

**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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

State, Veterans, & Military Affairs

House Committees

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 maybe 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.

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

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.