

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 23-0436.02 Pierce Lively x2059

HOUSE BILL 23-1206

HOUSE SPONSORSHIP

Marshall,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING INDIVIDUALS EMPLOYED BY GOVERNMENT IN THE FIELD**
102 **OF LAW ENFORCEMENT, AND, IN CONNECTION THEREWITH,**
103 **REQUIRING THAT SHERIFFS IN CERTAIN COUNTIES POSSESS A**
104 **BACHELOR'S DEGREE OR HIGHER, REQUIRING THAT CANDIDATES**
105 **FOR THE OFFICES OF COUNTY SHERIFF AND DISTRICT ATTORNEY**
106 **PETITION ONTO THE BALLOT, AND PROHIBITING CERTAIN**
107 **POLITICAL ACTIVITIES BY COUNTY SHERIFF'S OFFICE**
108 **EMPLOYEES.**

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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.*

<http://leg.colorado.gov>.)

The bill requires a county sheriff in a county with a population of 25,000 or more to possess a bachelor's degree or higher in criminal justice or a related field.

The bill requires candidates for the offices of county sheriff and district attorney to petition onto the ballot and prevents those candidates from being nominated as a candidate for a primary process election. Relatedly, the bill also prevents a ballot from listing the political affiliation of candidates for the offices of county sheriff and district attorney and excludes county sheriffs and district attorneys from party committees.

Lastly, the bill prohibits county sheriff's office employees from participating in specified political activities.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-3-103, **amend**
3 (1)(b)(I), (1)(b)(II), (4)(a), and (4)(d); and **add** (14) as follows:

4 **1-3-103. Party committees.** (1) (b) (I) All of the precinct
5 committeepersons of the political party in the county, all of the district
6 captains and co-captains, if any, of the political party in the county, and
7 the county party officers selected pursuant to ~~paragraph (c) of this~~
8 ~~subsection (1)~~ SUBSECTION (1)(c) OF THIS SECTION, together with the
9 elected county public officials, EXCLUDING COUNTY SHERIFFS, the state
10 senators and representatives, the United States senators and
11 representatives, AND the elected state public officials, ~~and~~ BUT NOT the
12 district attorney, who are members of the party and who reside within the
13 county, ~~shall~~ constitute the membership of the county central committee,
14 but the multiple office shall not entitle a person to more than one vote,
15 excluding proxies.

16 (II) In counties ~~which~~ THAT have adopted a five-commissioner
17 board or county home rule, ~~such~~ THE county central committee ~~shall be~~

1 ~~constituted of~~ IS all the precinct committeepersons from precincts in the
2 county commissioner district, together with the officers selected pursuant
3 to this ~~subparagraph (H)~~ SUBSECTION (1)(b)(II) OF THIS SECTION, and the
4 state senators and representatives ~~and the district attorney~~ who are
5 members of the party and who reside within the district, ~~Such~~ BUT NOT
6 THE DISTRICT ATTORNEY WHO RESIDES WITHIN THE DISTRICT. THE county
7 central committee shall meet on the same date and select a chairperson
8 and vice-chairperson in the same manner as the county central committee.
9 ~~Such~~ THE central committee shall select a vacancy committee for the
10 purpose of filling vacancies in the office of county commissioner held by
11 members of the political party.

12 (4) (a) The chairpersons and vice-chairpersons of the several party
13 county central committees, who reside within each judicial district,
14 ~~together with~~ BUT NOT the elected district attorney of the party for the
15 judicial district, shall constitute the judicial district central committee.

16 (d) When a judicial district is comprised of one county or a
17 portion of one county, the judicial district central committee ~~shall consist~~
18 CONSISTS of all elected precinct committeepersons, ~~the elected district~~
19 ~~attorney,~~ and the chairperson, the vice-chairperson, and the secretary of
20 the county central committee, all of whom are of the party and reside in
21 that judicial district, BUT NOT THE ELECTED DISTRICT ATTORNEY. The
22 committee shall meet on the same date and select a chairperson and
23 vice-chairperson in the same manner as a party county central committee.

24 (14) NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE
25 COMMITTEES DESCRIBED IN THIS SECTION SHALL NOT EXCLUDE A COUNTY
26 SHERIFF OR DISTRICT ATTORNEY WHO IS ELECTED BEFORE NOVEMBER 1,
27 2023. HOWEVER, IF A COUNTY SHERIFF OR DISTRICT ATTORNEY IS ELECTED

1 BEFORE NOVEMBER 1, 2023, THAT COUNTY SHERIFF OR DISTRICT
2 ATTORNEY IS EXCLUDED FROM THE COMMITTEES DESCRIBED IN THIS
3 SECTION, IF HE OR SHE IS REELECTED AFTER NOVEMBER 1, 2023.

4 **SECTION 2.** In Colorado Revised Statutes, **amend** 1-4-206 as
5 follows:

6 **1-4-206. Other county officers.** At the general election in 1982
7 and every four years thereafter, one county clerk and recorder, who ~~shall~~
8 ~~be~~ IS ex officio recorder of deeds and clerk of the board of county
9 commissioners; one sheriff qualified pursuant to section 30-10-501.5;
10 ~~C.R.S.~~ one coroner qualified pursuant to section 30-10-601.5; ~~C.R.S.~~ one
11 treasurer, who shall be collector of taxes; one county superintendent of
12 schools, unless the office of county superintendent of schools is abolished
13 at a general election; one county surveyor; and one county assessor shall
14 be elected in each county, excluding a city and county. The term of office
15 of all such officials ~~shall be~~ IS four years. THE NAME OF THE POLITICAL
16 PARTY WITH WHICH A CANDIDATE FOR THE OFFICE OF SHERIFF IS
17 AFFILIATED SHALL NOT BE LISTED NEXT TO THE CANDIDATE'S NAME ON
18 THE BALLOT.

19 **SECTION 3.** In Colorado Revised Statutes, 1-4-502, **amend** (1)
20 as follows:

21 **1-4-502. Methods of nomination for partisan candidates.**

22 (1) Except as otherwise provided in ~~paragraphs (b) and (c) of subsection~~
23 ~~(3)~~ SUBSECTIONS (3)(b) AND (3)(c) of this section, nominations for United
24 States senator, representative in congress, governor, lieutenant governor,
25 secretary of state, state treasurer, attorney general, member of the state
26 board of education, regent of the university of Colorado, member of the
27 general assembly, ~~district attorney~~, and all county officers, EXCEPT FOR

1 COUNTY SHERIFFS, to be elected at the general election may be made by
2 primary election under section 1-4-101 or by assembly or convention
3 under section 1-4-702 by major political parties, by petition for
4 nomination as provided in section 1-4-802, or by a minor political party
5 as provided in section 1-4-1304.

6 **SECTION 4.** In Colorado Revised Statutes, 1-4-601, **amend**
7 (3)(b) as follows:

8 **1-4-601. Designation of candidates for primary election -**
9 **definition.** (3) (b) The written acceptance of a candidate nominated by
10 assembly for any national or state office or for member of the general
11 assembly, ~~district attorney~~, or district office greater than a county office
12 shall be filed by the presiding officer or secretary of such assembly with
13 the certificate of designation of ~~such~~ THE assembly, as required by section
14 1-4-604 (1)(a). Nothing in this ~~paragraph (b) shall prohibit~~ SUBSECTION
15 (3)(b) PROHIBITS a candidate from filing an acceptance of nomination
16 directly with the officer with whom the certificate of designation is filed
17 following written notice of ~~such~~ THE filing by the candidate to the
18 presiding officer of the political party holding ~~such~~ THE assembly.

19 **SECTION 5.** In Colorado Revised Statutes, 1-4-604, **amend**
20 (6)(a)(I) as follows:

21 **1-4-604. Filing of petitions and certificates of designation by**
22 **assembly - legislative declaration.** (6) (a) (I) Except as provided in
23 subsection (6)(a)(II) of this section, no later than four days after the
24 adjournment of the assembly, the state central committee of each political
25 party, utilizing the information described in subsection (1)(b) of this
26 section, shall file with the secretary of state a compilation of the
27 certificates of designation of each assembly that nominated candidates for

1 any national or state office or for member of the general assembly, district
2 attorney, or district office greater than a county office. Such A
3 compilation of certificates of designation may be transmitted by facsimile
4 transmission; however, the original compilation must also be filed and
5 postmarked no later than ten days after the adjournment of the assembly.

6 **SECTION 6.** In Colorado Revised Statutes, 1-4-801, **amend**
7 (2)(a); and **repeal** (2)(b.5) as follows:

8 **1-4-801. Designation of party candidates by petition.** (2) The
9 signature requirements for the petition are as follows:

10 (a) Every petition in the case of a candidate for any county office
11 EXCEPT COUNTY SHERIFF must be signed by electors eligible to vote
12 within the county commissioner district or political subdivision for which
13 the officer is to be elected. Except as otherwise provided in subsection
14 (2)(e) of this section, the petition requires the lesser of one thousand
15 signers or signers equal in number to ten percent of the votes cast in the
16 political subdivision at the contested or uncontested primary election for
17 the political party's candidate for the office for which the petition is being
18 circulated or, if there was no primary election, at the last preceding
19 general election for which there was a candidate for the office.
20 Notwithstanding any other provision of law, an unaffiliated elector is not
21 eligible to sign a petition for a candidate of a major political party.

22 ~~(b.5) Every petition in the case of a candidate for the office of~~
23 ~~district attorney must be signed by eligible electors resident within the~~
24 ~~district for which the officer is to be elected. The petition requires the~~
25 ~~lesser of one thousand signers or signers equal in number to ten percent~~
26 ~~of the votes cast in the district at the contested or uncontested primary~~
27 ~~election for the political party's candidate for the office for which the~~

1 ~~petition is being circulated or, if there was no primary election, at the last~~
2 ~~preceding general election for which there was a candidate for the office.~~

3 **SECTION 7.** In Colorado Revised Statutes, 1-4-802, **amend**
4 (1)(c) introductory portion; and **repeal** (1)(c)(VI) as follows:

5 **1-4-802. Petitions for nominating minor political party and**
6 **unaffiliated candidates for a partisan office.** (1) Candidates for
7 partisan public offices to be filled at a general or congressional vacancy
8 election who do not wish to affiliate with a major political party may be
9 nominated, other than by a primary election or a convention, in the
10 following manner:

11 (c) Every petition for the office of president and vice president,
12 for statewide office, for congressional district office, for the office of
13 member of the general assembly, ~~for district attorney,~~ and for county
14 office, EXCEPT SHERIFF, must be signed by eligible electors residing
15 within the district or political subdivision in which the officer is to be
16 elected. Except as otherwise provided in subsection (2) of this section, the
17 number of signatures of eligible electors on a petition is as follows:

18 (VI) ~~The lesser of one thousand or three percent of the votes cast~~
19 ~~in the district in the most recent general election for the office of district~~
20 ~~attorney, and~~

21 **SECTION 8.** In Colorado Revised Statutes, **add** 1-4-805.5 as
22 follows:

23 **1-4-805.5. Petitions for nominating county sheriffs.** (1) ANY
24 PERSON WHO DESIRES TO BE A CANDIDATE FOR COUNTY SHERIFF SHALL
25 FILE A NOMINATING PETITION SIGNED BY A NUMBER OF ELIGIBLE ELECTORS
26 EQUAL TO THE LESSER OF ONE THOUSAND SIGNERS OR TEN PERCENT OF
27 VOTES CAST IN THE LAST PRECEDING GENERAL ELECTION FOR WHICH

1 THERE WAS A CANDIDATE FOR THE OFFICE.

2 (2) PETITIONS FOR NOMINATING COUNTY SHERIFFS MUST COMPLY
3 WITH THE REQUIREMENTS OF PART 9 OF THIS ARTICLE 4.

4 (3) PETITIONS MUST BE FILED WITH THE SECRETARY OF STATE NO
5 LATER THAN 3 P.M. ON THE FIFTY-FIFTH DAY PRECEDING THE DATE OF THE
6 ELECTION.

7 (4) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
8 CONTRARY, A CANDIDATE FOR COUNTY SHERIFF SHALL NOT BE NOMINATED
9 BY A PRIMARY ELECTION.

10 **SECTION 9.** In Colorado Revised Statutes, **add** 1-4-805.7 as
11 follows:

12 **1-4-805.7. Petitions for nominating district attorneys.** (1) ANY
13 PERSON WHO DESIRES TO BE A CANDIDATE FOR DISTRICT ATTORNEY SHALL
14 FILE A NOMINATING PETITION SIGNED BY A NUMBER OF ELIGIBLE ELECTORS
15 EQUAL TO THE LESSER OF ONE THOUSAND SIGNERS OR TEN PERCENT OF
16 THE VOTES CAST IN THE LAST PRECEDING GENERAL ELECTION FOR WHICH
17 THERE WAS A CANDIDATE FOR THE OFFICE.

18 (2) PETITIONS FOR NOMINATING DISTRICT ATTORNEYS MUST
19 COMPLY WITH THE REQUIREMENTS OF PART 9 OF THIS ARTICLE 4.

20 (3) PETITIONS MUST BE FILED WITH THE SECRETARY OF STATE NO
21 LATER THAN 3 P.M. ON THE FIFTY-FIFTH DAY PRECEDING THE DATE OF THE
22 ELECTION.

23 (4) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
24 CONTRARY, A CANDIDATE FOR DISTRICT ATTORNEY SHALL NOT BE
25 NOMINATED BY A PRIMARY ELECTION.

26 **SECTION 10.** In Colorado Revised Statutes, 1-4-1010, **amend**
27 (1) introductory portion; and **repeal** (2) as follows:

1 **1-4-1010. Vacancies in office occurring from the sixty-eighth**
2 **day prior to primary election day through the earliest day to mail**
3 **general election ballots.** (1) Except as otherwise provided in subsection
4 (2) of this section, ~~or section 1-4-1010 (2)~~ any vacancy in a statewide or
5 county office, ~~in the office of district attorney,~~ EXCEPT FOR COUNTY
6 SHERIFF, or in the office of a state senator occurring during a term of
7 office and falling within the time periods governed by section 1-4-1002,
8 1-4-1003, 1-4-1004, or 1-4-1005 shall be filled at the next general
9 election with nomination or designation by the political party as follows:

10 (2) ~~Any vacancy in a statewide or county office, in the office of~~
11 ~~district attorney, or in the office of a state senator occurring during a term~~
12 ~~of office shall be filled at the next general election with nomination or~~
13 ~~designation by a minor political party pursuant to the constitution or~~
14 ~~bylaws of the minor political party.~~

15 **SECTION 11.** In Colorado Revised Statutes, 1-5-402, **amend**
16 (1)(b) as follows:

17 **1-5-402. Primary election ballots.** (1) No later than thirty-two
18 days before the primary election, the county clerk and recorder shall
19 prepare a separate ballot for each political party. The ballots shall be
20 printed in the following manner:

21 (b) The positions on the ballot shall be arranged as follows: First,
22 candidates for United States senator; next, congressional candidates; next,
23 state candidates; next, legislative candidates; ~~next, district attorney~~
24 ~~candidates;~~ next, other candidates for district offices greater than a county
25 office; next, candidates for county commissioners; next, county clerk and
26 recorder candidates; next, county treasurer candidates; next, county
27 assessor candidates; ~~next, county sheriff candidates;~~ next, county surveyor

1 candidates; and next, county coroner candidates. When other offices are
2 to be filled at the coming general election, the county clerk and recorder,
3 in preparing the primary ballot, shall use substantially the form prescribed
4 by this section, stating the proper designation of the office and placing the
5 names of the candidates for the office under the name of the office.

6 **SECTION 12.** In Colorado Revised Statutes, 1-5-403, **amend** (4)
7 as follows:

8 **1-5-403. Content of ballots for general and congressional**
9 **vacancy elections.** (4) The name of each person nominated shall be
10 printed or written upon the ballot in only one place. Each nominated
11 person's name may include one nickname, if the person regularly uses the
12 nickname and the nickname does not include any part of a political party
13 name. Opposite the name of each person nominated, including candidates
14 for president and vice president and joint candidates for governor and
15 lieutenant governor, shall be the name of the political party or political
16 organization which nominated the candidate, expressed in not more than
17 three words. Those three words may not promote the candidate or
18 constitute a campaign promise. A CANDIDATE FOR THE OFFICE OF DISTRICT
19 ATTORNEY SHALL NOT HAVE THE NAME OF THE POLITICAL PARTY WITH
20 WHICH THE CANDIDATE IS AFFILIATED LISTED NEXT TO THE CANDIDATE'S
21 NAME ON THE BALLOT.

22 **SECTION 13.** In Colorado Revised Statutes, 30-10-501.5, **add**
23 (2) as follows:

24 **30-10-501.5. Qualifications.** (2) BEGINNING NOVEMBER 1, 2023,
25 NO PERSON IS ELIGIBLE FOR NOMINATION, ELECTION, OR APPOINTMENT TO
26 THE OFFICE OF SHERIFF IN A COUNTY WITH A POPULATION OF TWENTY-FIVE
27 THOUSAND OR MORE UNLESS THE PERSON POSSESSES A BACHELOR'S

1 DEGREE OR HIGHER IN CRIMINAL JUSTICE OR THE LEGAL FIELD.

2 **SECTION 14.** In Colorado Revised Statutes, **add** 30-10-527 as
3 follows:

4 **30-10-527. Limitations on political activities - definition.**

5 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
6 REQUIRES, "EMPLOYEE OF THE COUNTY SHERIFF'S OFFICE" MEANS ANY
7 EMPLOYEE OF THE COUNTY SHERIFF'S OFFICE INCLUDING THE COUNTY
8 SHERIFF AND ANY DEPUTY SHERIFFS.

9 (2) AN EMPLOYEE OF THE COUNTY SHERIFF'S OFFICE SHALL NOT:

10 (a) PARTICIPATE IN ANY POLITICAL CAMPAIGN WHILE ON DUTY;

11 (b) SOLICIT MONEY ON BEHALF OF ANY POLITICAL CAMPAIGNS;

12 EXCEPT THAT THIS SUBSECTION (2)(b) SHALL NOT PROHIBIT AN EMPLOYEE
13 OF THE COUNTY SHERIFF'S OFFICE WHO IS RUNNING FOR AN ELECTED
14 OFFICE FROM SOLICITING AND ACCEPTING CAMPAIGN CONTRIBUTIONS FOR
15 THE EMPLOYEE'S OWN ELECTION CAMPAIGN IF THE EMPLOYEE IS NOT ON
16 DUTY OR IN UNIFORM WHEN SUCH ACTIVITIES OCCUR;

17 (c) USE THE EMPLOYEE'S OFFICIAL POSITION TO MAKE ANY PUBLIC
18 ENDORSEMENT OF ANY CANDIDATE IN ANY CAMPAIGN FOR ELECTED
19 OFFICE; EXCEPT THAT, IF THE EMPLOYEE IS RUNNING FOR AN ELECTED
20 OFFICE, THEN THE RESTRICTION IN THIS SUBSECTION (2)(c) DOES NOT
21 APPLY TO THE EMPLOYEE'S OWN CAMPAIGN;

22 (d) USE THE EMPLOYEE'S OFFICIAL POSITION TO REFLECT THE
23 EMPLOYEE'S PERSONAL POLITICAL FEELINGS AS THOSE OF THE COUNTY
24 SHERIFF'S DEPARTMENT OR USE THE EMPLOYEE'S OFFICIAL POSITION TO
25 EXERT ANY PRESSURE ON ANYONE TO INFLUENCE THAT PERSON'S
26 POLITICAL VIEWS;

27 (e) DISPLAY ANY POLITICAL ADVERTISING OR PARAPHERNALIA ON

1 THE EMPLOYEE'S BODY OR AUTOMOBILE WHILE ON DUTY OR IN UNIFORM;

2 (f) DISPLAY CAMPAIGN LITERATURE, BANNERS, PLACARDS,
3 STREAMERS, STICKERS, SIGNS, OR OTHER ITEMS OF CAMPAIGN OR
4 POLITICAL ADVERTISING ON BEHALF OF ANY PARTY, COMMITTEE, OR
5 AGENCY OR CANDIDATE FOR POLITICAL OFFICE ON THE PREMISES OF ANY
6 BUILDING OR LAND OWNED BY THE COUNTY OR USE ANY FACILITIES OF THE
7 COUNTY, INCLUDING EQUIPMENT AND VEHICLES, FOR THOSE PURPOSES; OR

8 (g) USE COUNTY PUBLIC BUILDINGS OR FACILITIES FOR MEETINGS
9 OR PREPARATION OF CAMPAIGN ACTIVITY IN SUPPORT OF ANY PARTICULAR
10 CANDIDATE, PARTY, OR MEASURE.

11 (3) EXCEPT AS PROVIDED IN SUBSECTION (2)(f) OF THIS SECTION,
12 NOTHING IN SUBSECTION (2) OF THIS SECTION PROHIBITS OR PREVENTS ANY
13 SUCH EMPLOYEE FROM BECOMING OR CONTINUING TO BE A MEMBER OF A
14 POLITICAL CLUB OR ORGANIZATION AND ENJOYING ALL THE RIGHTS AND
15 PRIVILEGES OF SUCH MEMBERSHIP OR FROM ATTENDING ANY POLITICAL
16 MEETINGS WHILE NOT ON DUTY.

17 (4) ANY PERSON WHO VIOLATES SUBSECTION (2) OF THIS SECTION
18 IS SUBJECT TO A CIVIL PENALTY NOT TO EXCEED ONE THOUSAND DOLLARS
19 PER VIOLATION AND MAY BE DISMISSED FROM THE SERVICE OF THE
20 COUNTY SHERIFF'S OFFICE.

21 **SECTION 15. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly; except
24 that, if a referendum petition is filed pursuant to section 1 (3) of article V
25 of the state constitution against this act or an item, section, or part of this
26 act within such period, then the act, item, section, or part will not take
27 effect unless approved by the people at the general election to be held in

1 November 2024 and, in such case, will take effect on the date of the
2 official declaration of the vote thereon by the governor.