

CHAPTER 170

ELECTIONS

SENATE BILL 14-158

BY SENATOR(S) Steadman and Jones, Aguilar, Guzman, Heath, Johnston, Ulibarri;
 also REPRESENTATIVE(S) Hullinghorst, Buckner, Exum, Fields, Fischer, Ginal, Kagan, Labuda, Lee, McLachlan, Rosenthal,
 Ryden, Tyler, Williams, Young.

AN ACT

CONCERNING THE HARMONIZATION OF STATUTORY RECALL ELECTION PROVISIONS WITH THE RECALL PROVISIONS IN THE STATE CONSTITUTION TO REFLECT THE MANNER IN WHICH CONTEMPORARY ELECTIONS ARE CONDUCTED, AND, IN CONNECTION THEREWITH, ALIGNING CIRCULATOR REGULATION AND PETITION REQUIREMENTS WITH INITIATIVE AND REFERENDUM CIRCULATOR AND PETITION REQUIREMENTS.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby declares that:

(a) It is in the best interest of the state to ensure that all eligible persons are able to exercise their fundamental right to vote;

(b) The people of the United States have a long history of increasing voter participation, including the fifteenth, nineteenth, twenty-third, twenty-fourth, and twenty-sixth amendments to the United States constitution, which amendments enabled voting by persons of all races, women, and residents of Washington, D.C., banned poll taxes, and lowered the minimum voting age to eighteen years;

(c) Colorado helped pioneer access for women to vote and adopted the United States voting participation improvements;

(d) Colorado has a history of being a vote-by-mail state for the purpose of increasing voter participation;

(e) Losing access to mail ballots is a concern, especially for the elderly, persons with disabilities, working families, and other persons who are most likely to vote by

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

mail;

(f) The state has a responsibility to electors to remove barriers to participation in voting in all elections, including recall elections; and

(g) The 2013 state legislative recall elections revealed the need to:

(I) Align the state's recall elections statutes and article XXI of the state constitution, including by clarifying that the date for holding an election is, and has always been, the point in time when eligible electors are authorized by law to exercise their fundamental right to vote; and

(II) Remedy the statute that corresponds to the state constitutional provision that the Colorado supreme court determined conflicts with the first and fourteenth amendments to the United States constitution in the case of *In re Interrogatory Propounded by Governor John Hickenlooper Concerning the Constitutionality of Certain Provisions of Article XXI, § 3 of the Constitution of the State of Colorado*, 312 P.3d 153 (2013).

(2) It is therefore the intent of the general assembly to harmonize statutory recall election provisions with the constitution.

(3) The general assembly also recognizes that, as to certain elections, conflict inheres between the "Uniform Military and Overseas Voters Act", article 8.3 of title 1, Colorado Revised Statutes, article XXI of the state constitution, and part 1 of article 12 of title 1, Colorado Revised Statutes. As that conflict is not remedied in this act, it is the intent of the general assembly to allow persons to seek resolution through judicial processes.

SECTION 2. In Colorado Revised Statutes, 1-12-100.5, **amend** the introductory portion; and **add** (2.5), (3.5), (5), (6), (7), and (8) as follows:

1-12-100.5. Definitions. As used in this part 1, AND FOR PURPOSES OF ARTICLE XXI OF THE STATE CONSTITUTION, unless the context otherwise requires:

(2.5) "CIRCULATOR" MEANS A PERSON WHO PRESENTS TO OTHER PERSONS FOR POSSIBLE SIGNATURE A PETITION FOR RECALL AS DESCRIBED IN THIS ARTICLE.

(3.5) "DATE FOR HOLDING THE ELECTION" MEANS THE FIRST DAY ON WHICH RECALL BALLOTS:

(a) ARE TO BE MADE AVAILABLE TO ELIGIBLE ELECTORS AT VOTER SERVICE AND POLLING CENTERS PURSUANT TO THE ELECTION PLAN APPROVED UNDER SECTION 1-12-114 (1) (a); AND

(b) MAY BE ACCEPTED FOR PROCESSING BY A DESIGNATED ELECTION OFFICIAL.

(5) "DESIGNATED ELECTION OFFICIAL" MEANS THE SECRETARY OF STATE, A COUNTY CLERK AND RECORDER, OR OTHER ELECTION OFFICIAL AS PROVIDED BY ARTICLE XXI OF THE STATE CONSTITUTION.

(6) "FAILS TO QUALIFY" MEANS NOT SATISFYING THE CONSTITUTIONAL OR STATUTORY QUALIFICATIONS FOR OFFICE, WHETHER BY REASON OF AGE, CITIZENSHIP, RESIDENCY, OR SUFFICIENT NUMBER OF VALID NOMINATION PETITION SIGNATURES REQUIRED BY SECTION 1-12-117 (3).

(7) "FULLY ADJUDICATED" MEANS TO HAVE BEEN DECIDED BY A FINAL JUDGMENT BY A COURT OF COMPETENT JURISDICTION AND FROM WHICH THERE CAN BE NO APPEAL.

(8) "RECALL PETITION ENTITY" MEANS A PERSON, AS DEFINED IN SECTION 2-4-401, C.R.S., THAT PROVIDES COMPENSATION TO A CIRCULATOR TO CIRCULATE A RECALL PETITION.

SECTION 3. In Colorado Revised Statutes, 1-12-107, **add** (5) as follows:

1-12-107. Designated election officials. (5) NO DESIGNATED ELECTION OFFICIAL MAY, BY RULE, REGULATION, ORDER, OR ANY OTHER OFFICIAL ACT, SUSPEND OR AVOID THE REQUIREMENT THAT RECALL ELECTIONS BE HELD AS MAIL BALLOT ELECTIONS.

SECTION 4. In Colorado Revised Statutes, 1-12-108, **amend** (6) (b) and (8) (c) (II); **add** (8) (c) (II.5); and **repeal** (9) (c) as follows:

1-12-108. Petition requirements - approval as to form - determination of sufficiency - protest - offenses. (6) (b) To each petition section ~~shall~~ **MUST** 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~~ **INCLUDES THE INFORMATION AND STATEMENTS REQUIRED FOR INITIATIVE OR REFERENDUM PETITIONS UNDER SECTION 1-40-111.**

(8) (c) (II) Upon determining that the petition is sufficient and after the time for protest has passed ~~AND ANY PROTESTS DULY RAISED HAVE BEEN FULLY ADJUDICATED~~, the designated election official shall, ~~promptly certify the recall question to the ballot and call~~ **WITHIN TWENTY-FOUR HOURS, SUBMIT THE CERTIFICATE OF SUFFICIENCY TO THE GOVERNOR OR DESIGNATED ELECTION OFFICIAL, AS APPROPRIATE, WHO SHALL SET A DATE FOR HOLDING the election in accordance with section 1-12-110, and SECTION 1-12-111.** If the election is a coordinated election, THE SECRETARY OF STATE SHALL notify the DESIGNATED

ELECTION OFFICIAL OF THE ~~coordinated election. official:~~ THE DESIGNATED ELECTION OFFICIAL OF THE COORDINATED ELECTION SHALL POST THE CERTIFICATE TO HIS OR HER OFFICIAL WEB SITE, OR, IF THERE IS NO OFFICIAL WEB SITE, POST THE CERTIFICATE IN ACCORDANCE WITH NORMAL PRACTICES REASONABLY CALCULATED TO PROVIDE PUBLIC NOTICE, BY 12 NOON ON THE DAY AFTER THE DAY ON WHICH HE OR SHE ISSUES THE SUFFICIENCY DETERMINATION.

(II.5) IF THE PETITION IS DETERMINED TO BE INSUFFICIENT, IT MAY BE WITHDRAWN AND MAY, WITHIN FIFTEEN DAYS AFTER THE DATE ON WHICH THE PETITION WAS VERIFIED AS INSUFFICIENT, BE AMENDED AND REFILED AS AN ORIGINAL PETITION. A PETITION FOR RECALL MAY BE AMENDED NO MORE THAN ONE TIME TO COLLECT ADDITIONAL SIGNATURES OR CURE CIRCULATOR AFFIDAVITS AFTER A DESIGNATED ELECTION OFFICIAL ISSUES A DETERMINATION OF INSUFFICIENCY UNDER THIS SUBSECTION (8).

(9) (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 was approved as to form by the designated election official under subsection (4) of this section.~~

SECTION 5. In Colorado Revised Statutes, **add** 1-12-108.5 as follows:

1-12-108.5. Applicability of laws pertaining to initiative and referendum petitions and circulators. SECTIONS 1-40-111 TO 1-40-113 APPLY TO RECALL ELECTIONS CONDUCTED UNDER THIS ARTICLE. NOTHING IN THIS SECTION PERMITS THE APPLICATION TO RECALL ELECTIONS, NOR THE ENFORCEMENT, OF ANY PROVISION OF LAW HELD TO BE UNCONSTITUTIONAL OR OTHERWISE DECLARED INVALID OR ENJOINED BY A COURT OF LAW.

SECTION 6. 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 AND ANY SUCH PROTEST HAS BEEN FULLY ADJUDICATED, the designated election official OR GOVERNOR, AS APPROPRIATE, without delay, shall set a date for HOLDING the recall election not less than ~~forty-five~~ THIRTY nor more than ~~seventy-five~~ SIXTY days after the petition has been FILED AND THUS deemed sufficient BY THE DESIGNATED ELECTION OFFICIAL and EITHER the time for protest has passed OR THE TIME FOR SUCH PROTEST TO BE FULLY ADJUDICATED 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 petition has been deemed sufficient and the time for protest has passed AND THE TIME FOR SUCH PROTEST TO BE FULLY ADJUDICATED HAS PASSED, the recall election ~~shall~~ MUST be held as a part of that election.

SECTION 7. In Colorado Revised Statutes, **recreate and reenact, with amendments,** 1-12-114 as follows:

1-12-114. Mail ballots - plan required - voter service and polling centers - number required - definition. (1) (a) NOTWITHSTANDING SECTION 1-7.5-107 (1), AS SOON AS PRACTICABLE AFTER THE DATE THAT THE DESIGNATED ELECTION

OFFICIAL CERTIFIES THE RECALL QUESTION TO THE BALLOT UNDER SECTION 1-12-108 (8) (c) (II), THE COUNTY CLERK AND RECORDER OR DESIGNATED ELECTION OFFICIAL ADMINISTERING A RECALL ELECTION SHALL SUBMIT TO THE SECRETARY OF STATE, FOR APPROVAL WITHIN TWENTY-FOUR HOURS AFTER RECEIPT, A PROPOSED MAIL BALLOT ELECTION PLAN, INCLUDING THE MANNER IN AND DATE BY WHICH THE MAIL BALLOT TRANSMISSION DEADLINE SET FORTH IN SUBSECTION (2) OF THIS SECTION WILL BE MET. IF THE SECRETARY OF STATE DOES NOT PROVIDE WRITTEN NOTICE OF APPROVAL OR DISAPPROVAL OF THE PLAN WITHIN TWENTY-FOUR HOURS, THE PLAN IS DEEMED APPROVED.

(b) THE SECRETARY OF STATE MAY DISAPPROVE A MAIL BALLOT PLAN SUBMITTED UNDER PARAGRAPH (a) OF THIS SUBSECTION (1) USING ONLY THE SAME STANDARDS USED TO EVALUATE AND APPROVE OF MAIL BALLOT PLANS TRANSMITTED UNDER SECTION 1-7.5-105.

(2) NOTWITHSTANDING ANY PROVISION OF THIS CODE TO THE CONTRARY:

(a) THE DESIGNATED ELECTION OFFICIAL CONDUCTING THE RECALL ELECTION SHALL DESIGNATE THE OFFICE OF THE COUNTY CLERK AND RECORDER OR OTHER SUITABLE LOCATION TO FUNCTION AS A VOTER SERVICE AND POLLING CENTER FROM THE TWENTY-SECOND DAY PRIOR TO THE FINAL DAY OF VOTING IN SUCH ELECTION THROUGH THAT FINAL DAY OF VOTING; AND

(b) NOT LATER THAN THE FIFTEENTH DAY BEFORE THE LAST DAY ON WHICH VOTED MAIL BALLOTS MAY BE RETURNED BY ELECTORS OTHER THAN COVERED VOTERS UNDER ARTICLE 8.3 OF THIS TITLE, THE DESIGNATED ELECTION OFFICIAL SHALL MAIL BALLOTS TO ELIGIBLE ELECTORS IN ACCORDANCE WITH THE MAIL BALLOT PLAN DEVELOPED PURSUANT TO SUBSECTION (1) OF THIS SECTION.

(3) (a) THERE MUST BE ONE VOTER SERVICE AND POLLING CENTER FOR EACH THIRTY THOUSAND ACTIVE REGISTERED ELECTORS IN THE DISTRICT OF THE INCUMBENT SOUGHT TO BE RECALLED; EXCEPT THAT ANY SUCH DISTRICT MUST HAVE AT LEAST ONE VOTER SERVICE AND POLLING CENTER, AND EACH DISTRICT THAT SPANS MORE THAN ONE COUNTY MUST OPERATE ONE VOTER SERVICE AND POLLING CENTER WITHIN THE BOUNDARIES OF EACH COUNTY. EXCEPT FOR THE VOTER SERVICE AND POLLING CENTER REQUIRED UNDER AND OPEN IN ACCORDANCE WITH PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION, WHICH VOTER SERVICE AND POLLING CENTER COUNTS AS THE FIRST VOTER SERVICE AND POLLING CENTER REQUIRED TO BE OPEN UNDER SUBSECTION (2) OF THIS SECTION, EACH ADDITIONAL VOTER SERVICE AND POLLING CENTER MUST BE OPEN FROM THE EIGHTH DAY PRIOR TO THE FINAL DAY OF VOTING IN THE RECALL ELECTION THROUGH THAT FINAL DAY.

(b) WHEN A RECALL ELECTION IS COMBINED WITH A GENERAL ELECTION PURSUANT TO ARTICLE XXI OF THE STATE CONSTITUTION AND SECTION 1-12-111, THE NUMBER AND DAYS OF OPERATION OF VOTER SERVICE AND POLLING CENTERS AND THE MANNER OF VOTING FOR THE RECALL AS PART OF SAID GENERAL ELECTION ARE THE SAME AS THOSE PRESCRIBED UNDER SECTION 1-5-102.9, EXCEPT THAT ONE VOTER SERVICE AND POLLING CENTER MUST BE OPEN IN ACCORDANCE WITH THE TIME ESTABLISHED IN SECTION 1-12-114 (2) (a).

(4) AS USED IN THIS SECTION, AND FOR PURPOSES OF ARTICLE XXI OF THE STATE

CONSTITUTION, "PART OF SAID GENERAL ELECTION" MEANS THE INCLUSION OF THE QUESTIONS OF BOTH THE RECALL OF AN INCUMBENT AND THE ELECTION OF THE INCUMBENT'S SUCCESSOR ON MAIL BALLOTS THAT ARE SENT BY MAIL, AVAILABLE AT VOTER SERVICE AND POLLING CENTERS, OR OTHERWISE DELIVERED TO AN ELECTOR AS PERMITTED BY LAW, FROM THE DATE FOR HOLDING THE ELECTION THROUGH THE LAST DAY OF VOTING IN A GENERAL ELECTION PURSUANT TO SECTION 1-4-201. NOTWITHSTANDING THIS DEFINITION, TO MAXIMIZE PARTICIPATION OF VOTERS COVERED BY THE FEDERAL "UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT", 42 U.S.C. SEC. 1973ff ET SEQ., ALL CANDIDATE RACES, BALLOT ISSUES, AND BALLOT QUESTIONS THAT A COVERED VOTER IS ELIGIBLE TO VOTE ON SHALL BE INCLUDED ON THE BALLOTS REQUIRED TO BE SENT PURSUANT TO THAT ACT, AND RECALL-RELATED BALLOT QUESTIONS SHALL BE SENT SEPARATELY ON BALLOTS THAT ADHERE TO THE DEADLINES SET FORTH IN THIS SECTION.

SECTION 8. In Colorado Revised Statutes, 1-12-117, **amend** (1), (2), and (3) as follows:

1-12-117. Nomination of successor - ballot certification. (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 shall be filed no later than ~~ten~~ FIFTEEN calendar days ~~after the designated election official sets the election date~~ PRIOR TO THE DATE FOR HOLDING THE ELECTION 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~~ FIFTEEN calendar days ~~after the date for which the designated election official sets the election date pursuant to~~ PRIOR TO THE DATE FOR HOLDING THE ELECTION AS PROVIDED IN section 1-12-111.

(3) (a) 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.

(b) (I) THE DESIGNATED ELECTION OFFICIAL SHALL VERIFY SUCCESSOR CANDIDATE PETITIONS WITHIN FORTY-EIGHT HOURS AFTER THE DEADLINE TO FILE SUCH PETITIONS AS SET FORTH IN SUBSECTIONS (1) AND (2) OF THIS SECTION.

(II) THE DESIGNATED ELECTION OFFICIAL SHALL CERTIFY THE BALLOT CONTENT AS SOON AS POSSIBLE, BUT NOT LATER THAN TWO BUSINESS DAYS AFTER THE DATE UPON WHICH THE VERIFICATION OF SUCCESSOR CANDIDATE PETITIONS IS REQUIRED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b).

SECTION 9. 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~~ is 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 10. In Colorado Revised Statutes, **add** 1-12-118.5 as follows:

1-12-118.5. Postelection protest of successor candidate qualification - procedure. (1) (a) WITHIN SEVENTY-TWO HOURS AFTER CERTIFICATION OF RESULTS OF A RECALL ELECTION CONDUCTED UNDER THIS ARTICLE, ANY ELECTOR WHO IS REGISTERED IN A POLITICAL SUBDIVISION REPRESENTED BY AN OFFICIAL SUBJECT TO RECALL MAY FILE A PROTEST USING THE PROCEDURES IN SECTION 1-1-113 ALLEGING THAT THE SUCCESSOR CANDIDATE WHO RECEIVED THE HIGHEST NUMBER OF VOTES FAILS TO QUALIFY FOR THE OFFICE. THE PROTEST MUST BE FILED IN THE DISTRICT COURT IN THE COUNTY IN WHICH THE PETITION DETERMINATION WAS ISSUED.

(b) ANY PROTEST FILED UNDER PARAGRAPH (a) OF THIS SUBSECTION (1) TAKES PRECEDENCE OVER ALL OTHER NONEMERGENCY CIVIL MATTERS BEFORE THE DISTRICT COURT.

(2) IF THE COURT DETERMINES, PURSUANT TO A PROTEST FILED UNDER SUBSECTION (1) OF THIS SECTION, THAT THE SUCCESSOR CANDIDATE AGAINST WHOM THE PROTEST IS MADE FAILS TO QUALIFY, THAT INDIVIDUAL MAY NOT TAKE OFFICE. IN SUCH CASE, THE OFFICE IS DEEMED VACANT AND SHALL BE FILLED ACCORDING TO LAW, INCLUDING SECTION 2 (3) OF ARTICLE V OF THE STATE CONSTITUTION AND PART 2 OF THIS ARTICLE. THE OFFICER RECALLED IN THE RECALL ELECTION AT WHICH THE UNQUALIFIED SUCCESSOR WAS ELECTED IS INELIGIBLE TO FILL THE VACANCY.

SECTION 11. In Colorado Revised Statutes, **amend** 1-12-123 as follows:

1-12-123. Conflicts with constitutional requirements for recall of state officers or other elections laws. (1) To the extent that ~~the provisions of this part 1 concerning the recall of state officers conflict~~ CONFLICTS with ~~the provisions of article XXI of the state constitution, the provisions of article XXI of the state constitution shall control~~ CONTROLS.

(2) TO THE EXTENT THAT THIS PART 1 CONFLICTS WITH OTHER PROVISIONS OF THIS CODE, THIS PART 1 CONTROLS.

SECTION 12. In Colorado Revised Statutes, 1-4-902, **amend** (1) as follows:

1-4-902. Form of petition. (1) The signatures to a petition need not all be appended to one paper, but no petition ~~shall be~~ is legal 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 same office ~~or recall under the provisions of this section.~~

SECTION 13. In Colorado Revised Statutes, 1-8.3-113, **amend** (1) as follows:

1-8.3-113. Transmission and receipt of ballot. (1) A covered voter who requested and received ballot materials by electronic transmission may also return

the ballot by electronic transmission:

(a) In circumstances where another more secure method, such as returning the ballot by mail, is not available or feasible, as specified in rules promulgated by the secretary of state; OR

(b) IF THE BALLOT IS FOR A RECALL ELECTION CONDUCTED UNDER ARTICLE 12 OF THIS CODE.

SECTION 14. In Colorado Revised Statutes, 1-13.5-106, **amend as added by House Bill 14-1164 (2)** as follows:

1-13.5-106. Applicability of the "Uniform Election Code of 1992". (2) All provisions of the "Uniform Election Code of 1992" not in conflict with this article apply to local government elections; except that elections offenses and penalties proscribed by parts 2 and 3 of article 13 of this title do not apply to elections authorized under this article, AND RECALL ELECTIONS OF LOCAL GOVERNMENT OFFICERS MUST BE CONDUCTED PURSUANT TO PART 5 OF ARTICLE 4 OF TITLE 31, C.R.S.

SECTION 15. In Colorado Revised Statutes, 32-1-906, **amend (1)** as follows:

32-1-906. Directors subject to recall - applicability of laws. (1) (a) Any director elected to the board of any special district who has actually held office for at least six months may be recalled from office by the eligible electors of the special district. A petition signed by the lesser of three hundred eligible electors or forty percent of the eligible electors demanding the recall of any director named in the petition shall be filed in the court. Any recall shall be governed by the provisions of part 1 of article 12 of title 1 PROCEDURES SET FORTH IN PART 5 OF ARTICLE 4 OF TITLE 31, C.R.S.

(b) IN CASE OF SPECIFIC CONFLICT BETWEEN THIS PART 9 AND PART 5 OF ARTICLE 4 OF TITLE 31, C.R.S., WITH RESPECT TO A RECALL, THIS PART 9 CONTROLS.

SECTION 16. In Colorado Revised Statutes, 32-1-907, **amend (1)** as follows:

32-1-907. Recall election - resignation. (1) If a director subject to a recall petition offers a resignation, it shall be accepted, and the vacancy caused by the resignation, or from any other cause, shall be filled as provided by section 32-1-905 (2). If the director does not resign within five days after the sufficiency of the recall petition has been sustained, the board shall order that a recall election be held pursuant to the provisions of part 1 of article 12 of title 1, PART 5 OF ARTICLE 4 OF TITLE 31, C.R.S.

SECTION 17. Effective date - applicability. This act takes effect upon passage and applies to any recall petition approved for circulation by a designated election official or to any recall election held on or after the effective date of this act.

SECTION 18. 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 9, 2014