

HB25-1319 LWVCO Written Testimony

4/29/25, Senate State, Veterans, & Military Affairs Committee

Proposed LWVCO Amendments:

The League of Women Voters of Colorado (LWVCO) is pleased that the HB25-1319 sponsors want to hold a November odd-year election rather than allow a vacancy committee appointment to serve more than one year. However, LWVCO is asking for 3 amendments to the bill:

- 1) Allow every elector in the county to vote in the November odd-year special vacancy election,
- 2) Allow any elector, regardless of party, to run in the November odd-year special vacancy election as long as they meet the qualifications to serve as county commissioner, and
- 3) Use a better voting method to reduce vote-splitting when there are more than 2 candidates running in the November odd-year special vacancy election.

Election Administrators Already Conduct Special Vacancy Elections Open to All Voters and Candidates

Opening up the vacancy election to all candidates and all voters, regardless of party, is the way all special elections currently operate.

- Let's look at examples of past on-cycle special county elections to fill vacancies in just one county – Boulder County. These special elections include the 2008 election to finish Tom Mayer's county commissioner term, the 2018 election to finish Jerry Robert's county assessor term, and the 2024 election to finish Emma Hall's coroner term.
- In the 25 years before Tom Mayer died in office, there were 4 people appointed to fill the seats of departing Boulder County Commissioners – Paul Danish, Josie Heath, Herbert "Buz" Smith and Linda Jourgensen – and there are other vacancies in other counties; county clerks are accustomed to special elections to finish terms of elected county officials.

<https://www.dailycamera.com/2009/08/14/crowded-field-for-county-vacancy/>

The point is, Colorado has been running special vacancy elections open to all candidates and all voters. To restrict the proposed odd-year November vacancy elections to only one party is unnecessary and increases costs for election administrators.

Only Partisan Primary Elections Limit Participation Based on Political Affiliation

The word "democracy" indicates participation by the entire population. In practice, we have some limitations based on citizenship, age and so forth. A partisan primary election to choose a political party's nominee may restrict who can cast a ballot based on party. It's also important to note that a primary election does not fill a seat; rather it winnows down the candidate pool and advances the primary-election winners to the general election.

The vacancy election in HB1319 is not a primary election. And because it's not a primary election and it is a government-run election, the vacancy election should be open to every elector, regardless of party. When some voters are denied the right to vote, it's voter disenfranchisement.

No States Hold Government-Run Vacancy Elections that Limit Participation Based on Party Affiliation

The League of Women Voters doesn't know of any states that disenfranchise certain voters and certain candidates, based on party, in any elections conducted by county clerks – except for partisan primary elections, which are the first election in a 2-election process.

The LWV does not want Colorado be the only state that disenfranchises voters based on party affiliation in a government-run election to actually fill a seat.

LWV Serves the People

The League of Women Voters, LWV, is a nonpartisan group that works to empower voters and defend democracy. We work for the people, not a political party.

Adopting the LWVCO Amendments Can Save ~90% of the Fiscal Note

Our election system is set up to allow every voter to vote in every November election. Because that's the way our system works, if this bill were amended to allow all candidates and voters to participate in the November odd-year special vacancy election, the fiscal note could be reduced by about \$300,000 dollars – 90% of the fiscal note. Given our very tight budget this year, now is not the time to increase election costs, particularly if the costs will disenfranchise some voters.

Outreach to Bill Sponsors

We reached out to the bill sponsors prior to Senate Majority Leader being added as a co-sponsor. We requested our amendments and commented on the fiscal note savings. We have not heard back from any of those 3 bill sponsors.

Reducing Vote-Splitting in a Vacancy Election

For our final point, after amending this bill to create a special vacancy election open to participation by all, the question of what voting method to use arises. In our current system, primary elections serve to winnow the candidate field and ensure that candidates represent different parties – but, with no primary election, all the candidates would run against each other.

For a Republican-dominant county, we might have 3 Republicans and 1 Democrat compete for the seat. If the election uses choose-one plurality voting, the three Republicans could split 60% of the vote and enable the Democrat to win with 40% of the vote.

The solution is to use a better, more expressive voting method, such as Approval Voting, which could be implemented immediately, is simple to audit, does not increase election administration costs, results in fewer ballot errors and is very transparent in terms of tabulation. The Instant-Runoff Voting form of Ranked Choice Voting is another option for odd-year November elections but would increase costs and labor. (SB24-210 – also sponsored by Rep. Sirota – forbid the use of Instant-Runoff Voting in primary and general elections, but Instant-Runoff Voting is still allowed in coordinated odd-year November elections.)

Conclusion

To be clear, LWV wants vacancy elections in November of odd-numbered years, but we want to allow all voters and all candidates, regardless of party, to participate in the vacancy election and cast a meaningful vote.

In conclusion, we strongly urge this committee to adopt the 3 amendments that the League of Women Voters has proposed.