

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on State, Civic, Military, & Veterans Affairs.

HB26-1113 be amended as follows:

1 Amend printed bill, page 18, after line 12 insert:

2 "SECTION 17. In Colorado Revised Statutes, 1-4-1001, **add** (3)
3 as follows:

4 **1-4-1001. Withdrawal or disqualification from candidacy.**

5 (3) IF A PARTY FAILS TO FILL A VACANCY IN NOMINATION BY THE
6 DEADLINES ESTABLISHED IN THIS PART 10, THAT VACANCY IN NOMINATION
7 SHALL REMAIN UNFILLED.

8 **SECTION 18.** In Colorado Revised Statutes, 1-4-1002, **amend**
9 (3)(a) and (3)(b)(IV) as follows:

10 **1-4-1002. Vacancies in major party designation up to the**
11 **sixty-eighth day before primary election day.**

12 (3) (a) No vacancy committee called to fill a vacancy pursuant to
13 this section may select a person to fill the vacancy at a meeting held for
14 that purpose unless a written notice announcing the time and location of
15 the vacancy committee meeting was mailed to each of the committee
16 members within ~~five~~ TEN calendar days ~~of the chairperson of the central~~
17 ~~committee receiving notice of~~ FROM THE DATE the vacancy OCCURS.
18 Mailing of the notice is effective when the notice is properly addressed
19 and deposited in the United States mail, with first-class postage prepaid.
20 In addition to this mailing, the chairperson of the central committee may
21 also contact the committee members by electronic mail.

22 (b) (IV) If the vacancy committee fails to ~~timely~~ certify a selection
23 WITHIN TWENTY CALENDAR DAYS FROM THE DATE THE VACANCY OCCURS,
24 OR SIXTY-SIX DAYS BEFORE THE DATE OF THE PRIMARY ELECTION,
25 WHICHEVER IS SOONER, the state chair of the party of the candidate whose
26 declination, death, disqualification, or withdrawal caused the vacancy,
27 within seven days, shall fill the vacancy by appointing a person who
28 meets all of the requirements of candidacy as of the date of the
29 appointment and who is affiliated with the same political party shown in
30 the statewide voter registration system as the candidate whose
31 declination, death, disqualification, or withdrawal caused the vacancy.
32 The name of the person appointed by the state chair must be certified to
33 the secretary of state OR THE DESIGNATED ELECTION OFFICIAL.

34 **SECTION 19.** In Colorado Revised Statutes, 1-4-1003, **amend**
35 (3)(a), (3)(b)(IV), and (3)(c)(I) as follows:

36 **1-4-1003. Vacancies in major party designation occurring**
37 **between the sixty-seventh day before a primary election and the**
38 **earliest day to mail primary election ballots.**

39 (3) (a) No vacancy committee called to fill a vacancy pursuant to
40 this section may select a person to fill a vacancy at a meeting held for that

1 purpose unless a written notice announcing the time and location of the
2 vacancy committee meeting was mailed to each of the committee
3 members within ~~five~~ TEN calendar days ~~of the chairperson of the central~~
4 ~~committee learning of~~ FROM THE DATE the vacancy OCCURS. Mailing of
5 the notice is effective when the notice is properly addressed and deposited
6 in the United States mail, with first-class postage prepaid. In addition to
7 this mailing, the chairperson of the central committee may also contact
8 the committee members by electronic mail.

9 (b) (IV) If the vacancy committee fails to ~~timely~~ certify a selection
10 WITHIN TWENTY CALENDAR DAYS FROM THE DATE THE VACANCY OCCURS,
11 the state chair of the party of the candidate whose declination, death,
12 disqualification, or withdrawal caused the vacancy, within seven days,
13 shall fill the vacancy by appointing a person who meets all of the
14 requirements of candidacy as of the date of the appointment and who is
15 affiliated with the same political party shown in the statewide voter
16 registration system as the candidate whose declination, death,
17 disqualification, or withdrawal caused the vacancy. The name of the
18 person appointed by the state chair must be certified to the secretary of
19 state OR THE DESIGNATED ELECTION OFFICIAL.

20 (c) (I) The designation and acceptance of the person selected to
21 fill the vacancy must be submitted to the designated election official no
22 later than three days from either the date of the vacancy committee
23 meeting or from the date of appointment by the state chair pursuant to
24 subsection (3)(b)(IV) of this section, as applicable; EXCEPT THAT, THE
25 DESIGNATION AND ACCEPTANCE MUST IN ALL CASES BE SUBMITTED NO
26 LATER THAN THE DAY BEFORE THE DATE OF THE PRIMARY ELECTION.

27 **SECTION 20.** In Colorado Revised Statutes, 1-4-1004, **amend**
28 (3)(a), (3)(b)(IV), (3)(c)(I), and (4)(b) as follows:

29 **1-4-1004. Vacancies in major party designation occurring**
30 **from the day after the earliest day to mail primary election ballots**
31 **through primary election day.**

32 (3) (a) No vacancy committee called to fill a vacancy pursuant to
33 this section may select a person to fill a vacancy at a meeting held for that
34 purpose unless a written notice announcing the time and location of the
35 vacancy committee meeting was mailed to each of the committee
36 members within ~~five~~ TEN calendar days ~~of the chairperson of the central~~
37 ~~committee learning of~~ FROM THE DATE the vacancy OCCURS. Mailing of
38 the notice is effective when the notice is properly addressed and deposited
39 in the United States mail, with first-class postage prepaid. In addition to
40 the mailing, the chairperson of the central committee may also contact
41 committee members by electronic mail.

42 (b) (IV) If the vacancy committee fails to ~~timely~~ certify a selection
43 WITHIN TWENTY CALENDAR DAYS FROM THE DATE THE VACANCY OCCURS,

1 OR FIVE DAYS FROM THE DATE OF THE PRIMARY ELECTION, WHICHEVER IS
2 SOONER, the state chair of the party of the candidate whose declination,
3 death, disqualification, or withdrawal caused the vacancy, within seven
4 days, shall fill the vacancy by appointing a person who meets all of the
5 requirements of candidacy as of the date of the appointment and who is
6 affiliated with the same political party shown in the statewide voter
7 registration system as the candidate whose declination, death,
8 disqualification, or withdrawal caused the vacancy. The name of the
9 person appointed by the state chair must be certified to the secretary of
10 state OR THE DESIGNATED ELECTION OFFICIAL.

11 (c) (I) The designation and acceptance of the person selected to
12 fill the vacancy must be submitted to the designated election official no
13 later than three days from either the date of the vacancy committee
14 meeting or from the date of appointment by the state chair pursuant to
15 subsection (3)(b)(IV) of this section, as applicable; EXCEPT THAT, THE
16 DESIGNATION AND ACCEPTANCE MUST IN ALL CASES BE SUBMITTED NO
17 LATER THAN SEVEN DAYS FROM THE DATE OF THE PRIMARY ELECTION.

18 (4) When a vacancy in a party nomination is filled pursuant to this
19 section:

20 (b) Votes cast for the candidate who vacated the designation must
21 be counted as votes for the replacement candidate IF A REPLACEMENT
22 CANDIDATE HAS BEEN CERTIFIED TO THE SECRETARY OF STATE OR THE
23 DESIGNATED ELECTION OFFICIAL ON OR BEFORE THE DATE OF THE PRIMARY
24 ELECTION.

25 **SECTION 21.** In Colorado Revised Statutes, 1-4-1005, **amend**
26 (3)(a), (3)(b)(IV), and (3)(c)(I) as follows:

27 **1-4-1005. Vacancies in major party nomination occurring**
28 **from the day after primary election day through the earliest day to**
29 **mail general election ballots.**

30 (3) (a) No vacancy committee called to fill a vacancy pursuant to
31 this section may select a person to fill a vacancy at a meeting held for that
32 purpose unless a written notice announcing the time and location of the
33 vacancy committee meeting was mailed to each of the committee
34 members within ~~five~~ TEN calendar days ~~of the chairperson of the central~~
35 ~~committee learning of~~ FROM THE DATE the vacancy OCCURS. Mailing of
36 the notice is effective when the notice is properly addressed and deposited
37 in the United States mail, with first-class postage prepaid. In addition to
38 the mailing, the chairperson of the central committee may also contact
39 committee members by electronic mail.

40 (b) (IV) If the vacancy committee fails to ~~timely~~ certify a selection
41 WITHIN TWENTY CALENDAR DAYS FROM THE DATE THE VACANCY OCCURS,
42 the state chair of the party of the candidate whose declination, death,
43 disqualification, or withdrawal caused the vacancy, within seven days,

1 shall fill the vacancy by appointing a person who meets all of the
2 requirements of candidacy as of the date of the appointment and who is
3 affiliated with the same political party shown in the statewide voter
4 registration system as the candidate whose declination, death,
5 disqualification, or withdrawal caused the vacancy. The name of the
6 person appointed by the state chair must be certified to the secretary of
7 state OR THE DESIGNATED ELECTION OFFICIAL. ~~The vacancy is filled until~~
8 ~~the next general election after the vacancy occurs, when the vacancy is~~
9 ~~filled by election.~~

10 (c) (I) The designation and acceptance of the person selected to
11 fill the vacancy must be submitted to the designated election official no
12 later than three days from either the date of the vacancy committee
13 meeting or from the date of appointment by the state chair pursuant to
14 subsection (3)(b)(IV) of this section, as applicable; except that such
15 ~~certification~~ DESIGNATION AND ACCEPTANCE must in all cases be
16 submitted no later than the ~~sixty-fourth~~ day before the date of the general
17 election.

18 **SECTION 22.** In Colorado Revised Statutes, 1-4-1006, **amend**
19 (2) as follows:

20 **1-4-1006. Vacancies in major party nomination occurring**
21 **from the day after the earliest day to mail general election ballots**
22 **through general election day.**

23 (2) A vacancy occurring from the day after the earliest day to mail
24 general election ballots through general election day must REMAIN
25 UNFILLED. IF THE CANDIDATE RECEIVING THE MOST VOTES IN THE
26 ELECTION IS THE CANDIDATE WHOSE WITHDRAWAL OR DISQUALIFICATION
27 CREATED THE VACANCY, THE VACANCY IN OFFICE MUST be filled in
28 accordance with part 2 of article 12 of this code.

29 **SECTION 23.** In Colorado Revised Statutes, **amend** 1-4-1007 as
30 follows:

31 **1-4-1007. Vacancies in minor party designation or nomination.**

32 Any vacancy in a nomination for a minor political party candidate
33 occurring after the filing of the certificate of designation pursuant to
34 section 1-4-1304 (3) and no later than seventy days before the general or
35 congressional vacancy election, which is caused by the declination, death,
36 disqualification, or withdrawal of any person nominated by the minor
37 political party, may be filled by the person or persons designated in the
38 constitution or bylaws of the minor political party to fill vacancies. THE
39 DESIGNATION AND ACCEPTANCE OF THE PERSON SELECTED TO FILL THE
40 VACANCY MUST BE SUBMITTED TO THE DESIGNATED ELECTION OFFICIAL
41 NO LATER THAN THE SIXTY-FOURTH DAY BEFORE THE DATE OF THE
42 GENERAL ELECTION.

43 **SECTION 24.** In Colorado Revised Statutes, **amend** 1-4-1008 as

1 follows:

2 **1-4-1008. Vacancies in unaffiliated designation or nomination.**

3 Any vacancy in a nomination for an unaffiliated candidate caused
4 by the declination, death, disqualification, or withdrawal of any person
5 nominated by petition or statement of intent occurring after the filing of
6 the petition for nomination and no later than seventy days before the
7 general or congressional vacancy election may be filled by the person or
8 persons designated on the petition or statement of intent to fill vacancies.
9 THE DESIGNATION AND ACCEPTANCE OF THE PERSON SELECTED TO FILL
10 THE VACANCY MUST BE SUBMITTED TO THE DESIGNATED ELECTION
11 OFFICIAL NO LATER THAN THE SIXTY-FOURTH DAY BEFORE THE DATE OF
12 THE GENERAL ELECTION."

13 Renumber succeeding sections accordingly.

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