

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 14-0379.02 Kate Meyer x4348

SENATE BILL 14-158

SENATE SPONSORSHIP

Steadman and Jones,

HOUSE SPONSORSHIP

Hullinghorst,

Senate Committees
State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE HARMONIZATION OF STATUTORY RECALL ELECTION**
102 **PROVISIONS WITH THE RECALL PROVISIONS IN THE STATE**
103 **CONSTITUTION TO REFLECT THE MANNER IN WHICH**
104 **CONTEMPORARY ELECTIONS ARE CONDUCTED, AND, IN**
105 **CONNECTION THEREWITH, ALIGNING CIRCULATOR REGULATION**
106 **AND PETITION REQUIREMENTS WITH INITIATIVE AND**
107 **REFERENDUM CIRCULATOR AND PETITION REQUIREMENTS.**

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

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.*

[http://www.leg.state.co.us/bills/summaries.](http://www.leg.state.co.us/bills/summaries/))

The bill makes various changes to the laws governing conduct of recall elections (recall laws).

Section 1 of the bill contains a nonstatutory legislative declaration.

Section 2 defines terms used in statutory and constitutional recall election provisions.

Section 3 prohibits a designated election official from suspending or avoiding the requirement that recall elections be conducted by mail ballot.

Section 4:

- ! Harmonizes the affidavit contents that recall petition circulators must execute with the affidavits that ballot initiative or petition circulators must execute;
- ! Clarifies when the designated election official must certify a recall question to the ballot and call the election; and
- ! Reorganizes for chronological clarity the provision setting forth the opportunity to resubmit signed petitions or circulator affidavits.

Section 5 applies the laws pertaining to initiative and referendum petitions and circulators to recall elections.

Section 6 conforms to the state constitution the statutory time within which a recall election date must be set by a designated election official and extends the election date in the case of protest and adjudication.

Section 7:

- ! Requires a designated election official to develop and submit to the secretary of state a mail ballot plan for a recall election;
- ! Specifies the times during which the office of the designated election official functions as a voter service and polling center and mail ballots must be sent; and
- ! Sets forth the number of voter service and polling centers required for each recall election.

Section 8 harmonizes with the state constitution the deadline by which a successor candidate must file his or her nomination petition and specifies the times within which such petitions must be verified and the recall election ballot certified.

Section 9 eliminates the statutory "prior participation requirement", i.e. the condition that an elector cast a vote on the question of recall in order to have his or her vote for a successor candidate counted.

Section 10:

- ! Allows an elector who is registered in the political subdivision of a recalled elected official to file a protest

alleging that a winning successor candidate is not qualified to assume the recalled officer's office; and

! Requires a vacancy election if the court finds that the successor candidate is not qualified.

Section 11 specifies that, in case of conflict between the recall laws and other provisions of the "Uniform Election Code of 1992", the former controls.

Section 12 removes an obsolete reference to recall elections that appears under provisions governing petitions for candidacy in other types of elections. Previously, the statutes governing petitions for recall and petitions for candidacy were combined under a single statutory part. House Bill 95-1241 bifurcated the petition laws but neglected to amend this particular provision.

Section 13 applies the laws regarding recall of elected municipal officers to the recall of local government officers. **Sections 14 and 15** make conforming amendments.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby declares that:

4 (a) It is in the best interest of the state to ensure that all eligible
5 persons are able to exercise their fundamental right to vote;

6 (b) The people of the United States have a long history of
7 increasing voter participation, including the fifteenth, nineteenth,
8 twenty-third, twenty-fourth, and twenty-sixth amendments to the United
9 States constitution, which amendments enabled voting by persons of all
10 races, women, and residents of Washington, D.C., banned poll taxes, and
11 lowered the minimum voting age to eighteen years;

12 (c) Colorado helped pioneer access for women to vote and
13 adopted the United States voting participation improvements;

14 (d) Colorado has a history of being a vote-by-mail state for the
15 purpose of increasing voter participation;

16 (e) Losing access to mail ballots is a concern, especially for the

1 elderly, persons with disabilities, working families, and other persons
2 who are most likely to vote by mail;

3 (f) The state has a responsibility to electors to remove barriers to
4 participation in voting in all elections, including recall elections; and

5 (g) The 2013 state legislative recall elections revealed the need to:

6 (I) Align the state's recall elections statutes and article XXI of the
7 state constitution, including by clarifying that the date for holding an
8 election is, and has always been, the point in time when eligible electors
9 are authorized by law to exercise their fundamental right to vote; and

10 (II) Remedy the statute that corresponds to the state constitutional
11 provision that the Colorado supreme court determined conflicts with the
12 first and fourteenth amendments to the United States constitution in the
13 case of *In re Interrogatory Propounded by Governor John Hickenlooper*
14 *Concerning the Constitutionality of Certain Provisions of Article XXI, §*
15 *3 of the Constitution of the State of Colorado*, 312 P.3d 153 (2013).

16 (2) It is therefore the intent of the general assembly to harmonize
17 statutory recall election provisions with the constitution.

18 (3) The general assembly also recognizes that, as to certain
19 elections, conflict inheres between the "Uniform Military and Overseas
20 Voters Act", article 8.3 of title 1, Colorado Revised Statutes, article XXI
21 of the state constitution, and part 1 of article 12 of title 1, Colorado
22 Revised Statutes. As that conflict is not remedied in this act, it is the
23 intent of the general assembly to allow persons to seek resolution through
24 judicial processes.

25 **SECTION 2.** In Colorado Revised Statutes, 1-12-100.5, **amend**
26 the introductory portion; and **add** (2.5), (3.5), (5), (6), and (7) as follows:

27 **1-12-100.5. Definitions.** As used in this part 1, AND FOR

1 PURPOSES OF ARTICLE XXI OF THE STATE CONSTITUTION, unless the
2 context otherwise requires:

3 (2.5) "CIRCULATOR" MEANS A PERSON WHO PRESENTS TO OTHER
4 PERSONS FOR POSSIBLE SIGNATURE A PETITION FOR RECALL AS DESCRIBED
5 IN THIS ARTICLE.

6 (3.5) "DATE FOR HOLDING THE ELECTION" MEANS THE FIRST DAY
7 ON WHICH RECALL BALLOTS:

8 (a) ARE TO BE MADE AVAILABLE TO ELIGIBLE ELECTORS AT VOTER
9 SERVICE AND POLLING CENTERS PURSUANT TO THE ELECTION PLAN
10 APPROVED UNDER SECTION 1-12-114 (1) (a); AND

11 (b) MAY BE ACCEPTED FOR PROCESSING BY A DESIGNATED
12 ELECTION OFFICIAL.

13 (5) "DESIGNATED ELECTION OFFICIAL" MEANS THE SECRETARY OF
14 STATE, A COUNTY CLERK AND RECORDER, OR OTHER ELECTION OFFICIAL
15 AS PROVIDED BY ARTICLE XXI OF THE STATE CONSTITUTION.

16 (6) "FAILS TO QUALIFY" MEANS NOT SATISFYING THE
17 CONSTITUTIONAL OR STATUTORY QUALIFICATIONS FOR OFFICE, WHETHER
18 BY REASON OF AGE, CITIZENSHIP, RESIDENCY, OR SUFFICIENT NUMBER OF
19 VALID NOMINATION PETITION SIGNATURES REQUIRED BY SECTION 1-12-117
20 (3).

21 (7) "FULLY ADJUDICATED" MEANS TO HAVE BEEN DECIDED BY A
22 FINAL JUDGMENT BY A COURT OF COMPETENT JURISDICTION AND FROM
23 WHICH THERE CAN BE NO APPEAL.

24 (8) "RECALL PETITION ENTITY" MEANS A PERSON, AS DEFINED IN
25 SECTION 2-4-401, C.R.S., THAT PROVIDES COMPENSATION TO A
26 CIRCULATOR TO CIRCULATE A RECALL PETITION.

27 **SECTION 3.** In Colorado Revised Statutes, 1-12-107, **add** (5) as

1 follows:

2 **1-12-107. Designated election officials.** (5) NO DESIGNATED
3 ELECTION OFFICIAL MAY, BY RULE, REGULATION, ORDER, OR ANY OTHER
4 OFFICIAL ACT, SUSPEND OR AVOID THE REQUIREMENT THAT RECALL
5 ELECTIONS BE HELD AS MAIL BALLOT ELECTIONS.

6 **SECTION 4.** In Colorado Revised Statutes, 1-12-108, **amend** (6)
7 (b) and (8) (c) (II); **add** (8) (c) (II.5); and **repeal** (9) (c) as follows:

8 **1-12-108. Petition requirements - approval as to form -**
9 **determination of sufficiency - protest - offenses.** (6) (b) To each
10 petition section ~~shall~~ MUST be attached a signed, notarized, and dated
11 affidavit executed by the person who circulated the petition section,
12 which ~~shall include: The affiant's printed name, the address at which the~~
13 ~~affiant resides, including the street name and number, the city or town, the~~
14 ~~county, and the date of signature; a statement that the affiant was a~~
15 ~~resident of the state, a citizen of the United States, and at least eighteen~~
16 ~~years of age at the time the section of the petition was circulated and~~
17 ~~signed by the listed electors; a statement that the affiant circulated the~~
18 ~~section of the petition; a statement that each signature on the petition~~
19 ~~section was placed on the petition section in the presence of the affiant;~~
20 ~~a statement that each signature on the petition section is the signature of~~
21 ~~the person whose name it purports to be; a statement that to the best of the~~
22 ~~affiant's knowledge and belief each of the persons signing the petition~~
23 ~~section was, at the time of signing, an eligible elector; and a statement~~
24 ~~that the affiant has not paid or will not in the future pay and that the~~
25 ~~affiant believes that no other person has paid or will pay, directly or~~
26 ~~indirectly, any money or other thing of value to any signer for the purpose~~
27 ~~of inducing or causing the signer to sign the petition~~ INCLUDES THE

1 INFORMATION AND STATEMENTS REQUIRED FOR INITIATIVE OR
2 REFERENDUM PETITIONS UNDER SECTION 1-40-111.

3 (8) (c) (II) Upon determining that the petition is sufficient and
4 after the time for protest has passed AND ANY PROTESTS DULY RAISED
5 HAVE BEEN FULLY ADJUDICATED, the designated election official shall,
6 ~~promptly certify the recall question to the ballot and call~~ WITHIN
7 TWENTY-FOUR HOURS, SUBMIT THE CERTIFICATE OF SUFFICIENCY TO THE
8 GOVERNOR, WHO SHALL SET A DATE FOR HOLDING the election in
9 accordance with ~~section 1-12-110, and~~ SECTION 1-12-111. If the election
10 is a coordinated election, THE SECRETARY OF STATE SHALL notify the
11 DESIGNATED ELECTION OFFICIAL OF THE coordinated election. ~~official.~~
12 THE DESIGNATED ELECTION OFFICIAL OF THE COORDINATED ELECTION
13 SHALL POST THE CERTIFICATE TO HIS OR HER OFFICIAL WEB SITE, OR, IF
14 THERE IS NO OFFICIAL WEB SITE, POST THE CERTIFICATE IN ACCORDANCE
15 WITH NORMAL PRACTICES REASONABLY CALCULATED TO PROVIDE PUBLIC
16 NOTICE, BY 12 NOON ON THE DAY AFTER THE DAY ON WHICH HE OR SHE
17 ISSUES THE SUFFICIENCY DETERMINATION.

18 (II.5) IF THE PETITION IS DETERMINED TO BE INSUFFICIENT, IT MAY
19 BE WITHDRAWN AND MAY, WITHIN FIFTEEN DAYS AFTER THE DATE ON
20 WHICH THE PETITION WAS VERIFIED AS INSUFFICIENT, BE AMENDED AND
21 REFILED AS AN ORIGINAL PETITION. A PETITION FOR RECALL MAY BE
22 AMENDED NO MORE THAN ONE TIME TO COLLECT ADDITIONAL SIGNATURES
23 OR CURE CIRCULATOR AFFIDAVITS AFTER A DESIGNATED ELECTION
24 OFFICIAL ISSUES A DETERMINATION OF INSUFFICIENCY UNDER THIS
25 SUBSECTION (8).

26 (9) (c) ~~A petition for recall may be amended to collect additional~~
27 ~~signatures or cure circulator affidavits once at any time within sixty days~~

1 ~~from the date the petition was approved as to form by the designated~~
2 ~~election official under subsection (4) of this section.~~

3 **SECTION 5.** In Colorado Revised Statutes, **add** 1-12-108.5 as
4 follows:

5 **1-12-108.5. Applicability of laws pertaining to initiative and**
6 **referendum petitions and circulators.** SECTIONS 1-40-111 TO 1-40-113
7 APPLY TO RECALL ELECTIONS CONDUCTED UNDER THIS ARTICLE. NOTHING
8 IN THIS SECTION PERMITS THE ENFORCEMENT OF ANY PROVISION OF LAW
9 HELD TO BE UNCONSTITUTIONAL OR OTHERWISE DECLARED INVALID OR
10 ENJOINED BY A COURT OF LAW.

11 **SECTION 6.** In Colorado Revised Statutes, **amend** 1-12-111 as
12 follows:

13 **1-12-111. Setting date of recall election.** If the recall petition is
14 held to be sufficient under section 1-12-108 (8) (c) and after the time for
15 protest has passed AND ANY SUCH PROTEST HAS BEEN FULLY
16 ADJUDICATED, the designated election official OR GOVERNOR, AS
17 APPROPRIATE, without delay, shall set a date for HOLDING the ~~recall~~
18 election not less than ~~forty-five~~ THIRTY nor more than ~~seventy-five~~ SIXTY
19 days after the petition has been FILED AND THUS deemed sufficient BY THE
20 DESIGNATED ELECTION OFFICIAL and EITHER the time for protest has
21 passed OR THE TIME FOR SUCH PROTEST TO BE FULLY ADJUDICATED HAS
22 PASSED; however, if a general election ~~or a regular special district election~~
23 ~~in the case of a recall election of a special district director,~~ is to be held
24 within ninety days after the petition has been deemed sufficient and the
25 time for protest has passed AND THE TIME FOR SUCH PROTEST TO BE FULLY
26 ADJUDICATED HAS PASSED, the recall election ~~shall~~ MUST be held as a part
27 of that election.

1 **SECTION 7.** In Colorado Revised Statutes, **recreate and**
2 **reenact, with amendments,** 1-12-114 as follows:

3 **1-12-114. Mail ballots - plan required - voter service and**
4 **polling centers - number required - definition.**

5 (1) (a) NOTWITHSTANDING SECTION 1-7.5-107 (1), AS SOON AS
6 PRACTICABLE AFTER THE DATE THAT THE DESIGNATED ELECTION OFFICIAL
7 CERTIFIES THE RECALL QUESTION TO THE BALLOT UNDER SECTION
8 1-12-108 (8) (c) (II), THE COUNTY CLERK AND RECORDER OR DESIGNATED
9 ELECTION OFFICIAL ADMINISTERING A RECALL ELECTION SHALL SUBMIT TO
10 THE SECRETARY OF STATE, FOR APPROVAL WITHIN TWENTY-FOUR HOURS
11 AFTER RECEIPT, A PROPOSED MAIL BALLOT ELECTION PLAN, INCLUDING
12 THE MANNER IN AND DATE BY WHICH THE MAIL BALLOT TRANSMISSION
13 DEADLINE SET FORTH IN SUBSECTION (2) OF THIS SECTION WILL BE MET. IF
14 THE SECRETARY OF STATE DOES NOT PROVIDE WRITTEN NOTICE OF
15 APPROVAL OR DISAPPROVAL OF THE PLAN WITHIN TWENTY-FOUR HOURS,
16 THE PLAN IS DEEMED APPROVED.

17 (b) THE SECRETARY OF STATE MAY DISAPPROVE A MAIL BALLOT
18 PLAN SUBMITTED UNDER PARAGRAPH (a) OF THIS SUBSECTION (1) USING
19 ONLY THE SAME STANDARDS USED TO EVALUATE AND APPROVE OF MAIL
20 BALLOT PLANS TRANSMITTED UNDER SECTION 1-7.5-105.

21 (2) NOTWITHSTANDING ANY PROVISION OF THIS CODE TO THE
22 CONTRARY:

23 (a) THE DESIGNATED ELECTION OFFICIAL CONDUCTING THE RECALL
24 ELECTION SHALL DESIGNATE THE OFFICE OF THE COUNTY CLERK AND
25 RECORDER OR OTHER SUITABLE LOCATION TO FUNCTION AS A VOTER
26 SERVICE AND POLLING CENTER FROM THE TWENTY-SECOND DAY PRIOR TO
27 THE FINAL DAY OF VOTING IN SUCH ELECTION THROUGH THAT FINAL DAY

1 OF VOTING; AND

2 (b) NOT LATER THAN THE FIFTEENTH DAY BEFORE THE LAST DAY
3 ON WHICH VOTED MAIL BALLOTS MAY BE RETURNED BY ELECTORS OTHER
4 THAN COVERED VOTERS UNDER ARTICLE 8.3 OF THIS TITLE, THE
5 DESIGNATED ELECTION OFFICIAL SHALL MAIL BALLOTS TO ELIGIBLE
6 ELECTORS IN ACCORDANCE WITH THE MAIL BALLOT PLAN DEVELOPED
7 PURSUANT TO SUBSECTION (1) OF THIS SECTION.

8 (3) (a) THERE MUST BE ONE VOTER SERVICE AND POLLING CENTER
9 FOR EACH THIRTY THOUSAND ACTIVE REGISTERED ELECTORS IN THE
10 DISTRICT OF THE INCUMBENT SOUGHT TO BE RECALLED; EXCEPT THAT ANY
11 SUCH DISTRICT MUST HAVE AT LEAST ONE VOTER SERVICE AND POLLING
12 CENTER, AND EACH DISTRICT THAT SPANS MORE THAN ONE COUNTY MUST
13 OPERATE ONE VOTER SERVICE AND POLLING CENTER WITHIN THE
14 BOUNDARIES OF EACH COUNTY. EXCEPT FOR THE VOTER SERVICE AND
15 POLLING CENTER REQUIRED UNDER AND OPEN IN ACCORDANCE WITH
16 PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION, WHICH VOTER
17 SERVICE AND POLLING CENTER COUNTS AS THE FIRST VOTER SERVICE AND
18 POLLING CENTER REQUIRED TO BE OPEN UNDER SUBSECTION (2) OF THIS
19 SECTION, EACH ADDITIONAL VOTER SERVICE AND POLLING CENTER MUST
20 BE OPEN FROM THE EIGHTH DAY PRIOR TO THE FINAL DAY OF VOTING IN
21 THE RECALL ELECTION THROUGH THAT FINAL DAY.

22 (b) WHEN A RECALL ELECTION IS COMBINED WITH A GENERAL
23 ELECTION PURSUANT TO ARTICLE XXI OF THE STATE CONSTITUTION AND
24 SECTION 1-12-111, THIS SUBSECTION (3) SHALL BE USED TO DETERMINE
25 THE NUMBER AND DAYS OF OPERATION OF VOTER SERVICE AND POLLING
26 CENTERS AND THE MANNER OF VOTING FOR THE RECALL AS PART OF SAID
27 GENERAL ELECTION.

1 (4) AS USED IN THIS SECTION, AND FOR PURPOSES OF ARTICLE XXI
2 OF THE STATE CONSTITUTION, "PART OF SAID GENERAL ELECTION" MEANS
3 THE INCLUSION OF THE QUESTIONS OF BOTH THE RECALL OF AN INCUMBENT
4 AND THE ELECTION OF THE INCUMBENT'S SUCCESSOR ON MAIL BALLOTS
5 THAT ARE EITHER SENT BY MAIL OR, IF REQUESTED BY THE ELECTOR AS
6 PERMITTED BY LAW OR IF EXPRESSLY REQUIRED BY STATUTE, DELIVERED
7 IN PERSON FROM THE BEGINNING DATE OF MAIL VOTING FOR THE GENERAL
8 ELECTION THROUGH THE END OF SUCH VOTING.

9 **SECTION 8.** In Colorado Revised Statutes, 1-12-117, **amend** (1),
10 (2), and (3) as follows:

11 **1-12-117. Nomination of successor - ballot certification.**

12 (1) For partisan elections, a candidate to succeed the officer sought to be
13 recalled shall meet the qualifications of a party candidate or an
14 unaffiliated candidate as provided in part 8 of article 4 of this title and
15 shall be nominated by a political party petition or an unaffiliated petition
16 as provided in part 9 of article 4 of this title. Nomination petitions may be
17 circulated beginning the first date on which a protest may be filed and
18 shall be filed no later than ~~ten~~ FIFTEEN calendar days ~~after the designated~~
19 ~~election official sets the election date~~ PRIOR TO THE DATE FOR HOLDING
20 THE ELECTION as provided in section 1-12-111.

21 (2) For nonpartisan elections, nomination petitions for candidates
22 whose names are to appear on the ballot may be circulated beginning the
23 first date on which a protest may be filed and shall be filed no later than
24 ~~ten~~ FIFTEEN calendar days ~~after the date for which the designated election~~
25 ~~official sets the election date pursuant to~~ PRIOR TO THE DATE FOR HOLDING
26 THE ELECTION AS PROVIDED IN section 1-12-111.

27 (3) (a) Every nomination petition shall be signed by the number

1 of eligible electors required for the office in part 8 of article 4 of this title
2 or as otherwise provided by law.

3 (b) (I) THE DESIGNATED ELECTION OFFICIAL SHALL VERIFY
4 SUCCESSOR CANDIDATE PETITIONS WITHIN FORTY-EIGHT HOURS AFTER THE
5 DEADLINE TO FILE SUCH PETITIONS AS SET FORTH IN SUBSECTIONS (1) AND
6 (2) OF THIS SECTION.

7 (II) THE DESIGNATED ELECTION OFFICIAL SHALL CERTIFY THE
8 BALLOT CONTENT AS SOON AS POSSIBLE, BUT NOT LATER THAN TWO
9 BUSINESS DAYS AFTER THE DATE UPON WHICH THE VERIFICATION OF
10 SUCCESSOR CANDIDATE PETITIONS IS REQUIRED PURSUANT TO
11 SUBPARAGRAPH (I) OF THIS PARAGRAPH (b).

12 **SECTION 9.** In Colorado Revised Statutes, 1-12-118, **amend** (1)
13 as follows:

14 **1-12-118. Election of successor.** (1) The election of a successor
15 ~~shall be~~ IS held at the same time as the recall election. The names of those
16 persons nominated as candidates to succeed the person sought to be
17 recalled, except write-in candidates, shall appear on the ballot. ~~but no vote~~
18 ~~cast shall be counted for any candidate for the office unless the voter also~~
19 ~~voted for or against the recall of the person sought to be recalled.~~ The
20 name of the person against whom the petition is filed shall not appear on
21 the ballot as a candidate for office.

22 **SECTION 10.** In Colorado Revised Statutes, **add** 1-12-118.5 as
23 follows:

24 **1-12-118.5. Postelection protest of successor candidate**
25 **qualification - procedure.** (1) (a) WITHIN SEVENTY-TWO HOURS AFTER
26 CERTIFICATION OF RESULTS OF A RECALL ELECTION CONDUCTED UNDER
27 THIS ARTICLE, ANY ELECTOR WHO IS REGISTERED IN A POLITICAL

1 SUBDIVISION REPRESENTED BY AN OFFICIAL SUBJECT TO RECALL MAY FILE
2 A PROTEST USING THE PROCEDURES IN SECTION 1-1-113 ALLEGING THAT
3 THE SUCCESSOR CANDIDATE WHO RECEIVED THE HIGHEST NUMBER OF
4 VOTES FAILS TO QUALIFY FOR THE OFFICE. THE PROTEST MUST BE FILED IN
5 THE DISTRICT COURT IN THE COUNTY IN WHICH THE PETITION
6 DETERMINATION WAS ISSUED.

7 (b) ANY PROTEST FILED UNDER PARAGRAPH (a) OF THIS
8 SUBSECTION (1) TAKES PRECEDENCE OVER ALL OTHER NONEMERGENCY
9 CIVIL MATTERS BEFORE THE DISTRICT COURT.

10 (2) IF THE COURT DETERMINES, PURSUANT TO A PROTEST FILED
11 UNDER SUBSECTION (1) OF THIS SECTION, THAT THE SUCCESSOR
12 CANDIDATE AGAINST WHOM THE PROTEST IS MADE FAILS TO QUALIFY,
13 THAT INDIVIDUAL MAY NOT TAKE OFFICE. IN SUCH CASE, THE OFFICE IS
14 DEEMED VACANT AND SHALL BE FILLED ACCORDING TO LAW, INCLUDING
15 SECTION 2 (3) OF ARTICLE V OF THE STATE CONSTITUTION AND PART 2 OF
16 THIS ARTICLE. ___ THE OFFICER RECALLED IN THE RECALL ELECTION AT
17 WHICH THE UNQUALIFIED SUCCESSOR WAS ELECTED IS INELIGIBLE ___ TO
18 FILL THE VACANCY.

19 **SECTION 11.** In Colorado Revised Statutes, **amend** 1-12-123 as
20 follows:

21 **1-12-123. Conflicts with constitutional requirements for recall**
22 **of state officers or other elections laws.** (1) To the extent that ~~the~~
23 ~~provisions of this part 1 concerning the recall of state officers conflict~~
24 ~~CONFLICTS with the provisions of article XXI of the state constitution, the~~
25 ~~provisions of article XXI of the state constitution shall control~~ CONTROLS.

26 (2) TO THE EXTENT THAT THIS PART 1 CONFLICTS WITH OTHER
27 PROVISIONS OF THIS CODE, THIS PART 1 CONTROLS.

1 **SECTION 12.** In Colorado Revised Statutes, 1-4-902, **amend** (1)
2 as follows:

3 **1-4-902. Form of petition.** (1) The signatures to a petition need
4 not all be appended to one paper, but no petition ~~shall be~~ IS legal that does
5 not contain the requisite number of names of eligible electors whose
6 names do not appear on any other petition previously filed for the same
7 office ~~or recall under the provisions of~~ this section.

8 **SECTION 13.** In Colorado Revised Statutes, 1-13.5-106, **as**
9 **added by House Bill 14-1164, amend** (2) as follows:

10 **1-13.5-106. Applicability of the "Uniform Election Code of**
11 **1992".** (2) All provisions of the "Uniform Election Code of 1992" not in
12 conflict with this article apply to local government elections; except that
13 elections offenses and penalties proscribed by parts 2 and 3 of article 13
14 of this title do not apply to elections authorized under this article, AND
15 RECALL ELECTIONS OF LOCAL GOVERNMENT OFFICERS MUST BE
16 CONDUCTED PURSUANT TO PART 5 OF ARTICLE 4 OF TITLE 31, C.R.S.

17 **SECTION 14.** In Colorado Revised Statutes, 32-1-906, **amend**
18 (1) as follows:

19 **32-1-906. Directors subject to recall - applicability of laws.**
20 (1) (a) Any director elected to the board of any special district who has
21 actually held office for at least six months may be recalled from office by
22 the eligible electors of the special district. A petition signed by the lesser
23 of three hundred eligible electors or forty percent of the eligible electors
24 demanding the recall of any director named in the petition shall be filed
25 in the court. Any recall shall be governed by the ~~provisions of part 1 of~~
26 ~~article 12 of title 1~~ PROCEDURES SET FORTH IN PART 5 OF ARTICLE 4 OF
27 TITLE 31, C.R.S.

1 (b) IN CASE OF SPECIFIC CONFLICT BETWEEN THIS PART 9 AND PART
2 5 OF ARTICLE 4 OF TITLE 31, C.R.S., WITH RESPECT TO A RECALL, THIS
3 PART 9 CONTROLS.

4 **SECTION 15.** In Colorado Revised Statutes, 32-1-907, **amend**
5 (1) as follows:

6 **32-1-907. Recall election - resignation.** (1) If a director subject
7 to a recall petition offers a resignation, it shall be accepted, and the
8 vacancy caused by the resignation, or from any other cause, shall be filled
9 as provided by section 32-1-905 (2). If the director does not resign within
10 five days after the sufficiency of the recall petition has been sustained, the
11 board shall order that a recall election be held pursuant to ~~the provisions~~
12 ~~of part 1 of article 12 of title 1,~~ PART 5 OF ARTICLE 4 OF TITLE 31, C.R.S.

13 **SECTION 16. Effective date - applicability.** This act takes
14 effect upon passage and applies to any recall petition approved for
15 circulation by a designated election official or to any recall election held
16 on or after the effective date of this act.

17 **SECTION 17. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, and safety.