

## CHAPTER 236

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**ELECTIONS**

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**SENATE BILL 99-225**

BY SENATORS Anderson and Powers;  
also REPRESENTATIVES Dean, George, Kaufman, Morrison, and Young.

**AN ACT**

CONCERNING VACANCIES IN CANDIDACIES FOR ELECTIVE OFFICE.

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

**SECTION 1.** 1-4-1002 (5) (a) and (6), Colorado Revised Statutes, are amended, and the said 1-4-1002 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

**1-4-1002. Vacancies in designation or nomination.** (2.3) (a) ANY VACANCY IN A PARTY NOMINATION OCCURRING AFTER THE DAY OF THE PRIMARY ELECTION AND MORE THAN EIGHTEEN DAYS BUT LESS THAN SIXTY-ONE DAYS BEFORE THE GENERAL ELECTION MAY BE FILLED BY THE RESPECTIVE PARTY ASSEMBLY VACANCY COMMITTEE OF THE DISTRICT, COUNTY, OR STATE, AS APPROPRIATE, DEPENDING UPON THE OFFICE FOR WHICH THE VACANCY IN NOMINATION HAS OCCURRED IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (9) OF THIS SECTION. A VACANCY MAY BE CAUSED BY THE DECLINATION, DEATH, DISQUALIFICATION, RESIGNATION, OR WITHDRAWAL OF ANY PERSON NOMINATED AT THE PRIMARY ELECTION OR BY THE DECLINATION, DEATH, DISQUALIFICATION, RESIGNATION, OR WITHDRAWAL OF ANY ELECTIVE OFFICER AFTER A PRIMARY ELECTION AT WHICH A NOMINATION COULD HAVE BEEN MADE FOR THE OFFICE HAD THE VACANCY THEN EXISTED. NO PERSON IS ELIGIBLE FOR APPOINTMENT TO FILL A VACANCY IN THE PARTY NOMINATION UNLESS THAT PERSON MEETS ALL OF THE REQUIREMENTS OF CANDIDACY AS OF THE DATE OF THE PRIMARY ELECTION.

(b) WHERE A VACANCY IN THE PARTY NOMINATION HAS BEEN FILLED PURSUANT TO THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (2.3), THE DESIGNATED ELECTION OFFICIAL SHALL TO THE EXTENT REASONABLY PRACTICAL UNDER THE CIRCUMSTANCES:

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

(I) PROVIDE TIMELY NOTICE BY PUBLICATION OF THE REPLACEMENT NOMINATION ONLY IN THE SAME MANNER AS THE NOTICE REQUIRED TO BE GIVEN BY SECTION 1-5-205; AND

(II) CAUSE TO BE PRINTED AND PLACED ON THE SAMPLE BALLOT DELIVERED TO THE ELECTION JUDGES AND POSTED PURSUANT TO SECTION 1-5-413 A STICKER OF A DIFFERENT COLOR THAN THE SAMPLE BALLOT INDICATING THE NAME OF THE PERSON FILLING THE VACANCY IN THE PARTY NOMINATION PURSUANT TO THE PROVISIONS OF THIS SECTION.

(2.5) ANY VACANCY IN A PARTY NOMINATION OCCURRING LESS THAN EIGHTEEN DAYS BEFORE THE GENERAL ELECTION THAT IS CAUSED BY THE DECLINATION, DEATH, DISQUALIFICATION, OR WITHDRAWAL OF ANY PERSON NOMINATED AT THE PRIMARY ELECTION OR BY THE DECLINATION, DEATH, DISQUALIFICATION, OR WITHDRAWAL OF ANY ELECTIVE OFFICER AFTER A PRIMARY ELECTION AT WHICH A NOMINATION COULD HAVE BEEN MADE FOR THE OFFICE HAD THE VACANCY THEN EXISTED SHALL NOT BE FILLED BEFORE THE GENERAL ELECTION. IN SUCH CASE, THE VOTES CAST FOR THE CANDIDATE WHOSE DECLINATION, DEATH, DISQUALIFICATION, OR WITHDRAWAL CAUSED THE VACANCY ARE TO BE COUNTED AND RECORDED, AND, IF THE CANDIDATE RECEIVES A PLURALITY OF THE VOTES CAST, SUCH VACANCY SHALL BE FILLED AFTER THE GENERAL ELECTION BY THE RESPECTIVE PARTY VACANCY COMMITTEE OF THE DISTRICT, COUNTY, OR STATE, AS APPROPRIATE, DEPENDING UPON THE OFFICE FOR WHICH THE VACANCY IN NOMINATION HAS OCCURRED AND IN THE MANNER PROVIDED FOR IN PART 2 OF ARTICLE 12 OF THIS TITLE FOR FILLING VACANCIES IN OFFICE.

(5) (a) The persons designated to fill any of the vacancies in subsections (1) to (4.5) of this section shall file WITH THE DESIGNATED ELECTION OFFICIAL WITH WHOM THE ORIGINAL CERTIFICATE OR PETITION WAS FILED any certificate of designation or nomination to fill the vacancy, ~~together with~~ AND a written acceptance signed by the person designated or nominated ~~with the designated election official with whom the original certificate or petition was filed.~~ This filing shall be done no later than the close of business on the ~~fifty-fifth~~ SIXTIETH day before the election affected by the vacancy; EXCEPT THAT, IN THE CASE OF A VACANCY FILLED PURSUANT TO THE PROVISIONS OF SUBSECTION (2.3) OF THIS SECTION, SUCH FILING SHALL BE DONE NO LATER THAN THE SEVENTH DAY BEFORE THE ELECTION AFFECTED BY THE VACANCY.

(6) When the secretary of state or the county clerk and recorder receives a certificate of nomination to fill a vacancy, that official, in certifying the list of designees or nominees, shall replace the name of the original candidate with that of the replacement candidate. In the event the secretary of state has already certified the list, the secretary of state shall forthwith certify to the county clerk and recorders of the ~~proper~~ AFFECTED counties the name and description of the new nominee, the office for which the nomination is made, and the name of the person for whom the nominee is substituted. The secretary of state and the county clerk and recorders shall not accept any certificates of nomination to fill vacancies after ~~fifty-five days~~ THE SIXTIETH DAY before election day; EXCEPT THAT, IN THE CASE OF A VACANCY FILLED PURSUANT TO THE PROVISIONS OF SUBSECTION (2.3) OF THIS SECTION, THE SECRETARY OF STATE AND THE COUNTY CLERK AND RECORDERS SHALL NOT ACCEPT ANY CERTIFICATES OF NOMINATION TO FILL VACANCIES AFTER THE SEVENTH DAY BEFORE ELECTION DAY.

(9) (a) NO VACANCY COMMITTEE CALLED TO FILL A VACANCY PURSUANT TO THE PROVISIONS OF SUBSECTION (2.3) OF THIS SECTION MAY SELECT A PERSON TO FILL A VACANCY AT A MEETING CALLED FOR THAT PURPOSE UNLESS A WRITTEN NOTICE ANNOUNCING THE TIME AND LOCATION OF THE VACANCY COMMITTEE MEETING WAS MAILED TO EACH OF THE COMMITTEE MEMBERS AT LEAST FIVE DAYS PRIOR TO SUCH MEETING BY THE CHAIRPERSON OF THE CENTRAL COMMITTEE THAT SELECTED THE MEMBERS. MAILING OF THE NOTICE IS EFFECTIVE WHEN THE NOTICE IS PROPERLY ADDRESSED AND DEPOSITED IN THE UNITED STATES MAIL, WITH FIRST-CLASS POSTAGE PREPAID.

(b) THE VACANCY COMMITTEE, BY A MAJORITY VOTE OF ITS MEMBERS PRESENT AND VOTING AT A MEETING CALLED FOR THAT PURPOSE, SHALL SELECT A PERSON WHO MEETS ALL OF THE REQUIREMENTS OF CANDIDACY AS OF THE DATE OF THE PRIMARY ELECTION AND WHO IS AFFILIATED WITH THE SAME POLITICAL PARTY OR MINOR POLITICAL PARTY, IF ANY, SHOWN ON THE REGISTRATION BOOKS OF THE COUNTY CLERK AND RECORDER AS THE CANDIDATE WHOSE DECLINATION, DEATH, DISQUALIFICATION, RESIGNATION, OR WITHDRAWAL CAUSED THE VACANCY. NO MEETING SHALL BE HELD UNTIL A QUORUM IS PRESENT CONSISTING OF NOT LESS THAN ONE-HALF OF THE VOTING MEMBERSHIP OF THE VACANCY COMMITTEE. NO MEMBER OF THE VACANCY COMMITTEE MAY VOTE BY PROXY. THE COMMITTEE SHALL CERTIFY THE SELECTION TO THE SECRETARY OF STATE WITHIN SEVEN DAYS FROM THE DATE THE VACANCY OCCURS. IF THE VACANCY COMMITTEE FAILS TO CERTIFY A SELECTION WITHIN SEVEN DAYS, THE STATE CHAIR OF THE SAME POLITICAL PARTY OR MINOR POLITICAL PARTY AS THE CANDIDATE WHOSE DECLINATION, DEATH, DISQUALIFICATION, RESIGNATION, OR WITHDRAWAL CAUSED THE VACANCY, WITHIN SEVEN DAYS, SHALL FILL THE VACANCY BY APPOINTING A PERSON HAVING THE QUALIFICATIONS SET FORTH IN THIS SUBSECTION (9). THE NAME OF THE PERSON SELECTED OR APPOINTED BY THE STATE CHAIR SHALL BE CERTIFIED TO THE SECRETARY OF STATE. THE VACANCY SHALL BE FILLED UNTIL THE NEXT GENERAL ELECTION AFTER THE VACANCY OCCURS, WHEN THE VACANCY SHALL BE FILLED BY ELECTION.

**SECTION 2.** 1-4-1002 (2), (3), (4), (4.5), (5) (a), (6), (7) (b), and (7) (c), Colorado Revised Statutes, as amended by Senate Bill 99-25, enacted at the First Regular Session of the Sixty-second General Assembly, are amended, and the said 1-4-1002 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

**1-4-1002. Vacancies in designation or nomination.** (2) Any vacancy in a party designation occurring during the ~~fifty-nine~~ SIXTY days before the primary election or any vacancy in a party nomination occurring on or after the day of the primary election and no later than ~~sixty~~ SIXTY-ONE days before the general election, may be filled by the respective party assembly vacancy committee of the district, county, or state, depending upon the office for which the vacancy in designation or nomination has occurred. A vacancy may be caused by the declination, death, disqualification, resignation, or withdrawal of any person previously designated or of any person nominated at the primary election, or by declination, death, disqualification, or withdrawal of any elective officer after a primary election at which a nomination could have been made for the office had the vacancy then existed. No person is eligible for appointment to fill a vacancy in the party designation or nomination unless that person meets all of the requirements of candidacy as of the date of the

primary election.

(2.3) (a) ANY VACANCY IN A PARTY NOMINATION OCCURRING AFTER THE DAY OF THE PRIMARY ELECTION AND MORE THAN EIGHTEEN DAYS BUT LESS THAN SIXTY-ONE DAYS BEFORE THE GENERAL ELECTION MAY BE FILLED BY THE RESPECTIVE PARTY ASSEMBLY VACANCY COMMITTEE OF THE DISTRICT, COUNTY, OR STATE, AS APPROPRIATE, DEPENDING UPON THE OFFICE FOR WHICH THE VACANCY IN NOMINATION HAS OCCURRED IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (9) OF THIS SECTION. A VACANCY MAY BE CAUSED BY THE DECLINATION, DEATH, DISQUALIFICATION, RESIGNATION, OR WITHDRAWAL OF ANY PERSON NOMINATED AT THE PRIMARY ELECTION OR BY THE DECLINATION, DEATH, DISQUALIFICATION, RESIGNATION, OR WITHDRAWAL OF ANY ELECTIVE OFFICER AFTER A PRIMARY ELECTION AT WHICH A NOMINATION COULD HAVE BEEN MADE FOR THE OFFICE HAD THE VACANCY THEN EXISTED. NO PERSON IS ELIGIBLE FOR APPOINTMENT TO FILL A VACANCY IN THE PARTY NOMINATION UNLESS THAT PERSON MEETS ALL OF THE REQUIREMENTS OF CANDIDACY AS OF THE DATE OF THE PRIMARY ELECTION.

(b) WHERE A VACANCY IN THE PARTY NOMINATION HAS BEEN FILLED PURSUANT TO THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (2.3), THE DESIGNATED ELECTION OFFICIAL SHALL TO THE EXTENT REASONABLY PRACTICAL UNDER THE CIRCUMSTANCES:

(I) PROVIDE TIMELY NOTICE BY PUBLICATION OF THE REPLACEMENT NOMINATION ONLY IN THE SAME MANNER AS THE NOTICE REQUIRED TO BE GIVEN BY SECTION 1-5-205; AND

(II) CAUSE TO BE PRINTED AND PLACED ON THE SAMPLE BALLOT DELIVERED TO THE ELECTION JUDGES AND POSTED PURSUANT TO SECTION 1-5-413 A STICKER OF A DIFFERENT COLOR THAN THE SAMPLE BALLOT INDICATING THE NAME OF THE PERSON FILLING THE VACANCY IN THE PARTY NOMINATION PURSUANT TO THE PROVISIONS OF THIS SECTION.

(2.5) ANY VACANCY IN A PARTY NOMINATION OCCURRING LESS THAN EIGHTEEN DAYS BEFORE THE GENERAL ELECTION THAT IS CAUSED BY THE DECLINATION, DEATH, DISQUALIFICATION, OR WITHDRAWAL OF ANY PERSON NOMINATED AT THE PRIMARY ELECTION OR BY THE DECLINATION, DEATH, DISQUALIFICATION, OR WITHDRAWAL OF ANY ELECTIVE OFFICER AFTER A PRIMARY ELECTION AT WHICH A NOMINATION COULD HAVE BEEN MADE FOR THE OFFICE HAD THE VACANCY THEN EXISTED SHALL NOT BE FILLED BEFORE THE GENERAL ELECTION. IN SUCH CASE, THE VOTES CAST FOR THE CANDIDATE WHOSE DECLINATION, DEATH, DISQUALIFICATION, OR WITHDRAWAL CAUSED THE VACANCY ARE TO BE COUNTED AND RECORDED, AND, IF THE CANDIDATE RECEIVES A PLURALITY OF THE VOTES CAST, SUCH VACANCY SHALL BE FILLED AFTER THE GENERAL ELECTION BY THE RESPECTIVE PARTY VACANCY COMMITTEE OF THE DISTRICT, COUNTY, OR STATE, AS APPROPRIATE, DEPENDING UPON THE OFFICE FOR WHICH THE VACANCY IN NOMINATION HAS OCCURRED AND IN THE MANNER PROVIDED FOR IN PART 2 OF ARTICLE 12 OF THIS TITLE FOR FILLING VACANCIES IN OFFICE.

(3) Any vacancy in a party nomination occurring after the convention or assembly at which the nomination was made and no later than ~~sixty~~ SIXTY-ONE days before the congressional vacancy election, caused by the declination, death, disqualification, or withdrawal of any person nominated at the convention, may be filled in the same

manner required for the original nomination. If the original nomination was made by a party convention or assembly ~~which~~ THAT had delegated to a committee the power to fill vacancies, the committee may proceed to fill the same vacancy when it occurs. No person is eligible for appointment to fill a vacancy in the party nomination unless that person meets all of the requirements of candidacy as of the date of the convention or assembly at which the original nomination was made.

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

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

(5) (a) The persons designated to fill any of the vacancies in subsections (1) to (4.5) of this section shall file with the designated election official with whom the original certificate of petition was filed any certificate of designation or nomination to fill the vacancy and a written acceptance signed by the person designated or nominated no later than the close of business on the sixtieth day before the election affected by the vacancy; EXCEPT THAT, IN THE CASE OF A VACANCY FILLED PURSUANT TO THE PROVISIONS OF SUBSECTION (2.3) OF THIS SECTION, SUCH FILING SHALL BE DONE NO LATER THAN THE SEVENTH DAY BEFORE THE ELECTION AFFECTED BY THE VACANCY.

(6) When the secretary of state or the county clerk and recorder receives a certificate of nomination to fill a vacancy, that official, in certifying the list of designees or nominees, shall replace the name of the original candidate with that of the replacement candidate. In the event the secretary of state has already certified the list, the secretary of state shall forthwith certify to the county clerk and recorders of the affected counties the name of the new nominee, the office for which the nomination is made, and the name of the person for whom the nominee is substituted. The secretary of state and the county clerk and recorders shall not accept any certificates of nomination to fill vacancies after the sixtieth day before election day; EXCEPT THAT, IN THE CASE OF A VACANCY FILLED PURSUANT TO THE PROVISIONS OF SUBSECTION (2.3) OF THIS SECTION, THE SECRETARY OF STATE AND THE COUNTY CLERK AND RECORDER SHALL NOT ACCEPT ANY CERTIFICATES OF NOMINATION TO FILL VACANCIES AFTER THE SEVENTH DAY BEFORE ELECTION DAY.

(7) Any vacancy in a statewide or county office, in the office of district attorney, or in the office of a state senator occurring during a term of office shall be filled at the next general election with nomination or designation by the political party as follows:

(b) If the vacancy occurs after the political party assembly and no later than ~~sixty~~

SIXTY-ONE days before the primary election, the designated election official shall add the office to the notice of election and notify the chairperson of each major political party that the office will be on the ballot for the next primary election. Candidates for the office shall be designated as provided in section 1-4-603 or by the respective party central committee vacancy committee for the state, county, judicial district, or state senate district.

(c) If the vacancy occurs during the ~~fifty-nine~~ SIXTY days before the primary election or after the primary election and no later than ~~sixty~~ SIXTY-ONE days before the general election, the designated election official shall add the office to the notice of election for the general election. Nominations for the office shall be made by the respective party central committee vacancy committee for the state, county, judicial district, or state senate district or as provided in section 1-4-802 for the nomination of unaffiliated candidates.

(9) (a) NO VACANCY COMMITTEE CALLED TO FILL A VACANCY PURSUANT TO THE PROVISIONS OF SUBSECTION (2.3) OF THIS SECTION MAY SELECT A PERSON TO FILL A VACANCY AT A MEETING HELD FOR THAT PURPOSE UNLESS A WRITTEN NOTICE ANNOUNCING THE TIME AND LOCATION OF THE VACANCY COMMITTEE MEETING WAS MAILED TO EACH OF THE COMMITTEE MEMBERS AT LEAST FIVE DAYS PRIOR TO SUCH MEETING BY THE CHAIRPERSON OF THE CENTRAL COMMITTEE WHICH SELECTED THE MEMBERS. MAILING OF THE NOTICE IS EFFECTIVE WHEN THE NOTICE IS PROPERLY ADDRESSED AND DEPOSITED IN THE UNITED STATES MAIL, WITH FIRST-CLASS POSTAGE PREPAID.

(b) THE VACANCY COMMITTEE, BY A MAJORITY VOTE OF ITS MEMBERS PRESENT AND VOTING AT A MEETING CALLED FOR THAT PURPOSE, SHALL SELECT A PERSON WHO MEETS ALL OF THE REQUIREMENTS OF CANDIDACY AS OF THE DATE OF THE PRIMARY ELECTION AND WHO IS AFFILIATED WITH THE SAME POLITICAL PARTY OR MINOR POLITICAL PARTY, IF ANY, SHOWN ON THE REGISTRATION BOOKS OF THE COUNTY CLERK AND RECORDER AS THE CANDIDATE WHOSE DECLINATION, DEATH, DISQUALIFICATION, RESIGNATION, OR WITHDRAWAL CAUSED THE VACANCY. NO MEETING SHALL BE HELD UNTIL A QUORUM IS PRESENT CONSISTING OF NOT LESS THAN ONE-HALF OF THE VOTING MEMBERSHIP OF THE VACANCY COMMITTEE. NO MEMBER OF THE VACANCY COMMITTEE MAY VOTE BY PROXY. THE COMMITTEE SHALL CERTIFY THE SELECTION TO THE SECRETARY OF STATE WITHIN SEVEN DAYS FROM THE DATE THE VACANCY OCCURS. IF THE VACANCY COMMITTEE FAILS TO CERTIFY A SELECTION WITHIN SEVEN DAYS, THE STATE CHAIR OF THE SAME POLITICAL PARTY OR MINOR POLITICAL PARTY AS THE CANDIDATE WHOSE DECLINATION, DEATH, DISQUALIFICATION, RESIGNATION, OR WITHDRAWAL CAUSED THE VACANCY, WITHIN SEVEN DAYS, SHALL FILL THE VACANCY BY APPOINTING A PERSON HAVING THE QUALIFICATIONS SET FORTH IN THIS SUBSECTION (9). THE NAME OF THE PERSON SELECTED OR APPOINTED BY THE STATE CHAIR SHALL BE CERTIFIED TO THE SECRETARY OF STATE. THE VACANCY SHALL BE FILLED UNTIL THE NEXT GENERAL ELECTION AFTER THE VACANCY OCCURS, WHEN THE VACANCY SHALL BE FILLED BY ELECTION.

**SECTION 3.** 1-5-412 (3), Colorado Revised Statutes, is amended to read:

**1-5-412. Correction of errors.** (3) If, before the date set for election, any duly nominated candidate withdraws by filing an affidavit of withdrawal with the

designated election official or dies and the fact of the death becomes known to the designated election official, the name of the candidate shall not be printed upon the ballots. EXCEPT IN THE CASE OF A VACANCY TO BE FILLED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 1-4-1002 (2.5), if the ballots are already printed, the votes cast for the withdrawn or deceased candidate are invalid and shall not be counted.

**SECTION 4.** 1-12-203 (3), Colorado Revised Statutes, is amended to read:

**1-12-203. Vacancies in general assembly.** (3) The vacancy committee, by a majority vote of its members present and voting at a meeting called for that purpose, shall select a person who possesses the constitutional qualifications for a member of the general assembly and who is affiliated with the same political party or minor political party, if any, shown on the registration books of the county clerk and recorder as the former member whose seat is vacant. No meeting shall be held until a quorum is present consisting of not less than one-half of the voting membership of the vacancy committee. No member of the vacancy committee may vote by proxy. The committee shall certify the selection to the secretary of state within ten days from the date the vacancy occurs; EXCEPT THAT, IN THE CASE OF A VACANCY FILLED PURSUANT TO SECTION 1-4-1002 (2.5), THE COMMITTEE SHALL CERTIFY THE SELECTION WITHIN TEN DAYS AFTER THE DATE OF THE GENERAL ELECTION AFFECTED BY THE VACANCY. If the vacancy committee fails to certify a selection within ten days IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBSECTION (3), the governor, within five days, shall fill the vacancy by appointing a person having the qualifications set forth in this subsection (3). The name of the person selected or appointed shall be certified to the secretary of state. NO SOONER THAN TWO DAYS AFTER RECEIVING SUCH CERTIFICATION FROM THE VACANCY COMMITTEE, THE SECRETARY OF STATE ~~who~~ shall certify the name to the appropriate house of the general assembly. The person, after having qualified and taken the oath of office, shall immediately assume the duties of office and shall serve until the next convening of the general assembly following the election certification and qualification of a successor.

**SECTION 5.** 1-4-1001 (1), Colorado Revised Statutes, is amended to read:

**1-4-1001. Withdrawal from candidacy.** (1) Any person who has accepted a designation or nomination may withdraw from candidacy at any time by filing a letter of withdrawal. The letter shall be signed and acknowledged by the candidate before some officer authorized to take acknowledgments and shall be filed with the designated election official with whom the original certificate or petition of candidacy was filed. EXCEPT IN THE CASE OF A VACANCY TO BE FILLED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 1-4-1002 (2.5), in the event that the withdrawal of candidacy is not made in time for the candidate's name to be taken off the ballot, any votes cast for the candidate shall be deemed invalid and will not be counted.

**SECTION 6. Effective date.** (1) If Senate Bill 99-25 is enacted at the First Regular Session of the Sixty-second General Assembly and becomes law, section 1 of this act shall not take effect and sections 2, 3, 4, and 5 shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act

within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) If Senate Bill 99-25 is not enacted at the First Regular Session of the Sixty-second General Assembly and does not become law, section 2 of this act shall not take effect and sections 1, 3, 4, and 5 shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: May 24, 1999