

## CHAPTER 387

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**ELECTIONS**

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**HOUSE BILL 00-1229**

BY REPRESENTATIVES McPherson, Kester, Alexander, Fairbank, Hefley, Leyba, Spence, Taylor, and Webster;  
also SENATORS Chlouber, Dyer, Evans, Hernandez, Powers, and Teck.

**AN ACT**

CONCERNING THE SELECTION OF THE LIEUTENANT GOVERNOR.

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

**SECTION 1.** 1-4-101 (3), Colorado Revised Statutes, is amended to read:

**1-4-101. Primary election nominations made.** (3) All nominations by major political parties for candidates for United States senator, representative in congress, all elective state, district, and county officers, and members of the general assembly shall be made by primary elections; EXCEPT THAT, FOR GENERAL ELECTIONS OCCURRING AFTER JANUARY 1, 2001, NOMINATIONS BY MAJOR POLITICAL PARTIES FOR CANDIDATES FOR LIEUTENANT GOVERNOR SHALL NOT BE MADE BY PRIMARY ELECTIONS AND SHALL BE MADE PURSUANT TO SECTION 1-4-502 (3). Neither the secretary of state nor any county clerk and recorder shall place on the official general election ballot the name of any person as a candidate of any major political party who has not been nominated in accordance with the provisions of this article, or who has not been affiliated with the major political party for at least twelve months unless otherwise provided by law, or who does not meet residency requirements for the office, if any. The information found on the voter registration record of the county of current or previous residence of the person seeking to be placed on the ballot is admissible as prima facie evidence of compliance with this article.

**SECTION 2.** 1-4-502 (1), Colorado Revised Statutes, is amended, and the said 1-4-502 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**1-4-502. Methods of nomination for partisan candidates.** (1) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPHS (b) AND (c) OF SUBSECTION (3) OF THIS SECTION, nominations for United States senator, representative in congress, governor,

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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.*

lieutenant governor, secretary of state, state treasurer, attorney general, member of the state board of education, regent of the university of Colorado, member of the general assembly, district attorney, and all county officers to be elected at the general election may be made by primary election by major political parties, by petition for nomination of an unaffiliated candidate as provided in section 1-4-802, or by a minor political party as provided in section 1-4-1304 (2).

(3) FOR GENERAL ELECTIONS OCCURRING AFTER JANUARY 1, 2001:

(a) THE NOMINATION OF A MAJOR POLITICAL PARTY FOR LIEUTENANT GOVERNOR SHALL BE MADE BY THE PARTY'S CANDIDATE FOR GOVERNOR. NO LATER THAN SEVEN DAYS FOLLOWING THE PRIMARY ELECTION, THE PARTY'S CANDIDATE FOR GOVERNOR SHALL SELECT A CANDIDATE FOR LIEUTENANT GOVERNOR. OTHER NOMINATIONS FOR THE OFFICE OF LIEUTENANT GOVERNOR MAY BE MADE BY PETITION FOR NOMINATION OF AN UNAFFILIATED CANDIDATE AS PROVIDED IN SECTION 1-4-802 OR BY A MINOR POLITICAL PARTY AS PROVIDED IN SECTION 1-4-1304 (2).

(b) NO PERSON SHALL BE ELIGIBLE FOR A MAJOR POLITICAL PARTY NOMINATION FOR LIEUTENANT GOVERNOR UNLESS SUCH PERSON IS A REGISTERED ELECTOR AND HAS BEEN AFFILIATED, FOR A PERIOD OF AT LEAST TWELVE MONTHS IMMEDIATELY PRECEDING THE DATE OF THE NOMINATION, WITH THE MAJOR POLITICAL PARTY MAKING THE NOMINATION AS SHOWN IN THE RECORD BOOKS OF THE COUNTY CLERK AND RECORDER.

(c) ANY PERSON NOMINATED AS THE CANDIDATE FOR LIEUTENANT GOVERNOR OF A MAJOR POLITICAL PARTY PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) SHALL FILE A WRITTEN ACCEPTANCE WITH THE SECRETARY OF STATE BY MAIL OR HAND DELIVERY. THE WRITTEN ACCEPTANCE MUST BE POSTMARKED OR RECEIVED BY THE SECRETARY OF STATE WITHIN THIRTY DAYS AFTER THE PRIMARY ELECTION. IF AN ACCEPTANCE IS NOT FILED WITHIN THE REQUIRED TIME, THE CANDIDATE SHALL BE DEEMED TO HAVE DECLINED THE NOMINATION, AND THE NOMINATION SHALL BE TREATED AS A VACANCY TO BE FILLED AS PROVIDED IN SECTION 1-4-1002 (2.3) (a).

**SECTION 3.** 1-4-603, Colorado Revised Statutes, is amended to read:

**1-4-603. Designation of major political party candidates by petition.** Candidates for major political party nominations FOR THE OFFICES SPECIFIED IN SECTION 1-4-502 (1) THAT ARE TO BE MADE BY PRIMARY ELECTION may be placed on the primary election ballot by petition, as provided in part 8 of this article.

**SECTION 4.** 1-4-604 (1) (a), 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 SPECIFIED IN SECTION 1-4-502 (1), 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 filed by the presiding officer or secretary of such assembly and received in the office of the secretary of state.

**SECTION 5.** 1-4-801 (1), Colorado Revised Statutes, is amended to read:

**1-4-801. Designation of party candidates by petition.** (1) Candidates for political party nominations TO BE MADE BY PRIMARY ELECTION may be placed on the primary election ballot by petition. Every petition to nominate candidates for a primary election shall state the name of the office for which the person is a candidate and the candidate's name and address and shall designate in not more than three words the name of the political party which the candidate represents. No petition shall contain the name of more than one person for the same office.

**SECTION 6.** 1-4-1002 (2.3) (a), (2.5), and the introductory portion to 1-4-1002 (7), Colorado Revised Statutes, are amended, and the said 1-4-1002 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**1-4-1002. Vacancies in designation or nomination.** (2.3) (a) Any vacancy in a party nomination, ~~occurring~~ OTHER THAN A VACANCY FOR A PARTY NOMINATION FOR LIEUTENANT GOVERNOR FOR A GENERAL ELECTION OCCURRING AFTER JANUARY 1, 2001, THAT OCCURS 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. ANY VACANCY IN A PARTY NOMINATION FOR LIEUTENANT GOVERNOR FOR A GENERAL ELECTION OCCURRING AFTER JANUARY 1, 2001, SHALL BE FILLED BY A REPLACEMENT CANDIDATE FOR LIEUTENANT GOVERNOR WHO SHALL BE NOMINATED BY THE PARTY'S CANDIDATE FOR GOVERNOR TO FILL THE VACANCY. 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.

(2.5) (a) 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.

(b) ANY VACANCY IN A PARTY NOMINATION FOR LIEUTENANT GOVERNOR FOR A GENERAL ELECTION OCCURRING AFTER JANUARY 1, 2001, THAT OCCURS LESS THAN EIGHTEEN DAYS BEFORE THE GENERAL ELECTION THAT IS CAUSED BY THE DECLINATION, DEATH, DISQUALIFICATION, OR WITHDRAWAL OF THE NOMINATED CANDIDATE SHALL NOT BE FILLED BEFORE THE GENERAL ELECTION. IN SUCH CASE,

THE VOTES CAST FOR THE CANDIDATE FOR GOVERNOR WHO WAS A JOINT CANDIDATE WITH THE CANDIDATE WHOSE DECLINATION, DEATH, DISQUALIFICATION, OR WITHDRAWAL CAUSED THE VACANCY SHALL BE COUNTED AND RECORDED, AND, IF SUCH CANDIDATE IS ELECTED, HE OR SHE SHALL FILL THE VACANCY AFTER THE GENERAL ELECTION BY SELECTING A LIEUTENANT GOVERNOR WHO IS A MEMBER OF THE SAME POLITICAL PARTY. THE SENATE SHALL HAVE NO POWER TO CONFIRM OR DENY SUCH APPOINTMENT.

(7) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (7.3) OF THIS SECTION, 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:

(7.3) AFTER THE SECOND TUESDAY OF JANUARY 2003, ANY VACANCY IN THE OFFICE OF LIEUTENANT GOVERNOR SHALL BE FILLED BY THE APPOINTMENT BY THE GOVERNOR OF A LIEUTENANT GOVERNOR OF THE SAME POLITICAL PARTY AS THE GOVERNOR TO FILL THE VACANCY. THE SENATE SHALL HAVE NO POWER TO CONFIRM OR DENY SUCH APPOINTMENT.

**SECTION 7. Effective date.** This act 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.

Became Law: June 3, 2000