

CHAPTER 98

ELECTIONS

HOUSE BILL 99-1225

BY REPRESENTATIVES Leyba, Clarke, Coleman, Dean, Gagliardi, Hoppe, Mace, Taylor, Vigil, and Young;
also SENATORS Wattenberg, Dyer, Linkhart, and Nichol.

AN ACT

CONCERNING THE DESIGNATION OF CANDIDATES FOR A PRIMARY ELECTION.

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

SECTION 1. 1-4-601 (3), Colorado Revised Statutes, is amended to read:

1-4-601. Designation of candidates for primary election. (3) (a) ~~Within ten~~ EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (3), NO LATER THAN FOUR days after the adjournment of the assembly, each candidate designated by assembly shall file a written acceptance with the officer with whom the certificate of designation is filed. THIS ACCEPTANCE MAY BE TRANSMITTED BY FACSIMILE TRANSMISSION. IF THE ACCEPTANCE IS TRANSMITTED BY FACSIMILE TRANSMISSION, THE ORIGINAL ACCEPTANCE MUST ALSO BE FILED AND POSTMARKED NO LATER THAN TEN DAYS AFTER THE ADJOURNMENT OF THE ASSEMBLY. The acceptance shall state the candidate's name in the form in which it is to appear on the ballot. The name may include one nickname. If an acceptance is not filed within the specified time, the candidate shall be deemed to have declined the designation; EXCEPT THAT THE CANDIDATE SHALL NOT BE DEEMED TO HAVE DECLINED THE DESIGNATION AND SHALL BE INCLUDED ON THE PRIMARY BALLOT IF LATE FILING OF AN ACCEPTANCE IS CAUSED BY THE FAILURE TO TIMELY FILE A CERTIFICATE OF DESIGNATION OR THE FAILURE TO FILE SUCH ACCEPTANCE WITH SUCH CERTIFICATE OF DESIGNATION, AS REQUIRED BY SECTION 1-4-604 (1) (a).

(b) THE WRITTEN ACCEPTANCE OF A CANDIDATE NOMINATED BY ASSEMBLY FOR ANY NATIONAL OR STATE OFFICE OR FOR MEMBER OF THE GENERAL ASSEMBLY, DISTRICT ATTORNEY, OR DISTRICT OFFICE GREATER THAN A COUNTY OFFICE SHALL BE FILED BY THE PRESIDING OFFICER OR SECRETARY OF SUCH ASSEMBLY WITH THE CERTIFICATE OF DESIGNATION OF SUCH ASSEMBLY, AS REQUIRED BY SECTION 1-4-604 (1) (a). NOTHING IN THIS PARAGRAPH (b) SHALL PROHIBIT A CANDIDATE FROM FILING

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

AN ACCEPTANCE OF NOMINATION DIRECTLY WITH THE OFFICER WITH WHOM THE CERTIFICATE OF DESIGNATION IS FILED FOLLOWING WRITTEN NOTICE OF SUCH FILING BY THE CANDIDATE TO THE PRESIDING OFFICER OF THE POLITICAL PARTY HOLDING SUCH ASSEMBLY.

SECTION 2. 1-4-604, Colorado Revised Statutes, is amended to read:

1-4-604. Filing of petitions and certificates of designation by assembly - legislative declaration. (1) (a) Every petition or certificate of designation by assembly in the case of a candidate for nomination for any national or state office or for member of the general assembly, district attorney, or district office greater than a county office, TOGETHER WITH THE WRITTEN ACCEPTANCES SIGNED BY THE PERSONS DESIGNATED OR NOMINATED BY SUCH ASSEMBLY DESCRIBED IN SECTION 1-4-601 (3), shall be ~~received and~~ filed BY THE PRESIDING OFFICER OR SECRETARY OF SUCH ASSEMBLY AND RECEIVED in the office of the secretary of state.

(b) A COPY OF EACH SUCH CERTIFICATE OF DESIGNATION SHALL BE TRANSMITTED BY THE PRESIDING OFFICER OR SECRETARY OF EACH ASSEMBLY TO THE STATE CENTRAL COMMITTEE OF THE POLITICAL PARTY HOLDING SUCH ASSEMBLY WITHIN THREE DAYS AFTER THE ADJOURNMENT OF SUCH ASSEMBLY.

(2) Every petition or certificate of designation by assembly in the case of a candidate for nomination for any ~~other~~ elective office OTHER THAN THE OFFICES SPECIFIED IN PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION shall be filed in the office of the county clerk and recorder of the county where the person is a candidate.

(3) Certificates of designation by assembly shall be filed ~~within ten~~ NO LATER THAN FOUR days after the adjournment of the assembly. CERTIFICATES OF DESIGNATION MAY BE TRANSMITTED BY FACSIMILE TRANSMISSION; HOWEVER, THE ORIGINAL CERTIFICATE MUST ALSO BE FILED AND POSTMARKED NO LATER THAN TEN DAYS AFTER THE ADJOURNMENT OF THE ASSEMBLY.

(4) Petitions shall be filed prior to sixty-five days before the primary election.

(5) Late filing of the certificate of designation shall not deprive candidates of their candidacy.

(6) (a) NO LATER THAN FOUR DAYS AFTER THE ADJOURNMENT OF THE ASSEMBLY, THE STATE CENTRAL COMMITTEE OF EACH POLITICAL PARTY, UTILIZING THE INFORMATION DESCRIBED IN PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION, SHALL FILE WITH THE SECRETARY OF STATE A COMPILATION OF THE CERTIFICATES OF DESIGNATION OF EACH ASSEMBLY THAT NOMINATED CANDIDATES FOR ANY NATIONAL OR STATE OFFICE OR FOR MEMBER OF THE GENERAL ASSEMBLY, DISTRICT ATTORNEY, OR DISTRICT OFFICE GREATER THAN A COUNTY OFFICE. SUCH A COMPILATION OF CERTIFICATES OF DESIGNATION MAY BE TRANSMITTED BY FACSIMILE TRANSMISSION; HOWEVER, THE ORIGINAL COMPILATION MUST ALSO BE FILED AND POSTMARKED NO LATER THAN TEN DAYS AFTER THE ADJOURNMENT OF THE ASSEMBLY.

(b) THE SECRETARY OF STATE SHALL COMPARE SUCH PARTY COMPILATION OF CERTIFICATES OF DESIGNATION WITH THE CERTIFICATES OF DESIGNATION FILED BY EACH SUCH ASSEMBLY WITH THE SECRETARY OF STATE'S OFFICE PURSUANT TO

PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION. IN THE EVENT THAT A CERTIFICATE OF DESIGNATION APPEARING ON SUCH PARTY COMPILATION HAS NOT BEEN FILED PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION, THE SECRETARY OF STATE SHALL NOTIFY THE STATE CENTRAL COMMITTEE OF SUCH PARTY NOT LESS THAN FIFTY-SEVEN DAYS BEFORE THE PRIMARY ELECTION OF AN ASSEMBLY'S FAILURE TO FILE SUCH CERTIFICATE OF DESIGNATION.

(c) A STATE CENTRAL COMMITTEE THAT RECEIVES NOTIFICATION PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (6) SHALL FILE, OR DIRECT THE PRESIDING OFFICER OF THE ASSEMBLY TO FILE, THE CERTIFICATE OF DESIGNATION, TOGETHER WITH ANY WRITTEN ACCEPTANCES, NOT LESS THAN FIFTY-SIX DAYS BEFORE THE PRIMARY ELECTION.

(d) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT IT IS BENEFICIAL TO IMPROVE THE PROCEDURE AND TIMELINESS FOR COMMUNICATING THE DESIGNATION OF CANDIDATES FOR THE PRIMARY ELECTION BALLOT BY POLITICAL PARTY ASSEMBLIES BETWEEN THE OFFICERS OF SUCH ASSEMBLIES, THE STATE CENTRAL COMMITTEE OF EACH POLITICAL PARTY, AND THE SECRETARY OF STATE. THE GENERAL ASSEMBLY FURTHER FINDS THAT PRESCRIBING CERTAIN ADDITIONAL REVIEW PROCESSES FOR THE DOCUMENTATION EVIDENCING DESIGNATIONS AND NOMINATIONS OF CANDIDATES THAT ARE NOT ONEROUS WILL SERVE TO MINIMIZE THE LIKELIHOOD OF A CANDIDATE BEING DEPRIVED OF HIS OR HER CANDIDACY AND OF AN ERRONEOUS PRIMARY ELECTION BALLOT. THE GENERAL ASSEMBLY FURTHER ENCOURAGES THE RESPONSIBLE OFFICIALS TO ENGAGE IN THE ENHANCED COMMUNICATION AND REVIEW DESCRIBED IN THIS SUBSECTION (6) WELL IN ADVANCE OF STATUTORILY PRESCRIBED DEADLINES OR BALLOT CERTIFICATION DATES, IF POSSIBLE, IN ORDER TO MAXIMIZE THE TIME FOR GIVING NOTICE AND RESOLVING ANY ISSUES THAT MAY ARISE FROM THE PRIMARY BALLOT NOMINATION PROCESS.

SECTION 3. 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: April 13, 1998