

~~1-OLPR with primary Initial Draft 262 Redline~~

Be it enacted by the people of the state of Colorado

SECTION 1. In the constitution of the state of Colorado, section 2 of article V, ~~amend (2) and (3), and add (24)(a), (24)(b), (3), (4), and (5), as follows:~~

Section 2. Election of members – oath – vacancies.

(2) Each member of the general assembly, before ~~he~~ ~~THEY~~ ~~enters~~ ~~ENTER~~ upon ~~his~~ ~~THEIR~~ official duties, shall take an oath or affirmation to support the constitution of the United States and of the state of Colorado and to faithfully perform the duties of ~~his~~ ~~THEIR~~ office according to the best of ~~his~~ ~~THEIR~~ ability. This oath or affirmation shall be administered in the chamber of the house to which the member has been elected.

~~(4) MEMBERS OF THE GENERAL ASSEMBLY SHALL BE CHOSEN IN FIVE-MEMBER DISTRICTS, BY A METHOD OF PROPORTIONAL REPRESENTATION CHOSEN BY THE GENERAL ASSEMBLY, PROVIDED THAT SUCH METHOD ENSURES THAT:~~

~~(a) IF A POLITICAL PARTY’S NOMINEES COLLECTIVELY RECEIVE A SHARE OF THE VOTES CAST FOR CANDIDATES FOR THE SENATE OR HOUSE OF REPRESENTATIVES THAT IS GREATER THAN ONE-SIXTH OF THE VOTES CAST IN THE DISTRICT, THEN AT LEAST ONE OF THAT PARTY’S NOMINEES WILL BE ELECTED TO THE SENATE OR THE HOUSE OF REPRESENTATIVES RESPECTIVELY; AND~~

~~(b) IF A POLITICAL PARTY’S NOMINEES COLLECTIVELY RECEIVE MORE THAN HALF OF THE VOTES CAST FOR CANDIDATES FOR THE SENATE OR HOUSE OF REPRESENTATIVES IN THE DISTRICT, THEN AT LEAST THREE OF THAT PARTY’S NOMINEES WILL BE ELECTED TO THE SENATE OR THE HOUSE OF REPRESENTATIVES RESPECTIVELY.~~

~~(35) THE GENERAL ASSEMBLY SHALL REGULATE, BY LAW, THE METHOD OF NOMINATIONS FOR THE GENERAL ASSEMBLY, PROVIDED SUCH METHOD SHALL PERMIT EACH POLITICAL PARTY TO NOMINATE UP TO FIVE CANDIDATES IN EACH DISTRICT AND TO DETERMINE THE RESPECTIVE ORDER IN WHICH SUCH CANDIDATES SHALL APPEAR AS THE PARTY’S NOMINEES ON THE BALLOT.~~

~~(42) EACH MEMBER OF THE GENERAL ASSEMBLY, BEFORE THEY ENTER UPON THEIR OFFICIAL DUTIES, SHALL TAKE AN OATH OR AFFIRMATION TO SUPPORT THE CONSTITUTION OF THE UNITED STATES AND OF THE STATE OF COLORADO AND TO FAITHFULLY PERFORM THE DUTIES OF HIS OFFICE ACCORDING TO THE BEST OF HIS ABILITY. THIS OATH OR AFFIRMATION SHALL BE ADMINISTERED IN THE CHAMBER OF THE HOUSE TO WHICH THE MEMBER HAS BEEN ELECTED.~~

~~(53) ANY VACANCY OCCURRING IN EITHER HOUSE BY DEATH, RESIGNATION, OR OTHERWISE SHALL BE FILLED IN THE MANNER PRESCRIBED BY LAW. THE PERSON APPOINTED TO FILL THE VACANCY SHALL BE A MEMBER OF THE SAME POLITICAL PARTY, IF ANY, AS THE PERSON WHOSE TERMINATION OF MEMBERSHIP IN THE GENERAL ASSEMBLY CREATED THE VACANCY.~~

SECTION 2. In the constitution of the state of Colorado, **amend** section 5 of article V, as follows:

Section 5. Classification of senators. The senate shall be divided so that one-half of the senators, as nearly as practicable, may be chosen biennially, EXCEPT THAT ALL FIVE MEMBERS ELECTED FROM A GIVEN DISTRICT MUST BE ELECTED AT THE SAME GENERAL ELECTION. IN THE FIRST ELECTION USING A METHOD OF PROPORTIONAL REPRESENTATION, ONLY SENATORS ELECTED FROM DISTRICTS ASSIGNED EVEN NUMBERS WILL BE ELECTED TO FOUR YEAR TERMS; AND IN THE SECOND ELECTION USING A METHOD OF PROPORTIONAL REPRESENTATION, SENATORS ELECTED FROM DISTRICTS ASSIGNED ODD NUMBERS WILL BE ELECTED TO FOUR YEAR TERMS.

SECTION 3. In the constitution of the state of Colorado, **amend** section 45 of article V, as follows:

Section 45. General assembly. The general assembly shall consist of ~~not more than~~ thirty-five members of the senate and of ~~not more than~~ sixty-five members of the house of representatives, ~~one~~ FIVE to be elected from each senatorial and each representative district, respectively.

SECTION 4. In the constitution of the state of Colorado, section 46 of article V, **amend** (2), as follows:

Section 46. Senatorial and representative districts – commission created.

(2) **Legislative districts--commission created.** There is hereby created the independent legislative redistricting commission. The commission shall divide the state into SEVEN ~~as many~~ senatorial DISTRICTS and THIRTEEN representative districts ~~as there are members of the senate and house of representatives respectively.~~ After each federal decennial census, the senatorial districts and representative districts shall be established, revised, or altered, and the members of the senate and the house of representatives apportioned among them, by the independent legislative redistricting commission.

SECTION 5. In the constitution of the state of Colorado, section 48.1 of article V, **amend** (3)(d), as follows:

Section 48.1. Criteria for determination of legislative districts Senatorial and representative districts – commission created.

~~(3)(a) Thereafter, the commission shall, to the extent possible, maximize the number of politically competitive districts.~~

(d) For purposes of this subsection (3), “competitive” means having a reasonable potential for the party affiliation OF AT LEAST ONE OF the district's representatives to change at least once between federal decennial censuses. Competitiveness may be measured by factors such as a proposed district's past election results, a proposed district's political party registration data, and evidence-based analyses of proposed districts.

SECTION 6. In Colorado Revised Statutes, 1-1-104, **add** (19.6) ~~and (20.5)~~ as follows:

1-1-104. Definitions.

(19.6) “UNAFFILIATED SLATE” MEANS A GROUP OF UNAFFILIATED CANDIDATES FOR THE STATE SENATE OR THE STATE HOUSE OF REPRESENTATIVES WHO NOTIFY THE SECRETARY OF STATE THAT THEY ARE RUNNING AS A SLATE OF CANDIDATES FOR THE GENERAL ELECTION FOR THEIR DISTRICT.

~~(20.5) “JOINT SLATE” MEANS A GROUP OF CANDIDATES FOR A STATE SENATE DISTRICT OR A STATE HOUSE OF REPRESENTATIVES DISTRICT WHO ARE JOINTLY NOMINATED BY TWO OR MORE POLITICAL PARTIES. A JOINT SLATE IS TREATED AS THE SLATE OF A SINGLE POLITICAL PARTY WHEN COUNTING VOTES.~~

SECTION 7. In Colorado Revised Statutes, 1-4-~~601~~101, ~~amend~~add ~~(2)(a)~~(4.5) as follows:

1-4-101. Primary elections - when - nominations - expenses - legislative declaration.

(4.5) IN ALL PRIMARY ELECTIONS FOR GENERAL ASSEMBLY WHERE THE GENERAL ELECTION WILL BE CONDUCTED BY PROPORTIONAL REPRESENTATION, THE VOTER MAY VOTE FOR UP TO THREE CANDIDATES, AND THE FIVE CANDIDATES WITH THE MOST VOTES SHALL BE THE PARTY’S NOMINEES IN THE GENERAL ELECTION.

SECTION 8. In Colorado Revised Statutes, 1-4-601, **amend** ~~(2)(a)~~, as follows:

1-4-601. Designations of candidates for primary election - definition.

(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. THE POLITICAL PARTY SHALL DETERMINE THE RANK ORDER OF EACH SLATE OF STATE SENATE DISTRICT CANDIDATES AND STATE HOUSE DISTRICT CANDIDATES PURSUANT TO PARTY RULES.

SECTION 89. In Colorado Revised Statutes, 1-4-802, **amend** (1)(e), (1)(f)(I), and **add** (1)(h) and (1)(i), as follows:

1-4-802 Petitions for nominating minor political party and unaffiliated candidates for a partisan office.

(1)(e) The petition to nominate an unaffiliated candidate, OR AN UNAFFILIATED SLATE FOR THE GENERAL ASSEMBLY, may designate or appoint upon its face one or more unaffiliated registered electors as a committee to fill vacancies in accordance with section 1-4-1008. However, in the case of a petition for an UNAFFILIATED SLATE FOR the office of state senator or state representative, the petition shall designate or appoint upon its face ~~three or more unaffiliated~~ A NUMBER OF registered electors EQUAL TO OR GREATER THAN THREE OR THE NUMBER OF CANDIDATES ON THE UNAFFILIATED SLATE, WHICHEVER IS GREATER, as a committee to fill vacancies in accordance with sections 1-4-1008 and 1-12-203.

(1)(f)(I) Except as provided in subsection (1)(f)(II), (1)(h), AND (1)(i) of this section, petitions must be filed no later than 5 p.m. on the one hundred seventeenth day before the general election or, for a congressional vacancy election, no later than 5 p.m. on the twentieth day after the date of the order issued by the governor.

(h) BETWEEN ONE AND FIVE MINOR POLITICAL PARTY CANDIDATES WISHING TO BE NOMINATED AS A SLATE FOR STATE SENATE OR STATE HOUSE OF REPRESENTATIVES IN A SENATE OR HOUSE DISTRICT SHALL SUBMIT A PETITION IN THE FOLLOWING MANNER:

(I) THE MINOR POLITICAL PARTY CANDIDATES SHALL SIGN AND PUBLISH A STATEMENT CONTAINING THE NAMES OF THE CANDIDATES FOR THE OFFICE TO BE FILLED, AND THE ORDER THE CANDIDATES WILL APPEAR ON THE BALLOT, NO LATER THAN THE DEADLINE SET FORTH IN SUBSECTION (1)(f) OF THIS SECTION.

(II) THE SECRETARY OF STATE SHALL PREPARE A PETITION FOR NOMINATING A SLATE OF MINOR POLITICAL PARTY CANDIDATES, INDICATING THE NAMES AND ADDRESSES OF THE CANDIDATES FOR THE OFFICE TO BE FILLED, AND THE ORDER THE CANDIDATES WILL APPEAR ON THE BALLOT.

(III) THE PETITION SHALL BE SIGNED BY A NUMBER OF ELIGIBLE ELECTORS AT LEAST EQUAL TO THE LESSER OF ONE THOUSAND OR ONE PERCENT OF VOTES CAST IN THE DISTRICT IN THE MOST RECENT GENERAL ELECTION FOR THE RELEVANT OFFICE, OR BY ONE THOUSAND ELIGIBLE ELECTORS IF THERE WAS NO PRIOR GENERAL ELECTION FOR THE RELEVANT OFFICE IN THE SAME DISTRICT.

(i) BETWEEN ONE AND FIVE UNAFFILIATED CANDIDATES WISHING TO SELF-NOMINATE AS AN UNAFFILIATED SLATE FOR STATE SENATE OR STATE HOUSE OF REPRESENTATIVES IN A SENATE OR HOUSE DISTRICT SHALL SUBMIT A PETITION IN THE FOLLOWING MANNER:

(I) THE UNAFFILIATED CANDIDATES SHALL SIGN AND PUBLISH A STATEMENT MAKING PUBLIC THE PROPOSED NAME OF THE UNAFFILIATED SLATE IN NOT MORE THAN THREE WORDS, WHICH SHALL NOT INCLUDE THE NAME OF ANY POLITICAL PARTY, THE NAMES OF THE CANDIDATES FOR THE OFFICE TO BE FILLED, AND THE ORDER THE CANDIDATES WILL APPEAR ON THE BALLOT, NO LATER THAN THE DEADLINE SET FORTH IN SUBSECTION (1)(f) OF THIS SECTION.

(II) THE SECRETARY OF STATE SHALL PREPARE A PETITION FOR NOMINATING A SLATE OF UNAFFILIATED CANDIDATES, INDICATING THE PROPOSED NAME OF THE UNAFFILIATED SLATE IN NOT MORE THAN THREE WORDS, THE NAMES AND ADDRESSES OF THE CANDIDATES FOR THE OFFICE TO BE FILLED, AND THE ORDER THE CANDIDATES WILL APPEAR ON THE BALLOT.

(III) THE PETITION SHALL BE SIGNED BY A NUMBER OF ELIGIBLE ELECTORS AT LEAST EQUAL TO THE LESSER OF ONE THOUSAND OR ONE PERCENT OF VOTES CAST IN THE DISTRICT IN THE MOST RECENT GENERAL ELECTION FOR THE RELEVANT OFFICE, OR BY ONE THOUSAND ELIGIBLE ELECTORS IF THERE WAS NO PRIOR GENERAL ELECTION FOR THE RELEVANT OFFICE IN THE SAME DISTRICT.

SECTION 910. In Colorado Revised Statutes, 1-4-1304, **amend** (1.5)(c) and (1.5)(d), as follows:

1-4-1304. Nomination of candidates.

(1.5)(c) If an assembly designates more than ~~one candidate~~ FIVE CANDIDATES for an office, or if an assembly designates one or more candidates and one or more candidates qualifies by petition, SUCH THAT MORE THAN FIVE CANDIDATES HAVE QUALIFIED IN TOTAL, the ~~candidate~~ CANDIDATES of the minor political party for that office shall be nominated at a primary election held in accordance with this code. A minor political party may prohibit unaffiliated electors from voting in the party's primary election so long as the prohibition is in accordance with the party's constitution, bylaws, or other applicable rules. Any minor party choosing to prohibit unaffiliated electors from voting in its primary election must notify the secretary of state of the prohibition not less than seventy-five days prior to the primary election.

(d) If ~~only one candidate is~~ FIVE OR FEWER CANDIDATES ARE designated for an office by petition or assembly, ~~that candidate~~ THOSE CANDIDATES shall be the ~~candidate~~ CANDIDATES of the minor political party in the general election.

SECTION 1011. In Colorado Revised Statutes, 1-5-404, **amend** (21); and **add** (2.5), as follows:

1-5-404. Arrangement of names on ballots for partisan elections. (1) In all partisan elections, the names of all candidates ~~and joint candidates~~, EXCEPT FOR CANDIDATES FOR THE GENERAL ASSEMBLY, who have been duly nominated for office shall be arranged on the ballot under the designation of the office in three groups as follows:

(2.5) IN THE GENERAL ELECTION FOR CANDIDATES FOR THE GENERAL ASSEMBLY, CANDIDATES FOR EACH POLITICAL PARTY, ~~JOINT SLATE~~, AND UNAFFILIATED SLATE WILL BE PLACED ON THE BALLOT FOR THE GENERAL ELECTION IN ACCORDANCE WITH SECTION 1-7-1102(2), WITH ALL MAJOR POLITICAL PARTY SLATES PLACED FIRST IN AN ORDER ESTABLISHED BY LOT, FOLLOWED BY ALL MINOR POLITICAL PARTY SLATES IN AN ORDER ESTABLISHED BY LOT, AND THEN ALL UNAFFILIATED SLATES IN AN ORDER ESTABLISHED BY LOT.

SECTION ~~H12~~. In Colorado Revised Statutes, **add 1-7-~~503504~~**, as follows:

1-7-~~503504~~. Manner of voting in general elections for state representative and state senate districts – ballot design. (1) AT EACH GENERAL ELECTION, THERE SHALL BE ELECTED FOR EACH DISTRICT A NUMBER OF STATE REPRESENTATIVES AND STATE SENATORS AS PROVIDED IN SECTION 45 OF ARTICLE V OF THE STATE CONSTITUTION.

(2) THE BALLOT FOR ELECTING STATE REPRESENTATIVES AND STATE SENATORS AT THE GENERAL ELECTION SHALL INCLUDE THE NAME OF EACH PARTY, ~~EACH JOINT SLATE~~, AND EACH UNAFFILIATED SLATE NOMINATING A LIST OF CANDIDATES IN ALL CAPITAL LETTERS FOLLOWED BY THE PHRASE “LIST OF CANDIDATES”, FOLLOWED BY THE CANDIDATES’ NAMES. VOTERS MAY VOTE FOR ONE CANDIDATE BY CLEARLY FILLING THE OVAL, CONNECTING THE ARROW, OR OTHERWISE APPROPRIATELY MARKING THE PLACE OPPOSITE THE CANDIDATE FOR WHICH THE ELECTOR INTENDS TO VOTE.

SECTION ~~1213~~. In Colorado Revised Statutes, **add** part 11, to article 7 of title 1 as follows:

1-7-1101. Short title. THIS PART 11 SHALL BE KNOWN AND MAY BE CITED AS THE “OPEN LIST PROPORTIONAL REPRESENTATION ACT”.

1-7-1102. Conduct of Elections to the General Assembly.

(1) ELECTION TO THE GENERAL ASSEMBLY FOR STATE SENATE DISTRICTS AND STATE HOUSE OF REPRESENTATIVE DISTRICTS SHALL BE CONDUCTED BY A METHOD OF OPEN LIST PROPORTIONAL REPRESENTATION AS DESCRIBED IN THIS SECTION.

(2) IN AN ELECTION CONTEST CONDUCTED BY OPEN LIST PROPORTIONAL REPRESENTATION, NOMINEES FOR EACH POLITICAL PARTY ~~OR JOINT~~ SLATE MUST APPEAR SEQUENTIALLY NEXT TO EACH OTHER IN THE ORDER DETERMINED BY THE POLITICAL PARTY ~~OR PARTIES~~ PURSUANT TO SECTION 1-4-601(2)(a), AND THAT EACH MEMBER OF AN UNAFFILIATED SLATE MUST APPEAR SEQUENTIALLY NEXT TO THE OTHER MEMBERS OF THE UNAFFILIATED SLATE IN THE ORDER DETERMINED BY THE UNAFFILIATED SLATE PURSUANT TO SECTION 1-4-802(1)(h)(I), AND EACH VOTER SHALL BE PERMITTED TO VOTE FOR ONE CANDIDATE.

(3) IN EACH ELECTION CONDUCTED BY OPEN LIST PROPORTIONAL REPRESENTATION, VOTES SHALL BE COUNTED, IN THEIR RESPECTIVE DISTRICTS, BY THE JEFFERSON METHOD OF PROPORTIONAL REPRESENTATION, ACCORDING TO THE FOLLOWING STEPS TAKEN IN SEQUENCE:

(a) DETERMINING THE NUMBER OF VOTES CAST FOR EACH POLITICAL PARTY IN THE DISTRICT BY AGGREGATING THE VOTES CAST FOR EACH POLITICAL PARTY'S NOMINEES, WITH EACH ~~JOINT SLATE~~, UNAFFILIATED SLATE AND WRITE-IN CANDIDATE TREATED AS A SEPARATE POLITICAL PARTY FOR PURPOSES OF TALLYING THE VOTES;

(b) ASSIGNING EACH POLITICAL PARTY A SCORE EQUAL TO THE NUMBER OF VOTES IT RECEIVED UNDER SUBSECTION (A) DIVIDED BY THE SUM OF ONE AND THE NUMBER OF SEATS ITS NOMINEES HAVE WON IN THE DISTRICT, PROVIDED THAT IF ALL NOMINEES OF A POLITICAL PARTY HAVE BEEN ELECTED THEN THAT POLITICAL PARTY'S SCORE SHALL BE EQUAL TO ZERO;

(c) AWARDING ONE SEAT TO THE POLITICAL PARTY WITH THE HIGHEST SCORE DETERMINED UNDER SUBSECTION ~~(Bb)~~ OF THIS SECTION, RESOLVING ANY TIES BY LOT PURSUANT TO A METHOD DETERMINED BY THE SECRETARY OF STATE, AND DECLARING ELECTED THE NOMINEE OF THAT POLITICAL PARTY WITH THE HIGHEST VOTE TOTAL THAT HAS NOT YET BEEN ELECTED, RESOLVING ANY TIES BY LOT IN A MANNER AGREED UPON BY THE TYING CANDIDATES, PROVIDED THAT IN CASE THE CANDIDATES FAIL TO AGREE ON THE METHOD OF RESOLUTION WITHIN FIVE DAYS AFTER THE CANVASS IS COMPLETE, THE TIE SHALL BE RESOLVED BY LOT PURSUANT TO A METHOD DETERMINED BY THE SECRETARY OF STATE; AND

(d) REPEATING THE PROCESS ABOVE BEGINNING WITH SUBSECTION ~~(Bb)~~ OF THIS SECTION UNTIL ALL SEATS HAVE BEEN ELECTED.

SECTION ~~13~~14. Severability. The provisions of this measure are severable. If any portion, section, subdivision, paragraph, clause, sentence, phrase, word, or application of this measure is for any reason held to be invalid by a decision of any court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this measure.

SECTION ~~14~~15. Effective Date. ~~This initiative takes effect at 12:01 a.m. on January 1, 2027.~~ (1) Sections 1, 2, 3, 4, 5, and 13 of this initiative take effect on November 30, 2030.

(2) Sections 6, 7, 8, 9, 10, 11, and 12 of this initiative take effect on January 1, 2032.