ENGROSSED

This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction

LLS NO. 18-0415.01 Nicole Myers x4326   **SENATE BILL 18-107**

SENATE SPONSORSHIP

Zenzinger, Martinez Humenik, Moreno, Tate

HOUSE SPONSORSHIP

Thurlow, Arndt, Hooton, McKean

Senate Committees   **House Committees**
State, Veterans, & Military Affairs

A BILL FOR AN ACT

101   **CONCERNING THE REPEAL OF PROCEDURES TO FILL VACANCIES IN**
102   **CANDIDATE NOMINATIONS FOR ELECTIONS CONDUCTED UNDER**
103   **THE "COLORADO MUNICIPAL CODE OF 1965".**

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/.)

Statutory Revision Committee. Current law specifies the process by which a vacancy in nomination may be filled for an election conducted under the "Colorado Municipal Code of 1965". **Section 3** of the bill repeals this process. **Section 2** makes a conforming amendment.

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

2   **SECTION 1. Legislative declaration.** The general assembly

3   hereby finds and declares that the process to fill a vacancy in nomination

4   under the "Colorado Municipal Code of 1965" is unsuitable, confusing,

5   and rarely, if ever, utilized in the context of nonpartisan elections. It is

6   therefore appropriate to repeal the provisions relating to filling

7   nominations in vacancy for municipal office elections, without disturbing

8   the ability of a candidate to withdraw.

9   **SECTION 2.** In Colorado Revised Statutes, **amend** 31-10-103 as

10   follows:

11   **31-10-103. Computation of time.** Calendar days shall be used

12   in all computations of time made under ~~the provisions of this article~~ THIS

13   ARTICLE 10. In computing time for any act to be done before any

14   municipal election, the first day shall be included, and the last, or

15   election, day shall be excluded. Saturdays, Sundays, and legal holidays

16   shall be included, but, if the time for any act to be done or the last day of

17   any period is a Saturday, Sunday, or a legal holiday, the period is

18   extended to include the next day which is not a Saturday, Sunday, or legal

19   holiday. If the time for ending the circulation of and filing nomination

20   petitions provided by section 31-10-302, the time for withdrawing from

21   nomination provided by section 31-10-303 (1), ~~the time prior to which~~

22   ~~vacancies in nominations may be filled and by which certificates of~~

23   ~~nomination or petitions to fill such vacancies may be filed as provided by~~

24   ~~section 31-10-304,~~ or the time for filing amended or new petitions to

25   remedy objections as provided by section 31-10-305 falls on Saturday,

26   Sunday, or a legal holiday, such act shall be done upon the preceding day

1   which is not a Saturday, Sunday, or legal holiday.

2   **SECTION 3.** In Colorado Revised Statutes, 31-10-302, **amend**

3   (1) as follows:

4   **31-10-302. Nomination of municipal officers.** (1) Candidates

5   for municipal offices shall be nominated, without regard to affiliation, by

6   petition on forms supplied by the clerk. A petition of nomination may

7   consist of one or more sheets, but it shall contain the name and address

8   of only one candidate and shall indicate the office to which the candidate

9   is seeking election. ~~The petition may designate one or more persons as a~~

10   ~~committee to fill a vacancy in the nomination.~~

11   **SECTION 4.** In Colorado Revised Statutes, **repeal** 31-10-303 (2),

12   31-10-304, and 31-10-909 (1)(c).

13   **SECTION 5.   Act subject to petition - effective date -**

14   **applicability.** (1) This act takes effect at 12:01 a.m. on the day following

15   the expiration of the ninety-day period after final adjournment of the

16   general assembly (August 8, 2018, if adjournment sine die is on May 9,

17   2018); except that, if a referendum petition is filed pursuant to section 1

18   (3) of article V of the state constitution against this act or an item, section,

19   or part of this act within such period, then the act, item, section, or part

20   will not take effect unless approved by the people at the general election

21   to be held in November 2018 and, in such case, will take effect on the

22   date of the official declaration of the vote thereon by the governor.

23   (2)   This act applies to elections conducted on or after the

24   applicable effective date of this act.