

CHAPTER 192

**ELECTIONS**

**HOUSE BILL 95-1022**

BY REPRESENTATIVES Tupa, Allen, Anderson, Armstrong, Clarke, DeGette, Dyer, Friednash, George, Gordon, Kerns, Kreutz, Lamm, Linkhart, Lyle, Owen, Paschall, Pfiffner, Snyder, and Tool;  
also SENATORS Weissmann, Casey, Gallagher, Hopper, Johnson, Mares, Perlmutter, R. Powers, Rizzuto, Rupert, Schroeder, Tebedo, Thiebaut, and Weddig.

**AN ACT**

**CONCERNING PETITIONS FOR NOMINATING UNAFFILIATED CANDIDATES.**

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

**SECTION 1.** 1-4-303, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-4-303. Nomination of unaffiliated candidates.** Any persons WHO HAVE SUBMITTED TO THE SECRETARY OF STATE, ON THE TWENTY-EIGHTH DAY PRECEDING THE PRIMARY ELECTION, A NOTARIZED CANDIDATE'S STATEMENT OF INTENT TOGETHER WITH A NONREFUNDABLE FILING FEE OF FIVE HUNDRED DOLLARS OR nominated as candidates for the offices of president and vice president of the United States by a petition for nomination of an ~~independent~~ UNAFFILIATED candidate pursuant to the provisions of section 1-4-802 shall include EITHER on the petition OR WITH THE FILING FEE the names of registered electors who are thus nominated as presidential electors. The acceptance of each of the electors shall be endorsed as appended to the first or last page of the nominating petition OR THE FILING FEE.

**SECTION 2.** 1-4-802 (1) (c), (1) (d), and (1) (f), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

**1-4-802. Petitions for nominating independent candidates.** (1) Candidates for public offices to be filled at a general or congressional vacancy election who do not wish to affiliate with a political party may be nominated, other than by a primary election or a convention, in the following manner:

(c) ~~The petition for each office~~ EVERY PETITION FOR THE OFFICE OF PRESIDENT AND

*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

VICE PRESIDENT, FOR STATEWIDE OFFICE, FOR CONGRESSIONAL DISTRICT OFFICE, FOR THE OFFICE OF MEMBER OF THE GENERAL ASSEMBLY, FOR DISTRICT ATTORNEY, AND FOR COUNTY OFFICE shall be signed by eligible electors residing within the district or political subdivision in which the officer is to be elected. The number of signatures of eligible electors on a petition shall be as follows:

(I) At least five thousand for the office of president and vice president;

(II) ~~at least~~ THE LESSER OF one thousand OR TWO PERCENT OF THE VOTES CAST FOR ALL CANDIDATES FOR THAT OFFICE IN THE MOST RECENT GENERAL ELECTION for any statewide office;

(III) ~~and at least five hundred for congressional office;~~ THE LESSER OF EIGHT HUNDRED OR TWO PERCENT OF THE VOTES CAST IN THE CONGRESSIONAL DISTRICT IN THE MOST RECENT GENERAL ELECTION FOR THE OFFICE OF MEMBER OF THE UNITED STATES HOUSE OF REPRESENTATIVES, MEMBER OF THE STATE BOARD OF EDUCATION FOR A CONGRESSIONAL DISTRICT, OR MEMBER OF THE BOARD OF REGENTS OF THE UNIVERSITY OF COLORADO FOR A CONGRESSIONAL DISTRICT;

(IV) The lesser of ~~one thousand~~ SIX HUNDRED or ~~twenty~~ TWO percent of the votes cast in the SENATE district in the most recent general election for the office of member of the ~~general assembly~~ STATE SENATE;

(V) THE LESSER OF FOUR HUNDRED OR TWO PERCENT OF VOTES CAST IN THE HOUSE DISTRICT IN THE MOST RECENT GENERAL ELECTION FOR THE OFFICE OF MEMBER OF THE STATE HOUSE OF REPRESENTATIVES;

(VI) THE LESSER OF SIX HUNDRED FIFTY OR TWO PERCENT OF THE VOTES CAST IN THE DISTRICT IN THE MOST RECENT GENERAL ELECTION FOR THE OFFICE OF district attorney; ~~or district office greater than county office;~~ and

(VII) The lesser of ~~six hundred~~ SEVEN HUNDRED FIFTY or ~~twenty~~ TWO percent of the votes cast ~~in the county~~ FOR ALL CANDIDATES FOR THAT OFFICE in the most recent general election for ANY county office.

(d) No petition, except petitions for candidates for vacancies to unexpired terms of representatives in congress and for presidential electors, shall be circulated or any signatures obtained thereon prior to ~~forty-nine days~~ EIGHTY-FOUR DAYS before the primary election.

(f) Petitions shall be filed not later than 3 p.m. on the ~~Tuesday~~ TWENTY-EIGHTH DAY preceding the primary election or 3 p.m. on the fifty-fifth day preceding the congressional vacancy election.

**SECTION 3.** 1-4-908 (3), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-4-908. Verification of petition and official statement.** (3) After review, the official shall notify the candidate or, in the case of a recall the committee and the incumbent, of the number of valid signatures and whether the petition appears to be sufficient or insufficient. IN THE CASE OF A PETITION FOR NOMINATING AN

UNAFFILIATED CANDIDATE, THE OFFICIAL SHALL PROVIDE NOTIFICATION OF SUFFICIENCY OR INSUFFICIENCY TO THE CANDIDATE ON OR BEFORE THE PRIMARY ELECTION DATE. Upon determining that the petition is sufficient and after the time for protest has passed, the designated election official shall certify the candidate to the ballot, and, if the election is a coordinated election, so notify the coordinated election official.

**SECTION 4.** 1-4-912 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-4-912. Cure.** (1) In case a petition for nominating ~~independent~~ UNAFFILIATED candidates is not sufficient, it may be amended once at any time prior to 3 p.m. on the ~~Tuesday preceding~~ SEVENTH DAY FOLLOWING a primary election, 3 p.m. on the fifty-fifth day preceding a congressional vacancy election, or 3 p.m. sixty-six days prior to an election which is not being held concurrently with the general election. IF A PETITION FOR NOMINATING AN UNAFFILIATED CANDIDATE IS AMENDED PRIOR TO 3 P.M. ON THE SEVENTH DAY FOLLOWING A PRIMARY ELECTION, THE DESIGNATED ELECTION OFFICIAL SHALL NOTIFY THE CANDIDATE OF WHETHER THE PETITION IS SUFFICIENT OR INSUFFICIENT NO LATER THAN THE FOURTEENTH DAY FOLLOWING THE PRIMARY ELECTION.

**SECTION 5. Effective date.** This act shall take effect July 1, 1995.

**SECTION 6. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 25, 1995