

CHAPTER 86

ELECTIONS

HOUSE BILL 06-1191

BY REPRESENTATIVE(S) Kerr, Schultheis, Balmer, Berens, Crane, Gallegos, Knoedler, Liston, Massey, Stafford, White, Witwer, and Todd;
also SENATOR(S) Keller, Spence, and Tupa.

AN ACT

CONCERNING A MANDATORY RECOUNT IN AN ELECTION IN WHICH MORE THAN ONE CANDIDATE IS TO BE ELECTED.

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

SECTION 1. 1-10.5-101 (1) (b), Colorado Revised Statutes, is amended to read:

1-10.5-101. Recounts required - expenses. (1) (b) A recount of any election contest shall be held if the difference between the highest number of votes cast in that election contest and the next highest number of votes cast in that election contest is less than or equal to one-half of one percent of the highest vote cast in that election contest. IF THERE IS MORE THAN ONE PERSON TO BE ELECTED IN AN ELECTION CONTEST, A RECOUNT SHALL BE HELD IF THE DIFFERENCE BETWEEN THE VOTES CAST FOR THE CANDIDATE WHO WON THE ELECTION WITH THE LEAST VOTES AND THE CANDIDATE WHO LOST THE ELECTION WITH THE MOST VOTES IS LESS THAN OR EQUAL TO ONE-HALF OF ONE PERCENT OF THE VOTES CAST FOR THE CANDIDATE WHO WON THE ELECTION WITH THE LEAST VOTES. A recount shall occur only after the canvass board certifies the original vote count.

SECTION 2. 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 (August 9, 2006, if adjournment sine die is on May 10, 2006); except that, if a referendum petition is filed against this act

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of 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: March 31, 2006