

CHAPTER 346

GOVERNMENT - MUNICIPAL

HOUSE BILL 04-1430

BY REPRESENTATIVE(S) May M., Berry, and Harvey;
also SENATOR(S) Lamborn, and Arnold.

AN ACT

CONCERNING THE DATES BY WHICH CERTAIN ACTION IS TO BE TAKEN AFFECTING MUNICIPAL ELECTIONS.

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

SECTION 1. 1-4-805, Colorado Revised Statutes, is amended to read:

1-4-805. Petitions for nominating municipal candidates in coordinated elections. Any person who desires to be a candidate for a municipal office in a coordinated ~~or mail ballot~~ election shall, in lieu of the requirements of this article, comply with the nominating petition procedure set forth in the "Colorado Municipal Election Code of 1965", article 10 of title 31, C.R.S.; except that part 11 of this article, concerning write-in candidate affidavits, shall apply in such municipal elections, and any nominating petition may be circulated and signed beginning on the ninety-first day prior to the election and shall be filed with the municipal clerk no later than the seventy-first day prior to the date of the election. The petition may be amended to correct or replace signatures that the clerk finds are not in apparent conformity with the requirements of the municipal election code at any time before the sixty-seventh day before the election.

SECTION 2. 31-1-101 (10), Colorado Revised Statutes, is amended to read:

31-1-101. Definitions. As used in this title, except where specifically defined, unless the context otherwise requires:

(10) "Regular election" means the election held in towns on the first Tuesday of April in each even-numbered year; the election held in cities on the FIRST Tuesday ~~succeeding the first Monday~~ of November in each odd-numbered year; and the election held in any other municipality at which the regular election of officers takes

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

place.

SECTION 3. 31-4-503 (4), Colorado Revised Statutes, is amended to read:

31-4-503. Petition in sections - signing - affidavit - review - tampering with petition. (4) When such recall petition is determined sufficient, the municipal clerk shall submit said petition, together with a certificate of its sufficiency, to the governing body of such municipality at the first meeting of such body following expiration of the period within which a protest may be filed or at the first meeting of such body following the determination of a hearing officer that a petition is sufficient, whichever is later. The governing body shall thereupon order and fix a date for the recall election to be held not less than thirty days nor more than ninety days from the date of submission of the petition to the governing body by the municipal clerk AND DETERMINE WHETHER VOTING IN THE RECALL ELECTION IS TO TAKE PLACE AT THE POLLING PLACE OR BY MAIL BALLOT; but, if a regular election is to be held within ~~ninety~~ ONE HUNDRED EIGHTY days after the date of submission of said petition, the recall election shall be held as a part of said regular election; except that, if the officer sought to be recalled is seeking reelection at said regular election, only the question of such officer's reelection shall appear on the ballot. If a successor to the officer sought to be recalled is to be selected at such regular election and the officer sought to be recalled is not seeking reelection, the question of such officer's recall shall not appear on the ballot of such regular election.

SECTION 4. 31-4-504 (4), Colorado Revised Statutes, is amended to read:

31-4-504. Resignation - vacancy filled - election - ballot - nomination. (4) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (4), candidates for the office at a recall election may be nominated by petition as provided in section 31-10-302; except that nominating petitions may be circulated beginning on the first business day after the governing body sets the date for the recall election and shall be filed no later than twenty days prior to such recall election.

(b) WHERE THE GOVERNING BODY OF THE MUNICIPALITY CHOOSES TO CONDUCT THE RECALL ELECTION BY MAIL BALLOT IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 31-4-503 (4), CANDIDATES SHALL HAVE NOT LESS THAN TEN CALENDAR DAYS BEGINNING ON THE FIRST CALENDAR DAY AFTER THE GOVERNING BODY SETS THE DATE FOR THE RECALL ELECTION WITHIN WHICH TO CIRCULATE NOMINATING PETITIONS, AND SUCH PETITIONS SHALL BE FILED NO LATER THAN FORTY-FIVE DAYS PRIOR TO SUCH RECALL ELECTION.

SECTION 5. 31-10-302 (8), Colorado Revised Statutes, is amended to read:

31-10-302. Nomination of municipal officers. (8) Nomination petitions for candidates whose name will be on the ballot at a coordinated election ~~or mail ballot election~~ pursuant to articles 1 to 13 of title 1, C.R.S., shall be circulated, signed, and filed with the municipal clerk within the period set forth in section 1-4-805, C.R.S.

SECTION 6. Applicability. This act shall apply to elections called on or after the effective date of this act.

SECTION 7. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 28, 2004