

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REREVISED

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

LLS NO. 21-0419.01 Megan Waples x4348

HOUSE BILL 21-1092

HOUSE SPONSORSHIP

Williams, Kennedy, Pico, Sandridge, Valdez D.

SENATE SPONSORSHIP

Holbert,

House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

State, Veterans, & Military Affairs

A BILL FOR AN ACT

101 **CONCERNING THE ELIGIBILITY OF A CANDIDATE FOR LIEUTENANT**
102 **GOVERNOR TO BE A CANDIDATE FOR ANOTHER ELECTED OFFICE.**

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://leg.colorado.gov>.)

The bill allows a person who is nominated as a candidate for elected office who is also nominated as a candidate for lieutenant governor to run for both offices. If the person wins the election for both offices, the person must resign from one of them within 7 days of the final certification of the results of both elections. The vacancy created by the resignation is filled in accordance with existing law on vacancies for

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
April 19, 2021

SENATE
2nd Reading Unamended
April 16, 2021

HOUSE
3rd Reading Unamended
March 29, 2021

HOUSE
Amended 2nd Reading
March 26, 2021

that office.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-4-501, **amend** (2)
3 as follows:

4 **1-4-501. Only eligible electors eligible for office.** (2) No person
5 is eligible to be a candidate for more than one office at one time; except
6 that:

7 (a) This subsection (2) does not apply to memberships on different
8 special district boards;

9 (b) This subsection (2) ~~shall~~ DOES not prohibit a candidate or
10 elected official of any political subdivision from being a candidate or
11 member of the board of directors of any special district or districts in
12 which he or she is an eligible elector, unless otherwise prohibited by law;

13 AND

14 (c) A PERSON WHO IS NOMINATED AS A CANDIDATE FOR AN
15 ELECTED OFFICE OTHER THAN THE OFFICE OF UNITED STATES SENATOR OR
16 REPRESENTATIVE IN CONGRESS WHO IS ALSO NOMINATED AS A JOINT
17 CANDIDATE FOR LIEUTENANT GOVERNOR IN ACCORDANCE WITH SECTION
18 1-4-502 (3) MAY BE A CANDIDATE FOR BOTH OFFICES. IF THE PERSON IS
19 ELECTED TO BOTH OFFICES, THE PERSON SHALL ACCEPT THE OFFICE OF
20 LIEUTENANT GOVERNOR AND RESIGN FROM THE OTHER OFFICE TO WHICH
21 THE PERSON IS ELECTED WITHIN SEVEN DAYS OF THE FINAL CERTIFICATION
22 OF THE RESULTS OF BOTH ELECTIONS. IF THE RESULTS OF THE ELECTIONS
23 ARE CERTIFIED ON DIFFERENT DATES, THE DEADLINE TO RESIGN FROM ONE
24 OFFICE IS SEVEN DAYS AFTER THE LATEST CERTIFICATION OF RESULTS
25 AFTER THE ELECTION. THE RESULTING VACANCY SHALL BE FILLED IN

1 ACCORDANCE WITH PART 2 OF ARTICLE 12 OF THIS TITLE 1.

2 **SECTION 2.** In Colorado Revised Statutes, **add 1-45-103.5** as
3 follows:

4 **1-45-103.5. Candidate for lieutenant governor - candidate**
5 **committees.** (1) A PERSON WHO IS NOMINATED AS A CANDIDATE FOR
6 LIEUTENANT GOVERNOR AND FOR ANOTHER ELECTED OFFICE IN
7 ACCORDANCE WITH SUBSECTION 1-4-501 (2)(c) SHALL AFFIRMATIVELY
8 CLOSE ANY CANDIDATE COMMITTEE REGISTERED IN THE PERSON'S NAME
9 FOR THE OFFICE OTHER THAN LIEUTENANT GOVERNOR AND SHALL CEASE
10 ACCEPTING CONTRIBUTIONS OR MAKING EXPENDITURES IN SUPPORT OF THE
11 PERSON'S ELECTION TO THAT OTHER OFFICE BEFORE FILING AN
12 ACCEPTANCE OF THE NOMINATION FOR LIEUTENANT GOVERNOR IN
13 ACCORDANCE WITH SUBSECTION 1-4-502 (3)(c). ANY UNEXPENDED
14 CONTRIBUTIONS HELD BY THE CANDIDATE COMMITTEE MUST BE
15 CONTRIBUTED OR DONATED IN ACCORDANCE WITH SUBSECTION 1-45-106
16 (1)(a)(I)(A), (1)(a)(I)(C), OR (1)(a)(I)(D); EXCEPT THAT UNEXPENDED
17 CONTRIBUTIONS MAY NOT BE RETAINED FOR USE BY THE CANDIDATE IN A
18 SUBSEQUENT CAMPAIGN.

19 (2) A PERSON WHO IS A CANDIDATE FOR LIEUTENANT GOVERNOR
20 AND FOR ANOTHER ELECTED OFFICE IN ACCORDANCE WITH SECTION
21 1-4-501 (2)(c) SHALL NOT RECEIVE CONTRIBUTIONS OR MAKE
22 EXPENDITURES IN SUPPORT OF THE PERSON'S ELECTION TO THE OTHER
23 OFFICE ON OR AFTER THE DATE THE PERSON FILES AN ACCEPTANCE OF THE
24 NOMINATION FOR LIEUTENANT GOVERNOR IN ACCORDANCE WITH
25 SUBSECTION 1-4-502 (3)(c).

26 (3) THE SECRETARY OF STATE MAY PROMULGATE RULES TO
27 IMPLEMENT THE REQUIREMENTS OF THIS SECTION.

1 **SECTION 3. Act subject to petition - effective date -**

2 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
3 the expiration of the ninety-day period after final adjournment of the
4 general assembly; except that, if a referendum petition is filed pursuant
5 to section 1 (3) of article V of the state constitution against this act or an
6 item, section, or part of this act within such period, then the act, item,
7 section, or part will not take effect unless approved by the people at the
8 general election to be held in November 2022 and, in such case, will take
9 effect on the date of the official declaration of the vote thereon by the
10 governor.

11 (2) This act applies to elections conducted on or after the
12 applicable effective date of this act.