

First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 17-0863.01 Kate Meyer x4348

SENATE BILL 17-209

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SENATE SPONSORSHIP

Priola,

HOUSE SPONSORSHIP

Weissman,

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Senate Committees  
State, Veterans, & Military Affairs

House Committees

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A BILL FOR AN ACT

101 CONCERNING ACCESS TO THE BALLOT BY CANDIDATES.

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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 makes various changes to the laws governing access to the ballot.

**Section 1** prohibits a designated election official from certifying to the ballot the name of any candidate who the designated election official determines is unqualified to hold office.

For a political party candidate seeking to petition onto a ballot, **section 2** moves up the deadline by which the petition must be filed.

Currently, each petition to nominate a candidate must have

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

*Capital letters indicate new material to be added to existing statute.*

*Dashes through the words indicate deletions from existing statute.*

SENATE  
Amended 2nd Reading  
March 28, 2017

attached to it a notarized affidavit executed by the petition circulator. **Section 3** directs the secretary of state to establish by rule a process that allows a circulator 5 days to cure a rejected affidavit.

**Section 4** reorganizes and amends the laws pertaining to withdrawals and vacancies in nominations and designations.

**Sections 5 through 11** make conforming amendments necessitated by the statutory reorganization effected in section 4.

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

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

4 **1-4-501. Only eligible electors eligible for office.** (1) No person  
5 except an eligible elector who is at least eighteen years of age, unless  
6 another age is required by law, is eligible to hold any office in this state.  
7 No person is eligible to be a designee or candidate for office unless that  
8 person fully meets the qualifications of that office as stated in the  
9 constitution and statutes of this state on or before the date the term of that  
10 office begins. The designated election official shall not certify the name  
11 of any designee or candidate who fails to swear or affirm under oath that  
12 he or she will fully meet the qualifications of the office if elected; ~~and~~ OR  
13 who is unable to provide proof that he or she meets any requirements of  
14 the office relating to registration, residence, or property ownership; OR  
15 WHO THE DESIGNATED ELECTION OFFICIAL DETERMINES IS NOT QUALIFIED  
16 TO HOLD THE OFFICE THAT HE OR SHE SEEKS BASED ON RESIDENCY  
17 REQUIREMENTS, FOLLOWING THE DESIGNATED ELECTION OFFICIAL'S  
18 REVIEW OF THE DESIGNEE'S OR CANDIDATE'S RESIDENCY INFORMATION  
19 CONTAINED IN THE STATEWIDE VOTER REGISTRATION SYSTEM. The  
20 information found on the person's voter registration record is admissible  
21 as prima facie evidence of compliance with this section.

22 **SECTION 2.** In Colorado Revised Statutes, 1-4-801, **amend** (5)

1 as follows:

2 **1-4-801. Designation of party candidates by petition.** (5) Party  
3 petitions shall not be circulated nor any signatures be obtained prior to the  
4 first Monday in ~~February~~ JANUARY. Petitions ~~shall~~ MUST be filed no later  
5 than ~~eighty-five days before the primary election~~ THE LAST FRIDAY IN  
6 FEBRUARY.

7 **SECTION 3.** In Colorado Revised Statutes, 1-4-803, **add** (1)(c)  
8 as follows:

9 **1-4-803. Petitions for nominating school district directors.**  
10 (1) (c) THE PETITION MAY DESIGNATE OR APPOINT ON ITS FACE ONE OR  
11 MORE ELIGIBLE ELECTORS AS A COMMITTEE TO FILL VACANCIES IN THE  
12 NOMINATION.

13 **SECTION 4.** In Colorado Revised Statutes, **amend** 1-4-912 as  
14 follows:

15 **1-4-912. Cure - rules.** (1) ~~In case~~ IF a petition for nominating an  
16 unaffiliated candidate is ~~not sufficient~~ DETERMINED TO BE INSUFFICIENT,  
17 it may be amended once no later than 3 p.m. on the eighty-fifth day before  
18 the general election or 3 p.m. on the sixty-seventh day before an election  
19 that is not being held concurrently with the general election. If a petition  
20 for nominating an unaffiliated candidate is amended, the designated  
21 election official shall notify the candidate of whether the petition is  
22 sufficient or insufficient no later than the seventy-fifth day before the  
23 general election.

24 (2) DURING THE REVIEW OF ANY MAJOR OR MINOR PARTY  
25 CANDIDATE'S PETITION THAT IS REQUIRED TO BE FILED WITH THE  
26 SECRETARY OF STATE'S OFFICE, THE SECRETARY OF STATE SHALL NOTIFY  
27 THE CANDIDATE OF ANY ERRORS AND INSUFFICIENCIES REGARDING

1 CIRCULATOR AFFIDAVITS. UPON THE RECEIPT OF SUCH A NOTIFICATION,  
2 THE CANDIDATE HAS FIVE CALENDAR DAYS FROM THE DATE OF RECEIPT OF  
3 THE NOTICE TO CURE THE ERRORS AND INSUFFICIENCIES CONTAINED IN THE  
4 NOTICE. TO CURE A CIRCULATOR AFFIDAVIT, THE CANDIDATE MUST  
5 PROVIDE THE SECRETARY OF STATE WITH A NEW CIRCULATOR AFFIDAVIT  
6 THAT CORRECTS THE ERRORS OF THE PREVIOUSLY SUBMITTED AFFIDAVIT.

7 (3) THE SECRETARY OF STATE SHALL PROMULGATE RULES, IN  
8 ACCORDANCE WITH ARTICLE 4 OF TITLE 24, TO IMPLEMENT THIS SECTION.

9 **SECTION 5.** In Colorado Revised Statutes, **amend with**  
10 **relocated provisions**, part 10 of article 4 of title 1 as follows:

11 PART 10

12 WITHDRAWALS AND DISQUALIFICATIONS FROM, AND  
13 VACANCIES IN, NOMINATIONS AND DESIGNATIONS

14 **1-4-1001. Withdrawal or disqualification from candidacy.**

15 (1) (a) Any person who has accepted a designation or nomination may  
16 withdraw from candidacy at any time by filing a letter of withdrawal. The  
17 WITHDRAWING CANDIDATE SHALL SIGN AND ACKNOWLEDGE THE letter  
18 ~~shall be signed and acknowledged by the candidate~~ before some AN  
19 officer authorized to take acknowledgments and shall ~~be filed~~ FILE THE  
20 LETTER with the designated election official with whom the original  
21 certificate or petition of candidacy was filed.

22 (b) ANY CANDIDATE WITHDRAWING FROM A DESIGNATION OR  
23 NOMINATION SHALL FORTHWITH REPORT THE WITHDRAWAL TO THE  
24 PERSONS DESIGNATED IN THIS PART 10 TO FILL THE VACANCY.

25 (c) Except in the case of a vacancy to be filled in accordance with  
26 the provisions of ~~section 1-4-1002 (2.5), in the event that~~ SECTION  
27 1-4-1004 OR 1-4-1006 THAT APPLY WHEN A VACANCY OCCURS FROM THE

1 EARLIEST DAY TO MAIL BALLOTS PURSUANT TO SECTION 1-7.5-107 AND  
2 THE DAY OF A PRIMARY OR GENERAL ELECTION, RESPECTIVELY, IF THE  
3 withdrawal of candidacy is not made in time for the candidate's name to  
4 be taken off the ballot, any votes cast for the candidate ~~shall be deemed~~  
5 ARE invalid and ~~will~~ SHALL not be counted.

6 (2) ~~===== Any candidate withdrawing from a designation or~~  
7 ~~nomination, as provided in subsection (1)(a) of this section, shall~~  
8 ~~forthwith report the withdrawal to the persons designated in section~~  
9 ~~1-4-1002 to fill the vacancy~~ IF THE DESIGNATED ELECTION OFFICIAL  
10 DISQUALIFIES A CANDIDATE BEFORE THE BALLOTS ARE PRINTED, THAT  
11 CANDIDATE'S NAME SHALL NOT APPEAR ON THE BALLOTS.

12 =====  
13 **1-4-1002. Vacancies in major party designation up to the**  
14 **sixty-eighth day before primary election day.** (1) FOR THE PURPOSES  
15 OF THIS SECTION, A VACANCY IS CAUSED BY:

16 (a) THE DECLINATION, DEATH, DISQUALIFICATION, OR  
17 WITHDRAWAL OF THE PERSON DESIGNATED BY A PARTY ASSEMBLY AS A  
18 CANDIDATE FOR NOMINATION; OR

19 (b) THE FAILURE OF A PARTY ASSEMBLY TO MAKE DESIGNATION OF  
20 ANY CANDIDATE FOR NOMINATION.

21 ~~(1)~~ (2) Any vacancy in a party designation occurring after the  
22 party assembly at which the designation was made and no later than  
23 sixty-eight days before the primary election may be filled by the party  
24 assembly vacancy committee of the district, county, or state, depending  
25 upon the office for which the vacancy in designation has occurred. A  
26 ~~vacancy may be caused by the declination, death, disqualification, or~~  
27 ~~withdrawal of any person designated by the assembly as a candidate for~~

1 ~~nomination, or by failure of the assembly to make designation of any~~  
2 ~~candidate for nomination, or by death or resignation of any elective~~  
3 ~~officer after an assembly at which a candidate could have been designated~~  
4 ~~for nomination for the office at a primary election had the vacancy then~~  
5 ~~existed~~ THE PARTY ASSEMBLY VACANCY COMMITTEE MUST BE APPOINTED  
6 BY THE PARTY IN ACCORDANCE WITH PARTY RULES.

7 (3) (a) NO VACANCY COMMITTEE CALLED TO FILL A VACANCY  
8 PURSUANT TO THIS SECTION MAY SELECT A PERSON TO FILL THE VACANCY  
9 AT A MEETING HELD FOR THAT PURPOSE UNLESS A WRITTEN NOTICE  
10 ANNOUNCING THE TIME AND LOCATION OF THE VACANCY COMMITTEE  
11 MEETING WAS MAILED TO EACH OF THE COMMITTEE MEMBERS WITHIN FIVE  
12 CALENDAR DAYS OF THE CHAIRPERSON OF THE CENTRAL COMMITTEE  
13 RECEIVING NOTICE OF THE VACANCY. MAILING OF THE NOTICE IS  
14 EFFECTIVE WHEN THE NOTICE IS PROPERLY ADDRESSED AND DEPOSITED IN  
15 THE UNITED STATES MAIL, WITH FIRST-CLASS POSTAGE PREPAID. IN  
16 ADDITION TO THIS MAILING, THE CHAIRPERSON OF THE CENTRAL  
17 COMMITTEE MAY ALSO CONTACT THE COMMITTEE MEMBERS BY  
18 ELECTRONIC MAIL.

19 (b) (I) NO VACANCY COMMITTEE MEETING SHALL BE HELD UNTIL  
20 A QUORUM IS PRESENT CONSISTING OF NOT LESS THAN ONE-HALF OF THE  
21 VOTING MEMBERSHIP OF THE VACANCY COMMITTEE.

22 (II) THE VACANCY COMMITTEE, BY A MAJORITY VOTE OF ITS  
23 MEMBERS PRESENT AND VOTING AT A MEETING CALLED FOR THAT  
24 PURPOSE, SHALL SELECT A PERSON WHO MEETS ALL OF THE REQUIREMENTS  
25 OF CANDIDACY AS OF THE DATE OF THE APPOINTMENT AND WHO IS  
26 AFFILIATED WITH THE SAME POLITICAL PARTY:

27 (A) AS SHOWN IN THE STATEWIDE VOTER REGISTRATION SYSTEM

1 AS THE CANDIDATE WHOSE DECLINATION, DEATH, DISQUALIFICATION, OR  
2 WITHDRAWAL CAUSED THE VACANCY; OR

3 (B) AS THE PARTY ASSEMBLY THAT FAILED TO DESIGNATE A  
4 CANDIDATE, AS APPLICABLE.

5 (III) NO MEMBER OF THE VACANCY COMMITTEE MAY VOTE BY  
6 PROXY.

7 (IV) IF THE VACANCY COMMITTEE FAILS TO TIMELY CERTIFY A  
8 SELECTION, THE STATE CHAIR OF THE PARTY OF THE CANDIDATE WHOSE  
9 DECLINATION, DEATH, DISQUALIFICATION, OR WITHDRAWAL CAUSED THE  
10 VACANCY, WITHIN SEVEN DAYS, SHALL FILL THE VACANCY BY APPOINTING  
11 A PERSON WHO MEETS ALL OF THE REQUIREMENTS OF CANDIDACY AS OF  
12 THE DATE OF THE APPOINTMENT AND WHO IS AFFILIATED WITH THE SAME  
13 POLITICAL PARTY SHOWN IN THE STATEWIDE VOTER REGISTRATION  
14 SYSTEM AS THE CANDIDATE WHOSE DECLINATION, DEATH,  
15 DISQUALIFICATION, OR WITHDRAWAL CAUSED THE VACANCY. THE NAME  
16 OF THE PERSON APPOINTED BY THE STATE CHAIR MUST BE CERTIFIED TO  
17 THE SECRETARY OF STATE.

18 (c) (I) THE DESIGNATION AND ACCEPTANCE OF THE PERSON  
19 SELECTED TO FILL THE VACANCY MUST BE SUBMITTED TO THE DESIGNATED  
20 ELECTION OFFICIAL NO LATER THAN THREE DAYS FROM EITHER THE DATE  
21 OF THE VACANCY COMMITTEE MEETING OR FROM THE DATE OF  
22 APPOINTMENT BY THE STATE CHAIR PURSUANT TO SUBSECTION (3)(b)(IV)  
23 OF THIS SECTION, AS APPLICABLE; EXCEPT THAT SUCH CERTIFICATION  
24 MUST IN ALL CASES BE SUBMITTED NO LATER THAN THE SIXTY-FOURTH  
25 DAY BEFORE THE DATE OF THE PRIMARY ELECTION.

26 (II) FOR PURPOSES OF THIS SECTION, A VACANCY IS FILLED WHEN  
27 THE DESIGNATED ELECTION OFFICIAL RECEIVES THE CERTIFICATE OF

1 NOMINATION AND THE WRITTEN ACCEPTANCE OF THE REPLACEMENT  
2 CANDIDATE.

3 ~~(d) No person is eligible for appointment to fill a vacancy in a~~  
4 ~~party designation unless that person meets all requirements of candidacy~~  
5 ~~as of the date of the assembly that made the original designation.~~

6 ~~(2) A vacancy in a party designation occurring during the~~  
7 ~~sixty-seven days before the primary election or on the day of the primary~~  
8 ~~election may be filled by the respective party assembly vacancy~~  
9 ~~committee of the district, county, or state, depending upon the office for~~  
10 ~~which the vacancy in designation or nomination has occurred. A vacancy~~  
11 ~~may be caused by the declination, death, disqualification, resignation, or~~  
12 ~~withdrawal of the person previously designated or of the person~~  
13 ~~nominated at the primary election or by declination, death,~~  
14 ~~disqualification, or withdrawal of an elective officer after a primary~~  
15 ~~election at which a nomination could have been made for the office had~~  
16 ~~the vacancy then existed. No person is eligible for appointment to fill a~~  
17 ~~vacancy in the party designation or nomination unless the person meets~~  
18 ~~all of the requirements of candidacy as of the date of the primary election.~~

19 ~~(2.3)(a) A vacancy in a party nomination, other than a vacancy for~~  
20 ~~a party nomination for lieutenant governor for a general election,~~  
21 ~~occurring after January 1, 2001, that occurs after the day of the primary~~  
22 ~~election or after nomination by assembly or convention under section~~  
23 ~~1-4-702 and more than eighteen days before the general election may be~~  
24 ~~filled by the respective party assembly vacancy committee of the district,~~  
25 ~~county, or state, as appropriate, depending upon the office for which the~~  
26 ~~vacancy in nomination has occurred in accordance with the provisions of~~  
27 ~~subsection (9) of this section. A vacancy in a party nomination for~~



1 lieutenant governor for a general election occurring after January 1, 2001,  
2 shall be filled by a replacement candidate for lieutenant governor  
3 nominated by the party's candidate for governor. A vacancy may be  
4 caused by the declination, death, disqualification, resignation, or  
5 withdrawal of the person nominated at the primary election or by the  
6 declination, death, disqualification, resignation, or withdrawal of an  
7 elective officer after a primary election at which a nomination could have  
8 been made for the office had the vacancy then existed. No person is  
9 eligible for appointment to fill a vacancy in the party nomination unless  
10 the person meets all of the requirements of candidacy as of the date of the  
11 primary election. When a vacancy is filled pursuant to this paragraph (a),  
12 the designated election official shall provide notice by publication of the  
13 replacement nomination in the same manner as the notice required by  
14 section 1-5-205.

15 (a.5) When a vacancy in a party nomination is filled pursuant to  
16 paragraph (a) of this subsection (2.3) before the designated election  
17 official has certified the ballot in accordance with section 1-5-203 (3)(a),  
18 the designated election official shall certify the name of the replacement  
19 candidate for the ballot.

20 (b) When a vacancy in a party nomination is filled pursuant to  
21 paragraph (a) of this subsection (2.3) after the designated election official  
22 has certified the ballot in accordance with section 1-5-203 (3)(a), the  
23 designated election official shall, to the extent reasonably practical under  
24 the circumstances:

25 (I) Cause the name of the replacement candidate to appear on the  
26 official ballot; or

27 (II) Cause to be printed and placed on the sample ballot delivered

1 to the election judges and posted pursuant to section 1-5-413 a sticker of  
2 a different color than the sample ballot indicating the name of the  
3 replacement candidate:

4 (c) ~~Notwithstanding subparagraph (f) of paragraph (b) of this~~  
5 ~~subsection (2.3), a designated election official shall not be required to~~  
6 ~~print replacement ballots containing the name of a replacement candidate~~  
7 ~~if the official ballots containing the name of the candidate who vacated~~  
8 ~~the nomination have already been printed.~~

9 (d) ~~For purposes of this section, a vacancy is filled when the~~  
10 ~~designated election official receives the certificate of nomination and the~~  
11 ~~written acceptance of the replacement candidate pursuant to paragraph (a)~~  
12 ~~of subsection (5) of this section.~~

13 (e) ~~If the name of a replacement candidate designated to fill a~~  
14 ~~vacancy pursuant to this subsection (2.3) does not appear on the official~~  
15 ~~ballot and ballots containing the name of the candidate who vacated the~~  
16 ~~nomination are used in a general election, the votes cast for the candidate~~  
17 ~~who vacated the nomination shall be counted as votes for the replacement~~  
18 ~~candidate.~~

19 (2.5) (a) ~~Any vacancy in a party nomination occurring less than~~  
20 ~~eighteen days before the general election that is caused by the declination,~~  
21 ~~death, disqualification, or withdrawal of any person nominated at the~~  
22 ~~primary election or by the declination, death, disqualification, or~~  
23 ~~withdrawal of any elective officer after a primary election at which a~~  
24 ~~nomination could have been made for the office had the vacancy then~~  
25 ~~existed shall not be filled before the general election. In such case, the~~  
26 ~~votes cast for the candidate whose declination, death, disqualification, or~~  
27 ~~withdrawal caused the vacancy are to be counted and recorded, and, if the~~

1 ~~candidate receives a plurality of the votes cast, such vacancy shall be~~  
2 ~~filled after the general election by the respective party vacancy committee~~  
3 ~~of the district, county, or state, as appropriate, depending upon the office~~  
4 ~~for which the vacancy in nomination has occurred and in the manner~~  
5 ~~provided for in part 2 of article 12 of this title for filling vacancies in~~  
6 ~~office.~~

7 (b) ~~Any vacancy in a party nomination for lieutenant governor for~~  
8 ~~a general election occurring after January 1, 2001, that occurs less than~~  
9 ~~eighteen days before the general election that is caused by the declination,~~  
10 ~~death, disqualification, or withdrawal of the nominated candidate shall~~  
11 ~~not be filled before the general election. In such case, the votes cast for~~  
12 ~~the candidate for governor who was a joint candidate with the candidate~~  
13 ~~whose declination, death, disqualification, or withdrawal caused the~~  
14 ~~vacancy shall be counted and recorded, and, if such candidate is elected,~~  
15 ~~he or she shall fill the vacancy after the general election by selecting a~~  
16 ~~lieutenant governor who is a member of the same political party. The~~  
17 ~~senate shall have no power to confirm or deny such appointment.~~

18 (3) ~~Any vacancy in a party nomination occurring after the~~  
19 ~~convention or assembly at which the nomination was made and no later~~  
20 ~~than seventy days before the congressional vacancy election, caused by~~  
21 ~~the declination, death, disqualification, or withdrawal of any person~~  
22 ~~nominated at the convention, may be filled in the same manner required~~  
23 ~~for the original nomination. If the original nomination was made by a~~  
24 ~~party convention or assembly that had delegated to a committee the power~~  
25 ~~to fill vacancies, the committee may proceed to fill the same vacancy~~  
26 ~~when it occurs. No person is eligible for appointment to fill a vacancy in~~  
27 ~~the party nomination unless that person meets all of the requirements of~~

1     ~~candidacy as of the date of the convention or assembly at which the~~  
2     ~~original nomination was made.~~

3             ~~(4) Any vacancy in a nomination for an unaffiliated candidate~~  
4     ~~caused by the declination, death, or withdrawal of any person nominated~~  
5     ~~by petition or statement of intent occurring after the filing of the petition~~  
6     ~~for nomination or the submittal of a statement of intent under section~~  
7     ~~1-4-303 and no later than seventy days before the general or~~  
8     ~~congressional vacancy election may be filled by the person or persons~~  
9     ~~designated on the petition or statement of intent to fill vacancies.~~

10            ~~(4.5) Any vacancy in a nomination for a minor political party~~  
11     ~~candidate occurring after the filing of the certificate of designation~~  
12     ~~pursuant to section 1-4-1304(3) and no later than seventy days before the~~  
13     ~~general or congressional vacancy election, which is caused by the~~  
14     ~~declination, death, or withdrawal of any person nominated by the minor~~  
15     ~~political party, may be filled by the person or persons designated in the~~  
16     ~~constitution or bylaws of the minor political party to fill vacancies.~~

17            ~~(5) (a) The persons designated to fill any of the vacancies in~~  
18     ~~subsections (1) to (4.5) of this section shall file with the designated~~  
19     ~~election official with whom the original certificate or petition was filed~~  
20     ~~any certificate of designation or nomination to fill the vacancy and a~~  
21     ~~written acceptance signed by the person designated or nominated no later~~  
22     ~~than the close of business on the sixty-seventh day before the primary~~  
23     ~~election or the sixty-ninth day before the general election, depending on~~  
24     ~~when the vacancy occurred; except that, in the case of a vacancy filled~~  
25     ~~pursuant to subsection (2), (2.3)(a), or (7)(c) of this section, the filing~~  
26     ~~shall be done no later than the seventh day before the election affected by~~  
27     ~~the vacancy.~~

1           ~~(b) (d) If the persons~~ A PERSON designated to fill any of the  
2           ~~vacancies in subsections (1) to (4.5) of~~ A VACANCY PURSUANT TO this  
3           ~~section decide~~ DECIDES not to fill a vacancy, ~~they~~ HE OR SHE shall in like  
4           manner file a certificate setting forth the occurrence of the vacancy,  
5           stating ~~they do~~ THAT HE OR SHE DOES not intend to fill the vacancy.

6           ~~(6) When the secretary of state or the county clerk and recorder~~  
7           ~~receives a certificate of nomination to fill a vacancy, that official, in~~  
8           ~~certifying the list of designees or nominees, shall replace the name of the~~  
9           ~~original candidate with that of the replacement candidate. In the event the~~  
10           ~~secretary of state has already certified the list, the secretary of state shall~~  
11           ~~forthwith certify to the county clerk and recorders of the affected counties~~  
12           ~~the name of the new nominee, the office for which the nomination is~~  
13           ~~made, and the name of the person for whom the nominee is substituted.~~  
14           ~~The secretary of state and the county clerk and recorders shall not accept~~  
15           ~~any certificates of nomination to fill vacancies after the sixty-seventh day~~  
16           ~~before election day; except that, in the case of a vacancy filled pursuant~~  
17           ~~to the provisions of subsection (2.3) of this section, the secretary of state~~  
18           ~~and the county clerk and recorder shall not accept any certificates of~~  
19           ~~nomination to fill vacancies after the seventh day before election day.~~

20           ~~(7) Except as otherwise provided in subsection (7.3) of this~~  
21           ~~section, any vacancy in a statewide or county office, in the office of~~  
22           ~~district attorney, or in the office of a state senator occurring during a term~~  
23           ~~of office shall be filled at the next general election with nomination or~~  
24           ~~designation by the political party as follows:~~

25           ~~(a) If the vacancy occurs prior to the political party assembly, the~~  
26           ~~designated election official shall notify the chairperson of each major~~  
27           ~~political party that the office will be on the ballot for the next primary~~

1 election, and candidates for the office shall be designated as provided in  
2 section ~~1-4-601 or 1-4-603~~.

3 (b) ~~If the vacancy occurs after the political party assembly and no~~  
4 ~~later than sixty-eight days before the primary election, the designated~~  
5 ~~election official shall add the office to the notice of election and notify the~~  
6 ~~chairperson of each major political party that the office will be on the~~  
7 ~~ballot for the next primary election. Candidates for the office shall be~~  
8 ~~designated as provided in section 1-4-603 or by the respective party~~  
9 ~~central committee vacancy committee for the state, county, judicial~~  
10 ~~district, or state senate district.~~

11 (c) ~~If the vacancy occurs during the sixty-seven days before the~~  
12 ~~primary election or after the primary election and no later than sixty-eight~~  
13 ~~days before the general election, the designated election official shall add~~  
14 ~~the office to the notice of election for the general election. Nominations~~  
15 ~~for the office shall be made by the respective party central committee~~  
16 ~~vacancy committee for the state, county, judicial district, or state senate~~  
17 ~~district or as provided in section 1-4-802 for the nomination of~~  
18 ~~unaffiliated candidates.~~

19 (7.3) ~~Any vacancy in the office of lieutenant governor shall be~~  
20 ~~filled by the appointment by the governor of a lieutenant governor of the~~  
21 ~~same political party as the governor to fill the vacancy. The senate shall~~  
22 ~~have no power to confirm or deny such appointment.~~

23 (7.5) ~~Any vacancy in a statewide or county office, in the office of~~  
24 ~~district attorney, or in the office of a state senator occurring during a term~~  
25 ~~of office shall be filled at the next general election with nomination or~~  
26 ~~designation by a minor political party pursuant to the constitution or~~  
27 ~~bylaws of the minor political party.~~

1           ~~(8) Notwithstanding any provisions to the contrary, if a political~~  
2 ~~party has established a rule regarding the length of affiliation required for~~  
3 ~~a candidate for the office of United States senator or representative in~~  
4 ~~congress, and a vacancy in that office occurs, then the party rule applies.~~

5           ~~(9) (a) No vacancy committee called to fill a vacancy pursuant to~~  
6 ~~the provisions of subsection (2.3) of this section may select a person to~~  
7 ~~fill a vacancy at a meeting held for that purpose unless a written notice~~  
8 ~~announcing the time and location of the vacancy committee meeting was~~  
9 ~~mailed to each of the committee members at least five days prior to such~~  
10 ~~meeting by the chairperson of the central committee which selected the~~  
11 ~~members. Mailing of the notice is effective when the notice is properly~~  
12 ~~addressed and deposited in the United States mail, with first-class postage~~  
13 ~~prepaid.~~

14           ~~(b) The vacancy committee, by a majority vote of its members~~  
15 ~~present and voting at a meeting called for that purpose, shall select a~~  
16 ~~person who meets all of the requirements of candidacy as of the date of~~  
17 ~~the primary election and who is affiliated with the same political party or~~  
18 ~~minor political party, if any, shown in the statewide voter registration~~  
19 ~~system as the candidate whose declination, death, disqualification,~~  
20 ~~resignation, or withdrawal caused the vacancy. No meeting shall be held~~  
21 ~~until a quorum is present consisting of not less than one-half of the voting~~  
22 ~~membership of the vacancy committee. No member of the vacancy~~  
23 ~~committee may vote by proxy. The committee shall certify the selection~~  
24 ~~to the secretary of state within seven days from the date the vacancy~~  
25 ~~occurs. If the vacancy committee fails to certify a selection within seven~~  
26 ~~days, the state chair of the same political party or minor political party as~~  
27 ~~the candidate whose declination, death, disqualification, resignation, or~~

1 ~~withdrawal caused the vacancy, within seven days, shall fill the vacancy~~  
2 ~~by appointing a person having the qualifications set forth in this~~  
3 ~~subsection (9). The name of the person selected or appointed by the state~~  
4 ~~chair must be certified to the secretary of state. The vacancy is filled until~~  
5 ~~the next general election after the vacancy occurs, when the vacancy is~~  
6 ~~filled by election.~~

7 (4) WHEN A VACANCY OCCURS AND IS FILLED PURSUANT TO THIS  
8 SECTION, THE DESIGNATED ELECTION OFFICIAL SHALL CERTIFY THE NAME  
9 OF THE REPLACEMENT CANDIDATE TO THE BALLOT.

10 (5) NOTWITHSTANDING ANY PROVISIONS TO THE CONTRARY, IF A  
11 POLITICAL PARTY HAS ESTABLISHED A RULE REGARDING THE LENGTH OF  
12 AFFILIATION REQUIRED FOR A CANDIDATE, AND A VACANCY IN THAT  
13 OFFICE OCCURS, THEN THE PARTY RULE APPLIES.

14 **1-4-1003. Vacancies in major party designation occurring**  
15 **between the sixty-seventh day before a primary election and the**  
16 **earliest day to mail primary election ballots.** (1) For the purposes of  
17 this ~~part 10, no vacancy in designation or nomination for the office of~~  
18 ~~governor or the office of lieutenant governor shall in any way affect the~~  
19 ~~candidacy of the other joint candidate~~ SECTION, A VACANCY IS CAUSED BY  
20 THE DECLINATION, DEATH, DISQUALIFICATION, OR WITHDRAWAL OF THE  
21 PERSON DESIGNATED BY THE ASSEMBLY AS A CANDIDATE FOR  
22 NOMINATION.

23 (2) A VACANCY IN A PARTY NOMINATION OCCURRING BETWEEN  
24 THE SIXTY-SEVENTH DAY BEFORE A PRIMARY ELECTION AND THE EARLIEST  
25 DAY TO MAIL PRIMARY ELECTION BALLOTS PURSUANT TO SECTION  
26 1-7.5-107 MAY BE FILLED BY THE RESPECTIVE PARTY ASSEMBLY VACANCY  
27 COMMITTEE OF THE APPROPRIATE DISTRICT, COUNTY, OR STATE. THE



1 PARTY ASSEMBLY VACANCY COMMITTEE MUST BE APPOINTED BY THE  
2 PARTY IN ACCORDANCE WITH PARTY RULES.

3 (3) (a) NO VACANCY COMMITTEE CALLED TO FILL A VACANCY  
4 PURSUANT TO THIS SECTION MAY SELECT A PERSON TO FILL A VACANCY AT  
5 A MEETING HELD FOR THAT PURPOSE UNLESS A WRITTEN NOTICE  
6 ANNOUNCING THE TIME AND LOCATION OF THE VACANCY COMMITTEE  
7 MEETING WAS MAILED TO EACH OF THE COMMITTEE MEMBERS WITHIN FIVE  
8 CALENDAR DAYS OF THE CHAIRPERSON OF THE CENTRAL COMMITTEE  
9 LEARNING OF THE VACANCY. MAILING OF THE NOTICE IS EFFECTIVE WHEN  
10 THE NOTICE IS PROPERLY ADDRESSED AND DEPOSITED IN THE UNITED  
11 STATES MAIL, WITH FIRST-CLASS POSTAGE PREPAID. IN ADDITION TO THIS  
12 MAILING, THE CHAIRPERSON OF THE CENTRAL COMMITTEE MAY ALSO  
13 CONTACT THE COMMITTEE MEMBERS BY ELECTRONIC MAIL.

14 (b) (I) NO VACANCY COMMITTEE MEETING SHALL BE HELD UNTIL  
15 A QUORUM IS PRESENT CONSISTING OF NOT LESS THAN ONE-HALF OF THE  
16 VOTING MEMBERSHIP OF THE VACANCY COMMITTEE.

17 (II) THE VACANCY COMMITTEE, BY A MAJORITY VOTE OF ITS  
18 MEMBERS PRESENT AND VOTING AT A MEETING CALLED FOR THAT  
19 PURPOSE, SHALL SELECT A PERSON WHO MEETS ALL OF THE REQUIREMENTS  
20 OF CANDIDACY AS OF THE DATE OF THE PRIMARY ELECTION AND WHO IS  
21 AFFILIATED WITH THE SAME POLITICAL PARTY OR MINOR POLITICAL PARTY,  
22 IF ANY, SHOWN IN THE STATEWIDE VOTER REGISTRATION DATABASE AS  
23 THE CANDIDATE WHOSE DECLINATION, DEATH, DISQUALIFICATION, OR  
24 WITHDRAWAL CAUSED THE VACANCY.

25 (III) NO MEMBER OF THE VACANCY COMMITTEE MAY VOTE BY  
26 PROXY.

27 (IV) IF THE VACANCY COMMITTEE FAILS TO TIMELY CERTIFY A

1 SELECTION, THE STATE CHAIR OF THE PARTY OF THE CANDIDATE WHOSE  
2 DECLINATION, DEATH, DISQUALIFICATION, OR WITHDRAWAL CAUSED THE  
3 VACANCY, WITHIN SEVEN DAYS, SHALL FILL THE VACANCY BY APPOINTING  
4 A PERSON WHO MEETS ALL OF THE REQUIREMENTS OF CANDIDACY AS OF  
5 THE DATE OF THE APPOINTMENT AND WHO IS AFFILIATED WITH THE SAME  
6 POLITICAL PARTY SHOWN IN THE STATEWIDE VOTER REGISTRATION  
7 SYSTEM AS THE CANDIDATE WHOSE DECLINATION, DEATH,  
8 DISQUALIFICATION, OR WITHDRAWAL CAUSED THE VACANCY. THE NAME  
9 OF THE PERSON APPOINTED BY THE STATE CHAIR MUST BE CERTIFIED TO  
10 THE SECRETARY OF STATE.

11 (c) (I) THE DESIGNATION AND ACCEPTANCE OF THE PERSON  
12 SELECTED TO FILL THE VACANCY MUST BE SUBMITTED TO THE DESIGNATED  
13 ELECTION OFFICIAL NO LATER THAN THREE DAYS FROM EITHER THE DATE  
14 OF THE VACANCY COMMITTEE MEETING OR FROM THE DATE OF  
15 APPOINTMENT BY THE STATE CHAIR PURSUANT TO SUBSECTION (3)(b)(IV)  
16 OF THIS SECTION, AS APPLICABLE.

17 (II) FOR PURPOSES OF THIS SECTION, A VACANCY IS FILLED WHEN  
18 THE DESIGNATED ELECTION OFFICIAL RECEIVES THE CERTIFICATE OF  
19 NOMINATION AND THE WRITTEN ACCEPTANCE OF THE REPLACEMENT  
20 CANDIDATE.

21 (d) NO PERSON IS ELIGIBLE FOR APPOINTMENT TO FILL A VACANCY  
22 IN A PARTY DESIGNATION UNLESS THAT PERSON MEETS ALL REQUIREMENTS  
23 OF CANDIDACY AS OF THE DATE THAT THE VACANCY APPOINTMENT IS  
24 MADE.

25 (e) IF A PERSON DESIGNATED TO FILL A VACANCY PURSUANT TO  
26 THIS SECTION DECIDES NOT TO FILL A VACANCY, HE OR SHE SHALL IN LIKE  
27 MANNER FILE A CERTIFICATE SETTING FORTH THE OCCURRENCE OF THE

1 VACANCY, STATING THAT HE OR SHE DOES NOT INTEND TO FILL THE  
2 VACANCY.

3 (4) (a) WHEN A VACANCY IN A PARTY DESIGNATION IS FILLED  
4 PURSUANT TO THIS SECTION PRIOR TO THE BALLOTS BEING PRINTED, THE  
5 DESIGNATED ELECTION OFFICIAL SHALL CAUSE THE NAME OF THE  
6 REPLACEMENT CANDIDATE TO BE PRINTED ON THE BALLOT.

7 (b) WHEN A VACANCY IN A PARTY DESIGNATION IS FILLED  
8 PURSUANT TO THIS SECTION AFTER THE BALLOTS ARE PRINTED:

9 (I) THE DESIGNATED ELECTION OFFICIAL SHALL:

10 (A) PROMINENTLY POST, ON THE DESIGNATED ELECTION OFFICIAL'S  
11 OFFICIAL WEBSITE AND IN EACH VOTER SERVICE AND POLLING CENTER, A  
12 NOTICE REGARDING THE VACANCY AND THE NAME OF THE REPLACEMENT  
13 CANDIDATE; AND

14 (B) EITHER CAUSE TO BE PRINTED AND PLACED ON THE SAMPLE  
15 BALLOT DELIVERED TO THE ELECTION JUDGES AND POSTED PURSUANT TO  
16 SECTION 1-5-413 A STICKER OF A DIFFERENT COLOR THAN THE SAMPLE  
17 BALLOT INDICATING THE NAME OF THE REPLACEMENT CANDIDATE OR  
18 REPRINT THE SAMPLE BALLOT WITH THE NAME OF THE REPLACEMENT  
19 CANDIDATE IN A DIFFERENT COLOR; AND

20 (II) VOTES CAST FOR THE CANDIDATE WHO VACATED THE  
21 DESIGNATION MUST BE COUNTED AS VOTES FOR THE REPLACEMENT  
22 CANDIDATE.

23 (5) NOTWITHSTANDING ANY PROVISIONS TO THE CONTRARY, IF A  
24 POLITICAL PARTY HAS ESTABLISHED A RULE REGARDING THE LENGTH OF  
25 AFFILIATION REQUIRED FOR A CANDIDATE, AND A VACANCY IN THAT  
26 OFFICE OCCURS, THEN THE PARTY RULE APPLIES.

27 **1-4-1004. Vacancies in major party designation occurring from**

1 **the day after the earliest day to mail primary election ballots through**  
2 **primary election day.** (1) FOR THE PURPOSES OF THIS SECTION, A  
3 VACANCY IS CAUSED BY THE DECLINATION, DEATH, DISQUALIFICATION, OR  
4 WITHDRAWAL OF THE PERSON DESIGNATED BY THE ASSEMBLY AS A  
5 CANDIDATE FOR NOMINATION.

6 (2) A VACANCY IN A PARTY DESIGNATION OCCURRING FROM THE  
7 DAY AFTER THE EARLIEST DAY TO MAIL PRIMARY ELECTION BALLOTS  
8 PURSUANT TO SECTION 1-7.5-107 THROUGH THE DAY OF THE PRIMARY  
9 ELECTION MAY BE FILLED BY THE RESPECTIVE PARTY ASSEMBLY VACANCY  
10 COMMITTEE OF THE DISTRICT, COUNTY, OR STATE, DEPENDING UPON THE  
11 OFFICE FOR WHICH THE VACANCY IN NOMINATION HAS OCCURRED. THE  
12 PARTY ASSEMBLY VACANCY COMMITTEE MUST BE APPOINTED BY THE  
13 PARTY IN ACCORDANCE WITH PARTY RULES.

14 (3) (a) NO VACANCY COMMITTEE CALLED TO FILL A VACANCY  
15 PURSUANT TO THIS SECTION MAY SELECT A PERSON TO FILL A VACANCY AT  
16 A MEETING HELD FOR THAT PURPOSE UNLESS A WRITTEN NOTICE  
17 ANNOUNCING THE TIME AND LOCATION OF THE VACANCY COMMITTEE  
18 MEETING WAS MAILED TO EACH OF THE COMMITTEE MEMBERS WITHIN FIVE  
19 CALENDAR DAYS OF THE CHAIRPERSON OF THE CENTRAL COMMITTEE  
20 LEARNING OF THE VACANCY. MAILING OF THE NOTICE IS EFFECTIVE WHEN  
21 THE NOTICE IS PROPERLY ADDRESSED AND DEPOSITED IN THE UNITED  
22 STATES MAIL, WITH FIRST-CLASS POSTAGE PREPAID. IN ADDITION TO THE  
23 MAILING, THE CHAIRPERSON OF THE CENTRAL COMMITTEE MAY ALSO  
24 CONTACT COMMITTEE MEMBERS BY ELECTRONIC MAIL.

25 (b) (I) NO VACANCY COMMITTEE MEETING SHALL BE HELD UNTIL  
26 A QUORUM IS PRESENT CONSISTING OF NOT LESS THAN ONE-HALF OF THE  
27 VOTING MEMBERSHIP OF THE VACANCY COMMITTEE.

1           (II) THE VACANCY COMMITTEE, BY A MAJORITY VOTE OF ITS  
2 MEMBERS PRESENT AND VOTING AT A MEETING CALLED FOR THAT  
3 PURPOSE, SHALL SELECT A PERSON WHO MEETS ALL OF THE REQUIREMENTS  
4 OF CANDIDACY AS OF THE DATE OF THE PRIMARY ELECTION AND WHO IS  
5 AFFILIATED WITH THE SAME POLITICAL PARTY OR MINOR POLITICAL PARTY,  
6 IF ANY, SHOWN IN THE STATEWIDE VOTER REGISTRATION DATABASE AS  
7 THE CANDIDATE WHOSE DECLINATION, DEATH, DISQUALIFICATION, OR  
8 WITHDRAWAL CAUSED THE VACANCY.

9           (III) NO MEMBER OF THE VACANCY COMMITTEE MAY VOTE BY  
10 PROXY.

11           (IV) IF THE VACANCY COMMITTEE FAILS TO TIMELY CERTIFY A  
12 SELECTION, THE STATE CHAIR OF THE PARTY OF THE CANDIDATE WHOSE  
13 DECLINATION, DEATH, DISQUALIFICATION, OR WITHDRAWAL CAUSED THE  
14 VACANCY, WITHIN SEVEN DAYS, SHALL FILL THE VACANCY BY APPOINTING  
15 A PERSON WHO MEETS ALL OF THE REQUIREMENTS OF CANDIDACY AS OF  
16 THE DATE OF THE APPOINTMENT AND WHO IS AFFILIATED WITH THE SAME  
17 POLITICAL PARTY SHOWN IN THE STATEWIDE VOTER REGISTRATION  
18 SYSTEM AS THE CANDIDATE WHOSE DECLINATION, DEATH,  
19 DISQUALIFICATION, OR WITHDRAWAL CAUSED THE VACANCY. THE NAME  
20 OF THE PERSON APPOINTED BY THE STATE CHAIR MUST BE CERTIFIED TO  
21 THE SECRETARY OF STATE.

22           (c) (I) THE DESIGNATION AND ACCEPTANCE OF THE PERSON  
23 SELECTED TO FILL THE VACANCY MUST BE SUBMITTED TO THE DESIGNATED  
24 ELECTION OFFICIAL NO LATER THAN THREE DAYS FROM EITHER THE DATE  
25 OF THE VACANCY COMMITTEE MEETING OR FROM THE DATE OF  
26 APPOINTMENT BY THE STATE CHAIR PURSUANT TO SUBSECTION (3)(b)(IV)  
27 OF THIS SECTION, AS APPLICABLE.

1 (II) FOR PURPOSES OF THIS SECTION, A VACANCY IS FILLED WHEN  
2 THE DESIGNATED ELECTION OFFICIAL RECEIVES THE CERTIFICATE OF  
3 NOMINATION AND THE WRITTEN ACCEPTANCE OF THE REPLACEMENT  
4 CANDIDATE.

5 (d) NO PERSON IS ELIGIBLE FOR APPOINTMENT TO FILL A VACANCY  
6 IN A PARTY DESIGNATION UNLESS THAT PERSON MEETS ALL REQUIREMENTS  
7 OF CANDIDACY AS OF THE DATE THAT THE VACANCY APPOINTMENT IS  
8 MADE.

9 (e) IF A PERSON DESIGNATED TO FILL A VACANCY PURSUANT TO  
10 THIS SECTION DECIDES NOT TO FILL A VACANCY, HE OR SHE SHALL IN LIKE  
11 MANNER FILE A CERTIFICATE SETTING FORTH THE OCCURRENCE OF THE  
12 VACANCY, STATING THEY DO NOT INTEND TO FILL THE VACANCY.

13 (4) WHEN A VACANCY IN A PARTY NOMINATION IS FILLED  
14 PURSUANT TO THIS SECTION:

15 (a) THE DESIGNATED ELECTION OFFICIAL SHALL:

16 (I) PROMINENTLY POST, ON THE DESIGNATED ELECTION OFFICIAL'S  
17 OFFICIAL WEBSITE AND IN EACH VOTER SERVICE AND POLLING CENTER, A  
18 NOTICE REGARDING THE VACANCY AND THE NAME OF THE REPLACEMENT  
19 CANDIDATE; AND

20 (II) EITHER CAUSE TO BE PRINTED AND PLACED ON THE SAMPLE  
21 BALLOT DELIVERED TO THE ELECTION JUDGES AND POSTED PURSUANT TO  
22 SECTION 1-5-413 A STICKER OF A DIFFERENT COLOR THAN THE SAMPLE  
23 BALLOT INDICATING THE NAME OF THE REPLACEMENT CANDIDATE OR  
24 REPRINT THE SAMPLE BALLOT WITH THE NAME OF THE REPLACEMENT  
25 CANDIDATE IN A DIFFERENT COLOR; AND

26 (b) VOTES CAST FOR THE CANDIDATE WHO VACATED THE  
27 DESIGNATION MUST BE COUNTED AS VOTES FOR THE REPLACEMENT

1 CANDIDATE.

2 (5) NOTWITHSTANDING ANY PROVISIONS TO THE CONTRARY, IF A  
3 POLITICAL PARTY HAS ESTABLISHED A RULE REGARDING THE LENGTH OF  
4 AFFILIATION REQUIRED FOR A CANDIDATE, AND A VACANCY IN THAT  
5 OFFICE OCCURS, THEN THE PARTY RULE APPLIES.

6 **1-4-1005. Vacancies in major party nomination occurring**  
7 **from the day after primary election day through the earliest day to**  
8 **mail general election ballots.** (1) FOR THE PURPOSES OF THIS SECTION,  
9 A VACANCY IS CAUSED BY THE DECLINATION, DEATH, DISQUALIFICATION,  
10 OR WITHDRAWAL OF THE PERSON NOMINATED AT THE PRIMARY ELECTION.

11 (2) A VACANCY IN A PARTY NOMINATION OCCURRING FROM THE  
12 DAY AFTER THE PRIMARY ELECTION THROUGH THE EARLIEST DAY TO MAIL  
13 GENERAL ELECTION BALLOTS MAY BE FILLED BY THE RESPECTIVE PARTY  
14 ASSEMBLY VACANCY COMMITTEE OF THE DISTRICT, COUNTY, OR STATE,  
15 DEPENDING UPON THE OFFICE FOR WHICH THE VACANCY IN NOMINATION  
16 HAS OCCURRED. THE PARTY ASSEMBLY VACANCY COMMITTEE MUST BE  
17 APPOINTED BY THE PARTY IN ACCORDANCE WITH PARTY RULES.

18 (3) (a) NO VACANCY COMMITTEE CALLED TO FILL A VACANCY  
19 PURSUANT TO THIS SECTION MAY SELECT A PERSON TO FILL A VACANCY AT  
20 A MEETING HELD FOR THAT PURPOSE UNLESS A WRITTEN NOTICE  
21 ANNOUNCING THE TIME AND LOCATION OF THE VACANCY COMMITTEE  
22 MEETING WAS MAILED TO EACH OF THE COMMITTEE MEMBERS WITHIN FIVE  
23 CALENDAR DAYS OF THE CHAIRPERSON OF THE CENTRAL COMMITTEE  
24 LEARNING OF THE VACANCY. MAILING OF THE NOTICE IS EFFECTIVE WHEN  
25 THE NOTICE IS PROPERLY ADDRESSED AND DEPOSITED IN THE UNITED  
26 STATES MAIL, WITH FIRST-CLASS POSTAGE PREPAID. IN ADDITION TO THE  
27 MAILING, THE CHAIRPERSON OF THE CENTRAL COMMITTEE MAY ALSO

1 CONTACT COMMITTEE MEMBERS BY ELECTRONIC MAIL.

2 (b) (I) NO VACANCY COMMITTEE MEETING SHALL BE HELD UNTIL  
3 A QUORUM IS PRESENT CONSISTING OF NOT LESS THAN ONE-HALF OF THE  
4 VOTING MEMBERSHIP OF THE VACANCY COMMITTEE.

5 (II) THE VACANCY COMMITTEE, BY A MAJORITY VOTE OF ITS  
6 MEMBERS PRESENT AND VOTING AT A MEETING CALLED FOR THAT  
7 PURPOSE, SHALL SELECT A PERSON WHO MEETS ALL OF THE REQUIREMENTS  
8 OF CANDIDACY AS OF THE DATE OF THE PRIMARY ELECTION AND WHO IS  
9 AFFILIATED WITH THE SAME POLITICAL PARTY OR MINOR POLITICAL PARTY,  
10 IF ANY, SHOWN IN THE STATEWIDE VOTER REGISTRATION DATABASE AS  
11 THE CANDIDATE WHOSE DECLINATION, DEATH, DISQUALIFICATION, OR  
12 WITHDRAWAL CAUSED THE VACANCY.

13 (III) NO MEMBER OF THE VACANCY COMMITTEE MAY VOTE BY  
14 PROXY.

15 (IV) IF THE VACANCY COMMITTEE FAILS TO TIMELY CERTIFY A  
16 SELECTION, THE STATE CHAIR OF THE PARTY OF THE CANDIDATE WHOSE  
17 DECLINATION, DEATH, DISQUALIFICATION, OR WITHDRAWAL CAUSED THE  
18 VACANCY, WITHIN SEVEN DAYS, SHALL FILL THE VACANCY BY APPOINTING  
19 A PERSON WHO MEETS ALL OF THE REQUIREMENTS OF CANDIDACY AS OF  
20 THE DATE OF THE APPOINTMENT AND WHO IS AFFILIATED WITH THE SAME  
21 POLITICAL PARTY SHOWN IN THE STATEWIDE VOTER REGISTRATION  
22 SYSTEM AS THE CANDIDATE WHOSE DECLINATION, DEATH,  
23 DISQUALIFICATION, OR WITHDRAWAL CAUSED THE VACANCY. THE NAME  
24 OF THE PERSON APPOINTED BY THE STATE CHAIR MUST BE CERTIFIED TO  
25 THE SECRETARY OF STATE. THE VACANCY IS FILLED UNTIL THE NEXT  
26 GENERAL ELECTION AFTER THE VACANCY OCCURS, WHEN THE VACANCY  
27 IS FILLED BY ELECTION.



1           (c) (I) THE DESIGNATION AND ACCEPTANCE OF THE PERSON  
2           SELECTED TO FILL THE VACANCY MUST BE SUBMITTED TO THE DESIGNATED  
3           ELECTION OFFICIAL NO LATER THAN THREE DAYS FROM EITHER THE DATE  
4           OF THE VACANCY COMMITTEE MEETING OR FROM THE DATE OF  
5           APPOINTMENT BY THE STATE CHAIR PURSUANT TO SUBSECTION (3)(b)(IV)  
6           OF THIS SECTION, AS APPLICABLE; EXCEPT THAT SUCH CERTIFICATION  
7           MUST IN ALL CASES BE SUBMITTED NO LATER THAN THE SIXTY-FOURTH  
8           DAY BEFORE THE DATE OF THE PRIMARY ELECTION.

9           (II) FOR PURPOSES OF THIS SECTION, A VACANCY IS FILLED WHEN  
10          THE DESIGNATED ELECTION OFFICIAL RECEIVES THE CERTIFICATE OF  
11          NOMINATION AND THE WRITTEN ACCEPTANCE OF THE REPLACEMENT  
12          CANDIDATE.

13          (d) NO PERSON IS ELIGIBLE FOR APPOINTMENT TO FILL A VACANCY  
14          IN A PARTY DESIGNATION UNLESS THAT PERSON MEETS ALL REQUIREMENTS  
15          OF CANDIDACY AS OF THE DATE THAT THE VACANCY APPOINTMENT IS  
16          MADE.

17          (e) IF A PERSON DESIGNATED TO FILL A VACANCY PURSUANT TO  
18          THIS SECTION DECIDES NOT TO FILL A VACANCY, HE OR SHE SHALL IN LIKE  
19          MANNER FILE A CERTIFICATE SETTING FORTH THE OCCURRENCE OF THE  
20          VACANCY, STATING THEY DO NOT INTEND TO FILL THE VACANCY.

21          (4) (a) WHEN A VACANCY IN A PARTY NOMINATION IS FILLED  
22          PURSUANT TO THIS SECTION PRIOR TO THE BALLOTS BEING PRINTED, THE  
23          DESIGNATED ELECTION OFFICIAL SHALL CAUSE THE NAME OF THE  
24          REPLACEMENT CANDIDATE TO BE PRINTED ON THE BALLOT.

25          (b) WHEN A VACANCY IN A PARTY NOMINATION IS FILLED  
26          PURSUANT TO THIS SECTION SUBSEQUENT TO THE BALLOTS BEING PRINTED:

27               (I) THE DESIGNATED ELECTION OFFICIAL SHALL:

1 (A) PROMINENTLY POST, ON THE DESIGNATED ELECTION OFFICIAL'S  
2 OFFICIAL WEBSITE AND IN EACH VOTER SERVICE AND POLLING CENTER, A  
3 NOTICE REGARDING THE VACANCY AND THE NAME OF THE REPLACEMENT  
4 CANDIDATE; AND

5 (B) EITHER CAUSE TO BE PRINTED AND PLACED ON THE SAMPLE  
6 BALLOT DELIVERED TO THE ELECTION JUDGES AND POSTED PURSUANT TO  
7 SECTION 1-5-413 A STICKER OF A DIFFERENT COLOR THAN THE SAMPLE  
8 BALLOT INDICATING THE NAME OF THE REPLACEMENT CANDIDATE OR  
9 REPRINT THE SAMPLE BALLOT WITH THE NAME OF THE REPLACEMENT  
10 CANDIDATE IN A DIFFERENT COLOR; AND

11 (II) VOTES CAST FOR THE CANDIDATE WHO VACATED THE  
12 NOMINATION MUST BE COUNTED AS VOTES FOR THE REPLACEMENT  
13 CANDIDATE.

14 (5) NOTWITHSTANDING ANY PROVISIONS TO THE CONTRARY, IF A  
15 POLITICAL PARTY HAS ESTABLISHED A RULE REGARDING THE LENGTH OF  
16 AFFILIATION REQUIRED FOR A CANDIDATE AND A VACANCY IN THAT OFFICE  
17 OCCURS, THEN THE PARTY RULE APPLIES.

18 **1-4-1006. Vacancies in major party nomination occurring from**  
19 **the day after the earliest day to mail general election ballots through**  
20 **general election day. (1) FOR THE PURPOSES OF THIS SECTION, A**  
21 **VACANCY IS CAUSED BY THE DECLINATION, DEATH, DISQUALIFICATION, OR**  
22 **WITHDRAWAL OF THE PERSON NOMINATED AT THE PRIMARY ELECTION.**

23 (2) A VACANCY OCCURRING FROM THE DAY AFTER THE EARLIEST  
24 DAY TO MAIL GENERAL ELECTION BALLOTS THROUGH GENERAL ELECTION  
25 DAY MUST BE FILLED IN ACCORDANCE WITH PART 2 OF ARTICLE 12 OF THIS  
26 CODE.

27 **1-4-1007. [Formerly 1-4-1002 (4.5)] Vacancies in minor party**

1 **designation or affiliation.** Any vacancy in a nomination for a minor  
2 political party candidate occurring after the filing of the certificate of  
3 designation pursuant to section 1-4-1304 (3) and no later than seventy  
4 days before the general or congressional vacancy election, which is  
5 caused by the declination, death, DISQUALIFICATION, or withdrawal of any  
6 person nominated by the minor political party, may be filled by the person  
7 or persons designated in the constitution or bylaws of the minor political  
8 party to fill vacancies.

9 **1-4-1008. [Formerly 1-4-1002 (4)] Vacancies in unaffiliated**  
10 **designation or nomination.** Any vacancy in a nomination for an  
11 unaffiliated candidate caused by the declination, death,  
12 DISQUALIFICATION, or withdrawal of any person nominated by petition or  
13 statement of intent occurring after the filing of the petition for nomination  
14 or the submittal of a statement of intent under section 1-4-303 and no  
15 later than seventy days before the general or congressional vacancy  
16 election may be filled by the person or persons designated on the petition  
17 or statement of intent to fill vacancies.

18 **1-4-1009. Vacancies in school district director nomination.**  
19 **(1) A VACANCY IN NOMINATION FOR A SCHOOL DISTRICT DIRECTOR**  
20 **CANDIDATE CAUSED BY THE DECLINATION, DEATH, DISQUALIFICATION, OR**  
21 **WITHDRAWAL OF ANY PERSON NOMINATED BY PETITION OCCURRING AFTER**  
22 **THE FILING OF THE PETITION FOR NOMINATION MAY BE FILLED BY THE**  
23 **PERSON OR PERSONS DESIGNATED OR APPOINTED ON THE PETITION WITHIN**  
24 **FIVE DAYS OF THE PERSON OR PERSONS LEARNING OF THE VACANCY.**  
25 **(2) (a) WHEN A VACANCY IS FILLED IN ACCORDANCE WITH THIS**  
26 **SECTION BEFORE THE BALLOTS ARE PRINTED, THE COORDINATED ELECTION**  
27 **OFFICIAL SHALL CAUSE THE NAME OF THE REPLACEMENT CANDIDATE TO**

1 BE PRINTED ON THE BALLOT.

2 (b) WHEN A VACANCY IS FILLED IN ACCORDANCE WITH THIS  
3 SECTION AFTER THE BALLOTS ARE PRINTED:

4 (I) THE COORDINATED ELECTION OFFICIAL SHALL:

5 (A) PROMINENTLY POST, ON THE COORDINATED ELECTION  
6 OFFICIAL'S OFFICIAL WEBSITE AND IN EACH VOTER SERVICE AND POLLING  
7 CENTER, A NOTICE REGARDING THE VACANCY AND THE NAME OF THE  
8 REPLACEMENT CANDIDATE; AND

9 (B) EITHER CAUSE TO BE PRINTED AND PLACED ON THE SAMPLE  
10 BALLOT DELIVERED TO THE ELECTION JUDGES AND POSTED IN  
11 ACCORDANCE WITH SECTION 1-5-413 A STICKER OF A DIFFERENT COLOR  
12 THAN THE SAMPLE BALLOT INDICATING THE NAME OF THE REPLACEMENT  
13 CANDIDATE OR REPRINT THE SAMPLE BALLOT WITH THE NAME OF THE  
14 REPLACEMENT CANDIDATE IN A DIFFERENT COLOR; AND

15 (II) VOTES CAST FOR THE CANDIDATE WHO VACATED THE  
16 NOMINATION MUST BE COUNTED AS VOTES FOR THE REPLACEMENT  
17 CANDIDATE.

18 **1-4-1010. Vacancies in office occurring from the sixty-eighth**  
19 **day prior to primary election day through the earliest day to mail**  
20 **general election ballots. (1) [Formerly 1-4-1002 (7)] Except as**  
21 **otherwise provided in ~~subsection (7.3)~~ SUBSECTION (2) of this section OR**  
22 **SECTION 1-4-1010 (2), any vacancy in a statewide or county office, in the**  
23 **office of district attorney, or in the office of a state senator occurring**  
24 **during a term of office AND FALLING WITHIN THE TIME PERIODS GOVERNED**  
25 **BY SECTION 1-4-1002, 1-4-1003, 1-4-1004, OR 1-4-1005 shall be filled at**  
26 **the next general election with nomination or designation by the political**  
27 **party as follows:**

1 (a) (I) If the vacancy occurs ~~prior to~~ BEFORE the political party  
2 assembly, the designated election official shall notify the chairperson of  
3 each major political party that the office will be on the ballot for the next  
4 primary election, and candidates for the office shall be designated as  
5 provided in section 1-4-601 or 1-4-603.

6 (II) NO PERSON IS ELIGIBLE FOR APPOINTMENT TO FILL A VACANCY  
7 IN A PARTY DESIGNATION UNLESS THAT PERSON MEETS ALL REQUIREMENTS  
8 OF CANDIDACY AS OF THE DATE THAT THE VACANCY APPOINTMENT IS  
9 MADE.

10 (b) (I) If the vacancy occurs after the political party assembly and  
11 no later than sixty-eight days before the primary election, the designated  
12 election official shall add the office to the notice of election and notify the  
13 chairperson of each major political party that the office will be on the  
14 ballot for the next primary election. Candidates for the office shall be  
15 designated as provided in section 1-4-603 or by the respective party  
16 central committee vacancy committee for the state, county, judicial  
17 district, or state senate district.

18 (II) NO PERSON IS ELIGIBLE FOR APPOINTMENT TO FILL A VACANCY  
19 IN A PARTY DESIGNATION UNLESS THAT PERSON MEETS ALL REQUIREMENTS  
20 OF CANDIDACY AS OF THE DATE THAT THE VACANCY APPOINTMENT IS  
21 MADE.

22 (c) If the vacancy occurs during the sixty-seven days before the  
23 primary election, or after the primary election and no later than sixty-eight  
24 days before the general election, the designated election official shall add  
25 the office to the notice of election for the general election AND NOTIFY  
26 THE CHAIRPERSON OF EACH MAJOR POLITICAL PARTY THAT THE OFFICE  
27 WILL BE ON THE BALLOT FOR THE NEXT GENERAL ELECTION. Nominations

1 for the office shall be made by the respective party central committee  
2 vacancy committee for the state, county, judicial district, or state senate  
3 district or as provided in section 1-4-802 for the nomination of  
4 unaffiliated candidates.

5 (d) IF THE VACANCY OCCURS SIXTY-EIGHT DAYS OR FEWER BEFORE  
6 A GENERAL ELECTION, THAT OFFICE MUST BE FILLED AT THE NEXT  
7 GENERAL ELECTION.

8 (2) [Formerly 1-4-1002 (7.5)] Any vacancy in a statewide or  
9 county office, in the office of district attorney, or in the office of a state  
10 senator occurring during a term of office shall be filled at the next general  
11 election with nomination or designation by a minor political party  
12 pursuant to the constitution or bylaws of the minor political party.

13 **1-4-1011. Vacancies of joint gubernatorial candidates -**  
14 **process for filling vacancy in office of lieutenant governor.**

15 (1) [Formerly 1-4-1003] For the purposes of this part 10, no vacancy in  
16 designation or nomination for the office of governor or the office of  
17 lieutenant governor shall in any way affect AFFECTS the candidacy of the  
18 other joint candidate.

19 (2) [Formerly 1-4-1002 (7.3)] Any vacancy in the office of  
20 lieutenant governor shall MUST be filled by the appointment by the  
21 governor of a lieutenant governor of the same political party as the  
22 governor to fill the vacancy. The senate shall have HAS no power to  
23 confirm or deny such appointment.

24 **SECTION 6.** In Colorado Revised Statutes, **amend** 1-4-404 as  
25 follows:

26 **1-4-404. Nomination and acceptance of candidate.** Any person  
27 nominated in accordance with this ~~article~~ ARTICLE 4 shall file a written

1 acceptance with the secretary of state by mail or hand delivery. The  
2 written acceptance must be postmarked or received by the secretary of  
3 state within four business days after the adjournment of the assembly. If  
4 an acceptance is not filed within the specified time, the candidate ~~shall be~~  
5 ~~IS~~ deemed to have declined the nomination, and the nomination ~~shall~~  
6 ~~MUST~~ be treated as a vacancy to be filled as provided in ~~section 1-4-1002~~  
7 ~~(3) and (5)~~ PART 10 OF THIS ARTICLE 4.

8 **SECTION 7.** In Colorado Revised Statutes, 1-4-502, **amend** (3)  
9 introductory portion and (3)(c) as follows:

10 **1-4-502. Methods of nomination for partisan candidates.**

11 (3) For general elections: ~~occurring after January 1, 2001:~~

12 (c) Any person nominated as the candidate for lieutenant governor  
13 of a major political party pursuant to ~~paragraph (a) of this subsection (3)~~  
14 SUBSECTION (3)(a) OF THIS SECTION shall file a written acceptance with  
15 the secretary of state by mail or hand delivery. The written acceptance  
16 must be postmarked or received by the secretary of state within thirty days  
17 after the primary election. If an acceptance is not filed within the required  
18 time, the candidate ~~shall be~~ ~~IS~~ deemed to have declined the nomination,  
19 and the nomination ~~shall~~ ~~MUST~~ be treated as a vacancy to be filled as  
20 provided in ~~section 1-4-1002 (2.3)(a)~~ PART 10 OF THIS ARTICLE 4.

21 **SECTION 8.** In Colorado Revised Statutes, 1-4-802, **amend**  
22 (1)(e) as follows:

23 **1-4-802. Petitions for nominating minor political party and**  
24 **unaffiliated candidates for a partisan office.** (1) Candidates for  
25 partisan public offices to be filled at a general or congressional vacancy  
26 election who do not wish to affiliate with a major political party may be  
27 nominated, other than by a primary election or a convention, in the

1 following manner:

2 (e) The petition to nominate an unaffiliated candidate may  
3 designate or appoint upon its face one or more unaffiliated registered  
4 electors as a committee to fill vacancies in accordance with ~~section~~  
5 ~~1-4-1002 (4) and (5)~~ SECTION 1-4-1008. However, in the case of a petition  
6 for the office of state senator or state representative, the petition shall  
7 designate or appoint upon its face three or more unaffiliated registered  
8 electors as a committee to fill vacancies in accordance with ~~section~~  
9 ~~1-4-1002 (4) and (5) and section 1-12-203~~ SECTIONS 1-4-1008 AND  
10 1-12-203.

11 **SECTION 9.** In Colorado Revised Statutes, 1-5-412, **amend** (3)  
12 as follows:

13 **1-5-412. Correction of errors.** (3) If, before the date set for  
14 election, a duly nominated candidate withdraws by filing an affidavit of  
15 withdrawal with the designated election official, or dies and the fact of  
16 the death becomes known to the designated election official before the  
17 ballots are printed, OR IS DEEMED DISQUALIFIED, the name of the  
18 candidate shall not be printed on the ballots. Except in the case of a  
19 vacancy to be filled in accordance with the provisions of section 1-4-1002  
20 ~~(2.3) or (2.5)~~ SECTION 1-4-1005 OR 1-4-1006, if the ballots are already  
21 printed, the votes cast for the withdrawn, ~~or~~ deceased, OR DISQUALIFIED  
22 candidate are invalid and shall not be counted.

23 **SECTION 10.** In Colorado Revised Statutes, 1-12-203, **amend**  
24 (3)(a) as follows:

25 **1-12-203. Vacancies in general assembly.** (3) (a) The vacancy  
26 committee, by a majority vote of its members present and voting at a  
27 meeting called for that purpose and open to the public, shall select a



1 person who possesses the constitutional qualifications for a member of  
2 the general assembly and who is affiliated with the same political party  
3 or minor political party, if any, shown in the statewide voter registration  
4 system as the former member whose seat is vacant. No VACANCY  
5 COMMITTEE meeting shall be held until a quorum is present consisting of  
6 not less than one-half of the voting membership of the vacancy  
7 committee. No member of the vacancy committee may vote by proxy. The  
8 committee shall certify the selection to the secretary of state within thirty  
9 days from the date the vacancy occurs; except that, in the case of a  
10 vacancy filled pursuant to ~~section 1-4-1002 (2.5)~~ SECTION 1-4-1006, the  
11 committee shall certify the selection within thirty days after the date of  
12 the general election affected by the vacancy. If the vacancy committee  
13 fails to certify a selection within thirty days in accordance with ~~the~~  
14 ~~provisions of~~ this subsection (3), the governor, within five days, shall fill  
15 the vacancy by appointing a person having the qualifications set forth in  
16 this subsection (3). The name of the person selected or appointed must be  
17 certified to the secretary of state.

18 **SECTION 11.** In Colorado Revised Statutes, 30-10-501.5,  
19 **amend** (1) introductory portion and (1)(c) as follows:

20 **30-10-501.5. Qualifications.** (1) No person ~~shall be~~ IS eligible for  
21 nomination, election, or appointment to the office of sheriff unless ~~such~~  
22 THE person:

23 (c) Has had a complete set of fingerprints taken by a qualified law  
24 enforcement agency and HAS submitted a receipt evidencing ~~such~~ THE  
25 fingerprinting at the time of filing his or her written acceptance pursuant  
26 to ~~section~~ SECTION 1-4-601 (3), 1-4-906, or ~~1-4-1002 (5)~~, C.R.S., PART 10  
27 OF ARTICLE 4 OF TITLE 1, or a ~~candidate~~ AT THE TIME OF filing an affidavit

1 of intent pursuant to section 1-4-1101, ~~C.R.S. Such~~ AS APPLICABLE. THE  
2 law enforcement agency shall forward the fingerprints to the Colorado  
3 bureau of investigation. The bureau shall utilize ~~such~~ THE fingerprints, its  
4 files and records, and those of the federal bureau of investigation for the  
5 purpose of determining whether the person has ever been convicted of or  
6 pleaded guilty or entered a plea of nolo contendere to any felony charge  
7 under federal or state laws. The Colorado bureau of investigation shall  
8 notify the county clerk and recorder of the county ~~wherein~~ FOR WHICH the  
9 person is a candidate of the results of the fingerprint analysis. ~~In the event~~  
10 ~~that~~ IF a conviction or plea is disclosed, ~~such~~ THE person ~~shall be deemed~~  
11 IS unqualified for the office of sheriff, unless pardoned. The results of  
12 ~~such~~ THE fingerprint analysis ~~shall be~~ ARE confidential; except that the  
13 county clerk and recorder may divulge whether ~~such~~ THE person is  
14 qualified or unqualified for the office of sheriff.

15 **SECTION 12.** In Colorado Revised Statutes, 30-10-601.5,  
16 **amend** (2)(a) as follows:

17 **30-10-601.5. Qualifications - fingerprints.** (2) (a) A person who  
18 is nominated by a political party or for whom a nominating petition is  
19 filed for the office of coroner shall have a complete set of fingerprints  
20 taken by a qualified law enforcement agency and submit proof of such  
21 fingerprinting when filing a written acceptance pursuant to ~~section~~  
22 SECTION 1-4-601 (3), 1-4-906, or ~~1-4-1002 (5), C.R.S.~~ PART 10 OF  
23 ARTICLE 4 OF TITLE 1.

24 **SECTION 13. Act subject to petition - effective date -**  
25 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
26 the expiration of the ninety-day period after final adjournment of the  
27 general assembly (August 9, 2017, if adjournment sine die is on May 10,

1 2017); except that, if a referendum petition is filed pursuant to section 1  
2 (3) of article V of the state constitution against this act or an item, section,  
3 or part of this act within such period, then the act, item, section, or part  
4 will not take effect unless approved by the people at the general election  
5 to be held in November 2018 and, in such case, will take effect on the  
6 date of the official declaration of the vote thereon by the governor.

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