

**First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 07-0481.01 John Hershey

HOUSE BILL 07-1162

HOUSE SPONSORSHIP

Kefalas,

SENATE SPONSORSHIP

Gordon,

House Committees
State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE USE OF ADVANCED VOTING METHODS, AND, IN**
102 **CONNECTION THEREWITH, CREATING A STUDY GROUP AND PILOT**
103 **PROJECT ON THE USE OF INSTANT RUNOFF VOTING AND OTHER**
104 **METHODS THAT ALLOW VOTERS TO EXPRESS PREFERENCES ON**
105 **MULTIPLE CANDIDATES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Defines "advanced voting method" as a voting method such as instant runoff voting, approval voting, range voting, or proportional voting that allows a voter to indicate a preference for more than one

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

candidate in an election and that determines the winner of the election by majority vote.

Creates the voter choice study group. Specifies the composition and manner of appointment of the voter choice study group. Directs the voter choice study group to:

- Study advanced voting methods;
- Analyze the requirements for implementing advanced voting methods;
- Recommend political subdivisions for participation in a pilot project using advanced voting methods and determine the level of public support for participation in the project;
- Recommend one or more advanced voting methods to be used in the pilot project;
- Make recommendations on the procedures for conducting the pilot project;
- Review the experience of other states in conducting elections with advanced voting methods;
- Recommend statutory changes to implement advanced voting methods in elections for state and federal offices;
- Make recommendations on making voting systems compatible with advanced voting methods;
- Make recommendations to local governments on preparing to conduct an election using an advanced voting method;
- Consider changes to the state's statutes on access to the ballot for presidential candidates; and
- Present a report to the general assembly.

Directs the secretary of state to select a specified number of political subdivisions for participation in a pilot project to conduct elections using advanced voting methods and select one or more advanced voting methods to be used in the pilot project. Directs a political subdivision selected for the pilot project to conduct a regularly scheduled odd-year election for the officers of the political subdivision using an advanced voting method.

Directs the secretary of state to promulgate rules on advanced voting methods and provide guidance to local governments on the conduct of elections using advanced voting methods.

Makes legislative findings and declarations.

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

2 **SECTION 1.** Article 7 of title 1, Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW PART to read:

4 **PART 10**

1 ELECTIONS; AND

2 (c) PROMOTE CAMPAIGNS THAT ARE MORE POSITIVE AND FOCUSED
3 ON ISSUES BECAUSE CANDIDATES WILL SEEK TO APPEAL TO OPPONENTS'
4 SUPPORTERS AS A SECOND CHOICE.

5 **1-7-1003. Voter choice study group - established - definitions.**

6 (1) THE VOTER CHOICE STUDY GROUP IS HEREBY ESTABLISHED FOR THE
7 PURPOSE OF STUDYING INSTANT RUNOFF VOTING AND OTHER ADVANCED
8 VOTING METHODS.

9 (2) AS USED IN THIS PART 10, UNLESS THE CONTEXT OTHERWISE
10 REQUIRES, "ADVANCED VOTING METHOD" MEANS A VOTING METHOD THAT
11 ALLOWS AN ELECTOR TO INDICATE A PREFERENCE FOR MORE THAN ONE
12 CANDIDATE IN AN ELECTION AND THAT DETERMINES THE WINNER OF THE
13 ELECTION BY MAJORITY VOTE. "ADVANCED VOTING METHOD" INCLUDES
14 BUT IS NOT LIMITED TO INSTANT RUNOFF VOTING, APPROVAL VOTING,
15 RANGE VOTING, AND PROPORTIONAL VOTING.

16 (3) THE VOTER CHOICE STUDY GROUP SHALL CONSIST OF THIRTEEN
17 MEMBERS AS FOLLOWS:

18 (a) FOUR REPRESENTATIVES OF MAJOR POLITICAL PARTIES;

19 (b) TWO REPRESENTATIVES OF MINOR POLITICAL PARTIES;

20 (c) FOUR COUNTY CLERKS AND RECORDERS OR EQUIVALENT
21 OFFICERS;

22 (d) TWO MEMBERS OF THE GENERAL ASSEMBLY; AND

23 (e) THE SECRETARY OF STATE OR A PERSON DESIGNATED BY THE
24 SECRETARY OF STATE.

25 (4) NO LATER THAN AUGUST 1, 2007, MEMBERS OF THE VOTER
26 CHOICE STUDY GROUP SHALL BE APPOINTED AS FOLLOWS:

27 (a) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL

1 APPOINT ONE REPRESENTATIVE OF A MAJOR POLITICAL PARTY, ONE
2 REPRESENTATIVE OF A MINOR POLITICAL PARTY, ONE COUNTY CLERK AND
3 RECORDER OR EQUIVALENT OFFICER, AND ONE MEMBER OF THE GENERAL
4 ASSEMBLY.

5 (b) THE PRESIDENT OF THE SENATE SHALL APPOINT ONE
6 REPRESENTATIVE OF A MAJOR POLITICAL PARTY, ONE REPRESENTATIVE OF
7 A MINOR POLITICAL PARTY, AND ONE COUNTY CLERK AND RECORDER OR
8 EQUIVALENT OFFICER.

9 (c) THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES
10 SHALL APPOINT ONE REPRESENTATIVE OF A MAJOR POLITICAL PARTY AND
11 ONE COUNTY CLERK AND RECORDER OR EQUIVALENT OFFICER.

12 (d) THE MINORITY LEADER OF THE SENATE SHALL APPOINT ONE
13 REPRESENTATIVE OF A MAJOR POLITICAL PARTY, ONE COUNTY CLERK AND
14 RECORDER OR EQUIVALENT OFFICER, AND ONE MEMBER OF THE GENERAL
15 ASSEMBLY.

16 (5) THE VOTER CHOICE STUDY GROUP SHALL:

17 (a) STUDY ADVANCED VOTING METHODS;

18 (b) ANALYZE THE REQUIREMENTS FOR IMPLEMENTING ADVANCED
19 VOTING METHODS, INCLUDING PUBLIC EDUCATION, VOTING EQUIPMENT
20 AND TECHNOLOGY, BALLOT DESIGNS, THE COSTS OF CONDUCTING THE
21 PILOT PROJECT ESTABLISHED BY SECTION 1-7-1004 AND USING ADVANCED
22 VOTING METHODS IN ELECTIONS FOR STATE AND FEDERAL OFFICES, AND
23 SAVINGS DUE TO THE ELIMINATION OF PRIMARY ELECTIONS;

24 (c) RECOMMEND TO THE SECRETARY OF STATE FOR PARTICIPATION
25 IN THE PILOT PROJECT ESTABLISHED BY SECTION 1-7-1004 NO LESS THAN
26 TWELVE POLITICAL SUBDIVISIONS THAT WILL CONDUCT REGULARLY
27 SCHEDULED ELECTIONS FOR OFFICERS IN 2009;

1 (d) DETERMINE THE LEVEL OF PUBLIC SUPPORT FOR A CHANGE IN
2 VOTING METHODS IN THE POLITICAL SUBDIVISIONS SELECTED TO
3 PARTICIPATE IN THE PILOT PROJECT ESTABLISHED BY SECTION 1-7-1004;

4 (e) RECOMMEND ONE OR MORE ADVANCED VOTING METHODS TO
5 BE DESIGNATED AS QUALIFIED ADVANCED VOTING METHODS PURSUANT TO
6 SECTION 1-7-1004 (1) (b);

7 (f) MAKE RECOMMENDATIONS ON PROCEDURES FOR CONDUCTING
8 THE PILOT PROJECT ESTABLISHED BY SECTION 1-7-1004;

9 (g) REVIEW THE EXPERIENCE OF OTHER STATES IN CONDUCTING
10 ELECTIONS USING ADVANCED VOTING METHODS;

11 (h) RECOMMEND STATUTORY CHANGES TO IMPLEMENT ADVANCED
12 VOTING METHODS IN ELECTIONS FOR STATE AND FEDERAL OFFICES TO BE
13 HELD IN THE STATE IN 2010;

14 (i) MAKE RECOMMENDATIONS ON MAKING ALL VOTING SYSTEMS
15 USED IN THE STATE COMPATIBLE WITH ADVANCED VOTING METHODS BY
16 2010, INCLUDING A REVIEW OF THE AVAILABILITY AND COST OF
17 NECESSARY VOTING EQUIPMENT;

18 (j) MAKE RECOMMENDATIONS TO THE GOVERNING BODIES AND
19 DESIGNATED ELECTION OFFICIALS OF POLITICAL SUBDIVISIONS OF THE
20 STATE ON PREPARING TO CONDUCT AN ELECTION USING AN ADVANCED
21 VOTING METHOD; AND

22 (k) CONSIDER CHANGES TO THE STATE'S STATUTES GOVERNING
23 ACCESS TO THE BALLOT FOR PRESIDENTIAL CANDIDATES.

24 (6) THE VOTER CHOICE STUDY GROUP SHALL PRESENT A REPORT ON
25 ITS WORK TO THE GENERAL ASSEMBLY AND THE SECRETARY OF STATE NO
26 LATER THAN JANUARY 8, 2008.

27 (7) THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL

1 AND THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL
2 PROVIDE STAFF ASSISTANCE TO THE VOTER CHOICE STUDY GROUP.

3 (8) THE MEMBERS OF THE VOTER CHOICE STUDY GROUP SHALL
4 SERVE WITHOUT COMPENSATION; EXCEPT THAT THE MEMBERS SHALL BE
5 REIMBURSED FOR NECESSARY EXPENSES INCURRED IN THE PERFORMANCE
6 OF THEIR DUTIES.

7 **1-7-1004. Advanced voting methods - pilot project.** (1) BASED
8 ON THE RECOMMENDATIONS OF THE VOTER CHOICE STUDY GROUP MADE
9 PURSUANT TO SECTION 1-7-1003 (5), THE SECRETARY OF STATE SHALL:

10 (a) SELECT TWELVE POLITICAL SUBDIVISIONS TO PARTICIPATE IN
11 A PILOT PROJECT TO CONDUCT LOCAL ELECTIONS IN 2009 USING
12 ADVANCED VOTING METHODS; AND

13 (b) DESIGNATE ONE OR MORE ADVANCED VOTING METHODS AS
14 QUALIFIED ADVANCED VOTING METHODS FOR USE IN THE PILOT PROJECT
15 CONDUCTED PURSUANT TO THIS SECTION.

16 (2) A POLITICAL SUBDIVISION MAY NOT CONDUCT AN ELECTION
17 USING AN ADVANCED VOTING METHOD PURSUANT TO THIS SECTION
18 UNLESS:

19 (a) THE USE OF THE ADVANCED VOTING METHOD IN THE POLITICAL
20 SUBDIVISION IS AUTHORIZED BY CHARTER OR ORDINANCE; AND

21 (b) THE SECRETARY OF STATE HAS CERTIFIED THE POLITICAL
22 SUBDIVISION'S VOTING SYSTEM FOR USE IN AN ELECTION CONDUCTED
23 USING THE ADVANCED VOTING METHOD.

24 (3) A POLITICAL SUBDIVISION THAT HAS BEEN SELECTED TO
25 PARTICIPATE IN THE PILOT PROJECT AND THAT MEETS THE REQUIREMENTS
26 OF SUBSECTION (2) OF THIS SECTION SHALL CONDUCT THE ELECTION FOR
27 THE OFFICERS OF THE POLITICAL SUBDIVISION IN 2009 USING A QUALIFIED

1 ADVANCED VOTING METHOD.

2 (4) THE SECRETARY OF STATE SHALL PROVIDE LOGISTICAL AND
3 TECHNICAL ASSISTANCE TO POLITICAL SUBDIVISIONS CONDUCTING
4 ELECTIONS USING ADVANCED VOTING METHODS IN THE PILOT PROJECT.

5 **1-7-1005. Secretary of state - rules - guidance to local**
6 **governments.** (1) THE SECRETARY OF STATE SHALL PROMULGATE RULES
7 IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., ON THE CONDUCT OF
8 ELECTIONS USING ADVANCED VOTING METHODS.

9 (2) THE SECRETARY OF STATE SHALL PROVIDE GUIDANCE AND
10 ADVICE TO THE GOVERNING BODIES AND DESIGNATED ELECTION OFFICIALS
11 OF POLITICAL SUBDIVISIONS OF THE STATE ON THE CONDUCT OF ELECTIONS
12 USING ADVANCED VOTING METHODS.

13 **SECTION 2. Safety clause.** The general assembly hereby finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, and safety.