

An Act

HOUSE BILL 25-1319

BY REPRESENTATIVE(S) Pugliese and Duran, Boesenecker, Lindsay, McCormick, Smith;
also SENATOR(S) Kirkmeyer and Rodriguez, Bridges, Danielson, Daugherty, Kipp, Snyder, Wallace, Coleman.

CONCERNING VACANCIES IN THE OFFICE OF COUNTY COMMISSIONER, AND,
IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 1-1-104, **add** (7.3) as follows:

1-1-104. Definitions. As used in this code, unless the context otherwise requires:

(7.3) "COUNTY COMMISSIONER VACANCY ELECTION" MEANS AN ELECTION DESCRIBED IN SECTION 1-12-206 (8)(a) THAT IS CONDUCTED AS PART OF A NOVEMBER ODD-YEAR COORDINATED ELECTION AND THAT IS HELD FOR THE PURPOSE OF FILLING A VACANCY IN AN UNEXPIRED TERM OF THE OFFICE OF COUNTY COMMISSIONER WHO WAS AFFILIATED WITH A MAJOR POLITICAL PARTY IN A COUNTY WITH A POPULATION OF AT LEAST FIFTY

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

THOUSAND ACTIVE VOTERS AS OF THE DATE OF THE LAST GENERAL ELECTION.

SECTION 2. In Colorado Revised Statutes, 1-5-505.5, **add** (1)(d) as follows:

1-5-505.5. State reimbursement to counties for elections with state certified ballot content. (1) (d) (I) FOR A COUNTY COMMISSIONER VACANCY ELECTION HELD AS PART OF AN ODD-YEAR NOVEMBER ELECTION FOR WHICH THE STATE CERTIFIES ANY BALLOT CONTENT, THE STATE SHALL REIMBURSE EACH COUNTY FOR FORTY-FIVE PERCENT OF THE COSTS THAT THE COUNTY INCURS IN CONDUCTING THE COORDINATED ELECTION, WHICH MAY INCLUDE THE VACANCY ELECTION, ACCORDING TO SUBSECTIONS (1)(a) AND (1)(b) OF THIS SECTION. THE REMAINDER OF THE COSTS THAT THE COUNTY INCURS IN CONDUCTING THE VACANCY ELECTION IS A COUNTY CHARGE, THE PAYMENT OF WHICH IS PROVIDED IN THE SAME MANNER AS THE PAYMENT OF OTHER EXPENSES. THE SECRETARY OF STATE MAY ADOPT RULES FOR DETERMINING WHICH COSTS ARE NECESSARY AND REASONABLE AND THEREFORE REIMBURSABLE BY THE STATE.

(II) FOR A COUNTY COMMISSIONER VACANCY ELECTION HELD AS PART OF AN ODD-YEAR NOVEMBER ELECTION FOR WHICH THE STATE DOES NOT CERTIFY ANY BALLOT CONTENT, THE COSTS THAT THE COUNTY INCURS IN CONDUCTING THE VACANCY ELECTION ARE COUNTY COSTS.

SECTION 3. In Colorado Revised Statutes, 1-12-206, **amend** (1) and (5); and **add** (8) and (9) as follows:

1-12-206. Vacancies in the office of county commissioner - county commissioner vacancy election - repeal. (1) In case of a vacancy occurring in the office of county commissioner, a vacancy committee constituted as provided in this section shall, by a majority vote of its members present at a meeting called for the purpose, fill the vacancy by appointment within ten days after the occurrence of the vacancy. The meeting shall not be held unless a quorum is present consisting of not less than one-half of the voting members of the vacancy committee. A member of the vacancy committee may not vote by proxy. ALL VACANCY COMMITTEE MEETINGS MUST BE ACCESSIBLE IN REAL TIME BY LIVE STREAMING VIDEO OR AUDIO THAT IS RECORDED AND ACCESSIBLE TO THE PUBLIC. If the vacancy committee fails to fill the vacancy within ten days,

the governor shall fill the vacancy by appointment within fifteen days after the occurrence of the vacancy.

(5) Any person appointed to a vacancy in the office of county commissioner under this section must be a resident of the county and reside within the district, if any, in which the vacancy exists and must be a member of the same MAJOR political party or minor political party, if any, shown in the statewide voter registration system as the vacating commissioner. ~~Any~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (8) OF THIS SECTION, A person appointed pursuant to this section holds the office until the next general election or until the vacancy is filled by election according to law.

(8) (a) EXCEPT AS PROVIDED IN SECTION 1-12-208 AND NOTWITHSTANDING ANY PROVISION TO THE CONTRARY IN SECTION 1-4-1010, UNLESS THE POLITICAL PARTY HAS VOTED PURSUANT TO SUBSECTION (9) OF THIS SECTION TO CONTINUE TO FILL VACANCIES BY VACANCY COMMITTEE ACCORDING TO SUBSECTION (1) OF THIS SECTION, FOR COUNTIES WITH A POPULATION OF AT LEAST FIFTY THOUSAND ACTIVE VOTERS AS OF THE DATE OF THE LAST GENERAL ELECTION THAT ARE NOT HOME RULE COUNTIES, IF A VACANCY IN THE OFFICE OF COUNTY COMMISSIONER OCCURS ON OR AFTER JULY 31 OF AN EVEN-NUMBERED YEAR AND BEFORE JULY 31 OF THE NEXT ODD-NUMBERED YEAR AND THE FORMER COMMISSIONER WHOSE SEAT IS VACANT WAS AFFILIATED WITH A MAJOR POLITICAL PARTY, THE VACANCY MUST BE FILLED BY A VACANCY COMMITTEE PURSUANT TO SUBSECTION (1) OF THIS SECTION UNTIL THE NEXT REGULARLY SCHEDULED ODD-YEAR NOVEMBER ELECTION, WHEN THE VACANCY MUST BE FILLED BY COUNTY COMMISSIONER VACANCY ELECTION; EXCEPT THAT, IF THE VACANCY OCCURS FOR A SEAT THAT IS SCHEDULED TO BE ON THE BALLOT AT THE UPCOMING GENERAL ELECTION HELD IN THAT EVEN-NUMBERED YEAR AND THE VACANCY OCCURS ON OR AFTER JULY 31 OF THAT EVEN-NUMBERED YEAR BUT BEFORE THE NINETY-DAY PERIOD GOVERNED BY SECTION 1-12-208, THE VACANCY IS FILLED BY VACANCY COMMITTEE PURSUANT TO THIS SECTION. THE CANDIDATE ELECTED IN THE COUNTY COMMISSIONER VACANCY ELECTION SHALL SERVE UNTIL THE NEXT REGULARLY SCHEDULED GENERAL ELECTION, WHEN THE VACANCY MUST BE FILLED BY ELECTION.

(b) THE ONLY CANDIDATES WHO MAY RUN IN A COUNTY COMMISSIONER VACANCY ELECTION ARE CANDIDATES WHO ARE MEMBERS OF THE SAME POLITICAL PARTY AND RESIDENTS OF THE SAME DISTRICT AS THE FORMER COMMISSIONER WHOSE SEAT IS VACANT. A CANDIDATE MUST

BE REGISTERED WITH THE SAME MAJOR POLITICAL PARTY AS THE VACATING COMMISSIONER BY THE FIRST BUSINESS DAY IN JANUARY OF THE CALENDAR YEAR IN WHICH THE COUNTY COMMISSIONER VACANCY ELECTION OCCURS.

(c) A CANDIDATE FOR A COUNTY COMMISSIONER VACANCY ELECTION IS ELIGIBLE TO BE PLACED ON THE BALLOT IF THE CANDIDATE:

(I) FILES A NOMINATING STATEMENT ON A FORM CREATED BY THE CANDIDATE'S POLITICAL PARTY THAT IS SIGNED BY AT LEAST THIRTY PERCENT OF THE APPLICABLE VACANCY COMMITTEE MEMBERS WITH THE COUNTY CLERK AND RECORDER AND THE CANDIDATE'S POLITICAL PARTY BEFORE 5 P.M. ON THE SEVENTIETH DAY PRECEDING THE COUNTY COMMISSIONER VACANCY ELECTION; OR

(II) SUBMITS TO THE COUNTY CLERK AND RECORDER, NO LATER THAN THIRTY DAYS AFTER THEIR PETITION FORMAT HAS BEEN APPROVED OR EIGHTY-FIVE DAYS PRIOR TO THE COUNTY COMMISSIONER VACANCY ELECTION, WHICHEVER IS SOONER, A NOTARIZED CANDIDATE'S STATEMENT OF INTENT AND A PETITION SIGNED BY AT LEAST TWO HUNDRED ELECTORS WHO HAVE BEEN AFFILIATED WITH THE SAME POLITICAL PARTY AS THE CANDIDATE FOR TWENTY-TWO DAYS BEFORE SIGNING THE PETITION AND ARE ELIGIBLE TO VOTE IN THE DISTRICT FOR WHICH THE CANDIDATE IS TO BE ELECTED. PART 9 OF ARTICLE 4 OF THIS TITLE 1 APPLIES TO PETITIONS SUBMITTED PURSUANT TO SUBSECTION (8) OF THIS SECTION; EXCEPT THAT THE PROVISIONS OF PART 9 OF ARTICLE 4 OF THIS TITLE 1 THAT CONFLICT WITH THE REQUIREMENTS OR TIMELINE DESCRIBED IN THIS SECTION, AS WELL AS PROVISIONS OF PART 9 OF ARTICLE 4 OF THIS TITLE 1 THAT APPLY TO THE SECRETARY OF STATE'S REVIEW OF PETITIONS, DO NOT APPLY TO PETITIONS SUBMITTED AND REVIEWED PURSUANT TO SUBSECTION (8) OF THIS SECTION. PETITIONS MUST NOT BE CIRCULATED AND SIGNATURES MUST NOT BE OBTAINED PRIOR TO THE FIRST BUSINESS DAY AFTER THE EFFECTIVE DATE OF THE VACANCY. A PETITION MUST NOT BE CIRCULATED UNTIL IT HAS BEEN APPROVED AS MEETING THE REQUIREMENTS OF SECTION 1-4-904 AS TO FORM. THE COUNTY CLERK AND RECORDER SHALL APPROVE OR DISAPPROVE A PETITION AS TO FORM NO LATER THAN THE CLOSE OF THE SECOND BUSINESS DAY FOLLOWING SUBMISSION OF THE PROPOSED PETITION.

(d) A CANDIDATE SHALL ONLY SEEK TO BE PLACED ON THE BALLOT FOR A COUNTY COMMISSIONER VACANCY ELECTION THROUGH ONE, BUT NOT BOTH, OF THE METHODS DESCRIBED IN SUBSECTION (3)(c) OF THIS SECTION.

(e) (I) THE CANDIDATE'S POLITICAL PARTY COUNTY CHAIR SHALL VERIFY THAT A NOMINATING STATEMENT FILED PURSUANT TO THIS SUBSECTION (8) SATISFIES THE REQUIREMENTS OF SUBSECTION (8)(c)(I) OF THIS SECTION. UPON THE POLITICAL PARTY COUNTY CHAIR'S VERIFICATION THAT THE NOMINATING STATEMENT IS SUFFICIENT, THE COUNTY CLERK AND RECORDER SHALL CERTIFY THE CANDIDATE TO THE BALLOT.

(II) IF A VACANCY COMMITTEE MEMBER SIGNS A NOMINATING STATEMENT IN ACCORDANCE WITH SUBSECTION (8)(c)(I) OF THIS SECTION AFTER HAVING SIGNED ANOTHER NOMINATING STATEMENT FILED FOR THE SAME OFFICE IN THE SAME COUNTY COMMISSIONER VACANCY ELECTION, THE VACANCY COMMITTEE MEMBER'S SIGNATURE ONLY COUNTS TOWARD THE THIRTY PERCENT OF APPLICABLE VACANCY COMMITTEE MEMBER SIGNATURES REQUIRED PURSUANT TO SUBSECTION (8)(c)(I) OF THIS SECTION ON THE FIRST NOMINATING STATEMENT SUBMITTED THAT CONTAINS THE SIGNATURE.

(f) (I) THE COUNTY CLERK AND RECORDER SHALL VERIFY THAT A PETITION SUBMITTED PURSUANT TO THIS SUBSECTION (8) SATISFIES THE REQUIREMENTS OF SUBSECTION (8)(c)(II) OF THIS SECTION. THE COUNTY CLERK AND RECORDER SHALL REVIEW THE PETITION ACCORDING TO SECTION 1-4-908; EXCEPT THAT THE COUNTY CLERK AND RECORDER SHALL NOTIFY THE CANDIDATE OF THE SUFFICIENCY OR INSUFFICIENCY OF THE PETITION NO LATER THAN TEN CALENDAR DAYS AFTER RECEIVING THE PETITION. IF THE COUNTY CLERK AND RECORDER DETERMINES THE PETITION TO BE SUFFICIENT, THE COUNTY CLERK AND RECORDER SHALL ISSUE A STATEMENT OF SUFFICIENCY. PROTESTS AND REVIEW OF THE SUFFICIENCY OF A PETITION ARE ACCORDING TO SECTIONS 1-4-909 AND 1-4-911. CANDIDATE PLACEMENT ON THE BALLOT IS DRAWN BY LOT.

(II) IF AN ELIGIBLE ELECTOR SIGNS A PETITION IN ACCORDANCE WITH SUBSECTION (8)(c)(II) OF THIS SECTION AFTER HAVING SIGNED ANOTHER PETITION SUBMITTED FOR THE SAME OFFICE IN THE SAME COUNTY COMMISSIONER VACANCY ELECTION, THE ELECTOR'S SIGNATURE ONLY COUNTS TOWARD THE TWO HUNDRED ELECTOR SIGNATURES REQUIRED PURSUANT TO SUBSECTION (8)(c)(II) OF THIS SECTION ON THE FIRST PETITION SUBMITTED THAT CONTAINS THE SIGNATURE.

(g) THE ONLY VOTERS WHO MAY VOTE IN THE COUNTY COMMISSIONER VACANCY ELECTION ARE ELIGIBLE ELECTORS OF THE COUNTY

OF THE FORMER COMMISSIONER WHOSE SEAT IS VACANT AND WHO:

(I) ARE AFFILIATED, AS OF THE TWENTY-SECOND DAY BEFORE THE COUNTY COMMISSIONER VACANCY ELECTION, WITH THE SAME POLITICAL PARTY AS THE FORMER COMMISSIONER WHOSE SEAT IS VACANT; OR

(II) ARE UNAFFILIATED WITH A POLITICAL PARTY AS OF THE TWENTY-SECOND DAY BEFORE THE COUNTY COMMISSIONER VACANCY ELECTION.

(h) EXCEPT AS MODIFIED BY THIS SUBSECTION (8), THE APPROPRIATE COUNTY CLERK AND RECORDER SHALL CONDUCT THE COUNTY COMMISSIONER VACANCY ELECTION AS PART OF THE COORDINATED ODD-YEAR NOVEMBER ELECTION.

(i) UPON RECEIPT OF THE CERTIFIED ABSTRACT OF VOTES CAST, THE COUNTY CLERK AND RECORDER SHALL ISSUE A CERTIFICATE OF ELECTION TO THE SUCCESSOR CANDIDATE WHO RECEIVED THE HIGHEST NUMBER OF VOTES AT THE COUNTY COMMISSIONER VACANCY ELECTION. THE CANDIDATE WHO RECEIVED THE HIGHEST NUMBER OF VOTES MUST BE SWORN IN AND ASSUMES THE DUTIES OF THE OFFICE UPON CERTIFICATION OF THE ELECTION RESULTS.

(j) COUNTY COMMISSIONER VACANCY ELECTIONS ARE SUBJECT TO THE APPROPRIATE SECTIONS OF ARTICLE 45 OF THIS TITLE 1 AND ARTICLE XXVIII OF THE STATE CONSTITUTION. AN INDIVIDUAL WHO SEEKS NOMINATION OR ELECTION TO THE OFFICE OF COUNTY COMMISSIONER AT A COUNTY COMMISSIONER VACANCY ELECTION IS A "CANDIDATE" FOR PURPOSES OF ARTICLE 45 OF THIS TITLE 1 AND SECTION 2 (2) OF ARTICLE XXVIII OF THE STATE CONSTITUTION.

(k) A CANDIDATE IN A COUNTY COMMISSIONER VACANCY ELECTION MAY SELECT WATCHERS IN THE SAME MANNER AS A CANDIDATE IN A NONPARTISAN ELECTION AS PROVIDED IN SECTION 1-7-107. THE MEMBERS OF THE CANVASS BOARD FOR A COUNTY COMMISSIONER VACANCY ELECTION MUST BE APPOINTED AND CERTIFIED IN THE MANNER PROVIDED IN SECTION 1-10-101. ELECTION JUDGES FOR COUNTY COMMISSIONER VACANCY ELECTIONS MUST BE APPOINTED IN THE SAME MANNER AS ELECTION JUDGES FOR PARTISAN ELECTIONS IN ACCORDANCE WITH SECTION 1-6-111.

(l) IF, AT A COUNTY COMMISSIONER VACANCY ELECTION, AFTER ALL

RECOUNTS HAVE BEEN COMPLETED, ANY TWO OR MORE CANDIDATES TIE FOR THE HIGHEST NUMBER OF VOTES FOR THE SAME OFFICE, THE TIE MUST BE RESOLVED IN A MANNER AGREED UPON BY THE TYING CANDIDATES. IN CASE THE CANDIDATES FAIL TO AGREE ON THE METHOD OF RESOLUTION WITHIN FIVE DAYS AFTER THE CANVASS IS COMPLETE, THE TIE MUST BE RESOLVED BY LOT TO BE CAST AS THE APPROPRIATE COUNTY CLERK AND RECORDER MAY DETERMINE.

(9) (a) A POLITICAL PARTY MAY CHOOSE TO CONTINUE TO FILL A VACANCY IN THE OFFICE OF COUNTY COMMISSIONER BY VACANCY COMMITTEE ACCORDING TO SUBSECTION (1) OF THIS SECTION RATHER THAN BY THE COUNTY COMMISSIONER VACANCY ELECTION PROCESS ESTABLISHED BY SUBSECTION (8) OF THIS SECTION IF AT LEAST THREE-FOURTHS OF THE TOTAL VOTING MEMBERSHIP OF THE PARTY'S STATE CENTRAL COMMITTEE AFFIRMATIVELY VOTES TO DO SO. SUCH VOTE OF THE PARTY CENTRAL COMMITTEE MUST OCCUR NO LATER THAN OCTOBER 1 OF THE YEAR PRECEDING THE YEAR IN WHICH A COUNTY COMMISSIONER VACANCY ELECTION WOULD BE HELD. FOR PURPOSES OF THIS VOTE, MEMBERS OF THE STATE CENTRAL COMMITTEE SHALL NOT VOTE BY PROXY.

(b) (I) A POLITICAL PARTY MAY CHOOSE TO OPT OUT OF A COUNTY COMMISSIONER VACANCY ELECTION TO BE HELD IN NOVEMBER 2025 IF AT LEAST THREE-FOURTHS OF THE TOTAL VOTING MEMBERSHIP OF THE PARTY'S STATE CENTRAL COMMITTEE AFFIRMATIVELY VOTES TO CONTINUE TO FILL A VACANCY IN THE OFFICE OF COUNTY COMMISSIONER BY VACANCY COMMITTEE ACCORDING TO SUBSECTION (1) OF THIS SECTION. SUCH VOTE OF THE PARTY CENTRAL COMMITTEE MUST OCCUR NO LATER THAN JUNE 30, 2025. FOR PURPOSES OF THIS VOTE, MEMBERS OF THE STATE CENTRAL COMMITTEE SHALL NOT VOTE BY PROXY.

(II) THIS SUBSECTION (9)(b) IS REPEALED, EFFECTIVE JANUARY 1, 2026.

SECTION 4. In Colorado Revised Statutes, 1-45-103, **amend** (2) and (8) as follows:

1-45-103. Definitions. As used in this article 45, unless the context otherwise requires:

(2) "Candidate" ~~shall have~~ HAS the same meaning as set forth in

section 2 (2) of article XXVIII of the state constitution; EXCEPT THAT "CANDIDATE" ALSO INCLUDES A CANDIDATE FOR A COUNTY COMMISSIONER VACANCY ELECTION.

(8) "Election cycle" ~~shall have~~ HAS the same meaning as set forth in section 2 (6) of article XXVIII of the state constitution; EXCEPT THAT, FOR COUNTY COMMISSIONER VACANCY ELECTIONS HELD PURSUANT TO SECTION 1-12-206, "ELECTION CYCLE" MEANS THE PERIOD BEGINNING ON THE DATE THE VACANCY TO BE FILLED BY VACANCY ELECTION OCCURRED AND ENDING THIRTY DAYS FOLLOWING THE VACANCY ELECTION FOR THAT OFFICE.

SECTION 5. In Colorado Revised Statutes, 1-45-103.7, **add** (4.7) as follows:

1-45-103.7. Contribution limits - county offices - school district director - treatment of independent expenditure committees - contributions from limited liability companies - voter instructions on spending limits - definitions. (4.7) (a) A CANDIDATE COMMITTEE ESTABLISHED IN THE NAME OF A CANDIDATE WHO IS RUNNING FOR A COUNTY COMMISSIONER VACANCY ELECTION MAY ACCEPT FROM ANY ONE PERSON THE AGGREGATE CONTRIBUTION LIMIT FOR A GENERAL ELECTION AS SPECIFIED IN SUBSECTION (1.5) OF THIS SECTION APPLICABLE TO THE OFFICE OF COUNTY COMMISSIONER AT ANY POINT DURING THE ELECTION CYCLE.

(b) A CANDIDATE COMMITTEE ESTABLISHED IN THE NAME OF A CANDIDATE WHO IS RUNNING FOR A COUNTY COMMISSIONER VACANCY ELECTION MAY EXPEND CONTRIBUTIONS IN ACCORDANCE WITH SUBSECTION (4.7)(a) OF THIS SECTION AT ANY POINT DURING THE ELECTION CYCLE.

SECTION 6. In Colorado Revised Statutes, 1-45-108, **amend** (2)(a)(I)(C), (2)(a)(I)(D), and (2)(a)(I)(F) as follows:

1-45-108. Disclosure - definitions - repeal. (2) (a) (I) Except as provided in subsections (2)(a)(V), (2.1), (2.5), (2.7), and (6) of this section, such reports that are required to be filed with the secretary of state must be filed:

(C) On the first day of each month beginning the sixth full month before the major election; except that no monthly report shall be required on the first day of the month in which the major election OR COUNTY

COMMISSIONER VACANCY ELECTION is held;

(D) On the first Monday in September and on each Monday every two weeks thereafter before the major election OR COUNTY COMMISSIONER VACANCY ELECTION;

(F) Fourteen days before and thirty days after a special legislative election OR COUNTY COMMISSIONER VACANCY ELECTION held in an off-election year.

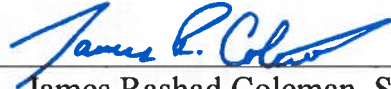
SECTION 7. Appropriation. For the 2025-26 state fiscal year, \$314,920 is appropriated to the department of state for use by the information technology division. This appropriation is from the department of state cash fund created in section 24-21-104 (3)(b), C.R.S. To implement this act, the division may use this appropriation for personal services.

SECTION 8. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for

the support and maintenance of the departments of the state and state institutions.



Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

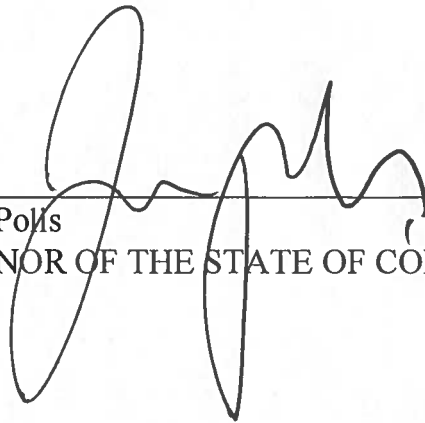


Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED Wednesday May 23rd 2023 at 2:00 pm
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO