

**First Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 25-0763.04 Rebecca Bayetti x4348

**HOUSE BILL 25-1319**

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**HOUSE SPONSORSHIP**

**Pugliese and Duran,**

**SENATE SPONSORSHIP**

**Kirkmeyer,**

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**House Committees**

State, Civic, Military, & Veterans Affairs

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**A BILL FOR AN ACT**

101     **CONCERNING VACANCIES IN THE OFFICE OF COUNTY COMMISSIONER.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill modifies the process for filling vacancies in an unexpired term in the office of county commissioner for county commissioners affiliated with a major political party in counties with populations of at least 50,000. Under current law, in the event of a vacancy in an unexpired term in the office of county commissioner, a vacancy committee appoints an individual to fill the vacancy until the next general election. The bill changes this process for a vacancy in an unexpired term of a county commissioner who is affiliated with a major political party if the vacancy

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.

occurs on or after July 31 of an even-numbered year but before July 31 of an odd-numbered year. If a vacancy in the office of county commissioner occurs on or after July 31 of an odd-numbered year but before July 31 of an even-numbered year or if a vacancy occurs and the unexpired term is less than 90 days, the vacancy is filled pursuant to current law.

The bill requires that, if the vacancy occurs on or after July 31 of an even-numbered year but before July 31 of an odd-numbered year, the vacancy must be filled by vacancy committee selection until the next regularly scheduled odd-year November election following the vacancy, when the vacancy must be filled by vacancy election held as part of the odd-year November election (vacancy election). An individual elected at a vacancy election serves until the next general election.

A vacancy election is administered according to the state election code, as applicable. A candidate must be placed on the ballot for a vacancy election if the candidate:

- Files a nominating statement signed by 30% of the district vacancy committee members with the county clerk and recorder and the candidate's major political party by the seventieth day before the vacancy election; or
- Submits to the county clerk and recorder, at least 75 days prior to the vacancy election, a notarized candidate's statement of intent and a petition signed by at least 200 electors who are affiliated with the same major political party as the candidate and are eligible to vote in the district for which the candidate is to be elected.

No other candidates are placed on the ballot. A candidate must meet the current statutory and constitutional requirements for serving as a county commissioner and be registered with the vacating commissioner's major political party by the first business day in January of the calendar year in which the vacancy election occurs. A candidate in a vacancy election is subject to the campaign finance requirements of the "Fair Campaign Practices Act".

Only registered electors who reside within the district served by the vacating commissioner and who are registered with the same major political party as the vacating commissioner or who are unaffiliated with a political party are eligible to vote in a vacancy election, unless 75% of the political party county central committee affirmatively votes to allow only electors affiliated with the political party to vote in a vacancy election.

The bill also makes conforming amendments.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-4-702, **amend** (1)

1 and (3) as follows:

2           **1-4-702. Nominations of candidates for general election by**  
3 **convention.** (1) Notwithstanding any other provision of law, a political  
4 party may choose to change from the nomination of candidates by  
5 primary election OR BY THE PROCESS DESCRIBED IN SECTION 1-12-206 (8)  
6 IN THE CASE OF A COUNTY COMMISSIONER VACANCY ELECTION to the  
7 nomination of candidates by assembly or convention for all offices  
8 including, but not limited to, United States senator, representative in  
9 congress, all elective state, district, and county officers, and members of  
10 the general assembly if at least three-fourths of the total VOTING  
11 membership of the party's state central committee votes ARE CAST IN THE  
12 AFFIRMATIVE to use the assembly or convention nomination process;  
13 except that nominations by major political parties for candidates for  
14 lieutenant governor shall be made by the party's candidate for governor  
15 pursuant to section 1-4-502 (3). Such vote of the party central committee  
16 shall occur no later than October 1 of the year preceding the year in which  
17 an assembly or convention nominating process is to be used. FOR  
18 PURPOSES OF THIS VOTE, MEMBERS OF THE STATE CENTRAL COMMITTEE  
19 SHALL NOT VOTE BY PROXY.

20           (3) Whichever method of candidate selection is chosen by a major  
21 political party as between primary election, assembly, or convention, all  
22 of the candidates for that party at any level of office in that election year  
23 must be selected by such method, except that the requirements of this  
24 provision shall not apply to a primary for president of the United States  
25 if such an election is held OR TO CANDIDATES FOR A COUNTY  
26 COMMISSIONER VACANCY ELECTION PURSUANT TO SECTION 1-12-206 (8).

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

1 as follows:

2 **1-5-505.5. State reimbursement to counties for elections with**  
3 **state certified ballot content.** (1) (d) (I) FOR A COUNTY COMMISSIONER  
4 VACANCY ELECTION, AS DESCRIBED IN SECTION 1-12-206 (8)(a), HELD AS  
5 PART OF AN ODD-YEAR NOVEMBER ELECTION FOR WHICH THE STATE  
6 CERTIFIES ANY BALLOT CONTENT, THE STATE SHALL REIMBURSE EACH  
7 COUNTY FOR FORTY-FIVE PERCENT OF THE COSTS THAT THE COUNTY  
8 INCURS IN CONDUCTING THE VACANCY ELECTION, INCLUDING THE COST OF  
9 PRINTING AND SUPPLIES. THE REMAINDER OF THE COSTS THAT THE  
10 COUNTY INCURS IN CONDUCTING THE VACANCY ELECTION IS A COUNTY  
11 CHARGE, THE PAYMENT OF WHICH IS PROVIDED IN THE SAME MANNER AS  
12 THE PAYMENT OF OTHER EXPENSES. THE SECRETARY OF STATE MAY ADOPT  
13 RULES FOR DETERMINING WHICH COSTS ARE NECESSARY AND REASONABLE  
14 AND THEREFORE REIMBURSABLE BY THE STATE.

15 (II) FOR A COUNTY COMMISSIONER VACANCY ELECTION, AS  
16 DESCRIBED IN SECTION 1-12-206 (8)(a), HELD AS PART OF AN ODD-YEAR  
17 NOVEMBER ELECTION FOR WHICH THE STATE DOES NOT CERTIFY ANY  
18 BALLOT CONTENT, THE COSTS THAT THE COUNTY INCURS IN CONDUCTING  
19 THE VACANCY ELECTION ARE BORNE BY THE COUNTY.

20 **SECTION 3.** In Colorado Revised Statutes, 1-12-206, **amend** (1)  
21 and (5); and **add** (8), (9), and (10) as follows:

22 **1-12-206. Vacancies in the office of county commissioner -**  
23 **county commissioner vacancy election - rules.** (1) In case of a vacancy  
24 occurring in the office of county commissioner, a vacancy committee  
25 constituted as provided in this section shall, by a majority vote of its  
26 members present at a meeting called for the purpose, fill the vacancy by  
27 appointment within ten days after the occurrence of the vacancy. The

1 meeting shall not be held unless a quorum is present consisting of not less  
2 than one-half of the voting members of the vacancy committee. A  
3 member of the vacancy committee may not vote by proxy. ALL VACANCY  
4 COMMITTEE MEETINGS MUST BE ACCESSIBLE IN REAL TIME BY LIVE  
5 STREAMING VIDEO OR AUDIO THAT IS RECORDED AND ACCESSIBLE TO THE  
6 PUBLIC. If the vacancy committee fails to fill the vacancy within ten days,  
7 the governor shall fill the vacancy by appointment within fifteen days  
8 after the occurrence of the vacancy.

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

18 (8) (a) EXCEPT AS PROVIDED IN SECTION 1-12-208, FOR COUNTIES  
19 WITH A POPULATION OF AT LEAST FIFTY THOUSAND, IF A VACANCY IN THE  
20 OFFICE OF COUNTY COMMISSIONER OCCURS ON OR AFTER JULY 31 OF AN  
21 EVEN-NUMBERED YEAR AND BEFORE JULY 31 OF THE NEXT  
22 ODD-NUMBERED YEAR AND THE FORMER COMMISSIONER WHOSE SEAT IS  
23 VACANT WAS AFFILIATED WITH A MAJOR POLITICAL PARTY, THE VACANCY  
24 MUST BE FILLED BY A VACANCY COMMITTEE PURSUANT TO SUBSECTION (1)  
25 OF THIS SECTION UNTIL THE NEXT REGULARLY SCHEDULED ODD-YEAR  
26 NOVEMBER ELECTION, WHEN THE VACANCY MUST BE FILLED BY COUNTY  
27 COMMISSIONER VACANCY ELECTION. THE CANDIDATE ELECTED IN THE

1 COUNTY COMMISSIONER VACANCY ELECTION SHALL SERVE UNTIL THE  
2 NEXT GENERAL ELECTION, WHEN THE VACANCY MUST BE FILLED BY  
3 ELECTION.

4 (b) THE ONLY CANDIDATES WHO MAY RUN IN A COUNTY  
5 COMMISSIONER VACANCY ELECTION DESCRIBED IN SUBSECTION (8)(a) OF  
6 THIS SECTION ARE CANDIDATES WHO ARE MEMBERS OF THE SAME  
7 POLITICAL PARTY AND OF THE SAME DISTRICT AS THE FORMER  
8 COMMISSIONER WHOSE SEAT IS VACANT. A CANDIDATE MUST MEET THE  
9 CURRENT STATUTORY AND CONSTITUTIONAL REQUIREMENTS FOR COUNTY  
10 COMMISSIONER AND BE REGISTERED WITH THE SAME MAJOR POLITICAL  
11 PARTY AS THE VACATING COMMISSIONER BY THE FIRST BUSINESS DAY IN  
12 JANUARY OF THE CALENDAR YEAR IN WHICH THE COUNTY COMMISSIONER  
13 VACANCY ELECTION OCCURS.

14 (c) THE ONLY CANDIDATES WHO ARE PLACED ON THE BALLOT FOR  
15 A COUNTY COMMISSIONER VACANCY ELECTION DESCRIBED IN SUBSECTION  
16 (8)(a) OF THIS SECTION ARE THOSE CANDIDATES DESCRIBED IN THIS  
17 SUBSECTION (8)(c). A CANDIDATE MUST BE PLACED ON THE BALLOT FOR  
18 A COUNTY COMMISSIONER VACANCY ELECTION IF THE CANDIDATE:

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

25 (II) SUBMITS TO THE COUNTY CLERK AND RECORDER, AT LEAST  
26 SEVENTY-FIVE DAYS PRIOR TO THE COUNTY COMMISSIONER VACANCY  
27 ELECTION, A NOTARIZED CANDIDATE'S STATEMENT OF INTENT AND A

1 PETITION SIGNED BY AT LEAST TWO HUNDRED ELECTORS WHO ARE  
2 AFFILIATED WITH THE SAME POLITICAL PARTY AS THE CANDIDATE AND ARE  
3 ELIGIBLE TO VOTE IN THE DISTRICT FOR WHICH THE CANDIDATE IS TO BE  
4 ELECTED AS PROVIDED IN SECTION 1-4-904.

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

11 (II) IF A VACANCY COMMITTEE MEMBER SIGNS A NOMINATING  
12 STATEMENT IN ACCORDANCE WITH SUBSECTION (8)(c)(I) OF THIS SECTION  
13 AFTER HAVING SIGNED ANOTHER NOMINATING STATEMENT FILED FOR THE  
14 SAME OFFICE IN THE SAME COUNTY COMMISSIONER VACANCY ELECTION,  
15 THE VACANCY COMMITTEE MEMBER'S LATER SIGNATURE DOES NOT COUNT  
16 TOWARD THE THIRTY PERCENT OF APPLICABLE VACANCY COMMITTEE  
17 MEMBER SIGNATURES REQUIRED PURSUANT TO SUBSECTION (8)(c)(I) OF  
18 THIS SECTION.

19 (e) (I) THE COUNTY CLERK AND RECORDER SHALL VERIFY THAT A  
20 PETITION SUBMITTED PURSUANT TO THIS SUBSECTION (8) SATISFIES THE  
21 REQUIREMENTS OF SUBSECTION (8)(c)(II) OF THIS SECTION. THE COUNTY  
22 CLERK AND RECORDER SHALL REVIEW THE PETITION ACCORDING TO  
23 SECTION 1-4-908; EXCEPT THAT THE COUNTY CLERK AND RECORDER  
24 SHALL NOTIFY THE CANDIDATE OF THE SUFFICIENCY OR INSUFFICIENCY OF  
25 THE PETITION NO LATER THAN TEN CALENDAR DAYS AFTER RECEIVING THE  
26 PETITION. IF THE COUNTY CLERK AND RECORDER DETERMINES THE  
27 PETITION TO BE SUFFICIENT, THE COUNTY CLERK AND RECORDER SHALL

1     ISSUE A STATEMENT OF SUFFICIENCY. PROTESTS AND REVIEW OF THE  
2     SUFFICIENCY OF A PETITION ARE ACCORDING TO SECTIONS 1-4-909 AND  
3     1-4-911. UPON DETERMINING THAT THE PETITION IS SUFFICIENT AND  
4     AFTER THE TIME FOR PROTEST HAS PASSED, THE COUNTY CLERK AND  
5     RECORDER SHALL CERTIFY THE CANDIDATE TO THE BALLOT.

6             (II) IF AN ELIGIBLE ELECTOR SIGNS A PETITION IN ACCORDANCE  
7     WITH SUBSECTION (8)(c)(II) OF THIS SECTION AFTER HAVING SIGNED  
8     ANOTHER PETITION SUBMITTED FOR THE SAME OFFICE IN THE SAME  
9     COUNTY COMMISSIONER VACANCY ELECTION, THE ELECTOR'S LATER  
10    SIGNATURE DOES NOT COUNT TOWARD THE TWO HUNDRED ELECTOR  
11    SIGNATURES REQUIRED PURSUANT TO SUBSECTION (8)(c)(II) OF THIS  
12    SECTION.

13            (f) THE ONLY VOTERS WHO MAY VOTE IN THE COUNTY  
14    COMMISSIONER VACANCY ELECTION AS DESCRIBED IN SUBSECTION (8)(a)  
15    OF THIS SECTION ARE VOTERS WHO RESIDE IN THE SAME DISTRICT  
16    REPRESENTED BY THE FORMER COMMISSIONER WHOSE SEAT IS VACANT  
17    AND WHO:

18            (I) ARE MEMBERS OF THE SAME POLITICAL PARTY AS THE FORMER  
19    COMMISSIONER WHOSE SEAT IS VACANT; OR

20            (II) ARE UNAFFILIATED, UNLESS AT LEAST THREE-FOURTHS OF THE  
21    TOTAL VOTING MEMBERSHIP OF THE POLITICAL PARTY'S STATE CENTRAL  
22    COMMITTEE VOTES ARE CAST IN THE AFFIRMATIVE TO ONLY ALLOW  
23    MEMBERS OF THE POLITICAL PARTY TO VOTE AT A COUNTY COMMISSIONER  
24    VACANCY ELECTION AS DESCRIBED IN SECTION (8)(a) OF THIS SECTION.  
25    SUCH VOTE OF THE CENTRAL COMMITTEE MUST OCCUR NO LATER THAN  
26    OCTOBER 1 OF THE YEAR PRECEDING THE COUNTY COMMISSIONER  
27    VACANCY ELECTION. FOR PURPOSES OF THIS VOTE, MEMBERS OF THE

1 CENTRAL COMMITTEE SHALL NOT VOTE BY PROXY.

2 (g) EXCEPT AS MODIFIED BY THIS SUBSECTION (8), THE  
3 APPROPRIATE COUNTY CLERK AND RECORDER SHALL CONDUCT THE  
4 COUNTY COMMISSIONER VACANCY ELECTION ACCORDING TO THE OTHER  
5 APPLICABLE PROVISIONS OF THIS CODE AND SHALL ENSURE THAT THE  
6 COUNTY COMMISSIONER VACANCY ELECTION USES THE SAME METHOD OF  
7 ELECTION THAT WAS USED TO ELECT THE VACATING COMMISSIONER  
8 PURSUANT TO PART 3 OF ARTICLE 10 OF TITLE 30.

9 (h) UPON RECEIPT OF THE CERTIFIED ABSTRACT OF VOTES CAST,  
10 THE COUNTY CLERK AND RECORDER SHALL ISSUE A CERTIFICATE OF  
11 ELECTION TO THE SUCCESSOR CANDIDATE WHO RECEIVED THE HIGHEST  
12 NUMBER OF VOTES AT THE COUNTY COMMISSIONER VACANCY ELECTION  
13 DESCRIBED IN SUBSECTION (8)(a) OF THIS SECTION. THE CANDIDATE WHO  
14 RECEIVED THE HIGHEST NUMBER OF VOTES MUST BE SWORN IN AND  
15 ASSUMES THE DUTIES OF THE OFFICE UPON CERTIFICATION OF THE  
16 ELECTION RESULTS.

17 (i) COUNTY COMMISSIONER VACANCY ELECTIONS DESCRIBED IN  
18 SUBSECTION (8)(a) OF THIS SECTION ARE SUBJECT TO THE APPROPRIATE  
19 SECTIONS OF ARTICLE 45 OF THIS TITLE 1 AND ARTICLE XXVIII OF THE  
20 STATE CONSTITUTION. AN INDIVIDUAL WHO SEEKS NOMINATION OR  
21 ELECTION TO THE OFFICE OF COUNTY COMMISSIONER AT A COUNTY  
22 COMMISSIONER VACANCY ELECTION IS A "CANDIDATE" FOR PURPOSES OF  
23 ARTICLE 45 OF THIS TITLE 1 AND SECTION 2 (2) OF ARTICLE XXVIII OF THE  
24 STATE CONSTITUTION.

25 **SECTION 4.** In Colorado Revised Statutes, 1-45-103, **amend** (2)  
26 and (8); and **add** (19) as follows:

27 **1-45-103. Definitions.** As used in this article 45, unless the

1 context otherwise requires:

2 (2) "Candidate" ~~shall have~~ HAS the same meaning as set forth in  
3 section 2 (2) of article XXVIII of the state constitution; EXCEPT THAT  
4 "CANDIDATE" ALSO INCLUDES A VACANCY CANDIDATE AS DEFINED IN  
5 SUBSECTION (19) OF THIS SECTION.

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

13 (19) "VACANCY CANDIDATE" MEANS ANY INDIVIDUAL WHO SEEKS  
14 NOMINATION OR ELECTION TO THE OFFICE OF COUNTY COMMISSIONER AT  
15 A COUNTY COMMISSIONER VACANCY ELECTION PURSUANT TO SECTION  
16 1-12-206 (8). AN INDIVIDUAL IS A VACANCY CANDIDATE IF THE  
17 INDIVIDUAL HAS PUBLICLY ANNOUNCED AN INTENTION TO SEEK ELECTION  
18 AT A COUNTY COMMISSIONER VACANCY ELECTION AND THEREAFTER HAS  
19 RECEIVED A CONTRIBUTION OR MADE AN EXPENDITURE IN SUPPORT OF THE  
20 CANDIDACY. A VACANCY CANDIDATE REMAINS A CANDIDATE FOR  
21 PURPOSES OF THIS ARTICLE 45 SO LONG AS THE VACANCY CANDIDATE  
22 MAINTAINS A REGISTERED CANDIDATE COMMITTEE. A VACANCY  
23 CANDIDATE WHO MAINTAINS A CANDIDATE COMMITTEE AFTER AN  
24 ELECTION CYCLE, BUT WHO HAS NOT PUBLICLY ANNOUNCED AN INTENTION  
25 TO SEEK ELECTION TO PUBLIC OFFICE IN THE NEXT OR ANY SUBSEQUENT  
26 ELECTION CYCLE, IS A CANDIDATE FOR PURPOSES OF THIS ARTICLE 45.

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

1 as follows:

2 **1-45-103.7. Contribution limits - county offices - school district**  
3 **director - treatment of independent expenditure committees -**  
4 **contributions from limited liability companies - voter instructions on**  
5 **spending limits - definitions. (4.7) (a) A CANDIDATE COMMITTEE**  
6 ESTABLISHED IN THE NAME OF A CANDIDATE WHO IS A VACANCY  
7 CANDIDATE RUNNING IN A COUNTY COMMISSIONER VACANCY ELECTION  
8 PURSUANT TO SECTION 1-12-206 (8) MAY ACCEPT FROM ANY ONE PERSON  
9 THE AGGREGATE CONTRIBUTION LIMIT SPECIFIED IN EITHER SECTION 3 (1)  
10 OF ARTICLE XXVIII OF THE STATE CONSTITUTION OR SUBSECTION (1.5) OF  
11 THIS SECTION APPLICABLE TO THE OFFICE OF COUNTY COMMISSIONER AT  
12 ANY POINT DURING THE ELECTION CYCLE.

13 (b) A CANDIDATE COMMITTEE ESTABLISHED IN THE NAME OF A  
14 CANDIDATE WHO IS A VACANCY CANDIDATE RUNNING IN A COUNTY  
15 COMMISSIONER VACANCY ELECTION PURSUANT TO SECTION 1-12-206 (8)  
16 MAY EXPEND CONTRIBUTIONS RECEIVED AND ACCEPTED IN ACCORDANCE  
17 WITH SUBSECTION (4.7)(a) OF THIS SECTION AT ANY POINT DURING THE  
18 ELECTION CYCLE.

19 **SECTION 6. Safety clause.** The general assembly finds,  
20 determines, and declares that this act is necessary for the immediate  
21 preservation of the public peace, health, or safety or for appropriations for  
22 the support and maintenance of the departments of the state and state  
23 institutions.