

CHAPTER 236

ELECTIONS

HOUSE BILL 12-1293

BY REPRESENTATIVE(S) Todd, Court, Ferrandino, Liston, Murray, Kerr J., Labuda;
also SENATOR(S) King K.

AN ACT**CONCERNING MODIFICATIONS TO PROCEDURES THAT GOVERN RECALL ELECTIONS.**

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

SECTION 1. In Colorado Revised Statutes, **add** 1-12-100.5 as follows:

1-12-100.5. Definitions. AS USED IN THIS PART 1, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "APPROVED AS TO FORM" MEANS THAT THE APPROPRIATE DESIGNATED ELECTION OFFICIAL HAS REVIEWED THE BLANK FORM OF A PETITION AND HAS APPROVED THE FORM AS MEETING THE STANDARDS SET FORTH IN THIS ARTICLE.

(2) "CIRCULATED" MEANS PRESENTED TO AN ELECTOR FOR THE COLLECTION OF A SIGNATURE AND OTHER INFORMATION REQUIRED BY THIS ARTICLE.

(3) "COMMITTEE" MEANS THE COMMITTEE OF SIGNERS DESCRIBED IN SECTION 1-12-108 (2).

(4) "ELECTED OFFICER" MEANS ANY PERSON ELECTED TO PUBLIC OFFICE OR APPOINTED TO FILL A VACANCY IN AN ELECTED POSITION OF PUBLIC OFFICE.

SECTION 2. In Colorado Revised Statutes, **amend** 1-12-103 as follows:

1-12-103. Petition for recall - statement of grounds. Eligible electors of a political subdivision may initiate the recall of an elected official by signing a petition which demands the election of a successor to the officer named in the petition. The petition shall contain a general statement, consisting of two hundred

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

words or less, stating the ground or grounds on which the recall is sought. THE GENERAL STATEMENT MAY NOT INCLUDE ANY PROFANE OR FALSE STATEMENTS. The statement is for the information of the electors who ~~shall be~~ ARE the sole and exclusive judges of the legality, reasonableness, and sufficiency of the ground or grounds assigned for the recall. The ground or grounds ~~shall not be~~ ARE NOT open to review.

SECTION 3. In Colorado Revised Statutes, **amend** 1-12-105 as follows:

1-12-105. Signatures required for school district officers. A petition to recall a school district officer shall be signed by eligible electors of the school district equal in number to at least forty percent of those electors who voted in such district in the last preceding election at which the director to be recalled was elected as indicated by the pollbook or abstract for such election. If no such election was held, ~~such~~ THE petition shall be signed by eligible electors of the school district equal in number to at least ten percent of those electors residing within the school district on the date that the ~~form of the~~ petition is approved AS TO FORM under section 1-12-108 (4). In no case shall the number required for recall be less than ten percent of eligible electors qualified to vote in the most recent biennial school election; except that no more than fifteen thousand signatures ~~shall be~~ IS required.

SECTION 4. In Colorado Revised Statutes, **amend** 1-12-106 as follows:

1-12-106. Signatures required for nonpartisan officers. A petition to recall any other nonpartisan officer shall be signed by three hundred eligible electors of the political subdivision who are entitled to vote for a successor to the incumbent sought to be recalled or forty percent of the eligible electors of the political subdivision at the time the ~~form of the~~ petition is approved AS TO FORM under section 1-12-108 (4), whichever number is less.

SECTION 5. In Colorado Revised Statutes, **amend** 1-12-107 as follows:

1-12-107. Designated election officials. (1) For state recall elections, the petition shall be filed with the secretary of state who shall REVIEW AND APPROVE AS TO FORM THE PETITION FOR RECALL AS PROVIDED IN SECTION 1-12-108 (4), certify the sufficiency of the petition, ~~to~~ AND NOTIFY the governor, who shall set the date for the election. The election shall be conducted by the appropriate county clerk and recorder in the manner provided in this ~~article~~ TITLE for state elections.

(2) For county recall elections, the COUNTY CLERK AND RECORDER SHALL REVIEW AND APPROVE AS TO FORM THE PETITION AS PROVIDED IN SECTION 1-12-108 (4). THE petition shall be filed with the county clerk and recorder who shall certify the sufficiency of the petition and call and conduct the election.

(3) For school board recall elections, the COUNTY CLERK AND RECORDER SHALL REVIEW AND APPROVE AS TO FORM THE PETITION AS PROVIDED IN SECTION 1-12-108 (4). THE petition shall be filed with the county clerk and recorder OF THE COUNTY in which the school district's administrative offices are located. The clerk and recorder of the county shall certify the sufficiency of the petition and call and conduct the election.

(4) (a) For all other nonpartisan RECALL elections, the FORM OF THE petition shall be filed with ~~the district court in the county in which the~~ DESIGNATED ELECTION OFFICIAL FOR THE political subdivision ~~was organized. The court shall then~~ OF THE INCUMBENT SOUGHT TO BE RECALLED.

(b) (I) IF THERE IS NO DESIGNATED ELECTION OFFICIAL FOR THE POLITICAL SUBDIVISION OF THE INCUMBENT SOUGHT TO BE RECALLED, THE PETITION SHALL BE FILED WITH ANOTHER OFFICER OF THAT POLITICAL SUBDIVISION.

(II) AN OFFICER WHO RECEIVES A PETITION FILED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) SHALL IMMEDIATELY NOTIFY:

(A) THE COUNTY CLERK AND RECORDER OF THE COUNTY IN WHICH THE DISTRICT COURT FILE FOR THE POLITICAL SUBDIVISION IS LOCATED; OR

(B) IF THERE IS NO SUCH DISTRICT COURT FILE, THE COUNTY CLERK AND RECORDER OF THE COUNTY IN WHICH THE POLITICAL SUBDIVISION HAS THE GREATEST NUMBER OF ELIGIBLE ELECTORS AT THE TIME THE PETITION IS FILED.

(III) A COUNTY CLERK AND RECORDER RECEIVING A PETITION UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH (b) SHALL PROMPTLY appoint a PERSON TO SERVE AS THE designated election official. ~~to~~ THE APPOINTED DESIGNATED ELECTION OFFICIAL SHALL REVIEW AND APPROVE AS TO FORM THE PETITION AS PROVIDED IN SECTION 1-12-108 (4), certify the sufficiency of the petition, and call and conduct the election.

SECTION 6. In Colorado Revised Statutes, 1-12-108, **amend** (1), (2), (3) (a), (3) (b), (4), (5) (c), (6) (b), (6) (c), (7.5), (8), (9) (a), (9) (c), and (9) (d) (I); and **add** (1.5) as follows:

1-12-108. Petition requirements - approval as to form. (1) The petition shall be prepared and circulated pursuant to this part 1. ~~No signature shall be counted that was placed on a petition prior to approval of the petition by the designated election official or more than sixty days after the designated election official's approval of the petition.~~

(1.5) NO SIGNATURE SHALL BE COUNTED THAT WAS PLACED ON A PETITION PRIOR TO APPROVAL AS TO FORM OF THE PETITION BY THE DESIGNATED ELECTION OFFICIAL PURSUANT TO SUBSECTION (4) OF THIS SECTION OR MORE THAN SIXTY DAYS AFTER THE DESIGNATED ELECTION OFFICIAL'S APPROVAL AS TO FORM OF THE PETITION.

(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 SIDE OF THE sheet THAT CONTAINS SIGNATURES OF ELIGIBLE ELECTORS shall contain the same heading and 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.

(b) The petition for recall may be circulated and signed in sections, and each section shall contain a full and accurate copy of the WARNING AS REQUIRED BY PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION, THE title ~~and text of the petition~~

IN PARAGRAPH (c) OF SUBSECTION (3) OF THIS SECTION, THE GENERAL STATEMENT AS DESCRIBED IN SECTION 1-12-103, AND APPROPRIATE COLUMNS OR SPACES FOR THE INFORMATION REQUIRED IN PARAGRAPH (b) OF SUBSECTION (5) OF THIS SECTION. Each petition SECTION shall designate, by name and address, A COMMITTEE OF UP TO three persons referred to in this section as the "committee", that shall represent the signers in all matters affecting the petition.

(3) (a) ~~The signatures to a recall petition need not all be appended to one paper;~~ but No petition shall be legal CERTIFIED AS SUFFICIENT that does not contain the requisite number of names of eligible electors whose names do not appear on any other petition previously filed for the recall of the same person under the provisions of this ~~section~~ ARTICLE.

(b) At the top of each ~~page~~ SIDE OF EACH SHEET THAT CONTAINS SIGNATURES OF ELIGIBLE ELECTORS shall be printed, in bold-faced type, the following:

**WARNING:
IT IS AGAINST THE LAW:**

For anyone to sign this petition with any name other than one's own or to knowingly sign one's name more than once for the same measure or to knowingly sign the petition when not a registered elector.

Do not sign this petition unless you are an eligible elector. To be an eligible elector you must be registered to vote and eligible to vote in (name of political subdivision) elections.

Do not sign this petition unless you have read or have had read to you the proposed recall measure in its entirety and understand its meaning.

(4) (a) No petition shall be circulated until it has been approved AS TO FORM as meeting the requirements of this subsection (4). ~~as to form~~. The official with whom the petitions are to be filed pursuant to section 1-12-107 shall approve or disapprove a petition as to form by the close of the ~~second~~ SEVENTH business day following submission of the proposed petition. ON THE DAY THAT THE ACTION IS TAKEN, the official shall mail written notice of the action taken to the ~~person who submitted the petition~~ COMMITTEE and to the ~~officer~~ PERSON whom the petition seeks to recall. ~~on the day the action is taken.~~

(b) IF THE FORM OF THE PETITION IS NOT APPROVED AS TO FORM, THE DESIGNATED ELECTION OFFICIAL SHALL PROVIDE SPECIFIC REASONS FOR THE DISAPPROVAL.

(c) NOTHING IN THIS SECTION LIMITS THE ABILITY OF THE COMMITTEE TO CORRECT A PETITION AS TO FORM IN ACCORDANCE WITH THE SPECIFIC REASONS SET FORTH PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (4) AND TO SUBMIT THE CORRECTED PETITION FOR REVIEW AND APPROVAL OR DISAPPROVAL IN THE SAME MANNER AS PROVIDED IN THIS PART 1 FOR AN ORIGINAL SUBMISSION.

(5) (c) Any person, except a circulator, may assist an elector who is physically unable to sign the petition in completing the information on the petition as required by law. On the petition immediately following the name of the ~~disabled~~ elector

RECEIVING ASSISTANCE, the person providing assistance shall both sign and state that the assistance was given to the ~~disabled~~ elector.

(6) (b) To each petition section shall be attached a signed, notarized, and dated affidavit executed by the person who circulated the petition section, which shall include: The affiant's printed name, the address at which the affiant resides, including the street name and number, the city or town, the county, and the date of signature; a statement that the affiant was a resident of the state, a citizen of the United States, and at least eighteen years of age at the time the section of the petition was circulated and signed by the listed electors; a statement that the affiant circulated the section of the petition; a statement that each signature on the petition section WAS PLACED ON THE PETITION SECTION IN THE PRESENCE OF THE AFFIANT; A STATEMENT THAT EACH SIGNATURE ON THE PETITION SECTION is the signature of the person whose name it purports to be; a statement that to the best of the affiant's knowledge and belief each of the persons signing the petition section was, at the time of signing, an eligible elector; and a statement that the affiant has not paid or will not in the future pay and that the affiant believes that no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing the signer to sign the petition.

(c) The designated election official shall not accept for filing any section of a petition that does not have attached to it the notarized affidavit required by this section. Any signature added to a section of a petition after the NOTARIZED affidavit has been executed is invalid.

(7.5) The petition may be filed at any time during the sixty-day period after the designated election official's approval AS TO FORM of the petition ~~form~~ as specified in ~~subsection (1)~~ of this section. The committee shall file all sections of a petition simultaneously, and any section of a petition submitted after the petition is filed ~~shall be~~ IS invalid and ~~of~~ HAS no force ~~and~~ OR effect.

(8) (a) ~~Upon filing~~ PROMPTLY AFTER THE PETITION HAS BEEN FILED, the designated election official for the political subdivision shall review all petition information and verify the information against the registration records, and, where applicable, the county assessor's records. The secretary of state shall establish guidelines for verifying petition entries. WITHIN TWENTY-FOUR HOURS AFTER THE PETITION IS DELIVERED, THE DESIGNATED ELECTION OFFICIAL SHALL NOTIFY THE INCUMBENT OF THE DELIVERY. FOLLOWING VERIFICATION OF THE PETITION BY THE DESIGNATED ELECTION OFFICIAL, THE DESIGNATED ELECTION OFFICIAL SHALL MAKE A COPY OF THE PETITION AVAILABLE TO THE INCUMBENT SOUGHT TO BE RECALLED.

(b) Any disassembly of a section of the petition prior to filing that has the effect of separating the ~~affidavits~~ AFFIDAVIT from the signatures ~~shall render~~ RENDERS that section of the petition invalid and of no force and effect.

(c) (I) After review, and no later than ~~ten working~~ FIFTEEN BUSINESS days after the initial filing of the petition, the designated election official shall notify the committee and the incumbent of the number of valid signatures and whether the petition appears to be sufficient or insufficient.

(II) Upon determining that the petition is sufficient and after the time for protest

has passed, the designated election official shall PROMPTLY certify the recall question to the ballot and CALL THE ELECTION IN ACCORDANCE WITH SECTION 1-12-110, AND if the election is a coordinated election, notify the coordinated election official.

(III) IF THE PETITION IS VERIFIED AS INSUFFICIENT, THE DESIGNATED ELECTION OFFICIAL SHALL PROVIDE THE SPECIFIC REASONS FOR THE DETERMINATION TO THE COMMITTEE. THE DETERMINATION MAY BE APPEALED BY THE COMMITTEE IN THE MANNER PROVIDED IN SECTION 1-1-113 TO THE DISTRICT COURT IN THE COUNTY IN WHICH THE PETITION WAS FILED. NO PERSON OTHER THAN THOSE ON THE COMMITTEE HAVE STANDING TO APPEAL A DETERMINATION THAT THE PETITION IS INSUFFICIENT.

(9) (a) (I) A recall petition that has been verified by the designated election official shall be held to be sufficient unless a protest in writing under oath is filed in the office of the designated election official by an eligible elector within fifteen days after the designated election official has determined the sufficiency ~~or insufficiency~~ of the petition under paragraph (c) of subsection (8) of this section.

(II) The ~~petition~~ PROTEST shall set forth specific grounds for the protest. Grounds include ~~but are not limited to~~ failure of any portion of a petition or circulator affidavit to meet the requirements of this article or any conduct on the part of petition circulators that substantially misleads persons signing the petition. The designated election official shall forthwith mail a copy of the protest to the committee ~~named in the petition as representing the signers~~, together with a notice fixing a time for hearing the protest not less than five nor more than ten days after the notice is mailed.

(III) Every hearing shall be before the designated election official with whom the protest is filed or A DESIGNEE OF THE DESIGNATED ELECTION OFFICIAL APPOINTED AS THE HEARING OFFICER OR before a district judge sitting in that county if the designated election official is the subject of the recall. The testimony in every hearing shall be under oath. The hearing shall be summary and not subject to delay and shall be concluded within thirty days after the ~~petition~~ PROTEST is filed WITH THE DESIGNATED ELECTION OFFICIAL, and the result shall be forthwith certified to the committee.

(c) A petition for recall may be amended TO COLLECT ADDITIONAL SIGNATURES OR CURE CIRCULATOR AFFIDAVITS once at any time within sixty days from the date the petition ~~form~~ was approved AS TO FORM by the designated election official under subsection (4) of this section.

(d) (I) Any signer may request that his or her name be stricken from the petition at any time ~~within the sixty-day period prior to the date the petition~~ PRIOR TO WHEN THE PETITION is deemed sufficient and the time for protest has passed by filing WITH THE DESIGNATED ELECTION OFFICIAL a written request that his or her signature be stricken ~~with the designated election official~~ and delivering a copy of ~~such~~ THE request to at least one member of the committee. If ~~such~~ THE request is delivered to the member of the committee or the DESIGNATED election official through the United States ~~mails~~ MAIL, it shall be deemed delivered to the committee or the DESIGNATED election official on the date shown by the cancellation mark on the envelope containing the request received by the member OF THE COMMITTEE or the

DESIGNATED election official. If the request is delivered to the member of the committee or the DESIGNATED election official in any other manner, it shall be deemed delivered to the committee or the DESIGNATED election official on the date of delivery and stamped receipt by the DESIGNATED election official.

SECTION 7. In Colorado Revised Statutes, **amend** 1-12-109 as follows:

1-12-109. Resignation. If an officer whose recall is sought offers a resignation, it shall be accepted and the vacancy caused by the resignation shall be filled as provided by law. The person appointed to fill the vacancy caused by the resignation shall hold the office only until the person elected at the recall election is qualified; EXCEPT THAT, IF THE RECALL ELECTION IS CANCELED IN ACCORDANCE WITH SECTION 1-12-110 (1), THE PERSON APPOINTED TO FILL THE VACANCY SHALL HOLD THE OFFICE UNTIL IT IS FILLED AT THE NEXT REGULARLY SCHEDULED ELECTION FOR THAT OFFICE.

SECTION 8. In Colorado Revised Statutes, **amend** 1-12-110 as follows:

1-12-110. Call for election - cancellation of recall election. (1) If the officer whose recall is sought does not resign within five days after the sufficiency of the recall petition has been ~~sustained~~ CERTIFIED BY THE DESIGNATED ELECTION OFFICIAL AND THE TIME FOR PROTEST HAS PASSED, the designated election official shall ~~make notice by publication for the holding of a recall election, and the officers charged by law with election duties shall make necessary arrangements for the conduct of the election.~~ The election shall be conducted pursuant to the provisions of this title CALL THE ELECTION AND SET THE ELECTION DATE AS REQUIRED BY SECTION 1-12-111; EXCEPT THAT, IF THE OFFICER WHOSE RECALL IS SOUGHT RESIGNS AT ANY TIME PRIOR TO THE DEADLINE TO SUBMIT A PETITION AS A SUCCESSOR CANDIDATE IN ACCORDANCE WITH SECTION 1-12-117, THE RECALL ELECTION SHALL BE CANCELED.

(2) If the officer whose recall is sought resigns at any time after the ~~filing of the certification of election question for the ballot~~ DEADLINE TO SUBMIT A PETITION AS A SUCCESSOR CANDIDATE, the recall election shall be called and held notwithstanding the resignation.

SECTION 9. In Colorado Revised Statutes, **amend** 1-12-111 as follows:

1-12-111. Setting date of recall election. If the recall petition is held to be sufficient under section 1-12-108 (8) (c) and after the time for protest has passed, the ~~officer with whom the recall petition was filed~~ DESIGNATED ELECTION OFFICIAL, without delay, shall submit the petition, together with a certificate of its sufficiency, to the appropriate governing body. The governing body shall set a date for the recall election not less than forty-five nor more than seventy-five days ~~from the date of determination of sufficiency~~ AFTER THE PETITION HAS BEEN DEEMED SUFFICIENT AND THE TIME FOR PROTEST HAS PASSED; however, if a general election, OR A REGULAR SPECIAL DISTRICT ELECTION IN THE CASE OF A RECALL ELECTION OF A SPECIAL DISTRICT DIRECTOR, is to be held within ninety days after the ~~determination of sufficiency~~ PETITION HAS BEEN DEEMED SUFFICIENT AND THE TIME FOR PROTEST HAS PASSED, the recall election shall be held as a part of ~~the general~~ THAT election.

SECTION 10. In Colorado Revised Statutes, **add** 1-12-111.5 as follows:

1-12-111.5. Nonpartisan recall mail ballot plan. (1) IF A NONPARTISAN RECALL ELECTION IS TO BE CONDUCTED BY MAIL BALLOT, THE DESIGNATED ELECTION OFFICIAL SHALL SUBMIT A WRITTEN MAIL BALLOT PLAN TO THE SECRETARY OF STATE IN ACCORDANCE WITH SECTION 1-7.5-105 NO LATER THAN FIVE CALENDAR DAYS AFTER CALLING THE ELECTION.

(2) THE SECRETARY OF STATE SHALL APPROVE OR DISAPPROVE A RECALL MAIL BALLOT PLAN WITHIN FIVE CALENDAR DAYS AFTER RECEIVING THE PLAN AND SHALL PROVIDE WRITTEN NOTICE TO THE DESIGNATED ELECTION OFFICIAL.

SECTION 11. In Colorado Revised Statutes, **add** 1-12-111.7 as follows:

1-12-111.7. Recall election notice - publication. (1) FOR A RECALL ELECTION OF A STATE OFFICER, THE GOVERNOR SHALL PUBLISH NOTICE OF THE RECALL ELECTION IN THE NEWSPAPER WITH THE LARGEST CIRCULATION IN THE STATE, AND THE SECRETARY OF STATE SHALL PUBLISH NOTICE OF THE RECALL ELECTION ON ITS WEB SITE.

(2) FOR A RECALL ELECTION FOR AN OFFICER OTHER THAN A STATE OFFICER, THE DESIGNATED ELECTION OFFICIAL SHALL PUBLISH NOTICE OF THE RECALL ELECTION IN A NEWSPAPER OF GENERAL CIRCULATION IN ACCORDANCE WITH SECTION 1-5-205.

SECTION 12. In Colorado Revised Statutes, 1-12-112, **amend** (1); and **add** (3) as follows:

1-12-112. Ballots - statements included. (1) In addition to all other requirements of law, the official ballot shall contain ~~a~~ THE statement ~~consisting of two hundred words or less~~ DESCRIBED IN SECTION 1-12-103 stating the ~~reasons set forth in the petition~~ GROUNDS for demanding the officer's recall. The officer sought to be recalled may submit TO THE DESIGNATED ELECTION OFFICIAL a statement of ~~justification of~~ THREE HUNDRED WORDS OR FEWER JUSTIFYING the officer's course ~~in~~ OF conduct. ~~in three hundred words or less to the designated election official.~~ THE OFFICER SHALL NOT INCLUDE ANY PROFANE OR FALSE STATEMENTS IN THE STATEMENT OF JUSTIFICATION. The officer shall submit ~~any such~~ THE statement no later than ten ~~working~~ BUSINESS days after the ~~date of issuance of the certificate of sufficiency by the designated election official~~ PETITION HAS BEEN DEEMED SUFFICIENT AND THE TIME FOR PROTEST HAS PASSED. The official ballot shall contain ~~such~~ THE statement of justification if submitted pursuant to this subsection (1).

(3) THE OFFICIAL BALLOT FOR THE ELECTION OF A SUCCESSOR TO THE OFFICER SOUGHT TO BE RECALLED SHALL CONTAIN A BLANK SPACE IN WHICH THE ELECTOR MAY WRITE THE NAME OF A WRITE-IN CANDIDATE WHO HAS TIMELY FILED AN AFFIDAVIT OF INTENT IN ACCORDANCE WITH SECTION 1-12-115.

SECTION 13. In Colorado Revised Statutes, **amend** 1-12-113 as follows:

1-12-113. Conduct and timing of recall election. (1) EXCEPT AS MODIFIED BY THIS ARTICLE, the recall election and election of a successor shall be conducted according to ~~the provisions of~~ articles 1 to 13 of this title.

(2) EXCEPT AS OTHERWISE PROVIDED IN THIS PART 1, FOR A RECALL ELECTION, ALL EVENTS IN THE UNIFORM ELECTION CODE THAT ARE TO BE COMPLETED BY THE SECRETARY OF STATE, DESIGNATED ELECTION OFFICIAL, OR COORDINATED ELECTION OFFICIAL ON OR BEFORE THE FORTY-FIFTH DAY PRIOR TO THE ELECTION SHALL BE COMPLETED NO LATER THAN THE FORTY-SECOND DAY PRIOR TO THE RECALL ELECTION.

SECTION 14. In Colorado Revised Statutes, **amend** 1-12-114 as follows:

1-12-114. Mail-in and mail ballots. (1) Applications for mail-in ballots shall be made available by the appropriate designated election officials no later than twenty-four hours after the date for the recall election is set. ~~Mail-in ballots shall be available no later than thirty days before the recall election~~ THE DESIGNATED ELECTION OFFICIAL SHALL MAKE MAIL-IN BALLOTS AVAILABLE TO ELECTORS IN ACCORDANCE WITH THE DEADLINES SET FORTH IN SECTIONS 1-8-111 AND 1-8.3-110, OR AS SOON AS PRACTICABLE THEREAFTER. All other provisions of article 8 of this title ~~shall~~ apply to the mail-in ballot process.

(2) IF A NONPARTISAN RECALL ELECTION IS CONDUCTED BY MAIL BALLOT, THE DESIGNATED ELECTION OFFICIAL SHALL MAIL SUCH BALLOTS IN ACCORDANCE WITH THE DEADLINES SET FORTH IN SECTION 1-7.5-107, OR AS SOON AS PRACTICABLE THEREAFTER.

SECTION 15. In Colorado Revised Statutes, **amend** 1-12-115 as follows:

1-12-115. Write-in candidates. No write-in vote for any office shall be counted unless an affidavit of intent has been filed indicating that the person FOR WHOM THE WRITE-IN VOTE IS MADE desires the office and is legally qualified to assume the duties of the office if elected. The affidavit of intent shall be filed with the designated election official ~~not~~ NO later than ~~the date required for filing nominating petitions pursuant to section 1-12-117~~ FIFTEEN CALENDAR DAYS BEFORE THE RECALL ELECTION DATE.

SECTION 16. In Colorado Revised Statutes, **amend** 1-12-117 as follows:

1-12-117. Nomination of successor. (1) FOR PARTISAN ELECTIONS, a candidate to succeed the officer sought to be recalled shall meet the qualifications of a party candidate or an unaffiliated candidate as provided in part 8 of article 4 of this title and shall be nominated by a political party petition or an unaffiliated petition as provided in part 9 of article 4 of this title. Nomination petitions MAY BE CIRCULATED BEGINNING THE FIRST DATE ON WHICH A PROTEST MAY BE FILED and ~~affidavits of intent to run as a write-in candidate~~ shall be filed no later than ~~fifteen~~ TEN CALENDAR days after the ~~date on which the appropriate governing body convenes and~~ DESIGNATED ELECTION OFFICIAL sets the election date AS PROVIDED IN SECTION 1-12-111.

(2) FOR NONPARTISAN ELECTIONS, NOMINATION PETITIONS FOR CANDIDATES WHOSE NAMES ARE TO APPEAR ON THE BALLOT MAY BE CIRCULATED BEGINNING THE FIRST DATE ON WHICH A PROTEST MAY BE FILED AND SHALL BE FILED NO LATER THAN TEN CALENDAR DAYS AFTER THE DATE FOR WHICH THE DESIGNATED ELECTION OFFICIAL SETS THE ELECTION DATE PURSUANT TO SECTION 1-12-111.

(3) Every NOMINATION petition shall be signed by the number of eligible electors required for the office in part 8 of article 4 of this title or as otherwise provided by law.

(4) ~~The name of the~~ officer who was sought to be recalled ~~shall~~ IS NOT BE eligible as a candidate in the election to fill any vacancy resulting from the recall election.

SECTION 17. In Colorado Revised Statutes, 1-12-118, **amend** (1) as follows:

1-12-118. Election of successor. (1) The election of a successor shall be held at the same time as the recall election. The names of those persons nominated as candidates to succeed the person sought to be recalled, EXCEPT WRITE-IN CANDIDATES, shall appear on the ballot; but no vote cast shall be counted for any candidate for the office unless the voter also voted for or against the recall of the person sought to be recalled. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for office.

SECTION 18. In Colorado Revised Statutes, **amend** 1-12-119 as follows:

1-12-119. Canvass of votes - notification of results. (1) For the recall of a partisan officer, the canvass board shall be composed of one representative from each major political party and the county clerk and recorder. ~~For the recall of a nonpartisan officer, the canvass board shall be composed of the designated election official, one member of the governing body, and one eligible elector of the political subdivision.~~

(2) ~~The canvass board shall complete an abstract of votes cast no later than the day following the recall election. For state elections, the canvass board shall contact the secretary of state on election night with the unofficial count. For county and all other elections, the canvass board shall provide the governing body with the unofficial count at the opening of business hours on the day following the recall election.~~ FOR THE RECALL OF A NONPARTISAN OFFICER, THE CANVASS BOARD SHALL BE COMPOSED OF THE DESIGNATED ELECTION OFFICIAL, ONE MEMBER OF THE GOVERNING BODY, AND ONE ELIGIBLE ELECTOR OF THE POLITICAL SUBDIVISION.

(3) ~~The certified abstract of votes cast shall be sent by certified mail or hand delivered to the secretary of state for state elections and to the governing body for county and all other elections no later than the close of business on the fifth day after the recall election.~~ CANVASS BOARD SHALL COMPLETE AND CERTIFY THE ABSTRACT OF VOTES IN ACCORDANCE WITH ARTICLE 10 OF THIS TITLE.

(4) If the majority of those voting on the recall question voted "yes", upon receipt of the certified abstract of votes cast, the designated election official shall issue a certificate of election to the successor candidate who received the highest number of votes. A copy of the certificate shall be transmitted by the secretary of state to the appropriate house of the general assembly for recall elections concerning the general assembly and to the governor for the recall of all other elections of state officers. For all other recall elections, a copy of the certificate shall be transmitted to the governing body of the political subdivision. THE CANDIDATE WHO RECEIVED THE HIGHEST NUMBER OF VOTES SHALL BE SWORN IN AND SHALL ASSUME THE DUTIES OF THE OFFICE UPON CERTIFICATION OF THE ELECTION RESULTS.

(5) IF LESS THAN A MAJORITY OF THOSE VOTING ON THE RECALL QUESTION VOTED "YES", UPON RECEIPT OF THE CERTIFIED ABSTRACT OF VOTES CAST, THE DESIGNATED ELECTION OFFICIAL SHALL NOTIFY IN WRITING THE INCUMBENT, EACH CANDIDATE FOR THE OFFICE, THE COMMITTEE, AND THE GOVERNING BODY OF THE INCUMBENT.

SECTION 19. In Colorado Revised Statutes, **add** 1-12-120.5 as follows:

1-12-120.5. Reimbursement for recall election expenses. A POLITICAL SUBDIVISION SHALL REIMBURSE THE OFFICE OF THE COUNTY CLERK AND RECORDER FOR REASONABLE EXPENSES INCURRED BY THE COUNTY CLERK AND RECORDER IN PERFORMING DUTIES RELATING TO THE RECALL OF AN INCUMBENT OF THE POLITICAL SUBDIVISION UNDER THIS PART 1.

SECTION 20. In Colorado Revised Statutes, **amend** 1-12-121 as follows:

1-12-121. Special provisions. (1) If the governor is sought to be recalled under ~~the provisions of~~ this article by recall petition filed in the office of the secretary of state, the duties imposed upon the governor by this article and article XXI of the state constitution as to that recall petition shall be performed by the lieutenant governor. If the secretary of state is sought to be recalled under ~~the provisions of~~ this article by recall petition filed in the office of the secretary of state, the duties imposed upon the secretary of state by this article and article XXI of the state constitution as to that recall petition shall be performed by the state auditor.

(2) If ~~the recall IS SOUGHT~~ of any other elected or appointed officer ~~is sought~~ who is charged with responsibilities under this article, the governing body shall IMMEDIATELY appoint another ~~officer~~ PERSON to perform ~~such~~ THOSE duties.

SECTION 21. Applicability. The provisions of this act apply to petitions for recall elections filed on or after the effective date of this act.

SECTION 22. 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: May 29, 2012