

CHAPTER 268

GOVERNMENT - COUNTY

SENATE BILL 13-243

BY SENATOR(S) Hodge, Tochtrop, Ulibarri;
 also REPRESENTATIVE(S) Peniston, Lebsack, May, Moreno, Priola, Salazar, Labuda, Singer.

AN ACT

CONCERNING REQUIREMENTS AFFECTING THE DESIGNATION BY PETITION OF CANDIDATES IN CONNECTION WITH THE ELECTION OF MEMBERS OF THE BOARDS OF COMMISSIONERS OF COUNTIES FOLLOWING A CHANGE IN THE MEMBERSHIP OF SAID BOARDS.

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

SECTION 1. In Colorado Revised Statutes, 1-4-801, **amend** (2) (a); and **add** (2) (e) and (2) (f) as follows:

1-4-801. Designation of party candidates by petition. (2) The signature requirements for the petition are as follows:

(a) Every petition in the case of a candidate for any county office shall be signed by electors eligible to vote within the county commissioner district or political subdivision for which the officer is to be elected. EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (e) OF THIS SUBSECTION (2), the petition shall require signers equal in number to twenty percent of the votes cast in the political subdivision at the contested or uncontested primary election for the political party's candidate for the office for which the petition is being circulated or, if there was no primary election, at the last preceding general election for which there was a candidate for the office.

(e) WHERE THE ELECTORS OF THE COUNTY HAVE VOTED TO INCREASE THE MEMBERSHIP OF THE BOARD OF COUNTY COMMISSIONERS FROM THREE TO FIVE PURSUANT TO SECTION 30-10-306.5, C.R.S., OR TO DECREASE THE MEMBERSHIP OF THE BOARD FROM FIVE TO THREE PURSUANT TO SECTION 30-10-306.7, C.R.S., FOR THE NEXT TWO PRIMARY ELECTIONS IMMEDIATELY FOLLOWING AN ELECTION AT WHICH THE VOTERS HAVE APPROVED THE CHANGE IN THE MEMBERSHIP OF THE BOARD, THE SIGNATURE REQUIREMENTS FOR THE PETITION ARE AS FOLLOWS:

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

(I) WHERE ANY ONE OR MORE COMMISSIONERS TO BE ELECTED TO THE BOARD OF COUNTY COMMISSIONERS WILL BE VOTED ON BY VOTERS OF THE WHOLE COUNTY, EVERY PETITION MUST REQUIRE SIGNERS EQUAL IN NUMBER TO TWENTY PERCENT OF THE AVERAGE OF ALL VOTES CAST IN EACH COMMISSIONER DISTRICT IN THE COUNTY DURING THE PRIOR TWO CONTESTED OR UNCONTESTED PRIMARY ELECTIONS FOR THE POLITICAL PARTY'S CANDIDATES IN EACH COUNTY COMMISSIONER DISTRICT THAT HELD A PRIMARY ELECTION IN EITHER OF THOSE ELECTIONS. IF NO PRIMARY ELECTION WAS HELD IN EITHER YEAR, THE CALCULATION MUST BE BASED ON THE MOST RECENT PRECEDING GENERAL ELECTION FOR WHICH THE PARTY HAD A CANDIDATE ON THE BALLOT, AND EVERY PETITION MUST REQUIRE SIGNERS EQUAL IN NUMBER TO TWENTY PERCENT OF THE AVERAGE OF ALL VOTES CAST FOR THE POLITICAL PARTY'S CANDIDATES FOR COMMISSIONER IN EACH COMMISSIONER DISTRICT IN WHICH THE PARTY HAD A CANDIDATE ON THE BALLOT.

(II) WHERE ANY ONE OR MORE COMMISSIONERS TO BE ELECTED TO THE BOARD OF COUNTY COMMISSIONERS WILL BE VOTED ON ONLY BY THE ELECTORS RESIDING IN A PARTICULAR COUNTY COMMISSIONER DISTRICT, THE DETERMINATION OF THE REQUIRED NUMBER OF SIGNERS MUST BEGIN WITH A CALCULATION OF THE AVERAGE OF ALL VOTES CAST IN EACH COMMISSIONER DISTRICT IN THE COUNTY DURING THE PRIOR TWO CONTESTED OR UNCONTESTED PRIMARY ELECTIONS FOR THE POLITICAL PARTY'S CANDIDATES IN THE COUNTY COMMISSIONER DISTRICTS THAT HELD A PRIMARY ELECTION IN EITHER OF THOSE ELECTIONS. UPON A DETERMINATION OF THE AVERAGE, THAT NUMBER MUST THEN BE DIVIDED BY THE TOTAL NUMBER OF COMMISSIONER DISTRICTS IN THE COUNTY WHERE COMMISSIONERS ARE VOTED ON ONLY BY THE ELECTORS RESIDING IN THE DISTRICT, WHETHER THREE OR FIVE. AFTER COMPLETING THIS CALCULATION, EVERY PETITION MUST REQUIRE SIGNERS EQUAL IN NUMBER TO TWENTY PERCENT OF THE NUMBER REALIZED. IF NO PRIMARY ELECTION WAS HELD IN EITHER YEAR, THE CALCULATION MUST BE BASED ON THE MOST RECENT PRECEDING GENERAL ELECTION FOR WHICH THE PARTY HAD A CANDIDATE ON THE BALLOT, AND EVERY PETITION MUST REQUIRE SIGNERS EQUAL IN NUMBER TO THE FOLLOWING CALCULATION:

(A) TWENTY PERCENT OF THE AVERAGE OF ALL VOTES CAST FOR THE POLITICAL PARTY'S CANDIDATES FOR COMMISSIONER IN EACH COMMISSIONER DISTRICT IN WHICH THE PARTY HAD A CANDIDATE ON THE BALLOT; AND

(B) DIVIDE THE NUMBER FOUND IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II) BY THE TOTAL NUMBER OF COMMISSIONER DISTRICTS IN THE COUNTY WHERE COMMISSIONERS ARE VOTED ON ONLY BY THE ELECTORS RESIDING IN THE DISTRICT, WHETHER THREE OR FIVE.

(f) FOLLOWING THE FIRST TWO PRIMARY ELECTIONS THAT ARE CONDUCTED AFTER A CHANGE IN THE MEMBERSHIP OF THE BOARD OF COUNTY COMMISSIONERS PURSUANT TO SECTION 30-10-306.5 OR 30-10-306.7, C.R.S., IN ACCORDANCE WITH THE REQUIREMENTS OF PARAGRAPH (e) OF THIS SUBSECTION (2), THE SIGNATURE REQUIREMENTS FOR A PETITION FOR A COUNTY COMMISSIONER CANDIDATE WHO IS AFFILIATED WITH A MAJOR POLITICAL PARTY MUST FOLLOW THE PROCEDURES SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (2).

SECTION 2. In Colorado Revised Statutes, 1-4-802, **amend** (1) (c) introductory portion; and **add** (2) and (3) as follows:

1-4-802. Petitions for nominating minor political party and unaffiliated candidates for a partisan office. (1) (c) Every petition for the office of president and vice president, for statewide office, for congressional district office, for the office of member of the general assembly, for district attorney, and for county office shall be signed by eligible electors residing within the district or political subdivision in which the officer is to be elected. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION, the number of signatures of eligible electors on a petition shall be as follows:

(2) WHERE THE ELECTORS OF THE COUNTY HAVE VOTED TO INCREASE THE MEMBERSHIP OF THE BOARD OF COUNTY COMMISSIONERS FROM THREE TO FIVE PURSUANT TO SECTION 30-10-306.5, C.R.S., OR TO DECREASE THE MEMBERSHIP OF THE BOARD FROM FIVE TO THREE PURSUANT TO SECTION 30-10-306.7, C.R.S., FOR THE NEXT TWO GENERAL ELECTIONS IMMEDIATELY FOLLOWING AN ELECTION AT WHICH THE VOTERS HAVE APPROVED A CHANGE IN THE MEMBERSHIP OF THE BOARD, THE SIGNATURE REQUIREMENTS FOR THE PETITION TO SELECT CANDIDATES WHO DO NOT WISH TO AFFILIATE WITH A MAJOR POLITICAL PARTY ARE AS FOLLOWS:

(a) WHERE ANY ONE OR MORE COMMISSIONERS TO BE ELECTED TO THE BOARD OF COUNTY COMMISSIONERS WILL BE VOTED ON BY VOTERS OF THE WHOLE COUNTY, EVERY PETITION MUST REQUIRE SIGNERS EQUAL IN NUMBER TO THE LESSER OF EITHER SEVEN HUNDRED FIFTY SIGNERS OR TWO PERCENT OF THE AVERAGE OF ALL VOTES CAST IN EACH COUNTY COMMISSIONER DISTRICT FOR WHICH THERE WAS A RACE ON THE BALLOT DURING THE MOST RECENT GENERAL ELECTION;

(b) WHERE ANY ONE OR MORE COMMISSIONERS TO BE ELECTED TO THE BOARD OF COUNTY COMMISSIONERS WILL BE VOTED ON ONLY BY THE ELECTORS RESIDING IN A PARTICULAR COUNTY COMMISSIONER DISTRICT, EVERY PETITION MUST REQUIRE SIGNERS EQUAL IN NUMBER TO THE LESSER OF EITHER:

(I) SEVEN HUNDRED FIFTY SIGNERS; OR

(II) THE NUMBER REALIZED BY FIRST DETERMINING TWO PERCENT OF THE AVERAGE OF ALL VOTES CAST IN EACH COUNTY COMMISSIONER DISTRICT FOR WHICH THERE WAS A RACE ON THE BALLOT DURING THE MOST RECENT GENERAL ELECTION, AND THEN DIVIDING THAT NUMBER BY THE TOTAL NUMBER OF COMMISSIONER DISTRICTS IN THE COUNTY WHERE COMMISSIONERS ARE VOTED ON ONLY BY THE ELECTORS RESIDING IN A DISTRICT, WHETHER THREE OR FIVE.

(3) FOLLOWING THE FIRST TWO GENERAL ELECTIONS THAT ARE CONDUCTED AFTER A CHANGE IN THE MEMBERSHIP OF THE BOARD OF COUNTY COMMISSIONERS PURSUANT TO SECTION 30-10-306.5 OR 30-10-306.7, C.R.S., THE SIGNATURE REQUIREMENTS FOR A PETITION FOR A COUNTY COMMISSIONER CANDIDATE WHO DOES NOT WISH TO AFFILIATE WITH A MAJOR POLITICAL PARTY MUST FOLLOW THE PROCEDURES SPECIFIED IN SUBPARAGRAPH (VI) OF PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION.

SECTION 3. In Colorado Revised Statutes, 30-10-306.5, **add** (7) as follows:

30-10-306.5. Procedure to increase number of county commissioners.
(7) SIGNATURE REQUIREMENTS GOVERNING PETITIONS FOR A RACE INVOLVING A

SEAT ON THE BOARD OF COUNTY COMMISSIONERS FOR THE NEXT FOUR CALENDAR YEARS IMMEDIATELY FOLLOWING AN ELECTION AT WHICH THE VOTERS HAVE APPROVED AN INCREASE IN THE NUMBER OF COUNTY COMMISSIONERS FROM THREE TO FIVE UNDER THIS SECTION ARE SPECIFIED IN SECTION 1-4-801 (2) (e), C.R.S., FOR MAJOR POLITICAL PARTY CANDIDATES, AND SECTION 1-4-802 (2), C.R.S., FOR CANDIDATES WHO DO NOT WISH TO AFFILIATE WITH A MAJOR POLITICAL PARTY. FOLLOWING THE FIRST FOUR CALENDAR YEARS AFTER SUCH A CHANGE IN THE MEMBERSHIP OF THE BOARD OF COUNTY COMMISSIONERS HAS BEEN APPROVED BY THE VOTERS, THE SIGNATURE REQUIREMENTS FOR A PETITION FOR A COUNTY COMMISSIONER CANDIDATE MUST FOLLOW THE PROCEDURES SPECIFIED IN SECTION 1-4-801 (2) (a), C.R.S., FOR MAJOR POLITICAL PARTY CANDIDATES, AND SECTION 1-4-802 (1) (c) (VI), C.R.S., FOR CANDIDATES WHO DO NOT WISH TO AFFILIATE WITH A MAJOR POLITICAL PARTY, AS APPLICABLE.

SECTION 4. In Colorado Revised Statutes, 30-10-306.7, **add** (6) as follows:

30-10-306.7. Procedure for electing county commissioners. (6) SIGNATURE REQUIREMENTS GOVERNING PETITIONS FOR A RACE INVOLVING A SEAT ON THE BOARD OF COUNTY COMMISSIONERS FOR THE NEXT FOUR CALENDAR YEARS IMMEDIATELY FOLLOWING AN ELECTION AT WHICH THE VOTERS HAVE APPROVED A DECREASE IN THE NUMBER OF COUNTY COMMISSIONERS FROM FIVE TO THREE UNDER THIS SECTION ARE SPECIFIED IN SECTION 1-4-801 (2) (e), C.R.S., FOR MAJOR POLITICAL PARTY CANDIDATES, AND SECTION 1-4-802 (2), C.R.S., FOR CANDIDATES WHO DO NOT WISH TO AFFILIATE WITH A MAJOR POLITICAL PARTY. FOLLOWING THE FIRST FOUR CALENDAR YEARS AFTER SUCH A CHANGE IN THE MEMBERSHIP OF THE BOARD OF COUNTY COMMISSIONERS HAS BEEN APPROVED BY THE VOTERS, THE SIGNATURE REQUIREMENTS FOR A PETITION FOR A COUNTY COMMISSIONER CANDIDATE MUST FOLLOW THE PROCEDURES SPECIFIED IN SECTION 1-4-801 (2) (a), C.R.S., FOR MAJOR POLITICAL PARTY CANDIDATES, AND SECTION 1-4-802 (1) (c) (VI), C.R.S., FOR CANDIDATES WHO DO NOT WISH TO AFFILIATE WITH A MAJOR POLITICAL PARTY, AS APPLICABLE.

SECTION 5. 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 24, 2013