, Valdez A., Woodrow, Baisley, Bockenfeld, Champion, Holtorf, Jaquez Lewis, Kraft-Tharp, Michaelson Jenet, Ransom, Sullivan, Titone, Valdez D., Van Winkle, Young;
also SENATOR(S) Fenberg and Holbert, Bridges, Crowder, Danielson, Foote, Gardner, Ginal, Gonzales, Hansen, Lee, Lundeen, Pettersen, Priola, Rankin, Rodriguez, Story, Todd, Winter, Zenzinger, Garcia.

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

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 1-3-103, **amend** (9)(a); and **add** (9)(c) as follows:

1-3-103. Party committees - repeal. (9) (a) No later than ninety days after the organization of the state central committees of the major political parties in each odd-numbered year, each committee shall adopt in its bylaws or rules its general guidelines and regulations for all county party

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Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

matters. Such bylaws or rules shall establish a procedure for the selection of delegates to any party assembly that is consistent with party practice. Any method under such procedure for choosing or allocating delegates in a county based on the number of votes cast at an election for a particular candidate shall be uniform among the counties so that all types of ballots are counted or not counted for purposes of determining the number of votes cast. Any county central committee may adopt its own rules in conformance with those of the state central committee. In the absence of county rules pertaining to specific items, the party's state central committee's guidelines and rules shall apply. Each state central committee shall file its party's bylaws or rules with the secretary of state no later than the first Monday in February in each even-numbered year and, if filed prior to that date, the bylaws or rules may be amended until that date. EXCEPT AS PROVIDED IN SUBSECTION (9)(c) OF THIS SECTION, no bylaw or rule may be filed or amended after the first Monday in February in each even-numbered year. Where the bylaws or rules are not filed in accordance with this section, the party's state central committee, as well as the party's county central committee, are subject to the code through the general election of the same year. Each state central committee shall compile and provide to the secretary of state information concerning the membership of the county central committees of the party in addition to the bylaws or rules of each county central committee.

(c) (I) NOTWITHSTANDING SUBSECTION (9)(a) OF THIS SECTION, DUE TO PUBLIC HEALTH CONCERNS, A PARTY MAY AMEND ITS BYLAWS AS NECESSARY IN 2020 TO PROVIDE FOR REMOTE ACCESS TO AND PARTICIPATION IN PARTY ASSEMBLIES AND CONVENTIONS AND TO FILL VACANCIES. IF A PARTY AMENDS ITS BYLAWS TO ALLOW REMOTE ACCESS AND PARTICIPATION, THE BYLAWS MUST INCLUDE PROVISIONS REQUIRING THE CREATION OF A VERIFIABLE RECORD OF ALL REMOTE ACCESS AND PARTICIPATION.

(II) THIS SUBSECTION (9)(c) IS REPEALED, EFFECTIVE DECEMBER 31, 2020.

SECTION 2. In Colorado Revised Statutes, 1-3-105, **add** (3) as follows:

1-3-105. Powers of central committees - repeal. (3) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, DUE TO PUBLIC

HEALTH CONCERNS, FOR THE 2020 ELECTION, TO THE EXTENT THAT STATE POLITICAL PARTIES HAVE ANY RESTRICTIONS IN THEIR RULES OR BYLAWS GOVERNING THE TIMING OF ANY REQUIRED NOTICE FOR MEETINGS OF EITHER THE STATE CENTRAL COMMITTEE OR ANY MEETING AT WHICH THE RULES OR BYLAWS WILL BE AMENDED, SUCH TIMING REQUIREMENTS MAY BE DISREGARDED AS LONG AS NO LESS THAN THREE DAYS NOTICE IS PROVIDED.

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

SECTION 3. In Colorado Revised Statutes, 1-4-601, **amend** (1) and (2) as follows:

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

(b) (I) NOTWITHSTANDING SUBSECTION (1)(a) OF THIS SECTION, DUE TO PUBLIC HEALTH CONCERNS, FOR THE 2020 PRIMARY ELECTION, A PARTY ASSEMBLY SHALL BE HELD ON OR BEFORE APRIL 25, 2020.

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

(2) (a) An assembly must take no more than two ballots for party candidates for each office to be filled at the next general election. Every candidate receiving thirty percent or more of the votes of all duly accredited assembly delegates who are present and voting on that office must be certified by affidavit of the presiding officer and secretary of the assembly. If no candidate receives thirty percent or more of the votes of all duly accredited assembly delegates who are present and voting, a second ballot must be cast on all the candidates for that office. If on the second ballot no candidate receives thirty percent or more of the votes cast, the two candidates receiving the highest number of votes must be certified as candidates for that office by the assembly. The certificate of designation by assembly must state the name of the office for which each person is a candidate and the candidate's name and address, must designate in not more

than three words the name of the political party which the candidate represents, and must certify that the candidate has been a member of the political party for the period of time required by party rule or by subsection (4) of this section if the party has no such rule. The candidate's affiliation, as shown in the statewide voter registration system, is prima facie evidence of political party membership. The certificate of designation must indicate the order of the vote received at the assembly by candidates for each office, but no assembly shall declare that any one candidate has received the nomination of the assembly. The certificate of designation must be filed in accordance with section 1-4-604. If two or more candidates receiving designation under this subsection (2) have received an equal number of votes, the order of certification of designation is determined by lot by the candidates. The assembly shall select a vacancy committee for vacancies in designation or nomination only.

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

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

(B) A PERSON WHO IS PHYSICALLY PRESENT MAY CARRY UP TO FIVE PROXIES, IF PROXIES ARE ALLOWED BY THE PARTY; AND

(C) IF THE PARTY HAS A REQUIREMENT FOR A QUORUM, THE STATE PARTY MAY PROVIDE PROCEDURES TO AUTHORIZE THE REDUCTION OR WAIVER OF THE QUORUM REQUIREMENT IN ORDER TO ALLOW THE ASSEMBLY TO PROCEED.

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

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

1-4-602. Delegates to party assemblies - definition - repeal. (1) (a) (I) EXCEPT AS PROVIDED IN SUBSECTION (1)(a)(III) OF THIS SECTION, county assemblies shall be held no later than twenty-five days after precinct

caucuses. If a political party holds its precinct caucuses on the first Tuesday in February in a year in which a presidential election will be held, the county assemblies of the political party shall be held not less than fifteen days nor more than fifty days after the precinct caucuses. The county central committee or executive committee shall fix the number of delegates from each precinct to participate in the county assembly pursuant to the procedure for the selection of delegates contained in the state party central committee's bylaws or rules. The persons receiving the highest number of votes at the precinct caucus shall be the delegates to the county assembly from the precinct. If two or more candidates receive an equal number of votes for the last available place in the election of delegates to county assemblies at the precinct caucuses, the delegate shall be determined by lot by the candidates. Except as provided in subsections (2) and (6) of this section, delegates to all other party assemblies shall be selected by the respective county assemblies from among the members of the county assemblies pursuant to the state party central committee's bylaws or rules.

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

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

SECTION 5. In Colorado Revised Statutes, 1-4-604, **amend** (6)(a) as follows:

1-4-604. Filing of petitions and certificates of designation by assembly - legislative declaration - repeal. (6) (a) (I) EXCEPT AS PROVIDED IN SUBSECTION (6)(a)(II) OF THIS SECTION, no later than four days after the adjournment of the assembly, the state central committee of each political party, utilizing the information described in ~~paragraph (b) of subsection (1)~~ SUBSECTION (1)(b) of this section, shall file with the secretary of state a compilation of the certificates of designation of each assembly that nominated candidates for any national or state office or for member of the general assembly, district attorney, or district office greater than a county office. Such a compilation of certificates of designation may be

transmitted by facsimile transmission; however, the original compilation must also be filed and postmarked no later than ten days after the adjournment of the assembly.

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

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

SECTION 6. In Colorado Revised Statutes, 1-4-801, **amend** (5) as follows:

1-4-801. Designation of party candidates by petition - repeal. (5) (a) Party petitions shall not be circulated nor any signatures be obtained prior to the third Tuesday in January. EXCEPT AS PROVIDED IN SUBSECTION (5)(b)(I) OF THIS SECTION, petitions must be filed no later than the third Tuesday in March.

(b) (I) NOTWITHSTANDING SUBSECTION (5)(a) OF THIS SECTION, IN 2020, IF THE DESIGNATED ELECTION OFFICIAL WITH WHOM A PETITION IS TO BE FILED IS UNABLE TO ACCEPT THE FILING BECAUSE OF CLOSURES OR RESTRICTIONS DUE TO PUBLIC HEALTH CONCERNS, THE DESIGNATED ELECTION OFFICIAL MAY EXTEND THE DEADLINE TO FILE THE PETITION OR DESIGNATE AN ALTERNATE LOCATION FOR FILING THE PETITION OR BOTH; EXCEPT THAT A SIGNATURE GATHERED AFTER THE THIRD TUESDAY IN MARCH IS INVALID AND SHALL NOT BE COUNTED.

(II) THIS SUBSECTION (5)(b) IS REPEALED, EFFECTIVE DECEMBER 31, 2020.

SECTION 7. In Colorado Revised Statutes, 1-4-1002, **amend** (1); and **add** (6) as follows:

1-4-1002. Vacancies in major party designation up to the

sixty-eighth day before primary election day - repeal. (1) For the purposes of this section, a vacancy is caused by:

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

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

(c) (I) THE INABILITY OF A POLITICAL PARTY TO CONDUCT AN ASSEMBLY BECAUSE A COMPETENT GOVERNMENTAL AUTHORITY PROHIBITS GATHERINGS OVER A CERTAIN SIZE OR RESTRICTS THE USE OF PUBLIC FACILITIES DUE TO A PUBLIC HEALTH CONCERN, IF EFFORTS TO CONDUCT AN ASSEMBLY PURSUANT TO SECTIONS 1-4-601, 1-4-602, OR 1-4-604, AS AMENDED BY HOUSE BILL 20-1359, ENACTED IN 2020, HAVE BEEN UNAVAILING.

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

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

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

(II) A PARTY MAY DETERMINE WHETHER TO ALLOW A PERSON WHO IS PHYSICALLY PRESENT TO CARRY PROXIES AT A VACANCY COMMITTEE MEETING;

(III) THE STATE CHAIR OF A PARTY MAY FILL A VACANCY IN ACCORDANCE WITH SUBSECTION (3)(b)(IV) OF THIS SECTION IF THE VACANCY OCCURS BECAUSE THE DESIGNATION WAS NOT MADE BY THE ASSEMBLY, THE POLITICAL PARTY WAS UNABLE TO CONDUCT AN ASSEMBLY BECAUSE A COMPETENT GOVERNMENTAL AUTHORITY PROHIBITS GATHERINGS OVER A CERTAIN SIZE OR RESTRICTS THE USE OF PUBLIC FACILITIES DUE TO A PUBLIC HEALTH CONCERN, OR THE VACANCY WAS NOT

FILLED BY THE VACANCY COMMITTEE; AND

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

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

SECTION 8. In Colorado Revised Statutes, 1-4-1003, **amend** (1) as follows:

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

(b) (I) FOR THE PURPOSES OF THIS SECTION, A VACANCY IS CAUSED BY THE INABILITY OF A POLITICAL PARTY TO CONDUCT AN ASSEMBLY BECAUSE A COMPETENT GOVERNMENTAL AUTHORITY PROHIBITS GATHERINGS OVER A CERTAIN SIZE OR RESTRICTS THE USE OF PUBLIC FACILITIES DUE TO A PUBLIC HEALTH CONCERN.

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

SECTION 9. In Colorado Revised Statutes, 1-5-203, **amend** (1)(a) introductory portion; and **add** (1)(c) as follows:

1-5-203. Certification of ballot - repeal. (1) (a) EXCEPT AS PROVIDED IN SUBSECTION (1)(c) OF THIS SECTION, no later than sixty days before any primary election, and no later than fifty-seven days before any general or odd-year November election or congressional vacancy election,

the secretary of state shall deliver by electronic transmission and registered mail to the county clerk and recorder of each county a certificate in writing of the ballot order and content for each county, as follows:

(c) (I) DUE TO PUBLIC HEALTH CONCERNS, FOR THE 2020 STATE PRIMARY ELECTION, THE SECRETARY OF STATE SHALL DELIVER THE CERTIFICATE OF THE BALLOT REQUIRED BY SUBSECTION (1)(a) OF THIS SECTION ON OR BEFORE MAY 7, 2020.

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

SECTION 10. In Colorado Revised Statutes, 1-4-1304, **amend** (1.5)(b)(I); and **add** (1.5)(f) as follows:

1-4-1304. Nomination of candidates - repeal. (1.5) (b) (I) A minor political party may nominate candidates for offices to be filled at a general election by assembly. EXCEPT AS PROVIDED IN SUBSECTION (1.5)(f) OF THIS SECTION, an assembly shall be held no later than seventy-three days preceding the primary election.

(1.5) (f) (I) NOTWITHSTANDING SUBSECTION (1.5)(b)(I) OF THIS SECTION, DUE TO PUBLIC HEALTH CONCERNS, FOR THE 2020 ELECTION, AN ASSEMBLY OF A MINOR POLITICAL PARTY SHALL BE HELD ON OR BEFORE APRIL 25, 2020.

(II) THIS SUBSECTION (1.5)(f) IS REPEALED, EFFECTIVE DECEMBER 31, 2020.

SECTION 11. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

KC Becker SPEAKER OF THE HOUSE OF REPRESENTATIVES	Leroy M. Garcia PRESIDENT OF THE SENATE
Robin Jones CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES	Cindi L. Markwell SECRETARY OF THE SENATE

APPROVED_____
(Date and Time)

_____
Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO