

131

Establishing All-Candidate Primary and Ranked Choice Voting General Elections

Placed on the ballot by citizen initiative • Passes with a majority vote

Proposition 131 proposes amending the Colorado statutes to:

- create an all-candidate primary election for certain state and federal offices, where the top four candidates advance to the general election; and
- allow voters to rank those candidates in the general election, with votes counted over multiple rounds to determine who wins the election.

What Your Vote Means

YES A “yes” vote on Proposition 131 establishes an all-candidate primary for all voters regardless of their political party for certain offices and advances the top four candidates to a general election where voters rank the candidates in order of preference, once certain conditions in state law are met.

NO A “no” vote on Proposition 131 continues the existing primary election system and the current method of selecting candidates and counting votes at general elections.

Summary and Analysis of Proposition 131

How does the current election system work in Colorado?

Currently, primary elections are used by political parties to nominate candidates for public office. In Colorado, the state conducts primary elections for the major political parties to determine each party's nominee for each office in the general election. Voters affiliated with a political party may cast a primary ballot only for candidates of that party. Unaffiliated voters may participate in one of these primaries. Other political parties may also nominate candidates to the general election.

Nominees from each political party are then placed on the general election ballot, along with any qualifying unaffiliated candidates. Unaffiliated candidates qualify directly to the general election by gathering signatures and do not participate in primary elections. The general election then determines which candidate is elected to an office.

What elections are affected by the measure?

Proposition 131 applies to elections for the following state and federal offices:

- U.S. Senator
- U.S. Representative
- Governor and Lieutenant Governor
- Secretary of State
- State Treasurer
- State Attorney General
- Member of the State Board of Education
- Regent of the University of Colorado
- State Senator
- State Representative

The measure does not apply to the office of U.S. President, district attorneys, or local government offices. These races will continue to be conducted as they are under current law.

How does the all-candidate primary election work under Proposition 131?

Under Proposition 131, all candidates who qualify appear on the same primary ballot, regardless of political party affiliation. Unaffiliated candidates collect signatures to qualify for the primary election, rather than the general election. Candidates from political parties still qualify for the primary by collecting signatures or receiving a party nomination.

All voters, regardless of political party affiliation, receive the all-candidate primary ballot and choose a single candidate for each office in the primary election. For each office, the four candidates with the highest number of votes advance to the general election and appear on that ballot in a random order. More than one candidate from the same political party may advance to the general election, and some parties may have no candidates advance. If there are four or fewer candidates for the office, all the candidates advance. Primary elections are conducted at the same time for multiple offices, so voters may receive ballots for the new system alongside ballots for the existing system for offices not covered by the measure.

What is ranked choice voting and how would it work under Proposition 131?

After the top four candidates advance from the all-candidate primary election, the general election determines the winner. Voters can rank some or all of the candidates for each office in order of preference. The winner is determined by counting the ranked votes using a method called instant runoff voting. If one candidate gets more than half of the first-place votes, they win the election. If no candidate wins more than half of the first-place votes, the candidate with the fewest first-place votes is eliminated and an additional round of counting is conducted.

Votes for the eliminated candidate are then counted for the next highest ranked candidate on each ballot, if any. This process continues until a candidate has more than half of the active votes, and wins the election.

If voters do not rank all the candidates or if they select the same ranking for multiple candidates, their ballots may not factor into the next round of counting. Such ballots are excluded from counting once all of their ranked candidates have been eliminated and it is not possible to redistribute votes to another candidate.

How do ballots look and how are they counted using ranked choice voting?

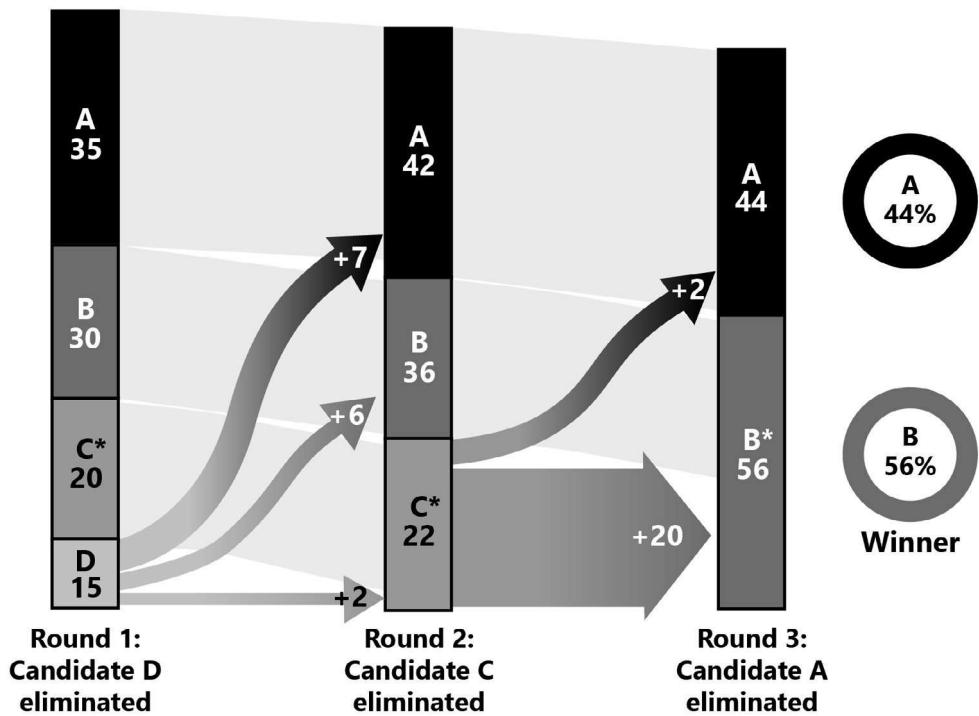
Figure 1 shows an example of an individual vote in a single race cast in a general election using ranked choice voting. In this example, the voter selected Candidate C as their first choice, Candidate D as their second choice, and Candidate B as their third choice. The voter did not rank Candidate A. Please note that the actual ballot will look different depending on future ballot design rules and decisions by election officials.

Figure 1
Example of Voted Ballot Using Ranked Choice Voting

| (rank candidates) | 1st | 2nd | 3rd | 4th |
|-----------------------------------|-----|-----|-----|-----|
| CANDIDATE A (Party 1) | ○ | ○ | ○ | ○ |
| CANDIDATE B (Party 2) | ○ | ○ | ● | ○ |
| CANDIDATE C (Party 2) | ● | ○ | ○ | ○ |
| CANDIDATE D (Unaffiliated) | ○ | ● | ○ | ○ |

Figure 2 gives sample results for a single race conducted using ranked choice voting. It shows how votes are counted in each round, including how votes are redistributed from eliminated candidates to voters' next highest ranked candidates. The asterisk indicates the candidate for which the sample ballot above would count in each round of voting: this ballot would be counted for Candidate C in rounds 1 and 2. In round 3, this ballot would be counted for Candidate B, because Candidates C and D are already eliminated by round 3. Additional detail on the redistribution of votes and counting process is provided below Figure 2. Please note that Figure 2 reflects only one possible scenario for this race's results. In some cases, one candidate will receive more than half the first-place votes in the first round of counting.

Figure 2
Example Election Results Using Ranked Choice Voting



In the example results in Figure 2, 100 votes are cast. No candidate has more than 50 percent of the first-place votes in round 1. Candidate D has the fewest votes in round 1 and is therefore eliminated. Ballots that ranked Candidate D first are now redistributed and counted for the next highest ranked candidate on those ballots in round 2. Again in round 2, no candidate has more than 50 percent of the votes, so the candidate with the fewest votes, Candidate C, is eliminated. Finally, after Candidate C's ballots are redistributed to those voters' next choice, Candidate B gets 56 percent of the votes in round 3 and wins the election. Please note that, for simplicity, every ballot counts in each round in this example. In practice, some ballots will run out of active candidates in their rankings and not factor into all rounds of counting.

When will Proposition 131 take effect?

Under current law, Proposition 131 cannot take effect until certain criteria are met. At least 12 municipalities that meet various demographic qualifications must use ranked choice voting, and the state must audit these elections and prepare a report, before an election for state and federal offices using the changes proposed in the measure can occur.

For information on those issue committees that support or oppose the measures on the ballot at the November 5, 2024, election, go to the Colorado Secretary of State's elections center web site hyperlink for ballot and initiative information:

<https://coloradosos.gov/pubs/elections/Initiatives/InitiativesHome.html>

Arguments For Proposition 131

- 1) The all-candidate primary gives all voters an equal opportunity to decide which candidates make the general election ballot. There are many districts in Colorado that are safe for one major political party, which means that whoever wins that primary election almost always wins the general election. Turnout is lower in primary elections, and the voters who do participate are often the most partisan. Opening primary races to more voters allows greater participation in these elections and could also make general elections more competitive.
- 2) Proposition 131 allows voters to rank the top four candidates in general elections, giving them more choice to express their voting preferences. General election voters are not necessarily limited to one candidate from each party, giving Coloradans more options. Voters are more empowered to give a top ranking to their favorite candidate, while still supporting backup choices. Ranked choice voting could lead to election results that better reflect the will of the voters.

Arguments Against Proposition 131

- 1) The new election system proposed by Proposition 131 is more complex and expensive. Voters will have to vote in two different systems for each election and may receive multiple ballots. Taxpayers will pay for extensive voter education and outreach efforts. Even so, some voters will still be confused and will incorrectly fill out their ballots, which could change election winners. The complexity of counting ranked results could lead to questions about whether the results are fair.

- 2) Political parties play an important role in our political system and should have their own primary elections to select candidates who reflect their beliefs and policy priorities. Unaffiliated voters can already participate in primary elections, so there is no need to open up primary elections in a way that further erodes the political parties' ability to select their own candidates. The all-candidate primary may also force candidates to spend more on their campaigns in order to stand out in a larger field, inviting even more money into our political system.

Fiscal Impact of Proposition 131

State spending. If the current law requirements for implementing the all-candidate primary and ranked choice voting are met, state spending in the Department of State will increase by about \$100,000 in the first year of implementation and around \$6 million per year in future years. These costs are to hire additional staff, make software updates, redesign ballots, conduct voter outreach, and reimburse counties for increased election costs.

Because the requirements under current law may delay implementation of the measure, the specific years when these impacts will occur cannot be identified. Impacts will not occur if the requirements for implementing ranked choice voting and all-candidate primaries are not met.

State revenue. State revenue from business filing fees paid to the Department of State must be increased to cover the costs listed above. The actual amount of new revenue and fee changes will be set administratively by the Department of State. Any adjustment in fees will only occur once the current law requirement for implementing the measure are met. If the state legislature uses state General Fund money to cover these costs, fees will not need to be adjusted.

Local government spending. If the current law requirements to implement the measure are met, counties will have increased costs to conduct primary and general elections. Counties will need to print and mail out new ballots, update voting systems, give new instructions to voters, perform additional tabulations, and provide additional training to staff and voters. Based on this, the cost to counties will increase by about \$5 million for the primary election and about \$4 million for the general election. The state reimburses a portion of county election costs.