

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 17-0863.01 Kate Meyer x4348

SENATE BILL 17-209

SENATE SPONSORSHIP

Priola,

HOUSE SPONSORSHIP

Weissman,

Senate Committees

State, Veterans, & Military Affairs

House Committees

State, Veterans, & Military Affairs

A BILL FOR AN ACT

101 **CONCERNING ACCESS TO THE BALLOT BY CANDIDATES.**

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
3rd Reading Unamended
March 29, 2017

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.

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. The information found on the person's voter registration
18 record is admissible as prima facie evidence of compliance with this
19 section.

20 **SECTION 2.** In Colorado Revised Statutes, 1-4-801, **amend** (5)
21 as follows:

22 **1-4-801. Designation of party candidates by petition.** (5) Party

1 petitions shall not be circulated nor any signatures be obtained prior to the
2 ~~first Monday~~ THIRD TUESDAY in ~~February~~ JANUARY. Petitions shall MUST
3 be filed no later than ~~eighty-five days before the primary election~~ THE
4 THIRD TUESDAY IN MARCH.

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

7 **1-4-803. Petitions for nominating school district directors.**

8 **(1) (c) THE PETITION MAY DESIGNATE OR APPOINT ON ITS FACE ONE OR**
9 **MORE ELIGIBLE ELECTORS AS A COMMITTEE TO FILL VACANCIES IN THE**
10 **NOMINATION.**

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

13 **1-4-912. Cure - rules.** (1) ~~In case~~ IF a petition for nominating an
14 unaffiliated candidate is ~~not sufficient~~ DETERMINED TO BE INSUFFICIENT,
15 it may be amended once no later than 3 p.m. on the eighty-fifth day before
16 the general election or 3 p.m. on the sixty-seventh day before an election
17 that is not being held concurrently with the general election. If a petition
18 for nominating an unaffiliated candidate is amended, the designated
19 election official shall notify the candidate of whether the petition is
20 sufficient or insufficient no later than the seventy-fifth day before the
21 general election.

22 (2) DURING THE REVIEW OF ANY MAJOR OR MINOR PARTY
23 CANDIDATE'S PETITION THAT IS REQUIRED TO BE FILED WITH THE
24 SECRETARY OF STATE'S OFFICE, THE SECRETARY OF STATE SHALL NOTIFY
25 THE CANDIDATE OF ANY ERRORS AND INSUFFICIENCIES REGARDING
26 CIRCULATOR AFFIDAVITS. UPON THE RECEIPT OF SUCH A NOTIFICATION,
27 THE CANDIDATE HAS FIVE CALENDAR DAYS FROM THE DATE OF RECEIPT OF

1 THE NOTICE TO CURE THE ERRORS AND INSUFFICIENCIES DESCRIBED IN THE
2 NOTICE. TO CURE A CIRCULATOR AFFIDAVIT, THE CANDIDATE MUST
3 PROVIDE THE SECRETARY OF STATE WITH A NEW CIRCULATOR AFFIDAVIT
4 THAT CORRECTS THE ERRORS OF THE PREVIOUSLY SUBMITTED AFFIDAVIT.

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

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

9 PART 10

10 WITHDRAWALS AND DISQUALIFICATIONS FROM, AND
11 VACANCIES IN, NOMINATIONS AND DESIGNATIONS

12 **1-4-1001. Withdrawal or disqualification from candidacy.**

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

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

23 (c) Except in the case of a vacancy to be filled in accordance with
24 the provisions of ~~section 1-4-1002 (2.5), in the event that~~ SECTION
25 1-4-1004 OR 1-4-1006 THAT APPLY WHEN A VACANCY OCCURS FROM THE
26 EARLIEST DAY TO MAIL BALLOTS PURSUANT TO SECTION 1-7.5-107 AND
27 THE DAY OF A PRIMARY OR GENERAL ELECTION, RESPECTIVELY, IF the

1 withdrawal of candidacy is not made in time for the candidate's name to
2 be taken off the ballot, any votes cast for the candidate ~~shall be deemed~~
3 ARE invalid and ~~will~~ SHALL not be counted.

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

10

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11 **1-4-1002. Vacancies in major party designation up to the**
12 **sixty-eighth day before primary election day.** (1) FOR THE PURPOSES
13 OF THIS SECTION, A VACANCY IS CAUSED BY:

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

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

19 ~~(1)~~ (2) Any vacancy in a party designation occurring after the
20 party assembly at which the designation was made and no later than
21 sixty-eight days before the primary election may be filled by the party
22 assembly vacancy committee of the district, county, or state, depending
23 upon the office for which the vacancy in designation has occurred. A
24 ~~vacancy may be caused by the declination, death, disqualification, or~~
25 ~~withdrawal of any person designated by the assembly as a candidate for~~
26 ~~nomination, or by failure of the assembly to make designation of any~~
27 ~~candidate for nomination, or by death or resignation of any elective~~

1 ~~officer after an assembly at which a candidate could have been designated~~
2 ~~for nomination for the office at a primary election had the vacancy then~~
3 ~~existed~~ THE PARTY ASSEMBLY VACANCY COMMITTEE MUST BE APPOINTED
4 BY THE PARTY IN ACCORDANCE WITH PARTY RULES.

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

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

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

25 (A) AS SHOWN IN THE STATEWIDE VOTER REGISTRATION SYSTEM
26 AS THE CANDIDATE WHOSE DECLINATION, DEATH, DISQUALIFICATION, OR
27 WITHDRAWAL CAUSED THE VACANCY; OR

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

3 (III) NO MEMBER OF THE VACANCY COMMITTEE MAY VOTE BY
4 PROXY.

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

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

24 (II) FOR PURPOSES OF THIS SECTION, A VACANCY IS FILLED WHEN
25 THE DESIGNATED ELECTION OFFICIAL RECEIVES THE CERTIFICATE OF
26 NOMINATION AND THE WRITTEN ACCEPTANCE OF THE REPLACEMENT
27 CANDIDATE.

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

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

17 ~~(2.3)(a) A vacancy in a party nomination, other than a vacancy for~~
18 ~~a party nomination for lieutenant governor for a general election,~~
19 ~~occurring after January 1, 2001, that occurs after the day of the primary~~
20 ~~election or after nomination by assembly or convention under section~~
21 ~~1-4-702 and more than eighteen days before the general election may be~~
22 ~~filled by the respective party assembly vacancy committee of the district,~~
23 ~~county, or state, as appropriate, depending upon the office for which the~~
24 ~~vacancy in nomination has occurred in accordance with the provisions of~~
25 ~~subsection (9) of this section. A vacancy in a party nomination for~~
26 ~~lieutenant governor for a general election occurring after January 1, 2001,~~
27 ~~shall be filled by a replacement candidate for lieutenant governor~~

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

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

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

23 ~~(I) Cause the name of the replacement candidate to appear on the~~
24 ~~official ballot; or~~

25 ~~(II) Cause to be printed and placed on the sample ballot delivered~~
26 ~~to the election judges and posted pursuant to section 1-5-413 a sticker of~~
27 ~~a different color than the sample ballot indicating the name of the~~

1 replacement candidate:

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

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

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

17 ~~(2.5) (a) Any vacancy in a party nomination occurring less than~~
18 ~~eighteen days before the general election that is caused by the declination,~~
19 ~~death, disqualification, or withdrawal of any person nominated at the~~
20 ~~primary election or by the declination, death, disqualification, or~~
21 ~~withdrawal of any elective officer after a primary election at which a~~
22 ~~nomination could have been made for the office had the vacancy then~~
23 ~~existed shall not be filled before the general election. In such case, the~~
24 ~~votes cast for the candidate whose declination, death, disqualification, or~~
25 ~~withdrawal caused the vacancy are to be counted and recorded, and, if the~~
26 ~~candidate receives a plurality of the votes cast, such vacancy shall be~~
27 ~~filled after the general election by the respective party vacancy committee~~

1 of the district, county, or state, as appropriate, depending upon the office
2 for which the vacancy in nomination has occurred and in the manner
3 provided for in part 2 of article 12 of this title for filling vacancies in
4 office.

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

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

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

8 ~~(4.5) Any vacancy in a nomination for a minor political party~~
9 ~~candidate occurring after the filing of the certificate of designation~~
10 ~~pursuant to section 1-4-1304 (3) and no later than seventy days before the~~
11 ~~general or congressional vacancy election, which is caused by the~~
12 ~~declination, death, or withdrawal of any person nominated by the minor~~
13 ~~political party, may be filled by the person or persons designated in the~~
14 ~~constitution or bylaws of the minor political party to fill vacancies.~~

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

26 ~~(b) (d) If the persons~~ A PERSON ~~designated to fill any of the~~
27 ~~vacancies in subsections (1) to (4.5) of~~ A VACANCY PURSUANT TO ~~this~~

1 section ~~decide~~ DECIDES not to fill a vacancy, ~~they~~ HE OR SHE shall in like
2 manner file a certificate setting forth the occurrence of the vacancy,
3 stating ~~they do~~ THAT HE OR SHE DOES not intend to fill the vacancy.

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

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

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

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

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

17 (7.3) Any vacancy in the office of lieutenant governor shall be
18 filled by the appointment by the governor of a lieutenant governor of the
19 same political party as the governor to fill the vacancy. The senate shall
20 have no power to confirm or deny such appointment.

21 (7.5) 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 a minor political party pursuant to the constitution or
25 bylaws of the minor political party.

26 (8) Notwithstanding any provisions to the contrary, if a political
27 party has established a rule regarding the length of affiliation required for

1 a candidate for the office of United States senator or representative in
2 congress, and a vacancy in that office occurs, then the party rule applies.

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

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

1 subsection (9). The name of the person selected or appointed by the state
2 chair must be certified to the secretary of state. The vacancy is filled until
3 the next general election after the vacancy occurs, when the vacancy is
4 filled by election.

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

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

12 **1-4-1003. Vacancies in major party designation occurring**
13 **between the sixty-seventh day before a primary election and the**
14 **earliest day to mail primary election ballots.** (1) For the purposes of
15 this ~~part 10, no vacancy in designation or nomination for the office of~~
16 ~~governor or the office of lieutenant governor shall in any way affect the~~
17 ~~candidacy of the other joint candidate~~ SECTION, A VACANCY IS CAUSED BY
18 THE DECLINATION, DEATH, DISQUALIFICATION, OR WITHDRAWAL OF THE
19 PERSON DESIGNATED BY THE ASSEMBLY AS A CANDIDATE FOR
20 NOMINATION.

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

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

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

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

23 (III) NO MEMBER OF THE VACANCY COMMITTEE MAY VOTE BY
24 PROXY.

25 (IV) IF THE VACANCY COMMITTEE FAILS TO TIMELY CERTIFY A
26 SELECTION, THE STATE CHAIR OF THE PARTY OF THE CANDIDATE WHOSE
27 DECLINATION, DEATH, DISQUALIFICATION, OR WITHDRAWAL CAUSED THE

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

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

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

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

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

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

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

7 (I) THE DESIGNATED ELECTION OFFICIAL SHALL:

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

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

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

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

25 **1-4-1004. Vacancies in major party designation occurring from**
26 **the day after the earliest day to mail primary election ballots through**
27 **primary election day. (1) FOR THE PURPOSES OF THIS SECTION, A**

1 VACANCY IS CAUSED BY THE DECLINATION, DEATH, DISQUALIFICATION, OR
2 WITHDRAWAL OF THE PERSON DESIGNATED BY THE ASSEMBLY AS A
3 CANDIDATE FOR NOMINATION.

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

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

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

26 (II) THE VACANCY COMMITTEE, BY A MAJORITY VOTE OF ITS
27 MEMBERS PRESENT AND VOTING AT A MEETING CALLED FOR THAT

1 PURPOSE, SHALL SELECT A PERSON WHO MEETS ALL OF THE REQUIREMENTS
2 OF CANDIDACY AS OF THE DATE OF THE PRIMARY ELECTION AND WHO IS
3 AFFILIATED WITH THE SAME POLITICAL PARTY OR MINOR POLITICAL PARTY,
4 IF ANY, SHOWN IN THE STATEWIDE VOTER REGISTRATION DATABASE AS
5 THE CANDIDATE WHOSE DECLINATION, DEATH, DISQUALIFICATION, OR
6 WITHDRAWAL CAUSED THE VACANCY.

7 (III) NO MEMBER OF THE VACANCY COMMITTEE MAY VOTE BY
8 PROXY.

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

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

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
4 IN A PARTY DESIGNATION UNLESS THAT PERSON MEETS ALL REQUIREMENTS
5 OF CANDIDACY AS OF THE DATE THAT THE VACANCY APPOINTMENT IS
6 MADE.

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

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

13 (a) THE DESIGNATED ELECTION OFFICIAL SHALL:

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

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

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

27 (5) NOTWITHSTANDING ANY PROVISIONS TO THE CONTRARY, IF A

1 POLITICAL PARTY HAS ESTABLISHED A RULE REGARDING THE LENGTH OF
2 AFFILIATION REQUIRED FOR A CANDIDATE, AND A VACANCY IN THAT
3 OFFICE OCCURS, THEN THE PARTY RULE APPLIES.

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

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

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

27 (b) (I) NO VACANCY COMMITTEE MEETING SHALL BE HELD UNTIL

1 A QUORUM IS PRESENT CONSISTING OF NOT LESS THAN ONE-HALF OF THE
2 VOTING MEMBERSHIP OF THE VACANCY COMMITTEE.

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

11 (III) NO MEMBER OF THE VACANCY COMMITTEE MAY VOTE BY
12 PROXY.

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

26 (c) (I) THE DESIGNATION AND ACCEPTANCE OF THE PERSON
27 SELECTED TO FILL THE VACANCY MUST BE SUBMITTED TO THE DESIGNATED

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

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

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

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

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

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

25 (I) THE DESIGNATED ELECTION OFFICIAL SHALL:

26 (A) PROMINENTLY POST, ON THE DESIGNATED ELECTION OFFICIAL'S
27 OFFICIAL WEBSITE AND IN EACH VOTER SERVICE AND POLLING CENTER, A

1 NOTICE REGARDING THE VACANCY AND THE NAME OF THE REPLACEMENT
2 CANDIDATE; AND

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

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

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

16 **1-4-1006. Vacancies in major party nomination occurring from**
17 **the day after the earliest day to mail general election ballots through**
18 **general election day. (1) FOR THE PURPOSES OF THIS SECTION, A**
19 **VACANCY IS CAUSED BY THE DECLINATION, DEATH, DISQUALIFICATION, OR**
20 **WITHDRAWAL OF THE PERSON NOMINATED AT THE PRIMARY ELECTION.**

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

25 **1-4-1007. [Formerly 1-4-1002 (4.5)] Vacancies in minor party**
26 **designation or affiliation.** Any vacancy in a nomination for a minor
27 political party candidate occurring after the filing of the certificate of

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

7 **1-4-1008. [Formerly 1-4-1002 (4)] Vacancies in unaffiliated**
8 **designation or nomination.** Any vacancy in a nomination for an
9 unaffiliated candidate caused by the declination, death,
10 DISQUALIFICATION, or withdrawal of any person nominated by petition or
11 statement of intent occurring after the filing of the petition for nomination
12 or the submittal of a statement of intent under section 1-4-303 and no
13 later than seventy days before the general or congressional vacancy
14 election may be filled by the person or persons designated on the petition
15 or statement of intent to fill vacancies.

16 **1-4-1009. Vacancies in school district director nomination.**

17 (1) A VACANCY IN NOMINATION FOR A SCHOOL DISTRICT DIRECTOR
18 CANDIDATE CAUSED BY THE DECLINATION, DEATH, DISQUALIFICATION, OR
19 WITHDRAWAL OF ANY PERSON NOMINATED BY PETITION OCCURRING AFTER
20 THE FILING OF THE PETITION FOR NOMINATION MAY BE FILLED BY THE
21 PERSON OR PERSONS DESIGNATED OR APPOINTED ON THE PETITION WITHIN
22 FIVE DAYS OF THE PERSON OR PERSONS LEARNING OF THE VACANCY.

23 (2) (a) WHEN A VACANCY IS FILLED IN ACCORDANCE WITH THIS
24 SECTION BEFORE THE BALLOTS ARE PRINTED, THE COORDINATED ELECTION
25 OFFICIAL SHALL CAUSE THE NAME OF THE REPLACEMENT CANDIDATE TO
26 BE PRINTED ON THE BALLOT.

27 (b) WHEN A VACANCY IS FILLED IN ACCORDANCE WITH THIS

1 SECTION AFTER THE BALLOTS ARE PRINTED:

2 (I) THE COORDINATED ELECTION OFFICIAL SHALL:

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

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

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

16 **1-4-1010. Vacancies in office occurring from the sixty-eighth**
17 **day prior to primary election day through the earliest day to mail**
18 **general election ballots. (1) [Formerly 1-4-1002 (7)] Except as**
19 **otherwise provided in ~~subsection (7.3)~~ SUBSECTION (2) of this section OR**
20 **SECTION 1-4-1010 (2), any vacancy in a statewide or county office, in the**
21 **office of district attorney, or in the office of a state senator occurring**
22 **during a term of office AND FALLING WITHIN THE TIME PERIODS GOVERNED**
23 **BY SECTION 1-4-1002, 1-4-1003, 1-4-1004, OR 1-4-1005 shall be filled at**
24 **the next general election with nomination or designation by the political**
25 **party as follows:**

26 (a) (I) If the vacancy occurs ~~prior to~~ BEFORE the political party
27 assembly, the designated election official shall notify the chairperson of

1 each major political party that the office will be on the ballot for the next
2 primary election, and candidates for the office shall be designated as
3 provided in section 1-4-601 or 1-4-603.

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

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

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

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

1 district or as provided in section 1-4-802 for the nomination of
2 unaffiliated candidates.

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

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

11 **1-4-1011. Vacancies of joint gubernatorial candidates -**
12 **process for filling vacancy in nomination for office of lieutenant**
13 **governor.** (1) [Formerly 1-4-1003] For the purposes of this part 10, no
14 vacancy in designation or nomination for the office of governor or the
15 office of lieutenant governor shall in any way affect AFFECTS the
16 candidacy of the other joint candidate.

17 (2) [Formerly 1-4-1002 (7.3)] Any vacancy in A NOMINATION FOR
18 the office of lieutenant governor shall MUST be filled by the appointment
19 by the VACATING CANDIDATE'S JOINT CANDIDATE FOR governor. of a
20 lieutenant governor of the same political party as the governor to fill the
21 vacancy. The senate shall have no power to confirm or deny such
22 appointment.

23 (3) FOR THE PURPOSES OF THIS SECTION, A VACANCY IS CAUSED BY
24 THE DECLINATION, DEATH, DISQUALIFICATION, OR WITHDRAWAL OF THE
25 CANDIDATE DESIGNATED OR NOMINATED FOR GOVERNOR OR LIEUTENANT
26 GOVERNOR.

27 **SECTION 6.** In Colorado Revised Statutes, **amend** 1-4-404 as

1 follows:

2 **1-4-404. Nomination and acceptance of candidate.** Any person
3 nominated in accordance with this ~~article~~ ARTICLE 4 shall file a written
4 acceptance with the secretary of state by mail or hand delivery. The
5 written acceptance must be postmarked or received by the secretary of
6 state within four business days after the adjournment of the assembly. If
7 an acceptance is not filed within the specified time, the candidate ~~shall be~~
8 ~~IS~~ deemed to have declined the nomination, and the nomination ~~shall~~
9 ~~MUST~~ be treated as a vacancy to be filled as provided in ~~section 1-4-1002~~
10 ~~(3) and (5)~~ PART 10 OF THIS ARTICLE 4.

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

13 **1-4-502. Methods of nomination for partisan candidates.**

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

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

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

26 **1-4-802. Petitions for nominating minor political party and**
27 **unaffiliated candidates for a partisan office.** (1) Candidates for

1 partisan public offices to be filled at a general or congressional vacancy
2 election who do not wish to affiliate with a major political party may be
3 nominated, other than by a primary election or a convention, in the
4 following manner:

5 (e) The petition to nominate an unaffiliated candidate may
6 designate or appoint upon its face one or more unaffiliated registered
7 electors as a committee to fill vacancies in accordance with ~~section~~
8 ~~1-4-1002 (4) and (5)~~ SECTION 1-4-1008. However, in the case of a petition
9 for the office of state senator or state representative, the petition shall
10 designate or appoint upon its face three or more unaffiliated registered
11 electors as a committee to fill vacancies in accordance with ~~section~~
12 ~~1-4-1002 (4) and (5) and section 1-12-203~~ SECTIONS 1-4-1008 AND
13 1-12-203.

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

16 **1-5-412. Correction of errors.** (3) If, before the date set for
17 election, a duly nominated candidate withdraws by filing an affidavit of
18 withdrawal with the designated election official, or dies and the fact of
19 the death becomes known to the designated election official before the
20 ballots are printed, OR IS DEEMED DISQUALIFIED, the name of the
21 candidate shall not be printed on the ballots. Except in the case of a
22 vacancy to be filled in accordance with the provisions of section 1-4-1002
23 ~~(2.3) or (2.5)~~ SECTION 1-4-1005, 1-4-1006, OR 1-4-1009, if the ballots are
24 already printed, the votes cast for the withdrawn, ~~or~~ deceased, OR
25 DISQUALIFIED candidate are invalid and shall not be counted.

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

1 **1-12-203. Vacancies in general assembly.** (3) (a) The vacancy
2 committee, by a majority vote of its members present and voting at a
3 meeting called for that purpose and open to the public, shall select a
4 person who possesses the constitutional qualifications for a member of
5 the general assembly and who is affiliated with the same political party
6 or minor political party, if any, shown in the statewide voter registration
7 system as the former member whose seat is vacant. No VACANCY
8 COMMITTEE meeting shall be held until a quorum is present consisting of
9 not less than one-half of the voting membership of the vacancy
10 committee. No member of the vacancy committee may vote by proxy. The
11 committee shall certify the selection to the secretary of state within thirty
12 days from the date the vacancy occurs; except that, in the case of a
13 vacancy filled pursuant to ~~section 1-4-1002 (2.5)~~ SECTION 1-4-1006, the
14 committee shall certify the selection within thirty days after the date of
15 the general election affected by the vacancy. If the vacancy committee
16 fails to certify a selection within thirty days in accordance with ~~the~~
17 ~~provisions of~~ this subsection (3), the governor, within five days, shall fill
18 the vacancy by appointing a person having the qualifications set forth in
19 this subsection (3). The name of the person selected or appointed must be
20 certified to the secretary of state.

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

23 **30-10-501.5. Qualifications.** (1) No person ~~shall be~~ IS eligible for
24 nomination, election, or appointment to the office of sheriff unless ~~such~~
25 THE person:

26 (c) Has had a complete set of fingerprints taken by a qualified law
27 enforcement agency and HAS submitted a receipt evidencing ~~such~~ THE

1 fingerprinting at the time of filing his or her written acceptance pursuant
2 to ~~section~~ SECTION 1-4-601 (3), 1-4-906, or ~~1-4-1002 (5)~~, C.R.S., PART 10
3 OF ARTICLE 4 OF TITLE 1, or ~~a candidate~~ AT THE TIME OF filing an affidavit
4 of intent pursuant to section 1-4-1101, C.R.S. ~~Such~~ AS APPLICABLE. THE
5 law enforcement agency shall forward the fingerprints to the Colorado
6 bureau of investigation. The bureau shall utilize ~~such~~ THE fingerprints, its
7 files and records, and those of the federal bureau of investigation for the
8 purpose of determining whether the person has ever been convicted of or
9 pleaded guilty or entered a plea of nolo contendere to any felony charge
10 under federal or state laws. The Colorado bureau of investigation shall
11 notify the county clerk and recorder of the county ~~wherein~~ FOR WHICH the
12 person is a candidate of the results of the fingerprint analysis. ~~In the event~~
13 ~~that~~ IF a conviction or plea is disclosed, ~~such~~ THE person ~~shall be deemed~~
14 IS unqualified for the office of sheriff, unless pardoned. The results of
15 ~~such~~ THE fingerprint analysis ~~shall be~~ ARE confidential; except that the
16 county clerk and recorder may divulge whether ~~such~~ THE person is
17 qualified or unqualified for the office of sheriff.

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

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

27 **SECTION 13.** **Act subject to petition - effective date -**

1 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
2 the expiration of the ninety-day period after final adjournment of the
3 general assembly (August 9, 2017, if adjournment sine die is on May 10,
4 2017); except that, if a referendum petition is filed pursuant to section 1
5 (3) of article V of the state constitution against this act or an item, section,
6 or part of this act within such period, then the act, item, section, or part
7 will not take effect unless approved by the people at the general election
8 to be held in November 2018 and, in such case, will take effect on the
9 date of the official declaration of the vote thereon by the governor.

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