

CHAPTER 79

ELECTIONS

SENATE BILL 99-028

BY SENATOR Nichol;
also REPRESENTATIVES Kaufman, Ragsdale, and Vigil.

AN ACT

CONCERNING A REDUCTION IN THE PERCENTAGE OF VOTES CAST FOR THE WINNING CANDIDATE IN CERTAIN ELECTIONS BY WHICH A CANDIDATE LOSES THAT NECESSITATES AN AUTOMATIC RECOUNT OF THE VOTES CAST.

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

SECTION 1. 1-10-301 (1), Colorado Revised Statutes, is amended to read:

1-10-301. Recounts for congressional, state, and district offices - expenses of recount. (1) If, on or before the twentieth day after the general or congressional vacancy election or on or before the tenth day after the primary election, all the official abstracts of votes have been received in the office of the secretary of state, and it appears, as evidenced by the official abstracts of votes, that a candidate for United States senator, representative in congress, or any state office or district office of state concern has failed to be nominated in a primary election by ~~two~~ ONE-HALF OF ONE percent or less of the highest vote cast for a candidate of the same party for that office or failed to be elected in a general or congressional vacancy election by ONE-HALF OF one percent or less of the highest vote cast for a candidate for the same office, the secretary of state shall order a complete recount of all the votes cast for that office.

SECTION 2. 1-10-302, Colorado Revised Statutes, is amended to read:

1-10-302. Recount for county officers. If it appears, as evidenced by the official abstract of votes, that any candidate for any county office failed to be nominated in a primary election by ~~two~~ ONE-HALF OF ONE percent or less of the highest vote cast for a candidate of the same party for that office or if any candidate for a county office failed to be elected in a general election by ONE-HALF OF one percent or less of the highest vote cast for a candidate for the same office, the county clerk and recorder

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

shall order a recount of the votes cast for the office in question. The recount shall be held at the same time and place and in the same manner as a recount conducted pursuant to section 1-10-301. If no recount is ordered under section 1-10-301, any recount of the votes for county officers shall be held no later than the thirtieth day after a general election or no later than the fifteenth day after a primary election and shall be completed no later than the thirty-fifth day after the general election or the twentieth day after the primary election.

SECTION 3. 1-10-303, Colorado Revised Statutes, is amended to read:

1-10-303. Recount for nonpartisan elections. If it appears, as evidenced by the survey of returns, that any candidate failed to be elected or ballot issue or ballot question failed to pass by a margin of ONE-HALF OF one percent or less of the highest number of votes cast for the next candidate for that office or for the ballot issue or ballot question, the governing body shall conduct a recount of the votes cast for the office or the ballot issue or ballot question. Any recount under this section shall be held no later than the fifteenth day after a regular or special election or no later than the thirtieth day after a coordinated election and shall be completed by no later than the twentieth day after a regular or special election or the thirty-fifth day after a coordinated election. Notice prior to the recount shall be given to all interested candidates or supporters of a ballot issue or ballot question. The interested parties or their representatives shall be allowed to be present and observe the recount. Any recount under this section shall be paid for by the governing body.

SECTION 4. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 5, 1999