

CHAPTER 37

ELECTIONS

SENATE BILL 99-002

BY SENATOR Tebedo;
also REPRESENTATIVE Sinclair.

AN ACT

CONCERNING PROCEDURES FOR STRIKING A SIGNATURE FROM A PETITION TO RECALL A PUBLIC OFFICIAL
UPON THE REQUEST OF THE SIGNER.

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

SECTION 1. 1-12-108 (9) (c), Colorado Revised Statutes, is amended, and the said 1-12-108 (9) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

1-12-108. Petition requirements. (9) (c) A petition for recall may be amended once at any time within sixty days from the date the petition form was approved by the designated election official under subsection (4) of this section.

~~Any signer may request that his or her name be stricken from the petition within the sixty day period.~~

(d) (I) ANY SIGNER MAY REQUEST THAT HIS OR HER NAME BE STRICKEN FROM THE PETITION AT ANY TIME WITHIN THE SIXTY-DAY PERIOD PRIOR TO THE DATE THE PETITION IS DEEMED SUFFICIENT AND THE TIME FOR PROTEST HAS PASSED BY FILING A WRITTEN REQUEST THAT HIS OR HER SIGNATURE BE STRICKEN WITH THE DESIGNATED ELECTION OFFICIAL AND DELIVERING A COPY OF SUCH REQUEST TO AT LEAST ONE MEMBER OF THE COMMITTEE. IF SUCH REQUEST IS DELIVERED TO THE MEMBER OF THE COMMITTEE OR THE ELECTION OFFICIAL THROUGH THE UNITED STATES MAILS, IT SHALL BE DEEMED DELIVERED TO THE COMMITTEE OR THE ELECTION OFFICIAL ON THE DATE SHOWN BY THE CANCELLATION MARK ON THE ENVELOPE CONTAINING THE REQUEST RECEIVED BY THE MEMBER OR THE ELECTION OFFICIAL. IF THE REQUEST IS DELIVERED TO THE MEMBER OF THE COMMITTEE OR THE ELECTION OFFICIAL IN ANY OTHER MANNER, IT SHALL BE DEEMED DELIVERED TO THE COMMITTEE OR THE ELECTION OFFICIAL ON THE DATE OF DELIVERY AND STAMPED RECEIPT BY THE ELECTION OFFICIAL.

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

(II) IF THE DESIGNATED ELECTION OFFICIAL RECEIVES A WRITTEN REQUEST FILED IN ACCORDANCE WITH THIS PARAGRAPH (d) AFTER THE PETITION IS FILED BUT BEFORE THE PETITION IS DEEMED SUFFICIENT AND THE TIME FOR PROTEST HAS PASSED, THE ELECTION OFFICIAL SHALL STRIKE THE SIGNATURE OF THE SIGNER WHO FILED THE REQUEST. IF THE ELECTION OFFICIAL RECEIVES SUCH A WRITTEN REQUEST BEFORE THE PETITION IS FILED, THE ELECTION OFFICIAL SHALL STRIKE THE SIGNATURE OF THE SIGNER WHO FILED THE REQUEST PROMPTLY UPON THE FILING OF THE PETITION.

SECTION 2. Effective date - applicability. (1) This act shall take effect September 1, 1999, unless a referendum petition is filed during 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. If such 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) The provisions of this act shall apply to recall petitions approved as to form on or after the applicable effective date of this act.

Approved: March 24, 1999