

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

**INTRODUCED**

LLS NO. 25-0804.01 Nicole Myers x4326

**HOUSE BILL 25-1191**

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**HOUSE SPONSORSHIP**

**Richardson,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**

State, Civic, Military, & Veterans Affairs

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING A REQUIREMENT THAT A VACANCY IN THE OFFICE OF A**  
102                    **COUNTY COMMISSIONER BE FILLED BY A VACANCY ELECTION**  
103                    **RATHER THAN BY A VACANCY COMMITTEE.**

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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>.)*

Currently, a vacancy in the office of a county commissioner (vacancy) is filled by a vacancy committee selected by the county central committee. The bill eliminates the vacancy committee process for vacancies and requires that vacancies be filled by a vacancy election.

An individual elected in a vacancy election serves for the

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.*

remainder of the vacating county commissioner's original term. If the vacancy occurs within 180 days of a regularly scheduled primary, coordinated, or general election for which the ballots have not yet been certified, the vacancy election is held as part of the primary, coordinated, or general election. If the vacancy occurs more than 180 days before a regularly scheduled election or the ballots for the regularly scheduled election have already been certified, the vacancy election occurs on a date set by the designated election official, which must not be less than 30 days or more than 60 days after the vacancy occurs. A legislative vacancy election is administered according to the state election code, as applicable.

An individual who desires to be a candidate at a vacancy election shall submit to the secretary of state a notarized candidate's statement of intent together with a nonrefundable filing fee of \$500. A candidate must meet the current statutory and constitutional requirements for serving as a county commissioner and be registered with the vacating county commissioner's political party, if any, by January 1 of the calendar year in which the vacancy election occurs. Only registered electors who reside within the district served by the vacating county commissioner and who are registered with the same political party as the vacating county commissioner or who are unaffiliated are eligible to vote in a vacancy election.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds and declares that:

4 (a) The current vacancy committee process for filling a vacancy  
5 in the office of a county commissioner raises concerns for the following  
6 reasons:

7 (I) There is limited representation in the composition of a vacancy  
8 committee, which means that decisions regarding the candidates to fill a  
9 vacancy in the office of a county commissioner are made by a small group  
10 of individuals that may not represent the broader electorate's will;

11 (II) There is a perceived lack of transparency in the vacancy  
12 committee process, and as a result, the process may be viewed as opaque  
13 and potentially erode the public trust; and

1 (III) There is a potential for hyper-partisan bias in the vacancy  
2 committee process, as vacancy committees are often composed of party  
3 insiders who may favor candidates aligned with specific interests rather  
4 than broader community concerns; and

5 (b) Filling a vacancy in the office of a county commissioner  
6 through a vacancy election rather than through a vacancy committee will  
7 bring value to the process of filling county commissioner vacancies by:

8 (I) Increasing the legitimacy of the process used to fill a vacancy  
9 in the office of a county commissioner, as an election allows the  
10 electorate to choose its representative directly and ensures that the  
11 individual filling the vacancy has a clear mandate from the voters; and

12 (II) Providing transparency in the process of filling a vacancy  
13 because the electoral process is open and public, which will foster trust  
14 in the individual chosen to fill the vacancy.

15 **SECTION 2.** In Colorado Revised Statutes, **repeal and reenact,**  
16 **with amendments,** 1-12-206 as follows:

17 **1-12-206. Vacancies in the office of county commissioner -**  
18 **vacancy election - definition.** (1) IN THE CASE OF A VACANCY  
19 OCCURRING IN THE OFFICE OF A COUNTY COMMISSIONER, THE VACANCY  
20 SHALL BE FILLED BY ELECTION PURSUANT TO THIS SECTION, REGARDLESS  
21 OF THE POLITICAL PARTY AFFILIATION OR NONAFFILIATION OF THE  
22 VACATING COMMISSIONER AND REGARDLESS OF WHETHER THE VACATING  
23 COMMISSIONER WAS ELECTED BY ELECTORS OF THE WHOLE COUNTY OR  
24 ONLY BY ELECTORS OF THE DISTRICT FROM WHICH THE VACATING  
25 COMMISSIONER WAS ELECTED.

26 (2) (a) WHEN A VACANCY OCCURS IN THE OFFICE OF A COUNTY  
27 COMMISSIONER WITHIN ONE HUNDRED EIGHTY CALENDAR DAYS OF A

1 REGULARLY SCHEDULED PRIMARY, COORDINATED, OR GENERAL ELECTION,  
2 THE COUNTY COMMISSIONER VACANCY ELECTION IS HELD AS PART OF  
3 THAT ELECTION; EXCEPT THAT, IF BALLOTS FOR THE REGULARLY  
4 SCHEDULED PRIMARY, COORDINATED, OR GENERAL ELECTION HAVE  
5 ALREADY BEEN CERTIFIED, THE APPLICABLE DESIGNATED ELECTION  
6 OFFICIAL SHALL CALL A COUNTY COMMISSIONER VACANCY ELECTION AND  
7 SET THE DATE FOR HOLDING THE VACANCY ELECTION PURSUANT TO  
8 SUBSECTION (2)(b) OF THIS SECTION.

9 (b) WHEN A VACANCY OCCURS IN THE OFFICE OF A COUNTY  
10 COMMISSIONER AT A TIME THAT AN ELECTION TO FILL THE VACANCY  
11 CANNOT BE HELD AS PART OF A REGULARLY SCHEDULED ELECTION  
12 PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION, THE APPLICABLE  
13 DESIGNATED ELECTION OFFICIAL SHALL CALL A COUNTY COMMISSIONER  
14 VACANCY ELECTION AND SET THE DATE FOR HOLDING THE VACANCY  
15 ELECTION. THE DESIGNATED ELECTION OFFICIAL SHALL PROVIDE NOTICE  
16 OF THE ELECTION AS PROVIDED IN SECTION 1-5-205. THE DESIGNATED  
17 ELECTION OFFICIAL SHALL SET THE DATE FOR THE COUNTY COMMISSIONER  
18 VACANCY ELECTION NOT LESS THAN THIRTY NOR MORE THAN SIXTY  
19 CALENDAR DAYS AFTER THE VACANCY OCCURRED.

20 (c) (I) IF A COUNTY COMMISSIONER VACANCY ELECTION IS HELD  
21 AS PART OF A REGULARLY SCHEDULED ELECTION PURSUANT TO  
22 SUBSECTION (2)(a) OF THIS SECTION, THE DESIGNATED ELECTION OFFICIAL  
23 SHALL CONDUCT THE VACANCY ELECTION ACCORDING TO THIS CODE AND  
24 THIS SUBSECTION (2).

25 (II) IF A COUNTY COMMISSIONER VACANCY ELECTION IS HELD ON  
26 A DATE SET BY THE DESIGNATED ELECTION OFFICIAL PURSUANT TO  
27 SUBSECTION (2)(b) OF THIS SECTION, THE DESIGNATED ELECTION OFFICIAL

1 SHALL CONDUCT THE COUNTY COMMISSIONER VACANCY ELECTION  
2 ACCORDING TO THIS CODE EXCEPT AS OTHERWISE PROVIDED IN  
3 SUBSECTION (3) OF THIS SECTION.

4 (d) NOTWITHSTANDING ANY OTHER PROVISION OF THIS CODE, AN  
5 INDIVIDUAL WHO DESIRES TO BE A CANDIDATE IN A COUNTY  
6 COMMISSIONER VACANCY ELECTION SHALL SUBMIT TO THE SECRETARY OF  
7 STATE A NOTARIZED CANDIDATE'S STATEMENT OF INTENT TOGETHER WITH  
8 A NONREFUNDABLE FILING FEE OF FIVE HUNDRED DOLLARS. A CANDIDATE  
9 MUST MEET THE CURRENT STATUTORY AND CONSTITUTIONAL  
10 REQUIREMENTS FOR SERVING AS A COUNTY COMMISSIONER AND BE  
11 REGISTERED WITH THE VACATING COUNTY COMMISSIONER'S POLITICAL  
12 PARTY, IF ANY, BY JANUARY 1 OF THE CALENDAR YEAR IN WHICH THE  
13 COUNTY COMMISSIONER VACANCY ELECTION OCCURS.

14 (e) ONLY REGISTERED ELECTORS WHO RESIDE WITHIN THE  
15 DISTRICT SERVED BY THE VACATING COUNTY COMMISSIONER AND WHO  
16 ARE REGISTERED WITH THE SAME POLITICAL PARTY AS THE VACATING  
17 COUNTY COMMISSIONER, IF ANY, OR WHO ARE UNAFFILIATED ARE ELIGIBLE  
18 TO VOTE IN A COUNTY COMMISSIONER VACANCY ELECTION.

19 (f) UPON RECEIPT OF THE CERTIFIED ABSTRACT OF VOTES CAST,  
20 THE DESIGNATED ELECTION OFFICIAL SHALL ISSUE A CERTIFICATE OF  
21 ELECTION TO THE SUCCESSOR CANDIDATE WHO RECEIVED THE HIGHEST  
22 NUMBER OF VOTES IN THE COUNTY COMMISSIONER VACANCY ELECTION.  
23 THE CANDIDATE WHO RECEIVED THE HIGHEST NUMBER OF VOTES MUST BE  
24 SWORN IN AND ASSUMES THE DUTIES OF THE OFFICE UPON CERTIFICATION  
25 OF THE ELECTION RESULTS. A PERSON ELECTED TO FILL A VACANCY  
26 PURSUANT TO THIS SECTION HOLDS THE OFFICE OF COUNTY COMMISSIONER  
27 FOR THE REMAINDER OF THE VACATED TERM.

1 (g) COUNTY COMMISSIONER VACANCY ELECTIONS ARE SUBJECT TO  
2 ALL SECTIONS OF ARTICLE 45 OF THIS TITLE 1 THAT APPLY TO COUNTY  
3 COMMISSIONER ELECTIONS.

4 (3) (a) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION (3),  
5 THE DESIGNATED ELECTION OFFICIAL SHALL CONDUCT A COUNTY  
6 COMMISSIONER VACANCY ELECTION THAT IS NOT HELD AS PART OF A  
7 REGULARLY SCHEDULED PRIMARY, COORDINATED, OR GENERAL ELECTION  
8 ACCORDING TO THIS CODE.

9 (b) ALL EVENTS IN THIS CODE THAT ARE TO BE COMPLETED BY THE  
10 SECRETARY OF STATE, DESIGNATED ELECTION OFFICIAL, OR COORDINATED  
11 ELECTION OFFICIAL ON OR BEFORE THE FORTY-FIFTH DAY PRIOR TO AN  
12 ELECTION MUST BE COMPLETED NO LATER THAN THE THIRTY-FIFTH DAY  
13 PRIOR TO THE COUNTY COMMISSIONER VACANCY ELECTION.

14 (c) (I) NOTWITHSTANDING SECTION 1-7.5-105, AS SOON AS  
15 PRACTICABLE AFTER A DESIGNATED ELECTION OFFICIAL SETS A DATE FOR  
16 A COUNTY COMMISSIONER VACANCY ELECTION PURSUANT TO SUBSECTION  
17 (2)(b) OF THIS SECTION, A DESIGNATED ELECTION OFFICIAL CONDUCTING  
18 THE COUNTY COMMISSIONER VACANCY ELECTION SHALL SUBMIT TO THE  
19 SECRETARY OF STATE, FOR APPROVAL WITHIN THREE BUSINESS DAYS  
20 AFTER RECEIPT, A PROPOSED ELECTION PLAN THAT INCLUDES ALL  
21 INFORMATION REQUIRED BY SECTION 1-7.5-105. IF THE SECRETARY OF  
22 STATE DOES NOT PROVIDE WRITTEN NOTICE OF APPROVAL OR  
23 DISAPPROVAL OF THE PLAN WITHIN THREE BUSINESS DAYS, THE PLAN IS  
24 DEEMED APPROVED.

25 (II) THE SECRETARY OF STATE MAY DISAPPROVE AN ELECTION  
26 PLAN SUBMITTED PURSUANT TO THIS SUBSECTION (3)(c) USING ONLY THE  
27 SAME STANDARDS USED TO EVALUATE AND APPROVE OF ELECTION PLANS

1 TRANSMITTED UNDER SECTION 1-7.5-105.

2 (d) THE DESIGNATED ELECTION OFFICIAL CONDUCTING THE  
3 COUNTY COMMISSIONER VACANCY ELECTION SHALL DESIGNATE THEIR  
4 OFFICE OR ANOTHER SUITABLE LOCATION TO PROVIDE A MAIL BALLOT OR  
5 REPLACEMENT BALLOT TO A REGISTERED ELECTOR WHO IS QUALIFIED TO  
6 VOTE IN THE COUNTY COMMISSIONER VACANCY ELECTION AND WHO  
7 REQUESTS THE BALLOT AT THE DESIGNATED LOCATION FROM THE  
8 TWENTY-SECOND DAY BEFORE THE COUNTY COMMISSIONER VACANCY  
9 ELECTION THROUGH THAT FINAL DAY OF VOTING. NOT EARLIER THAN THE  
10 TWENTY-SECOND DAY OR LATER THAN THE EIGHTEENTH DAY BEFORE THE  
11 COUNTY COMMISSIONER VACANCY ELECTION, THE DESIGNATED ELECTION  
12 OFFICIAL SHALL MAIL BALLOTS TO ALL REGISTERED ELECTORS WHO ARE  
13 QUALIFIED TO VOTE IN THE COUNTY COMMISSIONER VACANCY ELECTION.

14 (e) THERE MUST BE AT LEAST ONE VOTER SERVICE AND POLLING  
15 CENTER FOR EACH THIRTY THOUSAND ACTIVE REGISTERED ELECTORS IN  
16 THE DISTRICT IN WHICH THE VACANCY OCCURRED; EXCEPT THAT ANY  
17 SUCH DISTRICT MUST HAVE AT LEAST ONE VOTER SERVICE AND POLLING  
18 CENTER. EACH VOTER SERVICE AND POLLING CENTER MUST BE OPEN FROM  
19 THE EIGHTH DAY PRIOR TO THE FINAL DAY OF VOTING IN THE COUNTY  
20 COMMISSIONER VACANCY ELECTION THROUGH THE FINAL DAY OF VOTING  
21 IN THE COUNTY COMMISSIONER VACANCY ELECTION. EACH VOTER  
22 SERVICE AND POLLING CENTER REQUIRED BY THIS SUBSECTION (3)(e) MUST  
23 BE OPEN FOR EIGHT HOURS MONDAY THROUGH FRIDAY, FOUR HOURS ON  
24 SATURDAY, AND NEED NOT BE OPEN ON SUNDAY. ON THE FINAL DAY OF  
25 VOTING, EACH VOTER SERVICE AND POLLING CENTER REQUIRED BY THIS  
26 SUBSECTION (3)(e) MUST BE OPEN FROM 7 A.M. TO 7 P.M.

27 (4) (a) TO THE EXTENT THAT THIS SECTION CONFLICTS WITH OTHER

1 PROVISIONS OF THIS CODE, THIS SECTION CONTROLS.

2 (b) THE SECRETARY OF STATE MAY ADOPT RULES AS NECESSARY  
3 TO ADMINISTER AND ENFORCE THIS SECTION OR TO ADJUST STATUTORY  
4 DEADLINES TO ENSURE THAT A COUNTY COMMISSIONER VACANCY  
5 ELECTION IS HELD IN AN EFFICIENT AND TIMELY MANNER.

6 (5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
7 REQUIRES, "COUNTY COMMISSIONER VACANCY ELECTION" MEANS AN  
8 ELECTION HELD FOR THE PURPOSE OF FILLING A VACANCY IN AN  
9 UNEXPIRED TERM OF A COUNTY COMMISSIONER.

10 **SECTION 3.** In Colorado Revised Statutes, 1-3-103, **amend**  
11 (1)(b)(II), (1)(c), (7), (12), and (13) as follows:

12 **1-3-103. Party committees.** (1) (b) (II) In counties which have  
13 adopted a five-commissioner board or county home rule, such county  
14 central committee ~~shall be~~ IS constituted of all the precinct  
15 committeepersons from precincts in the county commissioner district,  
16 together with the officers selected pursuant to ~~this subparagraph (II)~~ THIS  
17 SUBSECTION (1)(b)(II), and the state senators and representatives and the  
18 district attorney who are members of the party and who reside within the  
19 district. Such county central committee shall meet on the same date and  
20 select a chairperson and vice-chairperson in the same manner as the  
21 county central committee. Such central committee shall NOT select a  
22 vacancy committee for the purpose of filling vacancies in the office of  
23 county commissioner held by members of the political party, AS  
24 VACANCIES IN THE OFFICE OF COUNTY COMMISSIONER ARE FILLED BY  
25 ELECTION PURSUANT TO SECTION 1-12-206.

26 (c) Each county central committee shall meet on a date which falls  
27 between February 1 and February 15 of the odd-numbered years to



1 organize by selecting a chairperson, a vice-chairperson, and a secretary  
2 and any other officers provided for in the county rules and shall select a  
3 vacancy committee authorized to fill vacancies in the county central  
4 committee and the offices held by members of the county central  
5 committee. ~~and~~ THE COUNTY CENTRAL COMMITTEE shall NOT select a  
6 separate vacancy committee to fill vacancies in the office of county  
7 commissioner held by members of the political party, AS VACANCIES IN  
8 THE OFFICE OF COUNTY COMMISSIONER ARE FILLED BY ELECTION  
9 PURSUANT TO SECTION 1-12-206.

10 (7) IF A VACANCY COMMITTEE IS REQUIRED TO BE SELECTED, no  
11 later than thirty days after the organizational meetings authorized by this  
12 section, the secretary of each party central committee prescribed by this  
13 section shall file with the state party a list of the names, addresses, and  
14 telephone numbers of each of the officers elected, together with a list of  
15 the names, addresses, and telephone numbers of the vacancy committee  
16 selected. No later than forty-five days after the organizational meetings  
17 authorized by this section, the state party shall file with the secretary of  
18 state a compiled list of all the officers elected and vacancy committee  
19 members selected along with their addresses and telephone numbers.

20 (12) If a central committee of a jurisdiction THAT IS REQUIRED TO  
21 SELECT A VACANCY COMMITTEE fails to select a vacancy committee, the  
22 central committee of the jurisdiction serves as the vacancy committee.

23 (13) In selecting the members of a vacancy committee authorized  
24 to fill vacancies in office pursuant to this section, the central committee  
25 of a jurisdiction shall select, at a minimum, the members of the  
26 jurisdiction's central committee; EXCEPT THAT A CENTRAL COMMITTEE IS  
27 NOT REQUIRED TO SELECT A VACANCY COMMITTEE FOR THE OFFICE OF

1 COUNTY COMMISSIONER, AS VACANCIES IN THE OFFICE OF COUNTY  
2 COMMISSIONER ARE FILLED BY ELECTION PURSUANT TO SECTION 1-12-206.

3 **SECTION 4. Act subject to petition - effective date.** This act  
4 takes effect at 12:01 a.m. on the day following the expiration of the  
5 ninety-day period after final adjournment of the general assembly; except  
6 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
7 of the state constitution against this act or an item, section, or part of this  
8 act within such period, then the act, item, section, or part will not take  
9 effect unless approved by the people at the general election to be held in  
10 November 2026 and, in such case, will take effect on the date of the  
11 official declaration of the vote thereon by the governor.