



## Colorado Primary Elections

**By Amanda King**

In 2016, voters approved [Proposition 107](#) and [Proposition 108](#), which reestablished a presidential primary in Colorado and allowed unaffiliated voters to participate in political party primary elections. Subsequently, the General Assembly has made modifications to state law to implement these measures. This *issue brief* provides an overview of presidential primaries and unaffiliated votes participation in primary elections in Colorado.

### Presidential Primaries

Following the passage of [Referendum 2](#) in 1990, presidential primaries were held in Colorado in 1992, 1996, and 2000. In 2003, [Senate Bill 03-188](#) eliminated presidential primary elections. From 2004 to 2016, Colorado's political parties nominated presidential candidates using the caucus system, while nonpresidential primaries were still conducted by election. Colorado resumed holding presidential primary elections in 2020, after the passage of Proposition 107.

### Primary Dates

The presidential primary date is designated by the Governor and must be held on a Tuesday no later than the third Tuesday in March in presidential election years, but not earlier than

allowed for by the national major political parties. The presidential primary can be canceled if there is only one candidate for each political party qualified for the primary election ballot. Nonpresidential primary elections to select party nominees for state, county, and federal offices are held on the last Tuesday in June in even-numbered years.<sup>1</sup>

### Ballot Access for Candidates

No later than 85 days before the presidential primary, candidates must submit a statement of intent, a state party approval form with signed state party approval, and either a nonrefundable \$500 filing fee or a petition signed by at least 5,000 eligible electors from the candidate's political party who reside in Colorado.<sup>2</sup> Any challenges to the listing of candidates on the presidential primary ballot must be made in writing with the district court no later than five days after the filing deadline for candidates.<sup>3</sup>

### Conduct of Elections

Presidential primary elections are conducted as mail ballot elections by county clerk and recorders. No other issue may be included on the ballot. Political parties cannot use caucuses to allocate delegates to the national convention for selecting a presidential nominee, but may still

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<sup>1</sup> Sections 1-4-101 and 1-4-1203, C.R.S.

<sup>2</sup> Sections 1-4-801 (6) and 1-4-1204, C.R.S.

<sup>3</sup> Section 1-4-1204 (4), C.R.S.

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hold caucuses to handle internal party business and, in some instances, select candidates for state, county, and federal offices other than President. Each political party must use the results of the presidential primary election to allocate national delegate votes in accordance with the party's state and national rules.<sup>4</sup>

## Unaffiliated Voter Participation

Unaffiliated voters are voters who are not registered with any political party. In Colorado, they are eligible to choose to participate in one party's primary election.

## Primary Ballots

Colorado voters are not required to affiliate with a political party in order to vote in primary elections. However, an unaffiliated voter can indicate which political party's primary election ballot they would like to receive. All active unaffiliated voters who have not provided a ballot preference receive a ballot packet that contains the ballots of all major political parties for both presidential and nonpresidential primary elections. The ballot packet contains written instructions on selecting and casting a ballot for a major political party candidate. A voter may fill out and return the ballot of only one major political party. If a voter casts and returns more than one ballot, all of those ballots returned by the voter will be rejected and will not be

counted.<sup>5</sup> County clerks must record in which political party's primary election the unaffiliated voter cast a ballot in the statewide voter registration system, often referred to as SCORE.<sup>6</sup>

## Opting Out of Primary Elections

Political parties may opt out of allowing unaffiliated voters to participate in a nonpresidential primary election if three-fourths of the party's state central committee vote to do so. If that threshold is met, they may nominate candidates in an assembly or convention that is limited to affiliated voters. The decision to opt out of holding an open primary election must be made by October 1 of the year preceding the year in which an assembly or convention nominating process is to be used.<sup>7</sup>

## Minor Parties

If a minor political party has more than one candidate for an office, it must conduct a primary election. However, minor political parties can prohibit unaffiliated voters from voting in the party's primary elections in accordance with the party's constitution, bylaws, or rules. A minor party that chooses to prohibit unaffiliated votes from voting in its primary must notify the Secretary of State of the prohibition at least 75 days prior to the primary election.<sup>8</sup>

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<sup>4</sup> Section 1-4-1207 (3), C.R.S.

<sup>5</sup> Section 1-4-101, C.R.S.

<sup>6</sup> Section 1-7.5-106.5 (3), C.R.S.

<sup>7</sup> Section 1-4-702, C.R.S.

<sup>8</sup> Section 1-4-1304 (1.5)(c), C.R.S.