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HOUSE BILL 21-1092

BY REPRESENTATIVE(S) Williams, Kennedy, Pico, Sandridge,
Valdez D.;
also SENATOR(S) Holbert.

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

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

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

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

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

(b) This subsection (2) ~~shall~~ **DOES** not prohibit a candidate or elected official of any political subdivision from being a candidate or member of the board of directors of any special district or districts in which he or she

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

is an eligible elector, unless otherwise prohibited by law; AND

(c) A PERSON WHO IS NOMINATED AS A CANDIDATE FOR AN ELECTED OFFICE OTHER THAN THE OFFICE OF UNITED STATES SENATOR OR REPRESENTATIVE IN CONGRESS WHO IS ALSO NOMINATED AS A JOINT CANDIDATE FOR LIEUTENANT GOVERNOR IN ACCORDANCE WITH SECTION 1-4-502 (3) MAY BE A CANDIDATE FOR BOTH OFFICES. IF THE PERSON IS ELECTED TO BOTH OFFICES, THE PERSON SHALL ACCEPT THE OFFICE OF LIEUTENANT GOVERNOR AND RESIGN FROM THE OTHER OFFICE TO WHICH THE PERSON IS ELECTED WITHIN SEVEN DAYS OF THE FINAL CERTIFICATION OF THE RESULTS OF BOTH ELECTIONS. IF THE RESULTS OF THE ELECTIONS ARE CERTIFIED ON DIFFERENT DATES, THE DEADLINE TO RESIGN FROM ONE OFFICE IS SEVEN DAYS AFTER THE LATEST CERTIFICATION OF RESULTS AFTER THE ELECTION. THE RESULTING VACANCY SHALL BE FILLED IN ACCORDANCE WITH PART 2 OF ARTICLE 12 OF THIS TITLE 1.

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

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

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

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

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

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

Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Leroy M. Garcia
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO