



Our Election Systems

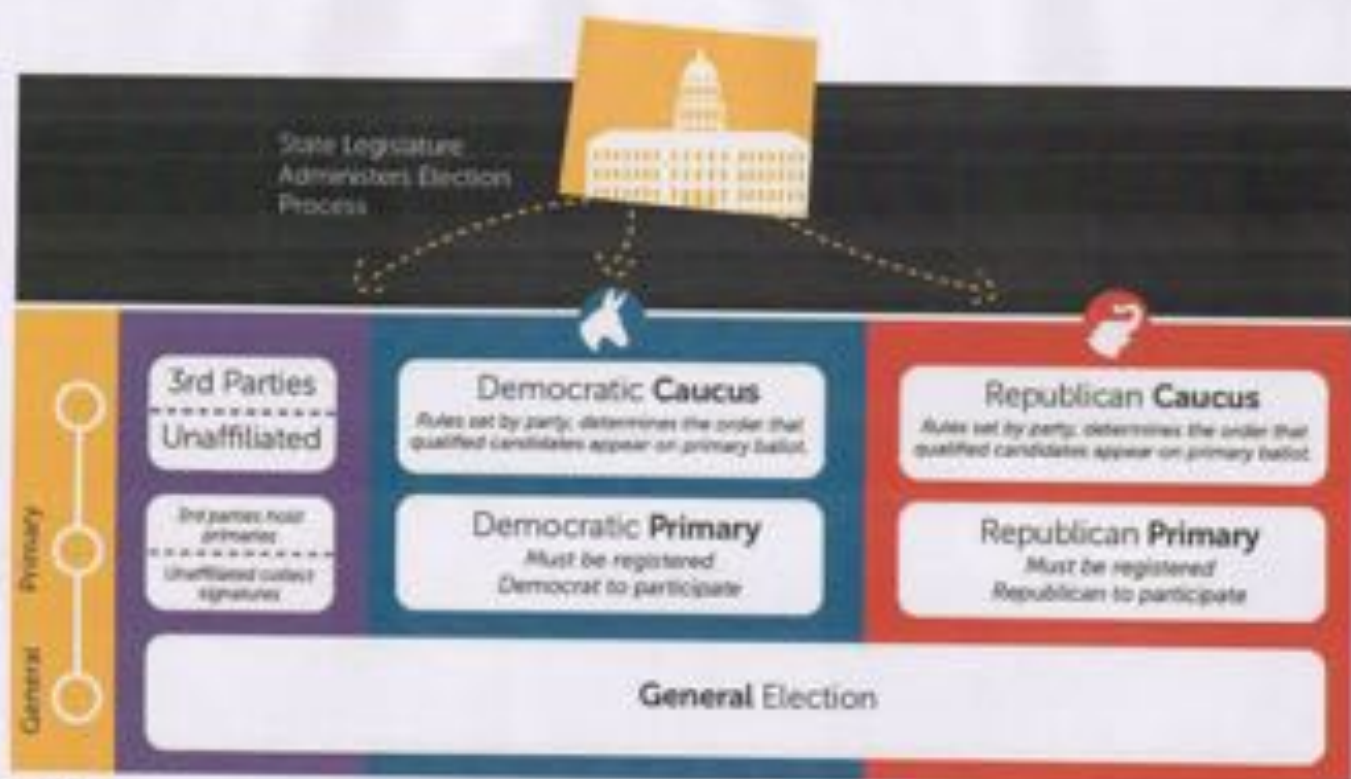


Fig. 1

Introduction

Colorado leads the U.S. in the percentage-increase of unaffiliated voters since 2008; and the group makes up the largest share of our electorate – 37% of active voters. Additionally, unaffiliateds are the state's fastest-growing bloc of voters, representing 57% of those who registered in 2014. Under current election rules, they cannot participate in primary elections without joining a party.

And, while Colorado garners considerable attention from presidential candidates every four years in the fall, we see much less interest during primary season due in some measure to our caucus system. Only a small fraction of eligible voters – generally, the most active in the party – turn out for caucuses, which further limits both participation and the broad appeal of candidates nominated via that process.



Finally, term limits were intended to limit political careerism and increase the diversity of our elected officials. Data call into question whether diversity has increased and whether average terms of service have declined. There is broad agreement, however, that there has been an increase in partisanship and a decline in experience among state legislators. Institutional knowledge and influence has shifted to lobbyists, staff and special interests.

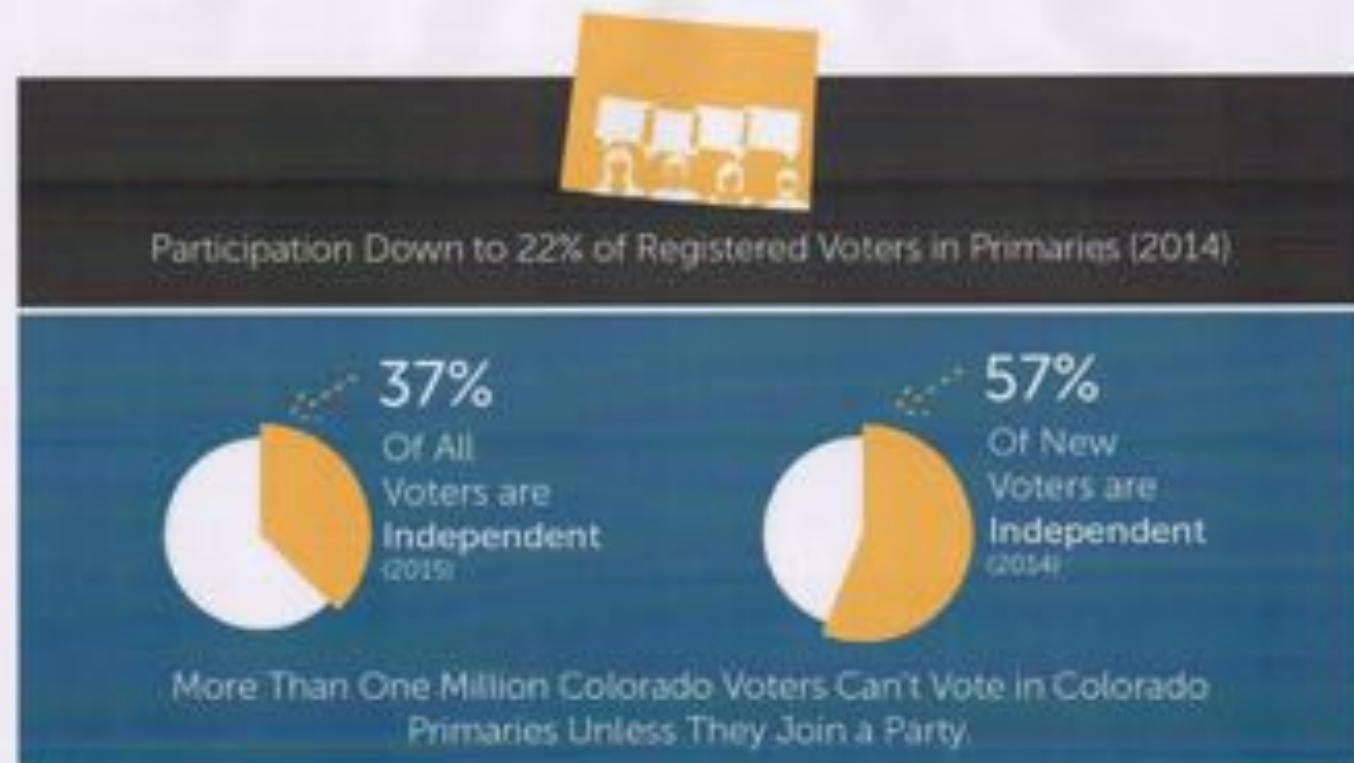


Fig. 2

Challenges

Declining Participation

Colorado allows voters to register through election day, but barriers exist that limit participation in primary elections and caucuses.

- Colorado routinely has among the highest general-election turnouts in the nation. But participation in primaries has declined from 31% of active voters in 2010 to just 22% in 2014.
- Colorado eliminated its presidential primary in 2003 due to budgetary constraints, and has instead relied on caucuses, which see lower turnout and can be of less interest to candidates.
- Caucuses limit turnout among Republicans, Democrats and unaffiliated voters because they are held in the evening on a single day as opposed to the 22 days allotted for voting in a primary.



Policy Options 1a-b: State Primary Elections

A majority of states allow independent voters to participate in primary elections for legislative and congressional races. Colorado is in the minority of states who limit their primary elections to party members only. Currently, unaffiliated voters can change their affiliation up to and on election day. Counties are required to send a notice to unaffiliated voters in advance of the election to let voters know what their options are before the primary. If the unaffiliated voter wants to remain unaffiliated after the election, then he/she must change his/her registration back to unaffiliated after voting in the primary.

1a. Maintain current policy for primary elections.

Challenges addressed: none

Pros

- No changes are necessary.
- The current system recognizes and preserves the historical and constitutionally protected rights of association of political parties
- Although unaffiliated voters must take the additional step to declare an affiliation and request a ballot, the burden on unaffiliated voters is minimal with online registration and the ability to join a party and request a primary ballot up to the day of the election in person.
- General election ballot access for unaffiliated and third-party candidates is relatively easy, so other options already exist to give voters choices beyond candidates nominated by the two major parties.

Cons

- The current system is confusing to many and election officials receive calls from voters asking why they received a primary ballot for uncontested races.
- Few Coloradans participate, and participation is declining.
- In the general election, voters are not necessarily choosing from among candidates that have the most support or are reflective of the electorate at large, but rather are choosing from candidates whom the most active members of the party support.
- The majority of races are uncontested making the process expensive with little engagement.
- Notice to unaffiliated voters is expensive and does not effectively increase participation or turnout.
- Under current election rules, more than 1 million active Colorado voters – those who chose to be “unaffiliated” with any political party – must take the additional step to declare a party affiliation in order to participate in taxpayer-financed primary elections.



1b. Enact an open "Top 2" or a "Nonpartisan Blanket" primary.

Challenges Addressed: Declining participation; Unaffiliated voters cannot participate equally in our primary elections; Activist influence

Background

Have ONE Primary Election in which ALL registered voters can participate and select the "Top 2" candidates, regardless of party affiliation, who will advance to the General Election. In this type of primary, all voters get the same ballot regardless of party affiliation (or lack of affiliation). It puts all candidates, regardless of party affiliation, on the same ballot – this may include candidates from the Green Party, Libertarian Party, etc., as well as from the Democratic and Republican parties. The top two vote-getters of any affiliation then face off in the general election. Versions of this system are currently used in Washington, Louisiana and California.

Pros

- Equally involving unaffiliated voters encourages the election of candidates who appeal to the broadest segment of the electorate, which may reduce partisanship in the legislature.
- All voters receive the same ballot style creating efficiencies and savings for taxpayers.
- Further protects voter anonymity because there are fewer ballot styles and less risk that voters' choices could be revealed due to a small number of voters in a particular precinct ballot style.
- More purely democratic because it considers the majority of voters within a district and their choices in the blanket primary. (If a very red district chooses two Republicans to go to the general election, that decision reflects the majority of voters in that district.)

Cons

- Represents a radical change from the current system.
- Is untested and with the exception of Louisiana, have only been used in Washington and California for a few years, so long-term benefits and consequences are unknown.
- Cannot be used for a presidential primary.
- Essentially eliminates the historic role of political parties in nominating candidates.
- Concerns about manipulation of nomination and run-off process by special interests.
- Concerns that choice in general election would be limited and less ideologically distinct—in some districts, two candidates from one party could end up on the general-election ballot.
- In districts where one party is dominant, vote-splitting among multiple, majority-party candidates could result in minority party actually being ONLY party represented in general election.



Policy Options 2a and 2b: Maintain Major Party Primary Elections But Allow Unaffiliated Voters To More Easily Participate

Challenges Addressed: Declining participation; Unaffiliated voters cannot participate equally in our primary elections; Activist influence

2a. Create a ballot style that includes the candidates from all major parties and send it to all unaffiliated voters.

Pros

- Makes it just as easy for unaffiliated voters to vote as registered party members.
- Would potentially increase participation.
- Increases transparency of the election process.
- Party-affiliated voters would still receive a party-specific ballot.
- By equally involving unaffiliated voters, encourages election of candidates who appeal to the broadest segment of electorate, which may reduce partisanship.

Cons

- Increased cost and effort for candidates by expanding number of voters whom they would need to reach out to as they compete in primary elections.
- Unaffiliated voters would still be required to make a choice between major political parties because they are not permitted to pick and choose between different parties for different races.
- Increases costs by creating a 3rd ballot style and sending ballots to 40% more voters statewide.
- Potentially adds to voter confusion and unaffiliated voter's entire ballot could be invalidated if he/she voted for Republicans and Democrats.
- In low-turnout or unpopulated precincts, you might be able to discern how a voter voted.
- Could create an incentive for voters to choose to be unaffiliated, exacerbating the trend toward less participation with major parties.



2b. Require unaffiliated voters to send in a postcard or show up on election day in person to declare affiliation for purposes of the election only and allow them the option to automatically disaffiliate immediately after the primary election.

Background

This process would be very similar to the current process except the unaffiliated voter's participation in the Primary Election would be assumed to be temporary and they would not need to disaffiliate after the election.

Pros

- Doesn't require additional step to return to unaffiliated status after election.
- May be less expensive than Option 3a, which requires creation of a third ballot style.

Cons

- Requires unaffiliated voters to take additional steps; reducing likelihood they will participate
- Party-affiliated voters would still receive a party-specific ballot.
- Maintains a notice requirement (the postcard) which is costly and could have little impact.
- No significant advantage over current process in terms of costs and ballot access.



Policy Options 3a - 3c: Presidential Candidate Nomination

Colorado does not currently have a Presidential Primary; instead, delegates to national political party conventions are chosen by a few thousand delegates at state political party conventions originating in the caucus and assembly process. Voters previously approved having a Presidential Primary in a referred measure in 1990, and Presidential Primary elections were held in Colorado in 1992, 1996, and 2000, but the Colorado legislature eliminated the Presidential Primary in Colorado in 2002 for budget reasons.

3a. Maintain current policy.

Challenges addressed: None

Pros

- Does not require any change to the current system
- Many local party activists and single-issue voters likely prefer current caucus and assembly method of selecting delegates to national presidential nominating conventions.

Cons

- Easily manipulated by a small number of activists/special interest groups.
- Extremely confusing and frustrating to the electorate.
- Often, the initial results at caucuses have little bearing on the ultimate outcome of the election of delegates to national conventions.
- There is little incentive for Presidential candidates to actively compete for votes among the broader electorate, and no way for the vast majority of Colorado voters to express their preference for Presidential candidates in any meaningful or binding way.
- Lower turnout than elections.



3b. Reinstate the presidential primary separate from current State Primary, which is held in June.

Challenges addressed: Declining participation; Activist Influence

Pros

- Empowers and interests the most voters.
- Could more easily be moved to earliest date possible under the respective national political party rules in order to have the greatest impact on the nomination contest. As a key presidential battleground; an earlier primary could increase Colorado's influence in the nominating process.
- More directly democratic with less potential for manipulation by special interest groups.
- As an active "player" in the national Presidential Primary, Colorado could see an economic benefit from additional spending by candidates and their supporters.

Cons

- It costs between \$1.5 million to \$1.8 million to conduct a stand-alone Presidential Primary, and may add additional costs and administrative expenses on county clerks.
- No guarantee that Colorado can become a significant "player" in the primary process.

3c. Reinstate a Presidential Primary Election and combine it with our current State Primary Election

Moving the State Primary Election to mid-March, April or early May, and subsequently replace the current caucus/assembly process with a petition-only system to qualify for the ballot.

Challenges addressed: Declining participation

Pros

- Has all the benefits of Option 3b, plus is more cost-effective.
- Most logical process for voters to understand.
- Decrease voter fatigue with multiple elections.
- Combining the Presidential Primary election with Colorado's primary elections would increase voter participation and might help engage voters later in the general election.



Cons

- Would likely require caucus and assembly process for candidates to qualify for primary election ballot to be eliminated or significantly streamlined. *(Timing may not work if Colorado retained the caucus and assembly method for partisan county, legislative, and statewide offices.)*
- Extends election season.

Policy Options 4a and 4b: Primary Election Ballot Qualification

Currently, there are two ways a candidate may qualify for the primary election ballot:

- **Caucus and Assembly:** The two major political parties host neighborhood caucuses which decide which neighbors will be their delegates to the County Assembly. (Potential candidates encourage their supporters to participate in the caucuses and be elected as delegates.) Caucus delegates attend the County Assembly which votes to determine which candidates have enough support to qualify for the primary ballot and which candidate will have the "top line" on the ballot.
- **Petition:** Potential candidates may also qualify for the ballot by collecting a requisite number of signatures of registered party voters within their district.

4a. Maintain current policy.

Challenges addressed: none

Pros

- Doesn't require changes to the current process.
- Works fine since candidates can bypass the caucus and assembly process and gain primary ballot access by petition already.
- Some party activists and leaders believe the caucuses help them recruit volunteers and additional activists.

Cons

- Very few voters participate in the caucus and assembly process.
- The current caucus process is easier to manipulate and tends to be dominated by more strident, single-issue activists.
- Special interest groups can spend a small amount of money to directly influence attendees and the very small number of caucus participants.
- Expensive and administratively burdensome on county and state political parties to administer, with very little residual value or ultimate impact on the outcome.



4b. Replace the Caucus/Assembly process with a petition-only process to qualify for the primary ballot.

Challenges addressed: Activist influence

Pros

- Petition-only ballot access would be less complicated than the caucus process.
- This would allow for a combined state and presidential primary by eliminating the long party caucus and assembly process.
- More consistent with other ballot access processes such as school board, initiatives, and municipal offices.
- More transparent and less subject to manipulation than the Caucus/Assembly process.

Cons

- Would be more costly for some candidates and require more organization earlier in the process.
- May favor wealthy candidates or those who have access to greater resources, and disfavor candidates with few resources, little name-recognition or existing political constituencies.
- May impact the role of political party vacancy committee in the designation and nomination process, and in the filling of vacancies in elective office.
- Legislature would need to make major changes to the way in which precinct committee persons are selected and political parties are organized.



Policy Options 5a - 5d: Term Limits

5a. Maintain current policy

Challenges addressed: None

Pros

- Limits legislators' ability to serve indefinitely.
- Forces turnover which brings new people and new ideas to the process.
- Limits one person from accumulating power which could be abused.
- Gives new candidates a better chance because they're not running against long-time veterans.

Cons

- Has increased influence of lobbyists and partisan staff (who are not accountable to voters) as they became more experienced than elected legislators and thus harbor the "institutional memory".
- Legislative leaders have less experience and often assume leadership roles in their last "lame duck" term which can make it difficult for them to achieve collaborative policy solutions.
- Continual committee turnover contributes to a less effective screening process and potentially ineffective legislation.
- Reduction of experienced members who are skilled policy makers and problem solvers.
- Contrary to original arguments in favor, they have not reduced average length of time which legislators serve, nor is there evidence that they have increased diversity of those elected.



5b. Increase term limits from the current 8-year limit to 12 or 16 years.

Challenge addressed: Loss of experience and institutional knowledge amongst legislators

Pros:

- An extended time can allow for further development of potential legislative leaders.
- Can lead to stronger and more productive committee work since turnover is decreased.
- Allows time for legislators to develop relationships and thus decrease partisanship.

Cons:

- May not reduce political careerism; could exacerbate the problem by allowing increased time in office.
- Will have little to no effect on increased demographic diversity (gender/racial) in legislature.

5c. Allow legislators who wish to run for an additional term (BEYOND their term limit) to seek from their constituents permission to be exempt from term limits by gathering a requisite number of signatures from registered voters in their district.

Challenge addressed: Loss of experience and institutional knowledge amongst legislators

Pros:

- Creates hurdle so only those who are truly invested in the job will petition for additional terms.
- Can allow for further development of legislative leaders and decrease inconsistencies in leadership.
- Empowers people to decide whether or not they want to extend the term of a particular legislator.

Cons:

- Legislators who have financial and political resources to petition for signatures have an advantage.
- If legislators have the option to run for additional terms, a simpler solution would be to extend or repeal term limits.
- Adds complexity to the process which may create confusion.



5d. Eliminate legislative term limits.

Challenge addressed: Loss of experience and institutional knowledge amongst legislators

Pros

- Provides legislators with ability to pass learning curve of the office and become skilled policy makers.
- Allows effective legislators to serve longer if their constituents so desire.
- Can allow for further development of legislative leaders and decrease inconsistencies in leadership.
- Decreases influence of lobbyists and staff; increases influence of legislators who are held accountable by their constituents.
- Committee functions and resulting policy decisions could be improved due to the contribution of more experienced legislators.

Cons

- Ineffective legislators could be allowed to serve longer and would be difficult to remove after serving for long periods of time.
- No assurance that removing term-limits would alleviate partisanship and gridlock.
- Electoral competition could be depressed.
- Could create a potential power imbalance between the term-limited executive branch (Governor) and institutionalized legislature.



Table 1. States with Term Limits for State Legislators

State	Year Enacted	House		Senate	
		Limit	Year of Impact	Limit	Year of Impact
Arizona	1992	8	2000	8	2000
Arkansas	1992	6	1998	8	2000
California	1990	6	1996	8	1998
Colorado	1990	8	1998	8	1998
Florida	1992	8	2000	8	2000
Louisiana	1995	12	2007	12	2007
Maine	1993	8	1996	8	1996
Michigan	1992	6	1998	8	2002
Missouri	1992	8	2002	8	2002
Montana*	1992	8	2000	8	2000
Nebraska	2000	N/A	N/A	8	2006
Nevada	1996	12	2010	12	2010
Ohio	1992	8	2000	8	2000
Oklahoma**	1990	12	2004	12	2004
South Dakota	1992	8	2000	8	2000

N/A = Nebraska's legislature is unicameral, it has only a senate.
*Montana limits state representatives and state senators to eight years service in their respective chambers during any 16-year period.
**Oklahoma legislators are limited to a total of 12 years, which may be served in either chamber or split between the two chambers.
Source: National Conference of State Legislatures, 2008.