

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 12-0719.01 Kate Meyer x4348

HOUSE BILL 12-1293

HOUSE SPONSORSHIP

Todd, Court, Ferrandino, Liston, Murray

SENATE SPONSORSHIP

King K.,

House Committees

State, Veterans, & Military Affairs

Senate Committees

State, Veterans & Military Affairs

A BILL FOR AN ACT

101 CONCERNING MODIFICATIONS TO PROCEDURES THAT GOVERN RECALL
102 ELECTIONS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill amends, updates, and clarifies various laws governing recall elections, notably:

- ! **Sections 2 and 12** prohibit profane or false statements from being included in either a recall petition's statement of grounds or in an elected officer's statement of justification,

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

SENATE
2nd Reading Unam ended
April 30, 2012

HOUSE
3rd Reading Unam ended
April 18, 2012

HOUSE
2nd Reading Unam ended
April 15, 2012

- respectively;
- ! **Section 5** changes the appropriate official with whom to file a petition for recall in non-school board recall elections from the district court to the applicable political subdivision's designated election official;
 - ! **Section 6** sets forth specific procedures for recall petitions and review of recall petitions, directs designated election officials to provide specific reasons for rejecting petitions, and allows a committee that submitted a petition not approved as to form to resubmit a corrected petition or appeal a petition deemed insufficient;
 - ! **Section 8** changes the event that, for timing purposes, determines whether a recall election must be conducted notwithstanding an officer's resignation;
 - ! **Section 9** tasks designated election officials, rather than a political subdivision, with setting recall election dates, and applies current law merging certain recall elections with general elections to special district elections, if a special district director is the subject of the recall;
 - ! **Section 10** establishes procedures for nonpartisan recall elections conducted by mail ballot;
 - ! **Section 11** specifies how notices of recall elections must be published;
 - ! **Section 12** requires ballots to contain a blank space for electors to use to vote for a write-in candidate;
 - ! **Section 14** aligns recall elections conducted by mail with other laws pertaining to mail-in and mail ballot voting;
 - ! **Section 15** specifies a certain period of time within which a write-in candidate must file his or her affidavit of intent;
 - ! **Section 16** distinguishes between partisan and nonpartisan elections for procedures to nominate a person to succeed an officer sought to be recalled;
 - ! **Section 17** excludes write-in candidates from the potential successors to be listed on a recall election ballot; and
 - ! **Section 19** requires political subdivisions to reimburse county clerk and recorders for reasonable recall election expenses.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 1-12-100.5 as
 3 follows:

4 **1-12-100.5. Definitions.** AS USED IN THIS PART 1, UNLESS THE

1 CONTEXT OTHERWISE REQUIRES:

2 (1) "APPROVED AS TO FORM" MEANS THAT THE APPROPRIATE
3 DESIGNATED ELECTION OFFICIAL HAS REVIEWED THE BLANK FORM OF A
4 PETITION AND HAS APPROVED THE FORM AS MEETING THE STANDARDS SET
5 FORTH IN THIS ARTICLE.

6 (2) "CIRCULATED" MEANS PRESENTED TO AN ELECTOR FOR THE
7 COLLECTION OF A SIGNATURE AND OTHER INFORMATION REQUIRED BY THIS
8 ARTICLE.

9 (3) "COMMITTEE" MEANS THE COMMITTEE OF SIGNERS DESCRIBED
10 IN SECTION 1-12-108 (2).

11 (4) "ELECTED OFFICER" MEANS ANY PERSON ELECTED TO PUBLIC
12 OFFICE OR APPOINTED TO FILL A VACANCY IN AN ELECTED POSITION OF
13 PUBLIC OFFICE.

14 **SECTION 2.** In Colorado Revised Statutes, **amend** 1-12-103 as
15 follows:

16 **1-12-103. Petition for recall - statement of grounds.** Eligible
17 electors of a political subdivision may initiate the recall of an elected
18 official by signing a petition which demands the election of a successor
19 to the officer named in the petition. The petition shall contain a general
20 statement, consisting of two hundred words or less, stating the ground or
21 grounds on which the recall is sought. THE GENERAL STATEMENT MAY
22 NOT INCLUDE ANY PROFANE OR FALSE STATEMENTS. The statement is for
23 the information of the electors who ~~shall be~~ ARE the sole and exclusive
24 judges of the legality, reasonableness, and sufficiency of the ground or
25 grounds assigned for the recall. The ground or grounds ~~shall not be~~ ARE
26 NOT open to review.

27 **SECTION 3.** In Colorado Revised Statutes, **amend** 1-12-105 as

1 follows:

2 **1-12-105. Signatures required for school district officers.** A
3 petition to recall a school district officer shall be signed by eligible
4 electors of the school district equal in number to at least forty percent of
5 those electors who voted in such district in the last preceding election at
6 which the director to be recalled was elected as indicated by the pollbook
7 or abstract for such election. If no such election was held, ~~such~~ THE
8 petition shall be signed by eligible electors of the school district equal in
9 number to at least ten percent of those electors residing within the school
10 district on the date that the ~~form of the~~ petition is approved AS TO FORM
11 under section 1-12-108 (4). In no case shall the number required for recall
12 be less than ten percent of eligible electors qualified to vote in the most
13 recent biennial school election; except that no more than fifteen thousand
14 signatures ~~shall be~~ IS required.

15 **SECTION 4.** In Colorado Revised Statutes, **amend** 1-12-106 as
16 follows:

17 **1-12-106. Signatures required for nonpartisan officers.** A
18 petition to recall any other nonpartisan officer shall be signed by three
19 hundred eligible electors of the political subdivision who are entitled to
20 vote for a successor to the incumbent sought to be recalled or forty
21 percent of the eligible electors of the political subdivision at the time the
22 ~~form of the~~ petition is approved AS TO FORM under section 1-12-108 (4),
23 whichever number is less.

24 **SECTION 5.** In Colorado Revised Statutes, **amend** 1-12-107 as
25 follows:

26 **1-12-107. Designated election officials.** (1) For state recall
27 elections, the petition shall be filed with the secretary of state who shall

1 REVIEW AND APPROVE AS TO FORM THE PETITION FOR RECALL AS
2 PROVIDED IN SECTION 1-12-108 (4), certify the sufficiency of the petition,
3 ~~to~~ AND NOTIFY the governor, who shall set the date for the election. The
4 election shall be conducted by the appropriate county clerk and recorder
5 in the manner provided in this ~~article~~ TITLE for state elections.

6 (2) For county recall elections, the COUNTY CLERK AND RECORDER
7 SHALL REVIEW AND APPROVE AS TO FORM THE PETITION AS PROVIDED IN
8 SECTION 1-12-108 (4). THE petition shall be filed with the county clerk
9 and recorder who shall certify the sufficiency of the petition and call and
10 conduct the election.

11 (3) For school board recall elections, the COUNTY CLERK AND
12 RECORDER SHALL REVIEW AND APPROVE AS TO FORM THE PETITION AS
13 PROVIDED IN SECTION 1-12-108 (4). THE petition shall be filed with the
14 county clerk and recorder OF THE COUNTY in which the school district's
15 administrative offices are located. The clerk and recorder of the county
16 shall certify the sufficiency of the petition and call and conduct the
17 election.

18 (4) (a) For all other nonpartisan RECALL elections, the FORM OF
19 THE petition shall be filed with ~~the district court in the county in which~~
20 the DESIGNATED ELECTION OFFICIAL FOR THE political subdivision ~~was~~
21 ~~organized. The court shall then~~ OF THE INCUMBENT SOUGHT TO BE
22 RECALLED.

23 (b) (I) IF THERE IS NO DESIGNATED ELECTION OFFICIAL FOR THE
24 POLITICAL SUBDIVISION OF THE INCUMBENT SOUGHT TO BE RECALLED, THE
25 PETITION SHALL BE FILED WITH ANOTHER OFFICER OF THAT POLITICAL
26 SUBDIVISION.

27 (II) AN OFFICER WHO RECEIVES A PETITION FILED UNDER

1 SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) SHALL IMMEDIATELY NOTIFY:

2 (A) THE COUNTY CLERK AND RECORDER OF THE COUNTY IN WHICH
3 THE DISTRICT COURT FILE FOR THE POLITICAL SUBDIVISION IS LOCATED; OR

4 (B) IF THERE IS NO SUCH DISTRICT COURT FILE, THE COUNTY CLERK
5 AND RECORDER OF THE COUNTY IN WHICH THE POLITICAL SUBDIVISION HAS
6 THE GREATEST NUMBER OF ELIGIBLE ELECTORS AT THE TIME THE PETITION
7 IS FILED.

8 (III) A COUNTY CLERK AND RECORDER RECEIVING A PETITION
9 UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH (b) SHALL PROMPTLY
10 appoint a PERSON TO SERVE AS THE designated election official. ~~to~~ THE
11 APPOINTED DESIGNATED ELECTION OFFICIAL SHALL REVIEW AND APPROVE
12 AS TO FORM THE PETITION AS PROVIDED IN SECTION 1-12-108 (4), certify
13 the sufficiency of the petition, and call and conduct the election.

14 **SECTION 6.** In Colorado Revised Statutes, 1-12-108, **amend** (1),
15 (2), (3) (a), (3) (b), (4), (5) (c), (6) (b), (6) (c), (7.5), (8), (9) (a), (9) (c),
16 and (9) (d) (I); and **add** (1.5) as follows:

17 **1-12-108. Petition requirements - approval as to form.** (1) The
18 petition shall be prepared and circulated pursuant to this part 1. ~~No~~
19 ~~signature shall be counted that was placed on a petition prior to approval~~
20 ~~of the petition by the designated election official or more than sixty days~~
21 ~~after the designated election official's approval of the petition.~~

22 (1.5) NO SIGNATURE SHALL BE COUNTED THAT WAS PLACED ON A
23 PETITION PRIOR TO APPROVAL AS TO FORM OF THE PETITION BY THE
24 DESIGNATED ELECTION OFFICIAL PURSUANT TO SUBSECTION (4) OF THIS
25 SECTION OR MORE THAN SIXTY DAYS AFTER THE DESIGNATED ELECTION
26 OFFICIAL'S APPROVAL AS TO FORM OF THE PETITION.

27 (2) (a) The petition for the recall of an elected official may consist

1 of one or more sheets, to be fastened together in the form of one petition
2 section, but each SIDE OF THE sheet THAT CONTAINS SIGNATURES OF
3 ELIGIBLE ELECTORS shall contain the same heading and each petition
4 section shall contain one sworn affidavit of the circulator. No petition
5 shall contain the name of more than one person proposed to be recalled
6 from office.

7 (b) The petition for recall may be circulated and signed in
8 sections, and each section shall contain a full and accurate copy of the
9 WARNING AS REQUIRED BY PARAGRAPH (b) OF SUBSECTION (3) OF THIS
10 SECTION, THE title ~~and text of the petition~~ IN PARAGRAPH (c) OF
11 SUBSECTION (3) OF THIS SECTION, THE GENERAL STATEMENT AS
12 DESCRIBED IN SECTION 1-12-103, AND APPROPRIATE COLUMNS OR SPACES
13 FOR THE INFORMATION REQUIRED IN PARAGRAPH (b) OF SUBSECTION (5)
14 OF THIS SECTION. Each petition SECTION shall designate, by name and
15 address, A COMMITTEE OF UP TO three persons ~~referred to in this section~~
16 ~~as the "committee"~~, that shall represent the signers in all matters affecting
17 the petition.

18 (3) (a) ~~The signatures to a recall petition need not all be appended~~
19 ~~to one paper, but~~ No petition shall be ~~legal~~ CERTIFIED AS SUFFICIENT that
20 does not contain the requisite number of names of eligible electors whose
21 names do not appear on any other petition previously filed for the recall
22 of the same person under the provisions of this ~~section~~ ARTICLE.

23 (b) At the top of each ~~page~~ SIDE OF EACH SHEET THAT CONTAINS
24 SIGNATURES OF ELIGIBLE ELECTORS shall be printed, in bold-faced type,
25 the following:

26 **WARNING:**
27 **IT IS AGAINST THE LAW:**

1 **For anyone to sign this petition with any name other**
2 **than one's own or to knowingly sign one's name more**
3 **than once for the same measure or to knowingly sign**
4 **the petition when not a registered elector.**

5 **Do not sign this petition unless you are an eligible**
6 **elector. To be an eligible elector you must be registered**
7 **to vote and eligible to vote in (name of political**
8 **subdivision) elections.**

9 **Do not sign this petition unless you have read or have**
10 **had read to you the proposed recall measure in its**
11 **entirety and understand its meaning.**

12 (4) (a) No petition shall be circulated until it has been approved
13 AS TO FORM as meeting the requirements of this subsection (4). ~~as to form.~~
14 The official with whom the petitions are to be filed pursuant to section
15 1-12-107 shall approve or disapprove a petition as to form by the close of
16 the ~~second~~ SEVENTH business day following submission of the proposed
17 petition. ON THE DAY THAT THE ACTION IS TAKEN, the official shall mail
18 written notice of the action taken to the ~~person who submitted the petition~~
19 COMMITTEE and to the ~~officer~~ PERSON whom the petition seeks to recall.
20 ~~on the day the action is taken.~~

21 (b) IF THE FORM OF THE PETITION IS NOT APPROVED AS TO FORM,
22 THE DESIGNATED ELECTION OFFICIAL SHALL PROVIDE SPECIFIC REASONS
23 FOR THE DISAPPROVAL.

24 (c) NOTHING IN THIS SECTION LIMITS THE ABILITY OF THE
25 COMMITTEE TO CORRECT A PETITION AS TO FORM IN ACCORDANCE WITH
26 THE SPECIFIC REASONS SET FORTH PURSUANT TO PARAGRAPH (b) OF THIS
27 SUBSECTION (4) AND TO SUBMIT THE CORRECTED PETITION FOR REVIEW

1 AND APPROVAL OR DISAPPROVAL IN THE SAME MANNER AS PROVIDED IN
2 THIS PART 1 FOR AN ORIGINAL SUBMISSION.

3 (5) (c) Any person, except a circulator, may assist an elector who
4 is physically unable to sign the petition in completing the information on
5 the petition as required by law. On the petition immediately following the
6 name of the ~~disabled~~ elector RECEIVING ASSISTANCE, the person providing
7 assistance shall both sign and state that the assistance was given to the
8 ~~disabled~~ elector.

9 (6) (b) To each petition section shall be attached a signed,
10 notarized, and dated affidavit executed by the person who circulated the
11 petition section, which shall include: The affiant's printed name, the
12 address at which the affiant resides, including the street name and
13 number, the city or town, the county, and the date of signature; a
14 statement that the affiant was a resident of the state, a citizen of the
15 United States, and at least eighteen years of age at the time the section of
16 the petition was circulated and signed by the listed electors; a statement
17 that the affiant circulated the section of the petition; a statement that each
18 signature on the petition section WAS PLACED ON THE PETITION SECTION
19 IN THE PRESENCE OF THE AFFIANT; A STATEMENT THAT EACH SIGNATURE
20 ON THE PETITION SECTION is the signature of the person whose name it
21 purports to be; a statement that to the best of the affiant's knowledge and
22 belief each of the persons signing the petition section was, at the time of
23 signing, an eligible elector; and a statement that the affiant has not paid
24 or will not in the future pay and that the affiant believes that no other
25 person has paid or will pay, directly or indirectly, any money or other
26 thing of value to any signer for the purpose of inducing or causing the
27 signer to sign the petition.

1 (c) The designated election official shall not accept for filing any
2 section of a petition that does not have attached to it the notarized
3 affidavit required by this section. Any signature added to a section of a
4 petition after the NOTARIZED affidavit has been executed is invalid.

5 (7.5) The petition may be filed at any time during the sixty-day
6 period after the designated election official's approval AS TO FORM of the
7 petition form as specified in subsection (1) of this section. The committee
8 shall file all sections of a petition simultaneously, and any section of a
9 petition submitted after the petition is filed shall be IS invalid and of HAS
10 no force and OR effect.

11 (8) (a) ~~Upon filing~~ PROMPTLY AFTER THE PETITION HAS BEEN
12 FILED, the designated election official for the political subdivision shall
13 review all petition information and verify the information against the
14 registration records, and, where applicable, the county assessor's records.
15 The secretary of state shall establish guidelines for verifying petition
16 entries. WITHIN TWENTY-FOUR HOURS AFTER THE PETITION IS DELIVERED,
17 THE DESIGNATED ELECTION OFFICIAL SHALL NOTIFY THE INCUMBENT OF
18 THE DELIVERY. FOLLOWING VERIFICATION OF THE PETITION BY THE
19 DESIGNATED ELECTION OFFICIAL, THE DESIGNATED ELECTION OFFICIAL
20 SHALL MAKE A COPY OF THE PETITION AVAILABLE TO THE INCUMBENT
21 SOUGHT TO BE RECALLED.

22 (b) Any disassembly of a section of the petition prior to filing that
23 has the effect of separating the affidavits AFFIDAVIT from the signatures
24 shall render RENDERS that section of the petition invalid and of no force
25 and effect.

26 (c) (I) After review, and no later than ~~ten working~~ FIFTEEN
27 BUSINESS days after the initial filing of the petition, the designated

1 election official shall notify the committee and the incumbent of the
2 number of valid signatures and whether the petition appears to be
3 sufficient or insufficient.

4 (II) Upon determining that the petition is sufficient and after the
5 time for protest has passed, the designated election official shall
6 PROMPTLY certify the recall question to the ballot and CALL THE ELECTION
7 IN ACCORDANCE WITH SECTION 1-12-110, AND if the election is a
8 coordinated election, notify the coordinated election official.

9 (III) IF THE PETITION IS VERIFIED AS INSUFFICIENT, THE
10 DESIGNATED ELECTION OFFICIAL SHALL PROVIDE THE SPECIFIC REASONS
11 FOR THE DETERMINATION TO THE COMMITTEE. THE DETERMINATION MAY
12 BE APPEALED BY THE COMMITTEE IN THE MANNER PROVIDED IN SECTION
13 1-1-113 TO THE DISTRICT COURT IN THE COUNTY IN WHICH THE PETITION
14 WAS FILED. NO PERSON OTHER THAN THOSE ON THE COMMITTEE HAVE
15 STANDING TO APPEAL A DETERMINATION THAT THE PETITION IS
16 INSUFFICIENT.

17 (9) (a) (I) A recall petition that has been verified by the designated
18 election official shall be held to be sufficient unless a protest in writing
19 under oath is filed in the office of the designated election official by an
20 eligible elector within fifteen days after the designated election official
21 has determined the sufficiency ~~or insufficiency~~ of the petition under
22 paragraph (c) of subsection (8) of this section.

23 (II) The ~~petition~~ PROTEST shall set forth specific grounds for the
24 protest. Grounds include ~~but are not limited to~~ failure of any portion of a
25 petition or circulator affidavit to meet the requirements of this article or
26 any conduct on the part of petition circulators that substantially misleads
27 persons signing the petition. The designated election official shall

1 forthwith mail a copy of the protest to the committee ~~named in the~~
2 ~~petition as representing the signers~~, together with a notice fixing a time
3 for hearing the protest not less than five nor more than ten days after the
4 notice is mailed.

5 (III) Every hearing shall be before the designated election official
6 with whom the protest is filed or A DESIGNEE OF THE DESIGNATED
7 ELECTION OFFICIAL APPOINTED AS THE HEARING OFFICER OR before a
8 district judge sitting in that county if the designated election official is the
9 subject of the recall. The testimony in every hearing shall be under oath.
10 The hearing shall be summary and not subject to delay and shall be
11 concluded within thirty days after the ~~petition~~ PROTEST is filed WITH THE
12 DESIGNATED ELECTION OFFICIAL, and the result shall be forthwith certified
13 to the committee.

14 (c) A petition for recall may be amended TO COLLECT ADDITIONAL
15 SIGNATURES OR CURE CIRCULATOR AFFIDAVITS once at any time within
16 sixty days from the date the petition ~~form~~ was approved AS TO FORM by
17 the designated election official under subsection (4) of this section.

18 (d) (I) Any signer may request that his or her name be stricken
19 from the petition at any time ~~within the sixty-day period prior to the date~~
20 ~~the petition~~ PRIOR TO WHEN THE PETITION is deemed sufficient and the
21 time for protest has passed by filing WITH THE DESIGNATED ELECTION
22 OFFICIAL a written request that his or her signature be stricken ~~with the~~
23 ~~designated election official~~ and delivering a copy of ~~such~~ THE request to
24 at least one member of the committee. If ~~such~~ THE request is delivered to
25 the member of the committee or the DESIGNATED election official through
26 the United States ~~mails~~ MAIL, it shall be deemed delivered to the
27 committee or the DESIGNATED election official on the date shown by the

1 cancellation mark on the envelope containing the request received by the
2 member OF THE COMMITTEE or the DESIGNATED election official. If the
3 request is delivered to the member of the committee or the DESIGNATED
4 election official in any other manner, it shall be deemed delivered to the
5 committee or the DESIGNATED election official on the date of delivery and
6 stamped receipt by the DESIGNATED election official.

7 **SECTION 7.** In Colorado Revised Statutes, **amend** 1-12-109 as
8 follows:

9 **1-12-109. Resignation.** If an officer whose recall is sought offers
10 a resignation, it shall be accepted and the vacancy caused by the
11 resignation shall be filled as provided by law. The person appointed to fill
12 the vacancy caused by the resignation shall hold the office only until the
13 person elected at the recall election is qualified; EXCEPT THAT, IF THE
14 RECALL ELECTION IS CANCELED IN ACCORDANCE WITH SECTION 1-12-110
15 (1), THE PERSON APPOINTED TO FILL THE VACANCY SHALL HOLD THE
16 OFFICE UNTIL IT IS FILLED AT THE NEXT REGULARLY SCHEDULED ELECTION
17 FOR THAT OFFICE.

18 **SECTION 8.** In Colorado Revised Statutes, **amend** 1-12-110 as
19 follows:

20 **1-12-110. Call for election - cancellation of recall election.**

21 (1) If the officer whose recall is sought does not resign within five days
22 after the sufficiency of the recall petition has been ~~sustained~~ CERTIFIED BY
23 THE DESIGNATED ELECTION OFFICIAL AND THE TIME FOR PROTEST HAS
24 PASSED, the designated election official shall ~~make notice by publication~~
25 ~~for the holding of a recall election, and the officers charged by law with~~
26 ~~election duties shall make necessary arrangements for the conduct of the~~
27 ~~election. The election shall be conducted pursuant to the provisions of~~

1 ~~this title~~ CALL THE ELECTION AND SET THE ELECTION DATE AS REQUIRED
2 BY SECTION 1-12-111; EXCEPT THAT, IF THE OFFICER WHOSE RECALL IS
3 SOUGHT RESIGNS AT ANY TIME PRIOR TO THE DEADLINE TO SUBMIT A
4 PETITION AS A SUCCESSOR CANDIDATE IN ACCORDANCE WITH SECTION
5 1-12-117, THE RECALL ELECTION SHALL BE CANCELED.

6 (2) If the officer whose recall is sought resigns at any time after
7 ~~the filing of the certification of election question for the ballot~~ DEADLINE
8 TO SUBMIT A PETITION AS A SUCCESSOR CANDIDATE, the recall election
9 shall be called and held notwithstanding the resignation.

10 **SECTION 9.** In Colorado Revised Statutes, **amend** 1-12-111 as
11 follows:

12 **1-12-111. Setting date of recall election.** If the recall petition is
13 held to be sufficient under section 1-12-108 (8) (c) and after the time for
14 protest has passed, ~~the officer with whom the recall petition was filed~~
15 DESIGNATED ELECTION OFFICIAL, without delay, ~~shall submit the petition,~~
16 ~~together with a certificate of its sufficiency, to the appropriate governing~~
17 ~~body.~~ The governing body shall set a date for the recall election not less
18 than forty-five nor more than seventy-five days ~~from the date of~~
19 ~~determination of sufficiency~~ AFTER THE PETITION HAS BEEN DEEMED
20 SUFFICIENT AND THE TIME FOR PROTEST HAS PASSED; however, if a general
21 election, OR A REGULAR SPECIAL DISTRICT ELECTION IN THE CASE OF A
22 RECALL ELECTION OF A SPECIAL DISTRICT DIRECTOR, is to be held within
23 ninety days after the ~~determination of sufficiency~~ PETITION HAS BEEN
24 DEEMED SUFFICIENT AND THE TIME FOR PROTEST HAS PASSED, the recall
25 election shall be held as a part of ~~the general~~ THAT election.

26 **SECTION 10.** In Colorado Revised Statutes, **add** 1-12-111.5 as
27 follows:

1 **1-12-111.5. Nonpartisan recall mail ballot plan.** (1) IF A
2 NONPARTISAN RECALL ELECTION IS TO BE CONDUCTED BY MAIL BALLOT,
3 THE DESIGNATED ELECTION OFFICIAL SHALL SUBMIT A WRITTEN MAIL
4 BALLOT PLAN TO THE SECRETARY OF STATE IN ACCORDANCE WITH SECTION
5 1-7.5-105 NO LATER THAN FIVE CALENDAR DAYS AFTER CALLING THE
6 ELECTION.

7 (2) THE SECRETARY OF STATE SHALL APPROVE OR DISAPPROVE A
8 RECALL MAIL BALLOT PLAN WITHIN FIVE CALENDAR DAYS AFTER
9 RECEIVING THE PLAN AND SHALL PROVIDE WRITTEN NOTICE TO THE
10 DESIGNATED ELECTION OFFICIAL.

11 **SECTION 11.** In Colorado Revised Statutes, **add** 1-12-111.7 as
12 follows:

13 **1-12-111.7. Recall election notice - publication.** (1) FOR A
14 RECALL ELECTION OF A STATE OFFICER, THE GOVERNOR SHALL PUBLISH
15 NOTICE OF THE RECALL ELECTION IN THE NEWSPAPER WITH THE LARGEST
16 CIRCULATION IN THE STATE, AND THE SECRETARY OF STATE SHALL
17 PUBLISH NOTICE OF THE RECALL ELECTION ON ITS WEB SITE.

18 (2) FOR A RECALL ELECTION FOR AN OFFICER OTHER THAN A STATE
19 OFFICER, THE DESIGNATED ELECTION OFFICIAL SHALL PUBLISH NOTICE OF
20 THE RECALL ELECTION IN A NEWSPAPER OF GENERAL CIRCULATION IN
21 ACCORDANCE WITH SECTION 1-5-205.

22 **SECTION 12.** In Colorado Revised Statutes, 1-12-112, **amend**
23 (1); and **add** (3) as follows:

24 **1-12-112. Ballots - statements included.** (1) In addition to all
25 other requirements of law, the official ballot shall contain ~~a~~ THE statement
26 ~~consisting of two hundred words or less~~ DESCRIBED IN SECTION 1-12-103
27 stating the ~~reasons set forth in the petition~~ GROUNDS for demanding the

1 officer's recall. The officer sought to be recalled may submit TO THE
2 DESIGNATED ELECTION OFFICIAL a statement of ~~justification of~~ THREE
3 HUNDRED WORDS OR FEWER JUSTIFYING the officer's course ~~in~~ OF conduct.
4 ~~in three hundred words or less to the designated election official.~~ THE
5 OFFICER SHALL NOT INCLUDE ANY PROFANE OR FALSE STATEMENTS IN THE
6 STATEMENT OF JUSTIFICATION. The officer shall submit ~~any such~~ THE
7 statement no later than ten ~~working~~ BUSINESS days after the ~~date of~~
8 ~~issuance of the certificate of sufficiency by the designated election~~
9 ~~official~~ PETITION HAS BEEN DEEMED SUFFICIENT AND THE TIME FOR
10 PROTEST HAS PASSED. The official ballot shall contain ~~such~~ THE statement
11 of justification if submitted pursuant to this subsection (1).

12 (3) THE OFFICIAL BALLOT FOR THE ELECTION OF A SUCCESSOR TO
13 THE OFFICER SOUGHT TO BE RECALLED SHALL CONTAIN A BLANK SPACE IN
14 WHICH THE ELECTOR MAY WRITE THE NAME OF A WRITE-IN CANDIDATE
15 WHO HAS TIMELY FILED AN AFFIDAVIT OF INTENT IN ACCORDANCE WITH
16 SECTION 1-12-115.

17 **SECTION 13.** In Colorado Revised Statutes, **amend** 1-12-113 as
18 follows:

19 **1-12-113. Conduct and timing of recall election.** (1) EXCEPT AS
20 MODIFIED BY THIS ARTICLE, the recall election and election of a successor
21 shall be conducted according to ~~the provisions of~~ articles 1 to 13 of this
22 title.

23 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS PART 1, FOR A
24 RECALL ELECTION, ALL EVENTS IN THE UNIFORM ELECTION CODE THAT ARE
25 TO BE COMPLETED BY THE SECRETARY OF STATE, DESIGNATED ELECTION
26 OFFICIAL, OR COORDINATED ELECTION OFFICIAL ON OR BEFORE THE
27 FORTY-FIFTH DAY PRIOR TO THE ELECTION SHALL BE COMPLETED NO

1 LATER THAN THE FORTY-SECOND DAY PRIOR TO THE RECALL ELECTION.

2 **SECTION 14.** In Colorado Revised Statutes, **amend** 1-12-114 as
3 follows:

4 **1-12-114. Mail-in and mail ballots.** (1) Applications for mail-in
5 ballots shall be made available by the appropriate designated election
6 officials no later than twenty-four hours after the date for the recall
7 election is set. ~~Mail-in ballots shall be available no later than thirty days~~
8 ~~before the recall election~~ THE DESIGNATED ELECTION OFFICIAL SHALL
9 MAKE MAIL-IN BALLOTS AVAILABLE TO ELECTORS IN ACCORDANCE WITH
10 THE DEADLINES SET FORTH IN SECTIONS 1-8-111 AND 1-8.3-110, OR AS
11 SOON AS PRACTICABLE THEREAFTER. All other provisions of article 8 of
12 this title ~~shall~~ apply to the mail-in ballot process.

13 (2) IF A NONPARTISAN RECALL ELECTION IS CONDUCTED BY MAIL
14 BALLOT, THE DESIGNATED ELECTION OFFICIAL SHALL MAIL SUCH BALLOTS
15 IN ACCORDANCE WITH THE DEADLINES SET FORTH IN SECTION 1-7.5-107,
16 OR AS SOON AS PRACTICABLE THEREAFTER.

17 **SECTION 15.** In Colorado Revised Statutes, **amend** 1-12-115 as
18 follows:

19 **1-12-115. Write-in candidates.** No write-in vote for any office
20 shall be counted unless an affidavit of intent has been filed indicating that
21 the person FOR WHOM THE WRITE-IN VOTE IS MADE desires the office and
22 is legally qualified to assume the duties of the office if elected. The
23 affidavit of intent shall be filed with the designated election official ~~not~~
24 NO later than ~~the date required for filing nominating petitions pursuant to~~
25 ~~section 1-12-117~~ FIFTEEN CALENDAR DAYS BEFORE THE RECALL ELECTION
26 DATE.

27 **SECTION 16.** In Colorado Revised Statutes, **amend** 1-12-117 as

1 follows:

2 **1-12-117. Nomination of successor.** (1) FOR PARTISAN
3 ELECTIONS, a candidate to succeed the officer sought to be recalled shall
4 meet the qualifications of a party candidate or an unaffiliated candidate
5 as provided in part 8 of article 4 of this title and shall be nominated by a
6 political party petition or an unaffiliated petition as provided in part 9 of
7 article 4 of this title. Nomination petitions MAY BE CIRCULATED
8 BEGINNING THE FIRST DATE ON WHICH A PROTEST MAY BE FILED and
9 ~~affidavits of intent to run as a write-in candidate~~ shall be filed no later
10 than ~~fifteen~~ TEN CALENDAR days after the ~~date on which the appropriate~~
11 ~~governing body convenes and~~ DESIGNATED ELECTION OFFICIAL sets the
12 election date AS PROVIDED IN SECTION 1-12-111.

13 (2) FOR NONPARTISAN ELECTIONS, NOMINATION PETITIONS FOR
14 CANDIDATES WHOSE NAMES ARE TO APPEAR ON THE BALLOT MAY BE
15 CIRCULATED BEGINNING THE FIRST DATE ON WHICH A PROTEST MAY BE
16 FILED AND SHALL BE FILED NO LATER THAN TEN CALENDAR DAYS AFTER
17 THE DATE FOR WHICH THE DESIGNATED ELECTION OFFICIAL SETS THE
18 ELECTION DATE PURSUANT TO SECTION 1-12-111.

19 (3) Every NOMINATION petition shall be signed by the number of
20 eligible electors required for the office in part 8 of article 4 of this title or
21 as otherwise provided by law.

22 (4) The ~~name of the~~ officer who was sought to be recalled ~~shall~~
23 IS not be eligible as a candidate in the election to fill any vacancy
24 resulting from the recall election.

25 **SECTION 17.** In Colorado Revised Statutes, 1-12-118, **amend**
26 (1) as follows:

27 **1-12-118. Election of successor.** (1) The election of a successor

1 shall be held at the same time as the recall election. The names of those
2 persons nominated as candidates to succeed the person sought to be
3 recalled, EXCEPT WRITE-IN CANDIDATES, shall appear on the ballot; but no
4 vote cast shall be counted for any candidate for the office unless the voter
5 also voted for or against the recall of the person sought to be recalled. The
6 name of the person against whom the petition is filed shall not appear on
7 the ballot as a candidate for office.

8 **SECTION 18.** In Colorado Revised Statutes, **amend 1-12-119** as
9 follows:

10 **1-12-119. Canvass of votes - notification of results.** (1) For the
11 recall of a partisan officer, the canvass board shall be composed of one
12 representative from each major political party and the county clerk and
13 recorder. ~~For the recall of a nonpartisan officer, the canvass board shall~~
14 ~~be composed of the designated election official, one member of the~~
15 ~~governing body, and one eligible elector of the political subdivision.~~

16 (2) ~~The canvass board shall complete an abstract of votes cast no~~
17 ~~later than the day following the recall election. For state elections, the~~
18 ~~canvass board shall contact the secretary of state on election night with~~
19 ~~the unofficial count. For county and all other elections, the canvass board~~
20 ~~shall provide the governing body with the unofficial count at the opening~~
21 ~~of business hours on the day following the recall election~~ FOR THE
22 RECALL OF A NONPARTISAN OFFICER, THE CANVASS BOARD SHALL BE
23 COMPOSED OF THE DESIGNATED ELECTION OFFICIAL, ONE MEMBER OF THE
24 GOVERNING BODY, AND ONE ELIGIBLE ELECTOR OF THE POLITICAL
25 SUBDIVISION.

26 (3) ~~The certified abstract of votes cast shall be sent by certified~~
27 ~~mail or hand delivered to the secretary of state for state elections and to~~

1 ~~the governing body for county and all other elections no later than the~~
2 ~~close of business on the fifth day after the recall election~~ CANVASS BOARD
3 SHALL COMPLETE AND CERTIFY THE ABSTRACT OF VOTES IN ACCORDANCE
4 WITH ARTICLE 10 OF THIS TITLE.

5 (4) If the majority of those voting on the recall question voted
6 "yes", upon receipt of the certified abstract of votes cast, the designated
7 election official shall issue a certificate of election to the successor
8 candidate who received the highest number of votes. A copy of the
9 certificate shall be transmitted by the secretary of state to the appropriate
10 house of the general assembly for recall elections concerning the general
11 assembly and to the governor for the recall of all other elections of state
12 officers. For all other recall elections, a copy of the certificate shall be
13 transmitted to the governing body of the political subdivision. THE
14 CANDIDATE WHO RECEIVED THE HIGHEST NUMBER OF VOTES SHALL BE
15 SWORN IN AND SHALL ASSUME THE DUTIES OF THE OFFICE UPON
16 CERTIFICATION OF THE ELECTION RESULTS.

17 (5) IF LESS THAN A MAJORITY OF THOSE VOTING ON THE RECALL
18 QUESTION VOTED "YES", UPON RECEIPT OF THE CERTIFIED ABSTRACT OF
19 VOTES CAST, THE DESIGNATED ELECTION OFFICIAL SHALL NOTIFY IN
20 WRITING THE INCUMBENT, EACH CANDIDATE FOR THE OFFICE, THE
21 COMMITTEE, AND THE GOVERNING BODY OF THE INCUMBENT.

22 **SECTION 19.** In Colorado Revised Statutes, **add** 1-12-120.5 as
23 follows:

24 **1-12-120.5. Reimbursement for recall election expenses.** A
25 POLITICAL SUBDIVISION SHALL REIMBURSE THE OFFICE OF THE COUNTY
26 CLERK AND RECORDER FOR REASONABLE EXPENSES INCURRED BY THE
27 COUNTY CLERK AND RECORDER IN PERFORMING DUTIES RELATING TO THE

1 RECALL OF AN INCUMBENT OF THE POLITICAL SUBDIVISION UNDER THIS
2 PART 1.

3 **SECTION 20.** In Colorado Revised Statutes, **amend** 1-12-121 as
4 follows:

5 **1-12-121. Special provisions.** (1) If the governor is sought to be
6 recalled under ~~the provisions of~~ this article by recall petition filed in the
7 office of the secretary of state, the duties imposed upon the governor by
8 this article and article XXI of the state constitution as to that recall
9 petition shall be performed by the lieutenant governor. If the secretary of
10 state is sought to be recalled under ~~the provisions of~~ this article by recall
11 petition filed in the office of the secretary of state, the duties imposed
12 upon the secretary of state by this article and article XXI of the state
13 constitution as to that recall petition shall be performed by the state
14 auditor.

15 (2) If ~~the~~ recall IS SOUGHT of any other elected or appointed
16 officer ~~is sought~~ who is charged with responsibilities under this article,
17 the governing body shall IMMEDIATELY appoint another ~~officer~~ PERSON
18 to perform ~~such~~ THOSE duties.

19 **SECTION 21. Applicability.** The provisions of this act apply to
20 petitions for recall elections filed on or after the effective date of this act.

21 **SECTION 22. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, and safety.