

CHAPTER 275

ELECTIONS

HOUSE BILL 01-1274

BY REPRESENTATIVE(S) Fairbank, Cadman, Crane, Dean, Garcia, Hefley, and Schultheis;
also SENATOR(S) Thiebaut, Nichol, and Windels.

AN ACT

CONCERNING CLARIFICATIONS TO THE "UNIFORM ELECTION CODE OF 1992".

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

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

1-1-202. Commencement of terms - nonpartisan officers. The regular terms of office of all nonpartisan officers elected at regular elections shall commence at the next meeting of the governing body FOLLOWING THE DATE OF THE ELECTION, but no later than thirty days following the survey of returns and upon the signing of an oath and posting of a bond, where required, unless otherwise provided by law. IF THE ELECTION IS CANCELLED IN WHOLE OR IN PART PURSUANT TO SECTION 1-5-208 (1.5), THEN THE REGULAR TERM OF OFFICE OF A NONPARTISAN OFFICER SHALL COMMENCE AT THE NEXT MEETING OF THE GOVERNING BODY FOLLOWING THE DATE OF THE REGULAR ELECTION, BUT NO LATER THAN THIRTY DAYS FOLLOWING THE DATE OF THE REGULAR ELECTION AND UPON THE SIGNING OF AN OATH AND POSTING OF A BOND, WHERE REQUIRED, UNLESS OTHERWISE PROVIDED BY LAW.

SECTION 2. 1-3-102 (1), Colorado Revised Statutes, is amended to read:

1-3-102. Precinct caucuses. (1) (a) Precinct committee persons and delegates to county assemblies shall be elected at precinct caucuses ~~which~~ THAT shall be held in a public place OR IN A PRIVATE HOME THAT IS OPEN TO THE PUBLIC DURING THE CAUCUS in or proximate to each precinct at a time and place to be fixed by the county central committee or executive committee of each political party on the second Tuesday in April in each even-numbered year, which day shall be known as "precinct caucus day".

(b) ANY PRIVATE HOME IN WHICH A PRECINCT CAUCUS IS TO BE HELD SHALL BE

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

ACCESSIBLE TO PERSONS WITH DISABILITIES IN ACCORDANCE WITH THE RULES OF THE COUNTY CENTRAL COMMITTEE OR EXECUTIVE COMMITTEE OF EACH POLITICAL PARTY. THE RULES SHALL SPECIFY GUIDELINES FOR DETERMINING WHETHER A PRIVATE HOME IS ACCESSIBLE TO PERSONS WITH DISABILITIES FOR PURPOSES OF THIS SUBSECTION (1) AND FOR DETERMINING CONTROVERSIES REGARDING SUCH ACCESSIBILITY.

SECTION 3. 1-4-304 (5), Colorado Revised Statutes, is amended to read:

1-4-304. Presidential electors. (5) Each presidential elector shall vote for the ~~pair of~~ presidential CANDIDATE and, BY SEPARATE BALLOT, vice-presidential ~~candidates~~ CANDIDATE who received the highest number of votes at the preceding general election in this state.

SECTION 4. 1-4-901 (1), Colorado Revised Statutes, is amended to read:

1-4-901. Designation of petition. (1) The petition for a candidate may consist of one or more sheets, to be fastened together in the form of one petition SECTION, but each sheet shall contain the same heading and ~~the~~ EACH PETITION SECTION SHALL CONTAIN ONE sworn affidavit of the circulator. No petition shall contain the name of more than one person for the same office.

SECTION 5. 1-4-905 (1), Colorado Revised Statutes, is amended to read:

1-4-905. Circulators. (1) No eligible elector shall be eligible to circulate any petition unless the elector is eligible to vote in the ~~political subdivision in~~ VOTING DISTRICT FOR THE OFFICE FOR which the petition is being circulated and, for partisan candidates, is affiliated with the political party mentioned in the petition at the time the petition is circulated, as shown by the registration books of the county clerk and recorder.

SECTION 6. 1-4-909 (1), Colorado Revised Statutes, is amended to read:

1-4-909. Protest of designations and nominations. (1) A petition or certificate of designation or nomination that has been verified and appears to be sufficient under this code shall be deemed valid unless a protest is made in writing within five days after the election official's statement OF SUFFICIENCY is issued OR, IN THE CASE OF A CERTIFICATE OF DESIGNATION, WITHIN FIVE DAYS AFTER THE CERTIFICATE OF DESIGNATION IS FILED WITH THE DESIGNATED ELECTION OFFICIAL. The protest shall state in a summary manner the alleged impropriety. Notice of the protest shall be mailed forthwith to all candidates or officials who may be affected by it. The designated election official with whom the original certificate or petition is filed shall hear any protest within ten days after the protest is filed and shall pass upon the validity of the protest, whether of form or substance, and shall issue findings of fact and conclusions within seventy-two hours after the hearing.

SECTION 7. 1-4-1304 (3), Colorado Revised Statutes, is amended to read:

1-4-1304. Nomination of candidates. (3) Any minor political party nominating candidates in accordance with this part 13 shall file a certificate of designation with the designated election official no later than one hundred twenty days before the general election. The certificate of designation shall state the name of the office for

which each person is a candidate and the candidate's name and address, THE DATE ON WHICH THE ASSEMBLY WAS HELD AT WHICH THE CANDIDATE WAS DESIGNATED, shall designate in not more than three words the name of the minor political party that the candidate represents, and shall certify that the candidate is a member of the minor political party. The candidate's affiliation as shown on the registration books of the county clerk and recorder is prima facie evidence of party membership.

SECTION 8. The introductory portion to 1-5-101.5 (2), Colorado Revised Statutes, is amended, and the said 1-5-101.5 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

1-5-101.5. Precinct numbering. (2) Any election precinct established pursuant to the provisions of section 1-5-101 shall be numbered with ~~an eight~~ A TEN digit number as follows:

(c.5) THE SIXTH AND SEVENTH DIGITS OF THE PRECINCT NUMBER SHALL CONSIST OF THE NUMBER ASSIGNED BY THE SECRETARY OF STATE TO REPRESENT THE COUNTY IN WHICH THE PRECINCT IS CONTAINED.

SECTION 9. 1-7-116 (5), Colorado Revised Statutes, is amended to read:

1-7-116. Coordinated elections. (5) If, by one hundred days before the election, a political subdivision has taken formal action to participate in a general election or other election that will be coordinated by the county clerk and recorder, the political subdivision shall notify the county clerk and recorder IN WRITING.

SECTION 10. 1-7.5-106 (1) (a), Colorado Revised Statutes, is amended to read:

1-7.5-106. Secretary of state - duties and powers. (1) In addition to any other duties prescribed by law, the secretary of state, with advice from election officials of the several political subdivisions, shall:

(a) Prescribe the form of materials to be used in the conduct of mail ballot elections; except that all mail ballot packets shall include a ballot, instructions for completing the ballot, a secrecy envelope, and a ~~verification—return~~ RETURN-VERIFICATION envelope;

SECTION 11. 1-7.5-107 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

1-7.5-107. Procedures for conducting mail ballot election. (3) (b.5) (I) THE RETURN-VERIFICATION ENVELOPE SHALL HAVE PRINTED ON IT A SELF-AFFIRMATION SUBSTANTIALLY IN THE FOLLOWING FORM:

"I STATE UNDER PENALTY OF PERJURY THAT I AM AN ELIGIBLE ELECTOR; THAT MY NAME, ADDRESS, AND BIRTH DATE ARE AS SHOWN ON THIS ENVELOPE; THAT I HAVE NOT AND WILL NOT CAST ANY VOTE IN THIS ELECTION EXCEPT BY THE ENCLOSED BALLOT; AND THAT MY BALLOT IS ENCLOSED IN ACCORD WITH THE PROVISIONS OF THE "UNIFORM ELECTION CODE OF 1992".

.....
DATE

.....
SIGNATURE OF VOTER"

(II) THE SIGNING OF THE SELF-AFFIRMATION ON THE RETURN-VERIFICATION ENVELOPE SHALL CONSTITUTE AN AFFIRMATION BY THE VOTER, UNDER PENALTY OF PERJURY, THAT THE FACTS STATED IN THE SELF-AFFIRMATION ARE TRUE.

SECTION 12. 1-7.5-107 (6), Colorado Revised Statutes, is amended to read:

1-7.5-107. Procedures for conducting mail ballot election. (6) All deposited ballots shall be counted as provided in this article and by rules promulgated by the secretary of state. A mail ballot shall be valid and counted only if it is returned in the return-verification envelope, the ~~affidavit~~ SELF-AFFIRMATION on the envelope is signed and completed by the eligible elector to whom the ballot was issued, and the information on the envelope is verified in accordance with subsection (5) of this section. Mail ballots shall be counted in the same manner provided by section 1-7-307 for counting paper ballots or section 1-7-507 for counting electronic ballots. If the election official determines that an eligible elector to whom a replacement ballot has been issued has voted more than once, the official shall not count any ballot cast by the elector. Rejected ballots shall be handled in the same manner as provided in section 1-8-310.

SECTION 13. 1-8-301 (3), Colorado Revised Statutes, is amended to read:

1-8-301. Appointment of election judges for counting absentee and early ballots. (3) In political subdivisions to which this section applies, the designated election official shall make the appointments so that one major political party is represented by a majority of election judges on the absentee receiving board and the other major political party is represented by a majority of election judges on the absentee counting board of the county. THE DESIGNATED ELECTION OFFICIAL SHALL APPOINT THOSE ELECTORS CERTIFIED BY THE COUNTY PARTY CHAIRPERSONS OF THE MAJOR POLITICAL PARTIES TO THE DESIGNATED ELECTION OFFICIAL AS ABSENTEE RECEIVING JUDGES AND ABSENTEE COUNTING JUDGES. IF AN ELECTOR CERTIFIED BY A MAJOR POLITICAL PARTY IS NOT WILLING OR ABLE TO SERVE, THEN THE MAJOR POLITICAL PARTY THAT CERTIFIED THE ELECTOR MAY CERTIFY A REPLACEMENT JUDGE TO THE DESIGNATED ELECTION OFFICIAL. IF THE MAJOR POLITICAL PARTIES DO NOT CERTIFY A SUFFICIENT NUMBER OF ABSENTEE RECEIVING AND COUNTING JUDGES TO THE DESIGNATED ELECTION OFFICIAL, THE DESIGNATED ELECTION OFFICIAL MAY APPOINT A SUFFICIENT NUMBER OF QUALIFIED ELECTORS TO SERVE AS ABSENTEE RECEIVING AND COUNTING JUDGES.

SECTION 14. 1-12-108 (2) (a), Colorado Revised Statutes, is amended to read:

1-12-108. Petition requirements. (2) (a) The petition for the recall of an elected official may consist of one or more sheets, to be fastened together in the form of one petition SECTION, but each sheet shall contain the same heading and ~~the~~ EACH PETITION SECTION SHALL CONTAIN ONE sworn affidavit of the circulator. No petition shall contain the name of more than one person proposed to be recalled from office.

SECTION 15. 32-1-901 (1), Colorado Revised Statutes, is amended to read:

32-1-901. Oath and bond of directors. (1) Each director, within thirty days after his OR HER election OR APPOINTMENT TO FILL A VACANCY, except for good cause shown, shall appear before an officer authorized to administer oaths and take an oath

that he OR SHE will faithfully perform the duties of his OR HER office as required by law and will support the constitution of the United States, the constitution of the state of Colorado, and the laws made pursuant thereto. WHEN AN ELECTION IS CANCELLED IN WHOLE OR IN PART PURSUANT TO SECTION 1-5-208 (1.5), C.R.S., EACH DIRECTOR WHO WAS DECLARED ELECTED SHALL TAKE THE OATH REQUIRED BY THIS SUBSECTION (1) WITHIN THIRTY DAYS AFTER THE DATE OF THE REGULAR ELECTION, EXCEPT FOR GOOD CAUSE SHOWN. The oath may be administered by the county clerk and recorder, by the clerk of the court, by any person authorized to administer oaths in this state, or by the chairman of the board and shall be filed with the clerk of the court and with the division.

SECTION 16. 32-9-111 (5) (a), Colorado Revised Statutes, is amended to read:

32-9-111. Election of directors - dates - terms. (5) (a) Except as provided in this subsection (5), nominations for an election of directors shall be made in accordance with the general election laws of the state. Nominations for directors shall be made by petition AND FILED IN THE OFFICE OF THE SECRETARY OF STATE in the manner provided for independent candidates pursuant to section 1-4-802 and part 9 of article 4 of title 1, C.R.S. ~~Petitions shall be filed in the office of the secretary of state not less than sixty days before the election required pursuant to subsection (3) of this section.~~ The petitions shall be signed by at least two hundred fifty eligible electors residing within the director district in which the officer is to be elected.

SECTION 17. 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.

Approved: June 5, 2001