

CHAPTER 132

ELECTIONS

HOUSE BILL 08-1003

BY REPRESENTATIVE(S) Balmer, Casso, Garza-Hicks, Kerr J., Liston, Loofer, Marostica, Rose, Stafford, and Summers;
also SENATOR(S) Tupa.

AN ACT

CONCERNING A SPECIAL CONGRESSIONAL VACANCY ELECTION FOR PURPOSES OF CONTINUITY IN REPRESENTATION UPON THE DECLARATION OF THE SPEAKER OF THE UNITED STATES HOUSE OF REPRESENTATIVES PURSUANT TO 2 U.S.C. SEC. 8 (b).

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

SECTION 1. 1-2-210, Colorado Revised Statutes, is amended to read:

1-2-210. Registration for congressional vacancy elections. EXCEPT AS OTHERWISE PROVIDED IN SECTION 1-4-401.5, in any congressional vacancy election, the time and method of registration and performance of other acts shall be as provided in this part 2 for general elections. In every other respect, the election shall be held in conformity with this part 2 as far as practicable. Any congressional vacancy election shall be called in sufficient time before the date of the election to permit the county clerk and recorder to comply with the provisions of this part 2.

SECTION 2. 1-4-401 (1), Colorado Revised Statutes, is amended to read:

1-4-401. Time of congressional vacancy elections. (1) EXCEPT AS PROVIDED IN SECTION 1-4-401.5, when any vacancy occurs in the office of representative in congress from this state, the governor shall set a day to hold an election to fill the vacancy and cause notice of the election to be given as required in part 2 of article 5 of this title; but no congressional vacancy election shall be held during the ninety days prior to a general election or less than seventy-five days or more than ninety days after the vacancy occurs.

SECTION 3. Part 4 of article 4 of title 1, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

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

1-4-401.5. Special congressional vacancy election - continuity in representation - rules. (1) IN THE EVENT OF A DECLARATION BY THE SPEAKER OF THE UNITED STATES HOUSE OF REPRESENTATIVES PURSUANT TO 2 U.S.C. SEC. 8 (b), THAT VACANCIES EXIST IN MORE THAN ONE HUNDRED OF THE OFFICES OF REPRESENTATIVES IN CONGRESS AND WHERE ONE OR MORE OF THOSE VACANCIES IS IN THE OFFICE OF REPRESENTATIVE IN CONGRESS FROM THIS STATE, THE GOVERNOR SHALL ISSUE A PROCLAMATION SETTING A DAY TO HOLD A SPECIAL CONGRESSIONAL VACANCY ELECTION. THE SPECIAL CONGRESSIONAL VACANCY ELECTION SHALL BE CONDUCTED ON A TUESDAY NOT MORE THAN FORTY-NINE DAYS AFTER THE DATE OF THE DECLARATION, UNLESS A GENERAL ELECTION FOR THE OFFICE IS TO BE HELD WITHIN SEVENTY-FIVE DAYS OF THE DATE OF THE DECLARATION.

(2) CANDIDATES AT THE SPECIAL CONGRESSIONAL VACANCY ELECTION SHALL BE NOMINATED BY THE PARTY CONGRESSIONAL CENTRAL COMMITTEE SELECTED PURSUANT TO SECTION 1-3-103 (3), NOT LATER THAN TEN DAYS AFTER THE DECLARATION BY THE SPEAKER OF THE UNITED STATES HOUSE OF REPRESENTATIVES DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

(3) A PERSON WHO DESIRES TO BE AN UNAFFILIATED CANDIDATE AT THE SPECIAL CONGRESSIONAL VACANCY ELECTION SHALL SUBMIT TO THE SECRETARY OF STATE A NOTARIZED CANDIDATE'S STATEMENT OF INTENT TOGETHER WITH A NONREFUNDABLE FILING FEE OF FIVE HUNDRED DOLLARS.

(4) THE SECRETARY OF STATE SHALL HAVE THE AUTHORITY TO PROMULGATE RULES AS MAY BE NECESSARY TO ADMINISTER AND ENFORCE ANY PROVISION OF THIS SECTION OR TO ADJUST STATUTORY DEADLINES TO ENSURE THAT A SPECIAL CONGRESSIONAL VACANCY ELECTION IS HELD WITHIN THE TIME REQUIRED BY THIS SECTION AND 2 U.S.C. SEC. 8 (b).

SECTION 4. 1-4-403 (1), Colorado Revised Statutes, is amended to read:

1-4-403. Nomination of unaffiliated candidates for congressional vacancy election. (1) EXCEPT AS PROVIDED IN SECTION 1-4-401.5, candidates for congress at a congressional vacancy election who do not wish to affiliate with a major political party may be nominated pursuant to the provisions of section 1-4-802.

SECTION 5. 1-12-202, Colorado Revised Statutes, is amended to read:

1-12-202. Vacancies in office of representative in congress. EXCEPT AS PROVIDED IN SECTION 1-4-401.5, when any vacancy occurs in the office of representative in congress from this state, the governor shall set a day to hold a congressional vacancy election to fill the vacancy and cause notice of the election to be given as required in part 2 of article 5 of this title; but congressional vacancy elections shall not be held within the ninety-day period preceding a general election.

SECTION 6. 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 6, 2008, if adjournment sine

die is on May 7, 2008); 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: April 14, 2008