

CHAPTER 335

ELECTIONS

HOUSE BILL 99-1097

BY REPRESENTATIVES Dean, Decker, George, Kester, Smith, Stengel, Webster, and Young;
also SENATOR Blickensderfer.

AN ACT

CONCERNING ELECTION CONTESTS FOR MEMBERS OF THE GENERAL ASSEMBLY WHEN THE OUTCOME OF AN ELECTION IN A LEGISLATIVE DISTRICT IS UNCERTAIN, AND, IN CONNECTION THEREWITH, CREATING A SPECIAL LEGISLATIVE ELECTION PROCEDURE.

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

SECTION 1. 2-2-303, Colorado Revised Statutes, is amended to read:

2-2-303. Committee on credentials - permanent organization. (1) When the houses are temporarily organized, the presiding officer in each house, with the consent of said house, shall appoint a committee of three members thereof to report upon the credentials of those claiming to be elected members of their respective houses. When the report is made, those reported as elected shall proceed to the permanent organization of their respective houses; EXCEPT THAT A COMMITTEE ON CREDENTIALS MAY RECOMMEND THAT A PERSON BE SEATED AS A MEMBER OF THE GENERAL ASSEMBLY PURSUANT TO SUBSECTION (2) OF THIS SECTION PENDING THE OUTCOME OF AN ELECTION CONTEST OR SPECIAL LEGISLATIVE ELECTION CALLED PURSUANT TO SECTION 1-11-303, C.R.S. Each house will be the sole judge of the election returns and qualifications of its own members.

(2) (a) IN THE EVENT THAT THE ELECTION OF ANY PERSON AS A MEMBER OF THE STATE SENATE OR THE STATE HOUSE OF REPRESENTATIVES AT ANY GENERAL ELECTION HELD IN NOVEMBER, 2000, OR THEREAFTER IS CONTESTED PURSUANT TO SECTION 1-11-208, C.R.S., A COMMITTEE ON CREDENTIALS MAY RECOMMEND TO THE STATE SENATE OR THE STATE HOUSE OF REPRESENTATIVES THAT THE PERSON WHO IS CERTIFIED BY THE SECRETARY OF STATE AS THE MEMBER ELECTED IN SUCH STATE SENATE OR STATE HOUSE OF REPRESENTATIVES DISTRICT BE SEATED OR MAY RECOMMEND TO THE STATE SENATE OR THE STATE HOUSE OF REPRESENTATIVES THAT A CONTESTOR OR CONTESTEE IN SUCH CONTEST WHO WAS A CANDIDATE IN SUCH

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

ELECTION AND WHO IS NOT CERTIFIED BY THE SECRETARY OF STATE BE SEATED PENDING THE OUTCOME OF THE ELECTION CONTEST OR A SPECIAL LEGISLATIVE ELECTION CALLED PURSUANT TO SECTION 1-11-303, C.R.S., IF:

(I) AN ACCURATE AND VERIFIABLE VOTE COUNT SHOWING THE PERSON HAVING THE HIGHEST NUMBER OF VOTES CAST IN THE DISTRICT FOR THE CONTESTED STATE SENATE OR THE STATE HOUSE OF REPRESENTATIVES SEAT CANNOT BE OBTAINED FROM THE ELECTION RETURNS; AND

(II) THE INABILITY TO OBTAIN AN ACCURATE AND VERIFIABLE VOTE COUNT MAY HAVE DIRECTLY AFFECTED THE OUTCOME OF THE ELECTION.

(b) ANY PERSON THAT A CREDENTIALS COMMITTEE RECOMMENDS BE SEATED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL HAVE ALL THE RIGHTS, POWERS, AND DUTIES OF A DULY ELECTED MEMBER OF THE GENERAL ASSEMBLY PENDING THE OUTCOME OF AN ELECTION CONTEST OR A SPECIAL LEGISLATIVE ELECTION CALLED PURSUANT TO SECTION 1-11-303, C.R.S.

(3) A COMMITTEE ON CREDENTIALS THAT MAKES A RECOMMENDATION PURSUANT TO SUBSECTION (2) OF THIS SECTION MAY, IN SUCH COMMITTEE'S REPORT UNDER SUBSECTION (1) OF THIS SECTION, MAKE RECOMMENDATIONS TO THE HOUSE IN WHICH THE CONTEST WAS INITIATED ON MATTERS ARISING FROM SUCH CONTEST, INCLUDING, BUT NOT LIMITED TO:

(I) THAT THE ELECTION CONTEST BE RESOLVED BY THE COMMITTEE ON CREDENTIALS OF SUCH HOUSE;

(II) THAT SUCH HOUSE CALL A SPECIAL LEGISLATIVE ELECTION PURSUANT TO SECTION 1-11-303, C.R.S.;

(III) THAT THE ELECTION CONTEST BE REFERRED TO A COMMITTEE OF REFERENCE IN SUCH HOUSE TO MAKE RECOMMENDATIONS ON THE RESOLUTION OF THE CONTEST OR FOR THE PURPOSE OF DETERMINING WHETHER A SPECIAL LEGISLATIVE ELECTION SHOULD BE CALLED PURSUANT TO SECTION 1-11-303, C.R.S.

SECTION 2. 1-11-208 (1), Colorado Revised Statutes, is amended to read:

1-11-208. Contests for state senator or representative. (1) The election of any person as a state senator or a member of the state house of representatives may be contested by any eligible elector of the district to be represented by the senator or representative. Each house of the general assembly shall hear and determine election contests of its own members. IN FURTHERANCE OF RESOLVING SUCH A CONTEST, THE HOUSE OF THE GENERAL ASSEMBLY BEFORE WHICH ANY CONTEST IS TO BE TRIED SHALL CERTIFY QUESTIONS PURSUANT TO SECTION 1-11-208.5 TO THE DIVISION OF ADMINISTRATIVE HEARINGS FOR REFERRAL TO AN ADMINISTRATIVE LAW JUDGE WHO IS SUBJECT TO EMPLOYMENT UNDER SECTION 1-45-111.

SECTION 3. Part 2 of article 11 of title 1, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

1-11-208.5. Certification of questions to administrative law judge. (1) THE

HOUSE OF THE GENERAL ASSEMBLY IN WHICH ANY CONTEST FOR SENATOR OR REPRESENTATIVE, AS APPLICABLE, IS TO BE TRIED SHALL CERTIFY QUESTIONS TO THE DIVISION OF ADMINISTRATIVE HEARINGS FOR REFERRAL TO AN ADMINISTRATIVE LAW JUDGE WHO IS SUBJECT TO EMPLOYMENT UNDER SECTION 1-45-111. SUCH QUESTIONS SHALL RELATE EXCLUSIVELY TO THE ELECTION RETURNS IN THE DISTRICT AND THE NUMBER OF VOTES CAST FOR EACH OF THE CANDIDATES FOR THE CONTESTED SEAT. NO QUESTION MAY BE CERTIFIED REGARDING THE ELIGIBILITY OR QUALIFICATION OF ANY PERSON FOR THE CONTESTED OFFICE.

(2) UPON CERTIFICATION PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE HOUSE OF THE GENERAL ASSEMBLY IN WHICH THE CONTEST IS TO BE TRIED SHALL TRANSMIT TO THE ADMINISTRATIVE LAW JUDGE ANY PAPERS SUBMITTED BY THE SECRETARY OF STATE PURSUANT TO SECTION 1-11-210 OR ANY OTHER DOCUMENTS SUBMITTED TO THAT HOUSE IN CONNECTION WITH THE ELECTION CONTEST.

(3) THE ADMINISTRATIVE LAW JUDGE SHALL HAVE JURISDICTION TO MAKE FINDINGS OF FACT ON THE QUESTIONS CERTIFIED BY A HOUSE OF THE GENERAL ASSEMBLY PURSUANT TO SUBSECTION (1) OF THIS SECTION. FURTHER EVIDENCE UPON THE POINTS SPECIFIED IN SUCH QUESTIONS MAY BE SUBMITTED BY THE CONTESTOR, THE CONTESTEE, OR BOTH, IN SUCH CONTEST. THE ADMINISTRATIVE LAW JUDGE MAY TAKE AND CONSIDER SUCH ADDITIONAL EVIDENCE BUT SHALL LIMIT ITS FINDINGS OF FACT TO THE QUESTIONS CERTIFIED.

(4) ANY ISSUES OF LAW OR FINDINGS OF FACT DECIDED IN A PRIOR JUDICIAL PROCEEDING THAT AFFECT A PARTY THAT CONTESTS AN ELECTION FOR STATE SENATOR OR REPRESENTATIVE PURSUANT TO SECTION 1-11-208 SHALL NOT BE CONCLUSIVE UPON AN ADMINISTRATIVE LAW JUDGE CONDUCTING FACT FINDING OR MAKING RECOMMENDATIONS PURSUANT TO THIS SECTION.

(5) THE ADMINISTRATIVE LAW JUDGE SHALL HOLD A HEARING WITHIN TWENTY DAYS AFTER THE DATE THAT QUESTIONS WERE CERTIFIED TO THE ADMINISTRATIVE LAW JUDGE PURSUANT TO SUBSECTION (1) OF THIS SECTION. THE ADMINISTRATIVE LAW JUDGE'S FINDINGS OF FACT AND RECOMMENDATIONS SHALL BE COMPLETED NOT MORE THAN TEN DAYS AFTER THE DATE OF THE HEARING. SUCH FINDINGS OF FACT AND RECOMMENDATIONS SHALL TAKE PRECEDENCE OVER ALL OTHER BUSINESS OF THE ADMINISTRATIVE LAW JUDGE.

(6) (a) IF THE ADMINISTRATIVE LAW JUDGE FINDS THAT, BASED ON A PREPONDERANCE OF THE EVIDENCE, AN ACCURATE AND VERIFIABLE VOTE COUNT CAN BE DETERMINED IN THE CONTESTED DISTRICT SHOWING THAT A PERSON HAD THE HIGHEST NUMBER OF VOTES CAST IN THE DISTRICT FOR THE CONTESTED STATE SENATE OR STATE HOUSE OF REPRESENTATIVES SEAT, THE ADMINISTRATIVE LAW JUDGE SHALL MAKE RECOMMENDATIONS TO THE HOUSE THAT CERTIFIED THE QUESTIONS, INCLUDING, BUT NOT LIMITED TO, THAT SUCH PERSON BE SEATED AS THE SENATOR OR REPRESENTATIVE FROM THE CONTESTED DISTRICT.

(b) IF THE ADMINISTRATIVE LAW JUDGE FINDS THAT, BASED ON A PREPONDERANCE OF THE EVIDENCE, IRREGULARITIES IN THE VOTES CAST OR COUNTED IN THE DISTRICT FOR THE CONTESTED STATE SENATE OR STATE HOUSE OF REPRESENTATIVES SEAT BOTH PREVENTED AN ACCURATE AND VERIFIABLE VOTE COUNT AND MAY HAVE DIRECTLY AFFECTED THE OUTCOME OF THE ELECTION, THE ADMINISTRATIVE LAW JUDGE SHALL

MAKE RECOMMENDATIONS TO THE HOUSE THAT CERTIFIED THE QUESTIONS, INCLUDING, BUT NOT LIMITED TO, THAT SUCH HOUSE FURTHER RESOLVE THE ELECTION CONTEST OR CALL A SPECIAL LEGISLATIVE ELECTION PURSUANT TO SECTION 1-11-303.

(7) THE ADMINISTRATIVE LAW JUDGE SHALL TRANSMIT ALL THE FILES AND RECORDS OF THE PROCEEDINGS TO THE PRESIDING OFFICER OF THE HOUSE IN WHICH THE CONTEST FOR SENATOR OR REPRESENTATIVE WAS FILED.

(8) THE ADMINISTRATIVE LAW JUDGE'S FINDINGS OF FACT AND RECOMMENDATIONS SHALL BE FINAL AND NOT BE SUBJECT TO REVIEW BY ANY OTHER COURT.

(9) UPON RECEIPT OF SUCH FINDINGS OF FACT AND RECOMMENDATIONS, THE HOUSE IN WHICH THE CONTEST FOR SENATOR OR REPRESENTATIVE AROSE MAY TAKE APPROPRIATE ACTION, INCLUDING, BUT NOT LIMITED TO:

(a) A TRIAL OF THE ELECTION CONTEST;

(b) DECLARATION OF THE DULY ELECTED MEMBER IN THE CONTESTED DISTRICT IN ACCORDANCE WITH THE FINDINGS OF THE ADMINISTRATIVE LAW JUDGE; OR

(c) ADOPTION OF A RESOLUTION PURSUANT TO SECTION 1-11-302 CALLING FOR A SPECIAL LEGISLATIVE ELECTION.

SECTION 4. Article 11 of title 1, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 3
SPECIAL LEGISLATIVE ELECTION PROCEDURE -
MEMBERS OF THE GENERAL ASSEMBLY

1-11-301. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) SECTION 10 OF ARTICLE V OF THE COLORADO CONSTITUTION PROVIDES THAT EACH HOUSE OF THE GENERAL ASSEMBLY SHALL JUDGE THE ELECTION AND QUALIFICATION OF ITS MEMBERS;

(b) SECTION 11 OF ARTICLE VII OF THE COLORADO CONSTITUTION AUTHORIZES THE GENERAL ASSEMBLY TO PASS LAWS TO SECURE THE PURITY OF ELECTIONS;

(c) IN FURTHERANCE OF THESE CONSTITUTIONAL PROVISIONS AND THE PLENARY POWER OF THE GENERAL ASSEMBLY, THE GENERAL ASSEMBLY MAY ENACT LAWS TO ENABLE A HOUSE OF THE GENERAL ASSEMBLY TO CALL A SPECIAL LEGISLATIVE ELECTION IN THE EVENT SUCH HOUSE IS UNABLE TO DECLARE A PERSON DULY ELECTED IN A DISTRICT AS A MEMBER OF THE STATE SENATE OR THE STATE HOUSE OF REPRESENTATIVES BECAUSE AN ACCURATE AND VERIFIABLE VOTE COUNT SHOWING THAT THE PERSON HAS THE HIGHEST NUMBER OF VOTES CAST IN SUCH DISTRICT CANNOT BE OBTAINED FROM THE GENERAL ELECTION RETURNS.

1-11-302. Causes of special legislative election. (1) THE STATE SENATE OR THE STATE HOUSE OF REPRESENTATIVES, ACTING BY RESOLUTION, MAY CALL A SPECIAL

LEGISLATIVE ELECTION FOR A STATE SENATE OR HOUSE OF REPRESENTATIVES DISTRICT FOLLOWING THE 2000 GENERAL ELECTION AND ANY GENERAL ELECTION THEREAFTER PURSUANT TO THIS PART 3 IF:

(a) THE ELECTION OF ANY PERSON AS A MEMBER OF THE STATE SENATE OR THE STATE HOUSE OF REPRESENTATIVES IS CONTESTED PURSUANT TO SECTION 1-11-208; AND

(b) A COMMITTEE ON CREDENTIALS, A COMMITTEE OF REFERENCE, OR AN ADMINISTRATIVE LAW JUDGE PURSUANT TO SECTION 1-11-208.5 RECOMMENDS A SPECIAL LEGISLATIVE ELECTION.

(2) SUCH RESOLUTION SHALL DIRECT THE SECRETARY OF STATE TO GIVE NOTICE TO THE COUNTY CLERK AND RECORDER OF EACH COUNTY IN WHICH SUCH DISTRICT IS LOCATED TO CALL A SPECIAL LEGISLATIVE ELECTION FOR THE ENTIRE DISTRICT PURSUANT TO SECTION 1-11-303. SUCH RESOLUTION SHALL FURTHER SPECIFY THAT THE CANDIDATES AT SUCH ELECTION SHALL, SUBJECT TO THE WITHDRAWAL OF A CANDIDATE PURSUANT TO SECTION 1-11-306, BE THE SAME AS THE CANDIDATES ON THE BALLOT IN SUCH DISTRICT FOR THE STATE SENATE OR THE STATE HOUSE OF REPRESENTATIVES SEAT AT THE PRECEDING GENERAL ELECTION FROM WHICH THE ELECTION CONTEST ARISES.

1-11-303. Call for special legislative election. (1) WITHIN THREE DAYS AFTER RECEIPT OF A RESOLUTION CALLING FOR A SPECIAL LEGISLATIVE ELECTION PURSUANT TO SECTION 1-11-302, THE SECRETARY OF STATE SHALL MAKE AND DELIVER OR TRANSMIT TO THE COUNTY CLERK AND RECORDER OF EACH COUNTY IN WHICH THE DISTRICT FOR THE CONTESTED STATE SENATE OR HOUSE OF REPRESENTATIVES SEAT IS LOCATED A WRITTEN NOTICE CALLING A SPECIAL LEGISLATIVE ELECTION IN SAID DISTRICT. THE SECRETARY OF STATE SHALL FURTHER SPECIFY THE NAME AND PARTY OF EACH CANDIDATE AND THE DISTRICT NUMBER OF THE CONTESTED STATE SENATE OR HOUSE OF REPRESENTATIVES SEAT. EXCEPT AS OTHERWISE PROVIDED IN SECTION 1-11-306, CANDIDATES SHALL BE THE SAME AS THE CANDIDATES ON THE BALLOT IN SUCH DISTRICT FOR THE STATE SENATE OR HOUSE OF REPRESENTATIVES AT THE PRECEDING GENERAL ELECTION FROM WHICH THE CONTEST WAS FILED PURSUANT TO SECTION 1-11-208.

(2) A SPECIAL LEGISLATIVE ELECTION CALLED PURSUANT TO THIS SECTION SHALL BE HELD IN THE ENTIRE DISTRICT FOR THE CONTESTED STATE SENATE OR STATE HOUSE OF REPRESENTATIVES SEAT AND NO PRECINCT OR PRECINCTS IN THE DISTRICT MAY BE EXCLUDED FROM SUCH ELECTION.

1-11-304. Date of election. WITHIN THREE DAYS AFTER RECEIPT OF THE SECRETARY OF STATE'S NOTICE PURSUANT TO SECTION 1-11-303, THE COUNTY CLERK AND RECORDER OR COORDINATED ELECTION OFFICIAL SHALL SET A DATE FOR THE SPECIAL LEGISLATIVE ELECTION THAT IS NOT LESS THAN FORTY-FIVE DAYS NOR MORE THAN SIXTY DAYS FROM THE DATE OF SUCH RECEIPT.

1-11-305. Notice of special legislative election. THE COUNTY CLERK AND RECORDER SHALL GIVE NOTICE OF THE SPECIAL LEGISLATIVE ELECTION PURSUANT TO SECTION 1-5-206.

1-11-306. Withdrawal from special legislative election. A CANDIDATE ON THE BALLOT AT THE SPECIAL LEGISLATIVE ELECTION MAY WITHDRAW HIS OR HER CANDIDACY AT ANY TIME AFTER THE NOTICE OF SPECIAL LEGISLATIVE ELECTION GIVEN UNDER SECTION 1-11-305. THE SPECIAL LEGISLATIVE ELECTION SHALL BE CALLED AND HELD NOTWITHSTANDING SUCH WITHDRAWAL; EXCEPT THAT, IF, AT THE CLOSE OF BUSINESS ON THE TENTH DAY BEFORE SUCH ELECTION, THERE IS NOT MORE THAN ONE CANDIDATE ON THE BALLOT BY REASON OF SUCH WITHDRAWAL, THE DESIGNATED ELECTION OFFICIAL SHALL CANCEL THE ELECTION AND DECLARE THE CANDIDATE ELECTED. NOTICE OF SUCH CANCELLATION SHALL BE MADE AS PROVIDED IN SECTION 1-5-208 (6).

1-11-307. Conduct of special legislative election. THE SPECIAL LEGISLATIVE ELECTION SHALL BE CONDUCTED ACCORDING TO THE PROVISIONS OF ARTICLES 1 TO 13 OF THIS TITLE.

1-11-308. Absentee ballots. THE APPROPRIATE DESIGNATED ELECTION OFFICIALS SHALL MAKE AVAILABLE APPLICATIONS FOR ABSENTEE BALLOTS NO LATER THAN TWENTY-FOUR HOURS AFTER THE DATE FOR THE SPECIAL LEGISLATIVE ELECTION IS SET. ABSENTEE BALLOTS SHALL BE AVAILABLE NO LATER THAN THIRTY DAYS BEFORE THE SPECIAL LEGISLATIVE ELECTION. ALL OTHER PROVISIONS OF ARTICLE 8 OF THIS TITLE SHALL APPLY TO THE ABSENTEE BALLOT PROCESS.

1-11-309. Early voting. EARLY VOTING FOR A SPECIAL LEGISLATIVE ELECTION SHALL BE MADE AVAILABLE PURSUANT TO SECTION 1-8-202.

1-11-310. Survey of returns. (1) THE BOARD OF CANVASSERS FOR A SPECIAL LEGISLATIVE ELECTION SHALL BE ORGANIZED AS PROVIDED IN SECTION 1-10-101.

(2) THE COUNTY CLERK AND RECORDER SHALL CONTACT THE SECRETARY OF STATE ON ELECTION NIGHT WITH THE UNOFFICIAL COUNT.

(3) THE BOARD OF CANVASSERS FOR A SPECIAL LEGISLATIVE ELECTION SHALL COMMENCE A SURVEY OF THE RETURNS ON THE DAY FOLLOWING SUCH ELECTION.

(4) THE CERTIFIED SURVEY OF RETURNS SHALL BE SENT BY CERTIFIED MAIL OR HAND DELIVERED TO THE SECRETARY OF STATE NO LATER THAN THE CLOSE OF BUSINESS ON THE FIFTH DAY AFTER THE SPECIAL LEGISLATIVE ELECTION.

(5) UPON RECEIPT OF THE CERTIFIED SURVEY OF RETURNS, THE SECRETARY OF STATE SHALL ISSUE A CERTIFICATE OF ELECTION TO THE CANDIDATE WHO RECEIVED THE HIGHEST NUMBER OF VOTES AND SHALL TRANSMIT A COPY OF THE CERTIFICATE TO THE APPROPRIATE HOUSE OF THE GENERAL ASSEMBLY.

1-11-311. Special legislative elections subject to "Fair Campaign Practices Act". SPECIAL LEGISLATIVE ELECTIONS CONDUCTED IN ACCORDANCE WITH THIS PART 3 ARE SUBJECT TO THE APPROPRIATE SECTIONS OF ARTICLE 45 OF THIS TITLE.

SECTION 5. 1-1-104, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

1-1-104. Definitions. As used in this code, unless the context otherwise requires:

(46.5) "SPECIAL LEGISLATIVE ELECTION" MEANS AN ELECTION CALLED BY THE GENERAL ASSEMBLY PURSUANT TO PART 3 OF ARTICLE 11 OF THIS TITLE.

SECTION 6. 1-2-201 (3), Colorado Revised Statutes, is amended to read:

1-2-201. Registration required - deadline. (3) Any other provisions of this title to the contrary notwithstanding, electors shall be permitted to vote if the elector is registered to vote for at least twenty-nine days before any primary, presidential, general, SPECIAL LEGISLATIVE ELECTION, municipal, congressional vacancy, special district, or other election, and, if the twenty-ninth day before an election is a Saturday, Sunday, or legal holiday, then electors shall be permitted to register on the next day that is not a Saturday, Sunday, or legal holiday.

SECTION 7. 1-5-101 (4), Colorado Revised Statutes, is amended to read:

1-5-101. Establishing precincts and polling places for partisan elections. (4) Notwithstanding any other requirement under this section, subject to approval by the board of county commissioners, county clerk and recorders may combine precincts for any primary election OR SPECIAL LEGISLATIVE ELECTION. If a county chooses to combine precincts, the county shall publish polling place locations as provided in section 1-5-205.

SECTION 8. 1-5-206 (1), Colorado Revised Statutes, is amended to read:

1-5-206. Postcard notice and notice by publication. (1) No later than twenty-five days before the general election OR A SPECIAL LEGISLATIVE ELECTION, the county clerk and recorder shall mail by forwardable mail a voter information card concerning the general election OR SPECIAL LEGISLATIVE ELECTION to all active eligible electors of the county. The card shall contain the eligible elector's name and address, precinct number, polling location for the general election OR SPECIAL LEGISLATIVE ELECTION, and any other applicable information.

SECTION 9. 1-5-505, Colorado Revised Statutes, is amended to read:

1-5-505. Election expenses to be paid by county. (1) The cost of conducting general, primary, and congressional vacancy elections, including the cost of printing and supplies, shall be a county charge, the payment of which shall be provided for in the same manner as the payment of other county expenses.

(2) (a) FOR A SPECIAL LEGISLATIVE ELECTION, IF THE STATE SENATORIAL OR STATE REPRESENTATIVE DISTRICT IN WHICH THE SPECIAL LEGISLATIVE ELECTION IS TO BE HELD IS COMPRISED OF ONE OR MORE WHOLE COUNTIES OR A PART OF ONE COUNTY AND ALL OR A PART OF ONE OR MORE OTHER COUNTIES, THE COST OF CONDUCTING A SPECIAL LEGISLATIVE ELECTION, INCLUDING THE COST OF PRINTING AND SUPPLIES, SHALL BE A COUNTY CHARGE OF THE COUNTY IN WHICH THERE WERE IRREGULARITIES IN THE VOTES CAST OR COUNTED AT THE GENERAL ELECTION FOR SUCH DISTRICT.

(b) IF THE STATE SENATORIAL OR STATE REPRESENTATIVE DISTRICT IN WHICH THE SPECIAL ELECTION IS TO BE HELD IS COMPRISED OF A PORTION OF ONE COUNTY, THE COST OF CONDUCTING A SPECIAL LEGISLATIVE ELECTION, INCLUDING THE COST OF PRINTING AND SUPPLIES, SHALL BE A COUNTY CHARGE OF SUCH COUNTY.

(c) THE PAYMENT OF SUCH COSTS OF A SPECIAL LEGISLATIVE ELECTION SHALL BE PROVIDED FOR IN THE SAME MANNER AS THE PAYMENT OF OTHER COUNTY EXPENSES.

SECTION 10. 1-8-202, Colorado Revised Statutes, is amended to read:

1-8-202. When eligible electors may vote by early ballot. Early voting shall be made available to any eligible elector in the manner provided in this part 2 during regular business hours for ten days before the presidential primary election, ~~and~~ the primary election, AND A SPECIAL LEGISLATIVE ELECTION and for fifteen days before any general election or other November election conducted by the county clerk and recorder. The board of county commissioners may by resolution increase the hours that the early voters' polling place may be open. Eligible electors who appear in person at the early voters' polling place during this time may cast their ballots in the same manner as any ballot would be cast in a precinct polling place on election day.

SECTION 11. 1-10-101 (1) (a), Colorado Revised Statutes, is amended to read:

1-10-101. Canvassers for partisan elections - appointment, fees, oaths.

(1) (a) At least fifteen days before any primary, general, ~~or~~ congressional vacancy, OR SPECIAL LEGISLATIVE election, the county chairpersons of each of the two major political parties in each county shall certify to the county clerk and recorder the appointment of an eligible elector who is a resident of the county to act as a member of the county board of canvassers. The two appointees, together with the county clerk and recorder, constitute the county board of canvassers.

SECTION 12. 1-45-103 (5), Colorado Revised Statutes, is amended to read:

1-45-103. Definitions. As used in this article, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(5) "Election cycle" means either:

(a) The period of time beginning thirty-one days following a general election for the particular office and ending thirty days following the next general election for that office;

(b) THE PERIOD OF TIME BEGINNING THIRTY-ONE DAYS FOLLOWING A GENERAL ELECTION FOR THE PARTICULAR OFFICE AND ENDING THIRTY DAYS FOLLOWING THE SPECIAL LEGISLATIVE ELECTION FOR THAT OFFICE; OR

(c) THE PERIOD OF TIME BEGINNING THIRTY-ONE DAYS FOLLOWING THE SPECIAL LEGISLATIVE ELECTION FOR THE PARTICULAR OFFICE AND ENDING THIRTY DAYS FOLLOWING THE NEXT GENERAL ELECTION FOR THAT OFFICE.

SECTION 13. The introductory portion to 1-45-104 (2), Colorado Revised Statutes, is amended to read:

1-45-104. Contribution limits. (2) No natural person or political committee shall make, and no candidate committee shall accept, aggregate contributions to a candidate committee for a primary or general election OR FOR A SPECIAL LEGISLATIVE ELECTION in excess of the following amounts:

SECTION 14. 1-45-108 (2) (a), Colorado Revised Statutes, is amended to read:

1-45-108. Disclosure. (2) (a) Such reports that are required to be filed with the secretary of state shall be filed quarterly in off-election years ~~and~~ on the first day of each month beginning the sixth full month before the major election and fourteen days before and thirty days after the major election in election years AND FOURTEEN DAYS BEFORE AND THIRTY DAYS AFTER A SPECIAL LEGISLATIVE ELECTION HELD IN AN OFF-ELECTION YEAR. Such reports that are required to be filed with the county clerk and recorder or with the municipal clerk shall be filed on the twenty-first day and on the Friday before and thirty days after the primary election, where applicable, and the major election in election years and annually in off-election years on the first day of the month in which the anniversary of the major election occurs.

SECTION 15. 1-45-108 (2) (c), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBPARAGRAPHS to read:

1-45-108. Disclosure. (2) (c) All reports filed with the secretary of state pursuant to this subsection (2) shall be subject to the following:

(V) THE REPORTING PERIOD FOR THE REPORT DUE FOURTEEN CALENDAR DAYS PRIOR TO A SPECIAL LEGISLATIVE ELECTION SHALL CLOSE NINETEEN CALENDAR DAYS PRIOR TO THE SPECIAL LEGISLATIVE ELECTION, AND THE REPORT SHALL BE FILED ON THE FOURTEENTH CALENDAR DAY PRIOR TO THE SPECIAL LEGISLATIVE ELECTION.

(VI) THE REPORTING PERIOD FOR THE REPORT DUE THIRTY CALENDAR DAYS AFTER A SPECIAL LEGISLATIVE ELECTION SHALL CLOSE TWENTY-FIVE CALENDAR DAYS AFTER THE DATE ON WHICH SUCH ELECTION WAS HELD, AND THE REPORT SHALL BE FILED NO LATER THAN THE THIRTIETH CALENDAR DAY FOLLOWING SUCH ELECTION.

SECTION 16. 1-45-110 (1), Colorado Revised Statutes, is amended to read:

1-45-110. Candidate affidavit - disclosure statement. (1) When any individual becomes a candidate, such individual shall certify, by affidavit filed with the appropriate officer within ten days, that the candidate is familiar with the provisions of this article; EXCEPT THAT AN INDIVIDUAL WHO IS A CANDIDATE IN A SPECIAL LEGISLATIVE ELECTION THAT FILED A CANDIDATE AFFIDAVIT FOR THE PRECEDING GENERAL ELECTION SHALL NOT BE REQUIRED TO COMPLY WITH THE PROVISIONS OF THIS SECTION.

SECTION 17. 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: June 4, 1999