

**Referendum F  
Recall Deadlines**

1 Referendum F is an amendment to the Colorado Constitution that:

- 2       ◆ removes deadlines for protesting petitions to recall elected state officials;
- 3       ◆ allows the state legislature to set deadlines for protesting petitions to recall  
4       elected state officials; and
- 5       ◆ changes the requirements for when a recall election is held.

6 **Summary and Analysis**

7       ***What is a recall election?*** A recall election lets voters remove and replace an  
8       elected official prior to the end of the official's term. Every state and local elected official  
9       in Colorado may be recalled. Recall elections occur mostly at the local level. In recent  
10      years only one elected state official has been recalled, and no official elected by a statewide  
11      vote has been the subject of a recall election. At a recall election, voters are asked if they  
12      want to recall the elected official and to choose a candidate to replace the official if the  
13      recall election is successful.

14      ***State recall election process.*** Recall elections are triggered when the required  
15      number of registered voters sign a recall petition. For elected state officials, the required  
16      number of signatures is 25 percent of the votes cast for all candidates for that office in the  
17      preceding election. Proponents have up to 60 days to gather signatures after a petition  
18      form is approved by state election officials. Signatures on petitions can be protested,  
19      which results in a hearing by the election official. The date of the recall election depends  
20      on when the petition is submitted, taking into account whether a November election in an  
21      even-numbered year will occur in the near future.

22      ***Proposed recall petition and election deadlines for elected state officials.***  
23      Referendum F removes most deadlines for recall petitions and hearings from the state  
24      constitution and allows the state legislature to set these deadlines in state law. During the  
25      2006 legislative session, a law was passed concerning recall elections that will take effect  
26      July 1, 2007, if Referendum F is approved. As it relates to Referendum F, this law extends  
27      deadlines for election officials to hear protests of recall petitions and to hold recall  
28      elections. Table 1 compares the current recall deadlines with those in Referendum F and  
29      the new law.

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**Table 1 – Recall Election Deadlines**

Issue	Current Constitutional Deadline	Referendum F Constitutional Deadline	Statutory Deadline
What is the deadline for protesting signatures on a petition?	15 days after the petition is submitted	Deleted	No change from current law - 15 days after the petition is determined to be sufficient
What is the deadline for election officials to hear petition protests?	30 days after the petition is submitted	Deleted	55 days after the petition is submitted
How many days do proponents have to remedy petition shortfalls?	15 days after the petition is found to be insufficient	Deleted	Not specified
What is the deadline for holding a recall election?	Between 30 and 60 days after the petition is submitted	Between 30 and 60 days after the protest period ends and all protests have been finally decided	Between 30 and 60 days after the protest period ends and all protests have been finally decided
When must a recall election be held as part of a November election?	Held at the November election in even-numbered years if the recall petition is submitted in the 90 days before the election	Held at the November election in even-numbered years if it falls within 50 to 90 days after all petition protests have been finally decided	Held at any November election if it falls within 50 to 90 days after all petition protests have been finally decided

25 **Arguments For**

26 1) Referendum F gives the legislature the flexibility to change recall election  
 27 procedures and deadlines to address changing circumstances such as population growth,  
 28 new voting procedures, or new technology that improves the petition verification process.  
 29 The current deadlines for recall petitions were added to Colorado's constitution in 1913,  
 30 when a recall of the governor would have required one-fifth as many signatures as would  
 31 be required today.

32 2) The current deadlines may be too tight for election officials to respond to  
 33 petition protests and to conduct a recall election. For example, if a recall petition for the  
 34 current governor is protested, state election officials could have as few as 5 days to hear  
 35 protests on the validity of 358,200 signatures. Also, if a recall petition is submitted close  
 36 to a November election in an even-numbered year, there may not be enough time to prepare  
 37 and reprint a new ballot. Referendum F allows the legislature to take all circumstances into  
 38 account in setting deadlines that ensure a fair election process for all parties.

1     **Arguments Against**

2             1) Referendum F puts too much power in the hands of legislators and the governor  
3 by allowing them to amend election deadlines that regulate recall of their own offices.  
4 These officials may have an incentive to adopt deadlines that make their recall more  
5 difficult or that extend their time in office before facing a recall election. Referendum F  
6 also removes the 15-day period during which proponents are able to collect additional  
7 signatures to remedy a shortfall. Without this guaranteed period of time, whether there is  
8 any additional time to remedy a shortfall is uncertain. Further, Referendum F is  
9 unnecessary because elected state officials are rarely the subject of recall elections.

10            2) Citizens should be able to remove unsatisfactory officials as quickly as possible  
11 and replace them with elected officials of their choice. Under the deadlines in the new law,  
12 elected officials may have more days in office prior to a recall election. This additional  
13 time may provide an advantage for an elected official to organize opposition to his or her  
14 recall. Recall proponents already face the difficult challenge of obtaining the high number  
15 of signatures required by state law.

16     **Estimate of Fiscal Impact**

17             Referendum F is not expected to affect state or local government revenues or  
18 expenditures.