

CHAPTER 185

ELECTIONS

HOUSE BILL 98-1359

BY REPRESENTATIVE Dean;
also SENATOR Lacy.

AN ACT

CONCERNING ELECTIONS.

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

SECTION 1. Article 40 of title 1, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

1-40-134. Withdrawal of initiative petition. THE DESIGNATED REPRESENTATIVES OF THE PROPONENTS OF AN INITIATIVE PETITION MAY WITHDRAW THE PETITION FROM CONSIDERATION AS A BALLOT ISSUE BY FILING A LETTER WITH THE SECRETARY OF STATE REQUESTING THAT THE PETITION NOT BE PLACED ON THE BALLOT. THE LETTER SHALL BE SIGNED AND ACKNOWLEDGED BY BOTH DESIGNATED REPRESENTATIVES BEFORE AN OFFICER AUTHORIZED TO TAKE ACKNOWLEDGMENTS AND SHALL BE FILED NO LATER THAN THIRTY-THREE DAYS PRIOR TO THE ELECTION AT WHICH THE INITIATIVE IS TO BE VOTED UPON.

SECTION 2. 1-45-104 (13) (a) (II), Colorado Revised Statutes, is amended to read:

1-45-104. Contribution limits. (13) (a) No professional lobbyist, volunteer lobbyist, or principal of a professional lobbyist or volunteer lobbyist shall make or promise to make a contribution to, or solicit or promise to solicit a contribution for:

(II) (A) The governor or a candidate for governor when the general assembly is in regular session or when any measure adopted by the general assembly in a regular session is pending before the governor for approval or disapproval; OR

(B) THE LIEUTENANT GOVERNOR, THE SECRETARY OF STATE, THE STATE TREASURER, THE ATTORNEY GENERAL, OR A CANDIDATE FOR ANY OF SUCH OFFICES

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

WHEN THE GENERAL ASSEMBLY IS IN REGULAR SESSION.

SECTION 3. 1-45-113, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

1-45-113. Sanctions. (6) (a) ANY INDIVIDUAL VOLUNTEERING HIS OR HER TIME ON BEHALF OF A CANDIDATE OR CANDIDATE COMMITTEE SHALL BE IMMUNE FROM CRIMINAL PROSECUTION OF A CLASS 2 MISDEMEANOR DESCRIBED IN SUBSECTION (1) OF THIS SECTION AND FROM ANY LIABILITY FOR A FINE OR PENALTY IMPOSED PURSUANT TO THIS SECTION IN ANY PROCEEDING THAT IS BASED ON AN ACT OR OMISSION OF SUCH VOLUNTEER IF:

(I) THE VOLUNTEER WAS ACTING IN GOOD FAITH AND WITHIN THE SCOPE OF SUCH VOLUNTEER'S OFFICIAL FUNCTIONS AND DUTIES FOR THE CANDIDATE OR CANDIDATE COMMITTEE; AND

(II) THE VIOLATION WAS NOT CAUSED BY WILLFUL AND INTENTIONAL MISCONDUCT BY SUCH VOLUNTEER.

(b) PARAGRAPH (a) OF THIS SUBSECTION (6) SHALL BE ADMINISTERED IN A MANNER THAT IS CONSISTENT WITH THE LEGISLATIVE DECLARATION SET FORTH IN SECTION 1-45-102.

SECTION 4. 1-3-102 (1), Colorado Revised Statutes, is amended to read:

1-3-102. Precinct caucuses. (1) Delegates to county assemblies shall be elected at precinct caucuses which may be held in a public place in or proximate to each precinct at a time and place to be fixed by the county central committee OR EXECUTIVE COMMITTEE of each political party on the first Tuesday in April in each even-numbered year, which day shall be known as "precinct caucus day".

SECTION 5. 1-4-602 (1), Colorado Revised Statutes, is amended to read:

1-4-602. Delegates to party assemblies. (1) (a) County assemblies shall be held not less than ten days nor more than thirty days after precinct caucuses held on the first Tuesday in April. The county central committee OR EXECUTIVE COMMITTEE shall fix the number of delegates from each precinct to participate in the county assembly pursuant to the procedure for the selection of delegates contained in the state party central committee's bylaws or rules. The persons receiving the highest number of votes at the precinct caucus shall be the delegates to the county assembly from the precinct. If two or more candidates receive an equal number of votes for the last available place in the election of delegates to county assemblies at the precinct caucuses, the delegate shall be determined by lot by the candidates. Except as provided in subsections (2) and (6) of this section, delegates to all other party assemblies shall be selected by the respective county assemblies from among the members of the county assemblies pursuant to the state party central committee's bylaws or rules.

(b) In determining the number of delegates from precincts which have been created or split since the previous general election, the county central committee OR EXECUTIVE COMMITTEE may allocate delegates based on the number of registered

voters affiliated with the political party, pursuant to the state party central committee's bylaws or rules.

SECTION 6. 1-4-801 (2) (a), (2) (b), and (2) (c), Colorado Revised Statutes, are amended to read:

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

(a) Every petition in the case of a candidate for any county office shall be signed by ~~eligible~~ electors ELIGIBLE TO VOTE ~~resident~~ within the county commissioner district or political subdivision for which the officer is to be elected. The petition shall require signers equal in number to twenty percent of the votes cast in the political subdivision at the CONTESTED OR UNCONTESTED primary election for the political party's candidate for the office for which the petition is being circulated or, if there was no primary election, at the last preceding general election for which there was a candidate for the office.

(b) Every petition in the case of a candidate for member of the general assembly, district attorney, or any district office greater than a county office shall be signed by eligible electors resident within the district for which the officer is to be elected. The petition shall require the lesser of one thousand signers or signers equal to thirty percent of the votes cast in the district at the CONTESTED OR UNCONTESTED primary election for the political party's candidate for the office for which the petition is being circulated or, if there was no primary election, at the last preceding general election for which there was a candidate for the office.

(c) (I) (A) Every petition in the case of a candidate for an office to be filled by vote of the electors of the entire state shall be signed by eligible electors in a number equal to at least two percent of the votes cast in the congressional district at the most recent general election for the political party's candidate for the office for which the petition is being circulated.

(B) THIS SUBPARAGRAPH (I) IS REPEALED, EFFECTIVE JANUARY 1, 1999.

(II) ON AND AFTER JANUARY 1, 1999, EVERY PETITION IN THE CASE OF A CANDIDATE FOR AN OFFICE TO BE FILLED BY VOTE OF THE ELECTORS OF THE ENTIRE STATE SHALL BE SIGNED BY AT LEAST ONE THOUSAND FIVE HUNDRED ELIGIBLE ELECTORS IN EACH CONGRESSIONAL DISTRICT.

SECTION 7. 1-4-905 (1), Colorado Revised Statutes, is amended to read:

1-4-905. Circulators. (1) No eligible elector shall be eligible to circulate any petition unless the elector is eligible to vote in the political subdivision in which the petition is being circulated and, for partisan candidates, ~~has been~~ IS affiliated with the political party mentioned in the petition ~~for at least two months prior to the date of filing the petition~~ AT THE TIME THE PETITION IS CIRCULATED, as shown by the registration books of the county clerk and recorder.

SECTION 8. 1-5-101, Colorado Revised Statutes, is amended BY THE

ADDITION OF A NEW SUBSECTION to read:

1-5-101. Establishing precincts and polling places for partisan elections.

(6) A PRECINCT CONTAINING NO MORE THAN ONE HUNDRED FIFTY ELECTORS MAY BE DESIGNATED AS AN ABSENTEE POLLING PRECINCT AT THE DISCRETION OF THE ELECTION OFFICIAL FOR SUCH PRECINCT.

SECTION 9. 1-40-107 (2), Colorado Revised Statutes, is amended to read:

1-40-107. Rehearing - appeal - fees - signing. (2) If any person who filed a motion for a rehearing pursuant to subsection (1) of this section is overruled by the title board, then the secretary of state shall furnish such person, upon request, a certified copy of the petition with the titles, submission clause, and summary of the proposed law or constitutional amendment, together with a certified copy of the motion for rehearing and of the ruling thereon. If filed with the clerk of the supreme court within five days thereafter, the matter shall be ~~docketed as a cause there pending, which shall be placed at the head of the calendar and disposed of summarily;~~ DISPOSED OF PROMPTLY, CONSISTENT WITH THE RIGHTS OF THE PARTIES, either affirming the action of the title board or reversing it, in which latter case the court shall remand it with instructions, pointing out where the title board is in error.

SECTION 10. 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 6, 1998