

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

ENGROSSED

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

LLS NO. 13-0881.01 Bob Lackner x4350

SENATE BILL 13-243

SENATE SPONSORSHIP

Hodge, Tochtrop, Ulibarri

HOUSE SPONSORSHIP

Peniston, Lebsock, May, Moreno, Priola, Salazar

Senate Committees
State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING REQUIREMENTS AFFECTING THE DESIGNATION BY**
102 **PETITION OF CANDIDATES IN CONNECTION WITH THE ELECTION**
103 **OF MEMBERS OF THE BOARDS OF COMMISSIONERS OF COUNTIES**
104 **FOLLOWING A CHANGE IN THE MEMBERSHIP OF SAID BOARDS.**

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>.)

Where the electors of a county have voted to increase the membership of the board of county commissioners from 3 to 5 or to

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 Unamended
April 16, 2013

decrease the membership of the board from 5 to 3, for the next 4 years immediately following an election at which the voters have approved such a change in the membership of the board, **sections 1 and 2** of the bill specify the signature requirements for candidates seeking election to the board as the candidate of a major political party as well as for candidates who do not wish to affiliate with a major political party.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-4-801, **amend** (2)
3 (a); and **add** (2) (e) and (2) (f) as follows:

4 **1-4-801. Designation of party candidates by petition.** (2) The
5 signature requirements for the petition are as follows:

6 (a) Every petition in the case of a candidate for any county office
7 shall be signed by electors eligible to vote within the county
8 commissioner district or political subdivision for which the officer is to
9 be elected. EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (e) OF THIS
10 SUBSECTION (2), the petition shall require signers equal in number to
11 twenty percent of the votes cast in the political subdivision at the
12 contested or uncontested primary election for the political party's
13 candidate for the office for which the petition is being circulated or, if
14 there was no primary election, at the last preceding general election for
15 which there was a candidate for the office.

16 (e) WHERE THE ELECTORS OF THE COUNTY HAVE VOTED TO
17 INCREASE THE MEMBERSHIP OF THE BOARD OF COUNTY COMMISSIONERS
18 FROM THREE TO FIVE PURSUANT TO SECTION 30-10-306.5, C.R.S., OR TO
19 DECREASE THE MEMBERSHIP OF THE BOARD FROM FIVE TO THREE
20 PURSUANT TO SECTION 30-10-306.7, C.R.S., FOR THE NEXT TWO PRIMARY
21 ELECTIONS IMMEDIATELY FOLLOWING AN ELECTION AT WHICH THE VOTERS
22 HAVE APPROVED THE CHANGE IN THE MEMBERSHIP OF THE BOARD, THE

1 SIGNATURE REQUIREMENTS FOR THE PETITION ARE AS FOLLOWS:

2 (I) WHERE ANY ONE OR MORE COMMISSIONERS TO BE ELECTED TO
3 THE BOARD OF COUNTY COMMISSIONERS WILL BE VOTED ON BY VOTERS OF
4 THE WHOLE COUNTY, EVERY PETITION MUST REQUIRE SIGNERS EQUAL IN
5 NUMBER TO TWENTY PERCENT OF THE AVERAGE OF ALL VOTES CAST IN
6 EACH COMMISSIONER DISTRICT IN THE COUNTY DURING THE PRIOR TWO
7 CONTESTED OR UNCONTESTED PRIMARY ELECTIONS FOR THE POLITICAL
8 PARTY'S CANDIDATES IN EACH COUNTY COMMISSIONER DISTRICT THAT
9 HELD A PRIMARY ELECTION IN EITHER OF THOSE ELECTIONS. IF NO
10 PRIMARY ELECTION WAS HELD IN EITHER YEAR, THE CALCULATION MUST
11 BE BASED ON THE MOST RECENT PRECEDING GENERAL ELECTION FOR
12 WHICH THE PARTY HAD A CANDIDATE ON THE BALLOT, AND EVERY
13 PETITION MUST REQUIRE SIGNERS EQUAL IN NUMBER TO TWENTY PERCENT
14 OF THE AVERAGE OF ALL VOTES CAST FOR THE POLITICAL PARTY'S
15 CANDIDATES FOR COMMISSIONER IN EACH COMMISSIONER DISTRICT IN
16 WHICH THE PARTY HAD A CANDIDATE ON THE BALLOT.

17 (II) WHERE ANY ONE OR MORE COMMISSIONERS TO BE ELECTED TO
18 THE BOARD OF COUNTY COMMISSIONERS WILL BE VOTED ON ONLY BY THE
19 ELECTORS RESIDING IN A PARTICULAR COUNTY COMMISSIONER DISTRICT,
20 THE DETERMINATION OF THE REQUIRED NUMBER OF SIGNERS MUST BEGIN
21 WITH A CALCULATION OF THE AVERAGE OF ALL VOTES CAST IN EACH
22 COMMISSIONER DISTRICT IN THE COUNTY DURING THE PRIOR TWO
23 CONTESTED OR UNCONTESTED PRIMARY ELECTIONS FOR THE POLITICAL
24 PARTY'S CANDIDATES IN THE COUNTY COMMISSIONER DISTRICTS THAT
25 HELD A PRIMARY ELECTION IN EITHER OF THOSE ELECTIONS. UPON A
26 DETERMINATION OF THE AVERAGE, THAT NUMBER MUST THEN BE DIVIDED
27 BY THE TOTAL NUMBER OF COMMISSIONER DISTRICTS IN THE COUNTY

1 WHERE COMMISSIONERS ARE VOTED ON ONLY BY THE ELECTORS RESIDING
2 IN THE DISTRICT, WHETHER THREE OR FIVE. AFTER COMPLETING THIS
3 CALCULATION, EVERY PETITION MUST REQUIRE SIGNERS EQUAL IN NUMBER
4 TO TWENTY PERCENT OF THE NUMBER REALIZED. IF NO PRIMARY ELECTION
5 WAS HELD IN EITHER YEAR, THE CALCULATION MUST BE BASED ON THE
6 MOST RECENT PRECEDING GENERAL ELECTION FOR WHICH THE PARTY HAD
7 A CANDIDATE ON THE BALLOT, AND EVERY PETITION MUST REQUIRE
8 SIGNERS EQUAL IN NUMBER TO THE FOLLOWING CALCULATION:

9 (A) TWENTY PERCENT OF THE AVERAGE OF ALL VOTES CAST FOR
10 THE POLITICAL PARTY'S CANDIDATES FOR COMMISSIONER IN EACH
11 COMMISSIONER DISTRICT IN WHICH THE PARTY HAD A CANDIDATE ON THE
12 BALLOT; AND

13 (B) DIVIDE THE NUMBER FOUND IN SUB-SUBPARAGRAPH (A) OF
14 THIS SUBPARAGRAPH (II) BY THE TOTAL NUMBER OF COMMISSIONER
15 DISTRICTS IN THE COUNTY WHERE COMMISSIONERS ARE VOTED ON ONLY
16 BY THE ELECTORS RESIDING IN THE DISTRICT, WHETHER THREE OR FIVE.

17 (f) FOLLOWING THE FIRST TWO PRIMARY ELECTIONS THAT ARE
18 CONDUCTED AFTER A CHANGE IN THE MEMBERSHIP OF THE BOARD OF
19 COUNTY COMMISSIONERS PURSUANT TO SECTION 30-10-306.5 OR
20 30-10-306.7, C.R.S., IN ACCORDANCE WITH THE REQUIREMENTS OF
21 PARAGRAPH (e) OF THIS SUBSECTION (2), THE SIGNATURE REQUIREMENTS
22 FOR A PETITION FOR A COUNTY COMMISSIONER CANDIDATE WHO IS
23 AFFILIATED WITH A MAJOR POLITICAL PARTY MUST FOLLOW THE
24 PROCEDURES SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (2).

25 **SECTION 2.** In Colorado Revised Statutes, 1-4-802, **amend** (1)
26 (c) introductory portion; and **add** (2) and (3) as follows:

27 **1-4-802. Petitions for nominating minor political party and**

1 **unaffiliated candidates for a partisan office.** (1) (c) Every petition for
2 the office of president and vice president, for statewide office, for
3 congressional district office, for the office of member of the general
4 assembly, for district attorney, and for county office shall be signed by
5 eligible electors residing within the district or political subdivision in
6 which the officer is to be elected. EXCEPT AS OTHERWISE PROVIDED IN
7 SUBSECTION (2) OF THIS SECTION, the number of signatures of eligible
8 electors on a petition shall be as follows:

9 (2) WHERE THE ELECTORS OF THE COUNTY HAVE VOTED TO
10 INCREASE THE MEMBERSHIP OF THE BOARD OF COUNTY COMMISSIONERS
11 FROM THREE TO FIVE PURSUANT TO SECTION 30-10-306.5, C.R.S., OR TO
12 DECREASE THE MEMBERSHIP OF THE BOARD FROM FIVE TO THREE
13 PURSUANT TO SECTION 30-10-306.7, C.R.S., FOR THE NEXT TWO GENERAL
14 ELECTIONS IMMEDIATELY FOLLOWING AN ELECTION AT WHICH THE VOTERS
15 HAVE APPROVED A CHANGE IN THE MEMBERSHIP OF THE BOARD, THE
16 SIGNATURE REQUIREMENTS FOR THE PETITION TO SELECT CANDIDATES
17 WHO DO NOT WISH TO AFFILIATE WITH A MAJOR POLITICAL PARTY ARE AS
18 FOLLOWS:

19 (a) WHERE ANY ONE OR MORE COMMISSIONERS TO BE ELECTED TO
20 THE BOARD OF COUNTY COMMISSIONERS WILL BE VOTED ON BY VOTERS OF
21 THE WHOLE COUNTY, EVERY PETITION MUST REQUIRE SIGNERS EQUAL IN
22 NUMBER TO THE LESSER OF EITHER SEVEN HUNDRED FIFTY SIGNERS OR
23 TWO PERCENT OF THE AVERAGE OF ALL VOTES CAST IN EACH COUNTY
24 COMMISSIONER DISTRICT FOR WHICH THERE WAS A RACE ON THE BALLOT
25 DURING THE MOST RECENT GENERAL ELECTION;

26 (b) WHERE ANY ONE OR MORE COMMISSIONERS TO BE ELECTED TO
27 THE BOARD OF COUNTY COMMISSIONERS WILL BE VOTED ON ONLY BY THE

1 ELECTORS RESIDING IN A PARTICULAR COUNTY COMMISSIONER DISTRICT,
2 EVERY PETITION MUST REQUIRE SIGNERS EQUAL IN NUMBER TO THE LESSER
3 OF EITHER:

4 (I) SEVEN HUNDRED FIFTY SIGNERS; OR

5 (II) THE NUMBER REALIZED BY FIRST DETERMINING TWO PERCENT
6 OF THE AVERAGE OF ALL VOTES CAST IN EACH COUNTY COMMISSIONER
7 DISTRICT FOR WHICH THERE WAS A RACE ON THE BALLOT DURING THE
8 MOST RECENT GENERAL ELECTION, AND THEN DIVIDING THAT NUMBER BY
9 THE TOTAL NUMBER OF COMMISSIONER DISTRICTS IN THE COUNTY WHERE
10 COMMISSIONERS ARE VOTED ON ONLY BY THE ELECTORS RESIDING IN A
11 DISTRICT, WHETHER THREE OR FIVE.

12 (3) FOLLOWING THE FIRST TWO GENERAL ELECTIONS THAT ARE
13 CONDUCTED AFTER A CHANGE IN THE MEMBERSHIP OF THE BOARD OF
14 COUNTY COMMISSIONERS PURSUANT TO SECTION 30-10-306.5 OR
15 30-10-306.7, C.R.S., THE SIGNATURE REQUIREMENTS FOR A PETITION FOR
16 A COUNTY COMMISSIONER CANDIDATE WHO DOES NOT WISH TO AFFILIATE
17 WITH A MAJOR POLITICAL PARTY MUST FOLLOW THE PROCEDURES
18 SPECIFIED IN SUBPARAGRAPH (VI) OF PARAGRAPH (c) OF SUBSECTION (1)
19 OF THIS SECTION.

20 **SECTION 3.** In Colorado Revised Statutes, 30-10-306.5, **add** (7)
21 as follows:

22 **30-10-306.5. Procedure to increase number of county**
23 **commissioners.** (7) SIGNATURE REQUIREMENTS GOVERNING PETITIONS
24 FOR A RACE INVOLVING A SEAT ON THE BOARD OF COUNTY
25 COMMISSIONERS FOR THE NEXT FOUR CALENDAR YEARS IMMEDIATELY
26 FOLLOWING AN ELECTION AT WHICH THE VOTERS HAVE APPROVED AN
27 INCREASE IN THE NUMBER OF COUNTY COMMISSIONERS FROM THREE TO

1 FIVE UNDER THIS SECTION ARE SPECIFIED IN SECTION 1-4-801 (2) (e),
2 C.R.S., FOR MAJOR POLITICAL PARTY CANDIDATES, AND SECTION 1-4-802
3 (2), C.R.S., FOR CANDIDATES WHO DO NOT WISH TO AFFILIATE WITH A
4 MAJOR POLITICAL PARTY. FOLLOWING THE FIRST FOUR CALENDAR YEARS
5 AFTER SUCH A CHANGE IN THE MEMBERSHIP OF THE BOARD OF COUNTY
6 COMMISSIONERS HAS BEEN APPROVED BY THE VOTERS, THE SIGNATURE
7 REQUIREMENTS FOR A PETITION FOR A COUNTY COMMISSIONER CANDIDATE
8 MUST FOLLOW THE PROCEDURES SPECIFIED IN SECTION 1-4-801 (2) (a),
9 C.R.S., FOR MAJOR POLITICAL PARTY CANDIDATES, AND SECTION 1-4-802
10 (1) (c) (VI), C.R.S., FOR CANDIDATES WHO DO NOT WISH TO AFFILIATE
11 WITH A MAJOR POLITICAL PARTY, AS APPLICABLE.

12 **SECTION 4.** In Colorado Revised Statutes, 30-10-306.7, **add** (6)
13 as follows:

14 **30-10-306.7. Procedure for electing county commissioners.**

15 (6) SIGNATURE REQUIREMENTS GOVERNING PETITIONS FOR A RACE
16 INVOLVING A SEAT ON THE BOARD OF COUNTY COMMISSIONERS FOR THE
17 NEXT FOUR CALENDAR YEARS IMMEDIATELY FOLLOWING AN ELECTION AT
18 WHICH THE VOTERS HAVE APPROVED A DECREASE IN THE NUMBER OF
19 COUNTY COMMISSIONERS FROM FIVE TO THREE UNDER THIS SECTION ARE
20 SPECIFIED IN SECTION 1-4-801 (2) (e), C.R.S., FOR MAJOR POLITICAL PARTY
21 CANDIDATES, AND SECTION 1-4-802 (2), C.R.S., FOR CANDIDATES WHO DO
22 NOT WISH TO AFFILIATE WITH A MAJOR POLITICAL PARTY. FOLLOWING THE
23 FIRST FOUR CALENDAR YEARS AFTER SUCH A CHANGE IN THE MEMBERSHIP
24 OF THE BOARD OF COUNTY COMMISSIONERS HAS BEEN APPROVED BY THE
25 VOTERS, THE SIGNATURE REQUIREMENTS FOR A PETITION FOR A COUNTY
26 COMMISSIONER CANDIDATE MUST FOLLOW THE PROCEDURES SPECIFIED IN
27 SECTION 1-4-801 (2) (a), C.R.S., FOR MAJOR POLITICAL PARTY

1 CANDIDATES, AND SECTION 1-4-802 (1) (c) (VI), C.R.S., FOR CANDIDATES
2 WHO DO NOT WISH TO AFFILIATE WITH A MAJOR POLITICAL PARTY, AS
3 APPLICABLE.

4 **SECTION 5. Safety clause.** The general assembly hereby finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, and safety.