

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 23-0538.01 Nicole Myers x4326

SENATE BILL 23-101

SENATE SPONSORSHIP

Kirkmeyer, Gardner

HOUSE SPONSORSHIP

Bradfield,

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 CONCERNING CANDIDATE BALLOT ACCESS FOR PRIMARY ELECTIONS.

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>.)

Currently, a major and, depending on party rules, a minor, political party candidate can access a primary election ballot in the state either by gathering a statutorily established number of petition signatures or by being nominated through the political party assembly process. **Section 1** of the bill eliminates the option for a major political party candidate to access a primary election ballot by being nominated through the political party assembly process, and **section 16** eliminates the option for a minor political party candidate.

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.

Current law prohibits an unaffiliated voter from signing a petition for a major political party candidate and prohibits a major political party candidate from circulating a party petition or gathering any signatures prior to the third Tuesday in January. **Section 2** changes the first day on which a major political party candidate may circulate a petition and gather signatures to the day on which the secretary of state provides notice to the candidate that the petition has been approved as to form and eliminates the prohibition against an unaffiliated voter signing a petition for a major political party candidate.

The number of petition signatures that a candidate must collect to access a primary election ballot is currently different for a candidate who is a member of a major political party and a candidate who is a member of a minor political party. **Section 3** aligns the signature requirements for a candidate who is a member of a minor political party with the requirements for a candidate who is a member of a major political party.

Section 3 also aligns the methods by which a candidate who is a member of a minor political party may access the presidential primary election ballot with those of a candidate who is a member of a minor political party.

In addition, the date on which a candidate may first circulate a petition or gather signatures is different for a candidate who is a member of a major political party than for a candidate who is unaffiliated or a member of a minor political party. Section 3 aligns the day on which all candidates may circulate a petition or gather signatures to the day on which the secretary of state provides notice to the candidate that the petition has been approved as to form.

For a petition to nominate a candidate from a major political party in a partisan election, current law requires each person who signs the petition to be affiliated with the major political party named in the petition. **Section 4** allows a person who is not affiliated with any political party to sign one petition per office to nominate a candidate from a major political party in a partisan election.

Current law specifies that for a candidate who is a member of a major political party to be placed on a presidential primary election ballot, the candidate must submit a notarized statement of intent and either a filing fee or a petition signed by at least 5,000 eligible electors affiliated with the candidate's political party who reside in the district. **Section 5** allows the petition to be signed by eligible electors who have not been affiliated with any political party for at least 22 days.

Sections 6 through 16, 18, and 19 make conforming amendments.

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

2 **SECTION 1.** In Colorado Revised Statutes, **repeal** 1-4-601 as

1 follows:

2 **1-4-601. Designation of candidates for primary election -**
3 **definition.** ~~(1) (a) Assemblies of the major political parties may make~~
4 ~~assembly designations of candidates for nomination on the primary~~
5 ~~election ballot. Except as provided in subsection (1)(b) of this section, an~~
6 ~~assembly shall be held no later than seventy-three days preceding the~~
7 ~~primary election.~~

8 ~~(b) Repealed.~~

9 ~~(1.5) To be named as a candidate for designation by assembly, a~~
10 ~~person must provide notice as follows no less than thirty days before the~~
11 ~~assembly, unless otherwise provided by party rules:~~

12 ~~(a) A person seeking designation by a county assembly must~~
13 ~~provide notice to the county chair;~~

14 ~~(b) A person seeking designation by a multi-county district~~
15 ~~assembly must provide notice to the multi-county district chair and the~~
16 ~~state chair; and~~

17 ~~(c) A person seeking designation by the state assembly must~~
18 ~~provide notice to the state chair.~~

19 ~~(2) (a) An assembly must take no more than two ballots for party~~
20 ~~candidates for each office to be filled at the next general election. Every~~
21 ~~candidate receiving thirty percent or more of the votes of all duly~~
22 ~~accredited assembly delegates who are present and voting on that office~~
23 ~~must be certified by affidavit of the presiding officer and secretary of the~~
24 ~~assembly. If no candidate receives thirty percent or more of the votes of~~
25 ~~all duly accredited assembly delegates who are present and voting, a~~
26 ~~second ballot must be cast on all the candidates for that office. If on the~~
27 ~~second ballot no candidate receives thirty percent or more of the votes~~

1 cast, the two candidates receiving the highest number of votes must be
2 certified as candidates for that office by the assembly. The certificate of
3 designation by assembly must state the name of the office for which each
4 person is a candidate and the candidate's name and address, must
5 designate in not more than three words the name of the political party
6 which the candidate represents, and must certify that the candidate has
7 been a member of the political party for the period of time required by
8 party rule or by subsection (4) of this section if the party has no such rule.
9 The candidate's affiliation, as shown in the statewide voter registration
10 system, is prima facie evidence of political party membership. The
11 certificate of designation must indicate the order of the vote received at
12 the assembly by candidates for each office, but no assembly shall declare
13 that any one candidate has received the nomination of the assembly. The
14 certificate of designation must be filed in accordance with section
15 1-4-604. If two or more candidates receiving designation under this
16 subsection (2) have received an equal number of votes, the order of
17 certification of designation is determined by lot by the candidates. The
18 assembly shall select a vacancy committee for vacancies in designation
19 or nomination only.

20 (b) Repealed.

21 (c) Notwithstanding any provision to the contrary, a delegate may
22 participate in the assembly remotely, including casting the delegate's vote
23 by e-mail, mail, telephone, or through an internet-based application if
24 allowed by the party's rules.

25 (3)(a) Except as provided in paragraph (b) of this subsection (3),
26 no later than four days after the adjournment of the assembly, each
27 candidate designated by assembly shall file a written acceptance with the

1 officer with whom the certificate of designation is filed. This acceptance
2 may be transmitted by facsimile transmission. If the acceptance is
3 transmitted by facsimile transmission, the original acceptance must also
4 be filed and postmarked no later than ten days after the adjournment of
5 the assembly. The acceptance shall state the candidate's name in the form
6 in which it is to appear on the ballot. The name may include one
7 nickname, if the candidate regularly uses the nickname and the nickname
8 does not include any part of a political party name. If an acceptance is not
9 filed within the specified time, the candidate shall be deemed to have
10 declined the designation; except that the candidate shall not be deemed
11 to have declined the designation and shall be included on the primary
12 ballot if late filing of an acceptance is caused by the failure to timely file
13 a certificate of designation or the failure to file such acceptance with such
14 certificate of designation, as required by section 1-4-604 (1)(a).

15 (b) The written acceptance of a candidate nominated by assembly
16 for any national or state office or for member of the general assembly,
17 district attorney, or district office greater than a county office shall be
18 filed by the presiding officer or secretary of such assembly with the
19 certificate of designation of such assembly, as required by section 1-4-604
20 (1)(a). Nothing in this paragraph (b) shall prohibit a candidate from filing
21 an acceptance of nomination directly with the officer with whom the
22 certificate of designation is filed following written notice of such filing
23 by the candidate to the presiding officer of the political party holding such
24 assembly.

25 (4) (a) No person is eligible for designation by assembly as a
26 candidate for nomination at any primary election unless the person was
27 affiliated with the political party holding the assembly, as shown in the

1 statewide voter registration system, no later than the first business day of
2 the January immediately preceding the primary election, unless otherwise
3 provided by party rules.

4 (b) Repealed.

5 (5) As used in this section, "political party" means a major
6 political party as defined in section 1-1-104 (22).

7 **SECTION 2.** In Colorado Revised Statutes, 1-4-801, **amend**
8 (2)(a) and (5)(a) as follows:

9 **1-4-801. Designation of party candidates by petition.** (2) The
10 signature requirements for the petition are as follows:

11 (a) Every petition in the case of a candidate for any county office
12 must be signed by electors eligible to vote within the county
13 commissioner district or political subdivision for which the officer is to
14 be elected. Except as otherwise provided in subsection (2)(e) of this
15 section, the petition requires the lesser of one thousand signers or signers
16 equal in number to ten percent of the votes cast in the political
17 subdivision at the contested or uncontested primary election for the
18 political party's candidate for the office for which the petition is being
19 circulated or, if there was no primary election, at the last preceding
20 general election for which there was a candidate for the office.
21 ~~Notwithstanding any other provision of law, an unaffiliated elector is not~~
22 ~~eligible to sign a petition for a candidate of a major political party.~~

23 (5) (a) Party petitions shall not be circulated nor any signatures be
24 obtained prior to ~~the third Tuesday in January~~ THE DAY ON WHICH THE
25 SECRETARY OF STATE PROVIDES NOTICE TO THE CANDIDATE THAT THE
26 PETITION HAS BEEN APPROVED AS TO FORM PURSUANT TO SECTION
27 1-4-903. Petitions must be filed no later than the close of business on the

1 third Tuesday in March.

2 **SECTION 3.** In Colorado Revised Statutes, 1-4-802, **amend**
3 (1)(c) and (1)(d); and **add** (1)(c.5) as follows:

4 **1-4-802. Petitions for nominating minor political party and**
5 **unaffiliated candidates for a partisan office.** (1) Candidates for
6 partisan public offices to be filled at a general or congressional vacancy
7 election who do not wish to affiliate with a major political party may be
8 nominated, other than by a primary election or a convention, in the
9 following manner:

10 (c) Every petition for ~~the office of president and vice president,~~
11 ~~for~~ statewide office, for congressional district office, for the office of
12 member of the general assembly, for district attorney, and for county
13 office must be signed by eligible electors residing within the district or
14 political subdivision in which the officer is to be elected. Except as
15 otherwise provided in subsection (2) of this section, the number of
16 signatures of eligible electors on a petition is as follows:

17 (I) ~~At least one thousand five hundred in each congressional~~
18 ~~district for the office of president and vice president;~~

19 (II) (A) At least one thousand in each congressional district for the
20 offices of ~~governor,~~ secretary of state, attorney general, or treasurer; ~~or~~
21 ~~the office of United States senator;~~

22 (A.5) AT LEAST ONE THOUSAND FIVE HUNDRED IN EACH
23 CONGRESSIONAL DISTRICT FOR THE OFFICES OF GOVERNOR OR UNITED
24 STATES SENATOR;

25 (B) At least five hundred in each congressional district for the
26 office of an at-large seat on either the state board of education or the
27 board of regents of the university of Colorado;

1 (III) The lesser of one thousand five hundred or ~~two and one-half~~
2 TEN percent of the votes cast in the congressional district in the most
3 recent general election for the office of member of the United States
4 house of representatives, member of the state board of education for a
5 congressional district, or member of the board of regents of the university
6 of Colorado for a congressional district;

7 (IV) The lesser of one thousand or ~~three and one-third~~ THIRTY
8 percent of the votes cast in the senate district in the most recent general
9 election for the office of member of the state senate;

10 (V) The lesser of one thousand or ~~five~~ THIRTY percent of votes
11 cast in the house district in the most recent general election for the office
12 of member of the state house of representatives;

13 (VI) The lesser of one thousand or ~~three~~ TEN percent of the votes
14 cast in the district in the most recent general election for the office of
15 district attorney; and

16 (VII) The lesser of one thousand or ~~two~~ TEN percent of the votes
17 cast for all candidates for that office in the most recent general election
18 for any county office.

19 (c.5) FOR THE OFFICE OF PRESIDENT OF THE UNITED STATES, THE
20 REQUIREMENTS OF SECTION 1-4-1204 (1)(c) APPLY TO ANY MINOR
21 POLITICAL PARTY CANDIDATE AND ANY CANDIDATE WHO IS NOT
22 AFFILIATED WITH ANY POLITICAL PARTY.

23 (d) (I) No petition to nominate an unaffiliated candidate, except
24 petitions for candidates for vacancies to unexpired terms of
25 representatives in congress and for presidential electors, shall be
26 circulated or any signatures obtained thereon earlier than ~~one hundred~~
27 ~~seventy-three days before the general election~~ THE DAY ON WHICH THE

1 SECRETARY OF STATE PROVIDES NOTICE TO THE CANDIDATE THAT THE
2 PETITION HAS BEEN APPROVED AS TO FORM PURSUANT TO SECTION
3 1-4-903.

4 (II) No petition to nominate a minor political party candidate shall
5 be circulated nor any signatures obtained thereon earlier than the ~~first~~
6 ~~Monday in February in the general election year~~ THE DAY ON WHICH THE
7 SECRETARY OF STATE PROVIDES NOTICE TO THE CANDIDATE THAT THE
8 PETITION HAS BEEN APPROVED AS TO FORM PURSUANT TO SECTION
9 1-4-903.

10 **SECTION 4.** In Colorado Revised Statutes, 1-4-904, **amend**
11 (2)(a) as follows:

12 **1-4-904. Signatures on the petitions.** (2) (a) For petitions to
13 nominate candidates from a major political party in a partisan election,
14 each signer ~~must be affiliated with the major political party named in the~~
15 ~~petition and~~ shall state the following to the circulator: That the signer has
16 been affiliated with the major political party named in the petition for at
17 least twenty-two days OR THAT THE SIGNER HAS NOT BEEN AFFILIATED
18 WITH ANY POLITICAL PARTY FOR AT LEAST TWENTY-TWO DAYS, as shown
19 in the statewide voter registration system, and that the signer has not
20 signed any other petition for any other candidate for the same office.

21 **SECTION 5.** In Colorado Revised Statutes, 1-4-1204, **amend**
22 (1)(c) as follows:

23 **1-4-1204. Names on ballots.** (1) Not later than sixty days before
24 the presidential primary election, the secretary of state shall certify the
25 names and party affiliations of the candidates to be placed on any
26 presidential primary election ballots. The only candidates whose names
27 shall be placed on ballots for the election shall be those candidates who:

1 (c) Have submitted to the secretary, not later than eighty-five days
2 before the date of the presidential primary election, a notarized
3 candidate's statement of intent together with either a nonrefundable filing
4 fee of five hundred dollars or a petition signed by at least five thousand
5 eligible electors WHO EITHER ARE affiliated with the candidate's political
6 party OR HAVE NOT BEEN AFFILIATED WITH ANY POLITICAL PARTY FOR AT
7 LEAST TWENTY-TWO DAYS AND who reside in the state. Candidate
8 petitions must meet the requirements of parts 8 and 9 of this article 4, as
9 applicable.

10 **SECTION 6.** In Colorado Revised Statutes, 1-2-222, **amend** (3)
11 as follows:

12 **1-2-222. Errors in recording of affiliation.** (3) For the purposes
13 of determining the eligibility of candidates for nomination in accordance
14 with ~~sections 1-4-601 (4)(a) and~~ SECTION 1-4-801 (4), the eligibility of
15 persons to vote at any precinct caucus, assembly, or convention in
16 accordance with section 1-3-101, or the eligibility of persons to sign
17 petitions in accordance with section 1-4-801 (2), the date of declaration
18 of the party affiliation of the elector must be the date which the elector
19 alleges by affidavit to be the correct date of affiliation.

20 **SECTION 7.** In Colorado Revised Statutes, 1-4-101, **amend** (3)
21 as follows:

22 **1-4-101. Primary elections - when - nominations - expenses.**
23 (3) All nominations by major political parties for candidates for United
24 States senator, representative in congress, all elective state, district, and
25 county officers, and members of the general assembly shall be made by
26 primary elections; except that, for general elections occurring after
27 January 1, 2001, nominations by major political parties for candidates for

1 lieutenant governor shall not be made by primary elections and shall be
2 made pursuant to section 1-4-502 (3). Neither the secretary of state nor
3 any county clerk and recorder shall place on the official general election
4 ballot the name of any person as a candidate of any major political party
5 who has not been nominated in accordance with the provisions of this
6 article, ~~or who has not been affiliated with the major political party for the~~
7 ~~period of time required by section 1-4-601,~~ or who does not meet
8 residency requirements for the office, if any. The information found on
9 the voter registration record of the county of current or previous residence
10 of the person seeking to be placed on the ballot is admissible as prima
11 facie evidence of compliance with this article.

12 **SECTION 8.** In Colorado Revised Statutes, **amend** 1-4-102 as
13 follows:

14 **1-4-102. Method of placing names on primary ballot.** All
15 candidates for nominations to be made at any primary election shall be
16 placed on the primary election ballot ~~either by certificate of designation~~
17 ~~by assembly or by petition.~~

18 **SECTION 9.** In Colorado Revised Statutes, **amend** 1-4-103 as
19 follows:

20 **1-4-103. Order of names on primary ballot.** ~~Candidates~~
21 ~~designated and certified by assembly for a particular office shall be placed~~
22 ~~on the primary election ballot in the order of the vote received at the~~
23 ~~assembly. The candidate receiving the highest vote shall be placed first~~
24 ~~in order on the ballot, followed by the candidate receiving the next~~
25 ~~highest vote. To qualify for placement on the primary election ballot, a~~
26 ~~candidate must receive thirty percent or more of the votes of the~~
27 ~~assembly. The names of two or more candidates receiving an equal~~

1 ~~number of votes for designation by assembly shall be placed on the~~
2 ~~primary ballot in the order determined by lot in accordance with section~~
3 ~~1-4-601 (2). Candidates by petition for any particular office shall follow~~
4 ~~assembly candidates and shall be placed on the primary election ballot in~~
5 ~~an order established by lot.~~

6 **SECTION 10.** In Colorado Revised Statutes, 1-4-604, **amend**
7 (1)(a) and (2); and **repeal** (1)(b), (3), (5), and (6) as follows:

8 **1-4-604. Filing of petitions.** (1) (a) Every petition ~~or certificate~~
9 ~~of designation by assembly~~ in the case of a candidate for nomination for
10 any national or state office specified in section 1-4-502 (1), or for
11 member of the general assembly, district attorney, or district office greater
12 than a county office, ~~together with the written acceptances signed by the~~
13 ~~persons designated or nominated by such assembly described in section~~
14 ~~1-4-601 (3), shall be filed by the presiding officer or secretary of such~~
15 ~~assembly and received in the office of the secretary of state.~~

16 (b) ~~A copy of each such certificate of designation shall be~~
17 ~~transmitted by the presiding officer or secretary of each assembly to the~~
18 ~~state central committee of the political party holding such assembly~~
19 ~~within three days after the adjournment of such assembly.~~

20 (2) Every petition ~~or certificate of designation by assembly~~ in the
21 case of a candidate for nomination for any elective office other than the
22 offices specified in ~~paragraph (a) of subsection (1)~~ SUBSECTION (1)(a) of
23 this section shall be filed in the office of the county clerk and recorder of
24 the county where the person is a candidate.

25 (3) ~~Certificates of designation by assembly shall be filed no later~~
26 ~~than four days after the adjournment of the assembly. Certificates of~~
27 ~~designation may be transmitted by facsimile transmission; however, the~~

1 original certificate must also be filed and postmarked no later than ten
2 days after the adjournment of the assembly.

3 (5) ~~Late filing of the certificate of designation shall not deprive~~
4 ~~candidates of their candidacy.~~

5 (6) (a) (I) ~~Except as provided in subsection (6)(a)(II) of this~~
6 ~~section, no later than four days after the adjournment of the assembly, the~~
7 ~~state central committee of each political party, utilizing the information~~
8 ~~described in subsection (1)(b) of this section, shall file with the secretary~~
9 ~~of state a compilation of the certificates of designation of each assembly~~
10 ~~that nominated candidates for any national or state office or for member~~
11 ~~of the general assembly, district attorney, or district office greater than a~~
12 ~~county office. Such a compilation of certificates of designation may be~~
13 ~~transmitted by facsimile transmission; however, the original compilation~~
14 ~~must also be filed and postmarked no later than ten days after the~~
15 ~~adjournment of the assembly.~~

16 (b) ~~The secretary of state shall compare such party compilation of~~
17 ~~certificates of designation with the certificates of designation filed by~~
18 ~~each such assembly with the secretary of state's office pursuant to~~
19 ~~paragraph (a) of subsection (1) of this section. In the event that a~~
20 ~~certificate of designation appearing on such party compilation has not~~
21 ~~been filed pursuant to paragraph (a) of subsection (1) of this section, the~~
22 ~~secretary of state shall notify the state central committee of such party not~~
23 ~~less than fifty-seven days before the primary election of an assembly's~~
24 ~~failure to file such certificate of designation.~~

25 (c) ~~A state central committee that receives notification pursuant~~
26 ~~to paragraph (b) of this subsection (6) shall file, or direct the presiding~~
27 ~~officer of the assembly to file, the certificate of designation, together with~~

1 any written acceptances, not less than fifty-six days before the primary
2 election.

3 (d) ~~The general assembly hereby finds and declares that it is~~
4 ~~beneficial to improve the procedure and timeliness for communicating the~~
5 ~~designation of candidates for the primary election ballot by political party~~
6 ~~assemblies between the officers of such assemblies, the state central~~
7 ~~committee of each political party, and the secretary of state. The general~~
8 ~~assembly further finds that prescribing certain additional review processes~~
9 ~~for the documentation evidencing designations and nominations of~~
10 ~~candidates that are not onerous will serve to minimize the likelihood of~~
11 ~~a candidate being deprived of his or her candidacy and of an erroneous~~
12 ~~primary election ballot. The general assembly further encourages the~~
13 ~~responsible officials to engage in the enhanced communication and~~
14 ~~review described in this subsection (6) well in advance of statutorily~~
15 ~~prescribed deadlines or ballot certification dates, if possible, in order to~~
16 ~~maximize the time for giving notice and resolving any issues that may~~
17 ~~arise from the primary ballot nomination process.~~

18 **SECTION 11.** In Colorado Revised Statutes, **amend** 1-4-605 as
19 follows:

20 **1-4-605. Order of names on primary ballot.** Candidates
21 designated and certified by assembly for a particular office shall be placed
22 on the primary election ballot in the order of the vote received at the
23 assembly. The candidate receiving the highest vote shall be placed first
24 in order on the ballot, followed by the candidate receiving the next
25 highest vote, and so on until all of the candidates designated have been
26 placed on the ballot. The names of two or more candidates receiving an
27 equal number of votes for designation by assembly shall be placed on the

1 primary ballot in the order determined by lot in accordance with section
2 ~~1-4-601 (2)~~. Candidates by petition for any particular office shall follow
3 ~~assembly candidates and shall be~~ placed on the primary election ballot in
4 an order established by lot.

5 **SECTION 12.** In Colorado Revised Statutes, 1-4-1002, **amend**
6 (1), (2), and (3)(b)(II) as follows:

7 **1-4-1002. Vacancies in major party designation up to the**
8 **sixty-eighth day before primary election day.** (1) For the purposes of
9 this section, a vacancy is caused by

10 (a) the declination, death, disqualification, or withdrawal of ~~the~~
11 ~~person designated by a party assembly as a candidate for nomination; or~~
12 ALL INDIVIDUALS DESIGNATED AS CANDIDATES FOR NOMINATION BY A
13 MAJOR POLITICAL PARTY IN ACCORDANCE WITH SECTION 1-4-603 AND
14 PART 8 OF THIS ARTICLE 4.

15 (b) ~~The failure of a party assembly to make designation of any~~
16 ~~candidate for nomination.~~

17 (c) ~~Repealed.~~

18 (2) Any vacancy ~~in a party designation~~ occurring after the party
19 ~~assembly at which the designation was made and~~ no later than sixty-eight
20 days before the primary election may be filled by the party assembly
21 vacancy committee of the district, county, or state, depending upon the
22 office for which the vacancy in designation has occurred. The party
23 assembly vacancy committee must be appointed by the party in
24 accordance with party rules.

25 (3) (b) (II) The vacancy committee, by a majority vote of its
26 members present and voting at a meeting called for that purpose, shall
27 select a person who meets all of the requirements of candidacy as of the

1 date of the appointment and who is affiliated with the same political party

2 ~~(A)~~ as shown in the statewide voter registration system as the
3 candidate whose declination, death, disqualification, or withdrawal
4 caused the vacancy. ~~or~~

5 ~~(B) As the party assembly that failed to designate a candidate, as~~
6 ~~applicable.~~

7 **SECTION 13.** In Colorado Revised Statutes, 1-4-1003, **amend**
8 (1) and (2) as follows:

9 **1-4-1003. Vacancies in major party designation occurring**
10 **between the sixty-seventh day before a primary election and the**
11 **earliest day to mail primary election ballots.** (1) ~~(a)~~ For the purposes
12 of this section, a vacancy is caused by the declination, death,
13 disqualification, or withdrawal of ~~the person designated by the assembly~~
14 ~~as a candidate for nomination~~ ALL INDIVIDUALS DESIGNATED AS
15 CANDIDATES FOR NOMINATION BY A MAJOR POLITICAL PARTY IN
16 ACCORDANCE WITH SECTION 1-4-603 AND PART 8 OF THIS ARTICLE 4 OR
17 ALL INDIVIDUALS DESIGNATED AS CANDIDATES FOR NOMINATION BY A
18 MINOR POLITICAL PARTY IN ACCORDANCE WITH PART 8 OF THIS ARTICLE 4.

19 ~~(b) Repealed.~~

20 (2) A vacancy ~~in a party nomination~~ occurring between the
21 sixty-seventh day before a primary election and the earliest day to mail
22 primary election ballots pursuant to section 1-7.5-107 may be filled by the
23 respective party assembly vacancy committee of the appropriate district,
24 county, or state. The party assembly vacancy committee must be
25 appointed by the party in accordance with party rules.

26 **SECTION 14.** In Colorado Revised Statutes, 1-4-1004, **amend**
27 (1) and (2) as follows:

1 **1-4-1004. Vacancies in major party designation occurring**
2 **from the day after the earliest day to mail primary election ballots**
3 **through primary election day.** (1) For the purposes of this section, a
4 vacancy is caused by the declination, death, disqualification, or
5 withdrawal of ~~the person designated by the assembly as a candidate for~~
6 ~~nomination~~ ALL INDIVIDUALS DESIGNATED AS CANDIDATES FOR
7 NOMINATION BY A MAJOR POLITICAL PARTY IN ACCORDANCE WITH
8 SECTION 1-4-603 AND PART 8 OF THIS ARTICLE 4 OR ALL INDIVIDUALS
9 DESIGNATED AS CANDIDATES FOR NOMINATION BY A MINOR POLITICAL
10 PARTY IN ACCORDANCE WITH PART 8 OF THIS ARTICLE 4.

11 (2) A vacancy ~~in a party designation~~ occurring from the day after
12 the earliest day to mail primary election ballots pursuant to section
13 1-7.5-107 through the day of the primary election may be filled by the
14 respective party assembly vacancy committee of the district, county, or
15 state, depending upon the office for which the vacancy in nomination has
16 occurred. The party assembly vacancy committee must be appointed by
17 the party in accordance with party rules.

18 **SECTION 15.** In Colorado Revised Statutes, **amend** 1-4-1007 as
19 follows:

20 **1-4-1007. Vacancies in minor party designation or nomination.**
21 Any vacancy in a nomination for a minor political party candidate
22 occurring ~~after the filing of the certificate of designation pursuant to~~
23 ~~section 1-4-1304(3) and~~ no later than seventy days before the general or
24 congressional vacancy election, which is caused by the declination, death,
25 disqualification, or withdrawal of any person nominated by the minor
26 political party, may be filled by the person or persons designated in the
27 constitution or bylaws of the minor political party to fill vacancies.

1 **SECTION 16.** In Colorado Revised Statutes, 1-4-1010, **amend**
2 (1)(b)(I); and **repeal** (1)(a)(I) as follows:

3 **1-4-1010. Vacancies in office occurring from the sixty-eighth**
4 **day prior to primary election day through the earliest day to mail**
5 **general election ballots.** (1) Except as otherwise provided in subsection
6 (2) of this section or section 1-4-1010 (2), any vacancy in a statewide or
7 county office, in the office of district attorney, or in the office of a state
8 senator occurring during a term of office and falling within the time
9 periods governed by section 1-4-1002, 1-4-1003, 1-4-1004, or 1-4-1005
10 shall be filled at the next general election with nomination or designation
11 by the political party as follows:

12 (a) (I) ~~If the vacancy occurs before the political party assembly,~~
13 ~~the designated election official shall notify the chairperson of each major~~
14 ~~political party that the office will be on the ballot for the next primary~~
15 ~~election, and candidates for the office shall be designated as provided in~~
16 ~~section 1-4-601 or 1-4-603.~~

17 (b) (I) If the vacancy occurs ~~after the political party assembly and~~
18 no later than sixty-eight days before the primary election, the designated
19 election official shall add the office to the notice of election and notify the
20 chairperson of each major political party that the office will be on the
21 ballot for the next primary election. Candidates for the office shall be
22 designated as provided in section 1-4-603 or by the respective party
23 central committee vacancy committee for the state, county, judicial
24 district, or state senate district.

25 **SECTION 17.** In Colorado Revised Statutes, 1-4-1304, **amend**
26 (1.5)(c) and (1.5)(d); and **repeal** (1.5)(b) and (3) as follows:

27 **1-4-1304. Nomination of candidates.** (1.5) (b) ~~(f)~~ ~~A minor~~

1 ~~political party may nominate candidates for offices to be filled at a~~
2 ~~general election by assembly. Except as provided in subsection (1.5)(f) of~~
3 ~~this section, an assembly shall be held no later than seventy-three days~~
4 ~~preceding the primary election.~~

5 ~~(H) Each candidate receiving thirty percent or more of the votes~~
6 ~~of all duly accredited assembly delegates who are present and voting on~~
7 ~~that office shall be designated by the assembly and certified pursuant to~~
8 ~~subsection (3) of this section.~~

9 ~~(c) If an assembly designates more than one candidate for an~~
10 ~~office, or if an assembly designates one or more candidates and one or~~
11 ~~more candidates qualifies QUALIFY by petition, the candidate of the minor~~
12 ~~political party for that office shall be nominated at a primary election held~~
13 ~~in accordance with this code. A minor political party may prohibit~~
14 ~~unaffiliated electors from voting in the party's primary election so long as~~
15 ~~the prohibition is in accordance with the party's constitution, bylaws, or~~
16 ~~other applicable rules. Any minor party choosing to prohibit unaffiliated~~
17 ~~electors from voting in its primary election must notify the secretary of~~
18 ~~state of the prohibition not less than seventy-five days prior to the primary~~
19 ~~election.~~

20 ~~(d) If only one candidate is designated for an office by petition or~~
21 ~~assembly, that candidate shall be the candidate of the minor political party~~
22 ~~in the general election.~~

23 ~~(3) Any minor political party nominating candidates in accordance~~
24 ~~with this part 13 shall file a certificate of designation with the designated~~
25 ~~election official no later than four days after the assembly was held at~~
26 ~~which the candidate was designated. The certificate of designation must~~
27 ~~state the name of the office for which each person is a candidate and the~~

1 candidate's name and address, the date on which the assembly was held
2 at which the candidate was designated, must designate in not more than
3 three words the name of the minor political party that the candidate
4 represents, and must certify that the candidate is a member of the minor
5 political party. The candidate's name may include one nickname, if the
6 candidate regularly uses the nickname and the nickname does not include
7 any part of a political party name. The candidate's affiliation as shown in
8 the statewide voter registration system is prima facie evidence of party
9 membership.

10 **SECTION 18.** In Colorado Revised Statutes, 30-10-501.5,
11 **amend** (1)(c) as follows:

12 **30-10-501.5. Qualifications.** (1) No person is eligible for
13 nomination, election, or appointment to the office of sheriff unless the
14 person:

15 (c) Has had a complete set of fingerprints taken by a qualified law
16 enforcement agency and has submitted a receipt evidencing the
17 fingerprinting at the time of filing his or her written acceptance pursuant
18 to section ~~1-4-601(3)~~, 1-4-906 or part 10 of article 4 of title 1, or at the
19 time of filing an affidavit of intent pursuant to section 1-4-1101, as
20 applicable. The law enforcement agency shall forward the fingerprints to
21 the Colorado bureau of investigation. The bureau shall utilize the
22 fingerprints, its files and records, and those of the federal bureau of
23 investigation for the purpose of determining whether the person has ever
24 been convicted of or pleaded guilty or entered a plea of nolo contendere
25 to any felony charge under federal or state laws. The Colorado bureau of
26 investigation shall notify the county clerk and recorder of the county for
27 which the person is a candidate of the results of the fingerprint analysis.

1 If a conviction or plea is disclosed, the person is unqualified for the office
2 of sheriff, unless pardoned. The results of the fingerprint analysis are
3 confidential; except that the county clerk and recorder may divulge
4 whether the person is qualified or unqualified for the office of sheriff.

5 **SECTION 19.** In Colorado Revised Statutes, 30-10-601.5,
6 **amend** (2)(a) as follows:

7 **30-10-601.5. Qualifications - fingerprints.** (2) (a) A person who
8 is nominated by a political party or for whom a nominating petition is
9 filed for the office of coroner shall have a complete set of fingerprints
10 taken by a qualified law enforcement agency and submit proof of such
11 fingerprinting when filing a written acceptance pursuant to section
12 ~~1-4-601 (3)~~, 1-4-906 or part 10 of article 4 of title 1.

13 **SECTION 20. Safety clause.** The general assembly hereby finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, or safety.