

CHAPTER 234

ELECTIONS

SENATE BILL 17-209

BY SENATOR(S) Priola, Court, Crowder, Sonnenberg, Grantham;
also REPRESENTATIVE(S) Weissman, Becker K., Hansen, Hooton, Valdez.

AN ACT

CONCERNING ACCESS TO THE BALLOT BY CANDIDATES.

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

SECTION 1. In Colorado Revised Statutes, 1-4-501, **amend** (1) as follows:

1-4-501. Only eligible electors eligible for office. (1) No person except an eligible elector who is at least eighteen years of age, unless another age is required by law, is eligible to hold any office in this state. No person is eligible to be a designee or candidate for office unless that person fully meets the qualifications of that office as stated in the constitution and statutes of this state on or before the date the term of that office begins. The designated election official shall not certify the name of any designee or candidate who fails to swear or affirm under oath that he or she will fully meet the qualifications of the office if elected; ~~and~~ OR who is unable to provide proof that he or she meets any requirements of the office relating to registration, residence, or property ownership; OR WHO THE DESIGNATED ELECTION OFFICIAL DETERMINES IS NOT QUALIFIED TO HOLD THE OFFICE THAT HE OR SHE SEEKS BASED ON RESIDENCY REQUIREMENTS. The information found on the person's voter registration record is admissible as prima facie evidence of compliance with this section.

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

1-4-801. Designation of party candidates by petition. (5) Party petitions shall not be circulated nor any signatures be obtained prior to the ~~first Monday~~ THIRD TUESDAY in ~~February~~ JANUARY. Petitions ~~shall~~ MUST be filed no later than ~~eighty-five days before the primary election~~ THE THIRD TUESDAY IN MARCH.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SECTION 3. In Colorado Revised Statutes, 1-4-803, **add** (1)(c) as follows:

1-4-803. Petitions for nominating school district directors. (1) (c) THE PETITION MAY DESIGNATE OR APPOINT ON ITS FACE ONE OR MORE ELIGIBLE ELECTORS AS A COMMITTEE TO FILL VACANCIES IN THE NOMINATION.

SECTION 4. In Colorado Revised Statutes, **amend** 1-4-912 as follows:

1-4-912. Cure - rules. (1) ~~In case~~ If a petition for nominating an unaffiliated candidate is ~~not sufficient~~ DETERMINED TO BE INSUFFICIENT, it may be amended once no later than 3 p.m. on the eighty-fifth day before the general election or 3 p.m. on the sixty-seventh day before an election that is not being held concurrently with the general election. If a petition for nominating an unaffiliated candidate is amended, the designated election official shall notify the candidate of whether the petition is sufficient or insufficient no later than the seventy-fifth day before the general election.

(2) DURING THE REVIEW OF ANY MAJOR OR MINOR PARTY CANDIDATE'S PETITION THAT IS REQUIRED TO BE FILED WITH THE SECRETARY OF STATE'S OFFICE, THE SECRETARY OF STATE SHALL NOTIFY THE CANDIDATE OF ANY ERRORS AND INSUFFICIENCIES REGARDING CIRCULATOR AFFIDAVITS. UPON THE RECEIPT OF SUCH A NOTIFICATION, THE CANDIDATE HAS FIVE CALENDAR DAYS FROM THE DATE OF RECEIPT OF THE NOTICE TO CURE THE ERRORS AND INSUFFICIENCIES DESCRIBED IN THE NOTICE. TO CURE A CIRCULATOR AFFIDAVIT, THE CANDIDATE MUST PROVIDE THE SECRETARY OF STATE WITH A NEW CIRCULATOR AFFIDAVIT THAT CORRECTS THE ERRORS OF THE PREVIOUSLY SUBMITTED AFFIDAVIT.

(3) THE SECRETARY OF STATE SHALL PROMULGATE RULES, IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, TO IMPLEMENT THIS SECTION.

SECTION 5. In Colorado Revised Statutes, **amend with relocated provisions**, part 10 of article 4 of title 1 as follows:

PART 10
WITHDRAWALS AND DISQUALIFICATIONS FROM, AND
VACANCIES IN, NOMINATIONS AND DESIGNATIONS

1-4-1001. Withdrawal or disqualification from candidacy. (1)(a) Any person who has accepted a designation or nomination may withdraw from candidacy at any time by filing a letter of withdrawal. The WITHDRAWING CANDIDATE SHALL SIGN AND ACKNOWLEDGE THE letter ~~shall be signed and acknowledged by the candidate~~ before ~~some~~ AN officer authorized to take acknowledgments and shall ~~be filed~~ FILE THE LETTER with the designated election official with whom the original certificate or petition of candidacy was filed.

(b) ANY CANDIDATE WITHDRAWING FROM A DESIGNATION OR NOMINATION SHALL FORTHWITH REPORT THE WITHDRAWAL TO THE PERSONS DESIGNATED IN THIS PART 10 TO FILL THE VACANCY.

(c) Except in the case of a vacancy to be filled in accordance with the provisions of ~~section 1-4-1002 (2.5)~~, in the event that SECTION 1-4-1004 OR 1-4-1006 THAT

APPLY WHEN A VACANCY OCCURS FROM THE EARLIEST DAY TO MAIL BALLOTS PURSUANT TO SECTION 1-7.5-107 AND THE DAY OF A PRIMARY OR GENERAL ELECTION, RESPECTIVELY, IF THE WITHDRAWAL OF CANDIDACY IS NOT MADE IN TIME FOR THE CANDIDATE'S NAME TO BE TAKEN OFF THE BALLOT, ANY VOTES CAST FOR THE CANDIDATE ~~shall be deemed~~ ARE INVALID AND ~~will~~ SHALL NOT BE COUNTED.

~~(2) Any candidate withdrawing from a designation or nomination, as provided in subsection (1)(a) of this section, shall forthwith report the withdrawal to the persons designated in section 1-4-1002 to fill the vacancy~~ IF THE DESIGNATED ELECTION OFFICIAL DISQUALIFIES A CANDIDATE BEFORE THE BALLOTS ARE PRINTED, THAT CANDIDATE'S NAME SHALL NOT APPEAR ON THE BALLOTS.

1-4-1002. Vacancies in major party designation up to the sixty-eighth day before primary election day. (1) FOR THE PURPOSES OF THIS SECTION, A VACANCY IS CAUSED BY:

(a) THE DECLINATION, DEATH, DISQUALIFICATION, OR WITHDRAWAL OF THE PERSON DESIGNATED BY A PARTY ASSEMBLY AS A CANDIDATE FOR NOMINATION; OR

(b) THE FAILURE OF A PARTY ASSEMBLY TO MAKE DESIGNATION OF ANY CANDIDATE FOR NOMINATION.

~~(2) Any vacancy in a party designation occurring after the party assembly at which the designation was made and no later than sixty-eight days before the primary election may be filled by the party assembly vacancy committee of the district, county, or state, depending upon the office for which the vacancy in designation has occurred. A vacancy may be caused by the declination, death, disqualification, or withdrawal of any person designated by the assembly as a candidate for nomination, or by failure of the assembly to make designation of any candidate for nomination, or by death or resignation of any elective officer after an assembly at which a candidate could have been designated for nomination for the office at a primary election had the vacancy then existed~~ THE PARTY ASSEMBLY VACANCY COMMITTEE MUST BE APPOINTED BY THE PARTY IN ACCORDANCE WITH PARTY RULES.

(3)(a) NO VACANCY COMMITTEE CALLED TO FILL A VACANCY PURSUANT TO THIS SECTION MAY SELECT A PERSON TO FILL THE VACANCY AT A MEETING HELD FOR THAT PURPOSE UNLESS A WRITTEN NOTICE ANNOUNCING THE TIME AND LOCATION OF THE VACANCY COMMITTEE MEETING WAS MAILED TO EACH OF THE COMMITTEE MEMBERS WITHIN FIVE CALENDAR DAYS OF THE CHAIRPERSON OF THE CENTRAL COMMITTEE RECEIVING NOTICE OF THE VACANCY. MAILING OF THE NOTICE IS EFFECTIVE WHEN THE NOTICE IS PROPERLY ADDRESSED AND DEPOSITED IN THE UNITED STATES MAIL, WITH FIRST-CLASS POSTAGE PREPAID. IN ADDITION TO THIS MAILING, THE CHAIRPERSON OF THE CENTRAL COMMITTEE MAY ALSO CONTACT THE COMMITTEE MEMBERS BY ELECTRONIC MAIL.

(b) (I) NO VACANCY COMMITTEE MEETING SHALL BE HELD UNTIL A QUORUM IS PRESENT CONSISTING OF NOT LESS THAN ONE-HALF OF THE VOTING MEMBERSHIP OF THE VACANCY COMMITTEE.

(II) THE VACANCY COMMITTEE, BY A MAJORITY VOTE OF ITS MEMBERS PRESENT

AND VOTING AT A MEETING CALLED FOR THAT PURPOSE, SHALL SELECT A PERSON WHO MEETS ALL OF THE REQUIREMENTS OF CANDIDACY AS OF THE DATE OF THE APPOINTMENT AND WHO IS AFFILIATED WITH THE SAME POLITICAL PARTY:

(A) AS SHOWN IN THE STATEWIDE VOTER REGISTRATION SYSTEM AS THE CANDIDATE WHOSE DECLINATION, DEATH, DISQUALIFICATION, OR WITHDRAWAL CAUSED THE VACANCY; OR

(B) AS THE PARTY ASSEMBLY THAT FAILED TO DESIGNATE A CANDIDATE, AS APPLICABLE.

(III) NO MEMBER OF THE VACANCY COMMITTEE MAY VOTE BY PROXY.

(IV) IF THE VACANCY COMMITTEE FAILS TO TIMELY CERTIFY A SELECTION, THE STATE CHAIR OF THE PARTY OF THE CANDIDATE WHOSE DECLINATION, DEATH, DISQUALIFICATION, OR WITHDRAWAL CAUSED THE VACANCY, WITHIN SEVEN DAYS, SHALL FILL THE VACANCY BY APPOINTING A PERSON WHO MEETS ALL OF THE REQUIREMENTS OF CANDIDACY AS OF THE DATE OF THE APPOINTMENT AND WHO IS AFFILIATED WITH THE SAME POLITICAL PARTY SHOWN IN THE STATEWIDE VOTER REGISTRATION SYSTEM AS THE CANDIDATE WHOSE DECLINATION, DEATH, DISQUALIFICATION, OR WITHDRAWAL CAUSED THE VACANCY. THE NAME OF THE PERSON APPOINTED BY THE STATE CHAIR MUST BE CERTIFIED TO THE SECRETARY OF STATE.

(c)(I) THE DESIGNATION AND ACCEPTANCE OF THE PERSON SELECTED TO FILL THE VACANCY MUST BE SUBMITTED TO THE DESIGNATED ELECTION OFFICIAL NO LATER THAN THREE DAYS FROM EITHER THE DATE OF THE VACANCY COMMITTEE MEETING OR FROM THE DATE OF APPOINTMENT BY THE STATE CHAIR PURSUANT TO SUBSECTION (3)(b)(IV) OF THIS SECTION, AS APPLICABLE; EXCEPT THAT SUCH CERTIFICATION MUST IN ALL CASES BE SUBMITTED NO LATER THAN THE SIXTY-FOURTH DAY BEFORE THE DATE OF THE PRIMARY ELECTION.

(II) FOR PURPOSES OF THIS SECTION, A VACANCY IS FILLED WHEN THE DESIGNATED ELECTION OFFICIAL RECEIVES THE CERTIFICATE OF NOMINATION AND THE WRITTEN ACCEPTANCE OF THE REPLACEMENT CANDIDATE.

~~(d) No person is eligible for appointment to fill a vacancy in a party designation unless that person meets all requirements of candidacy as of the date of the assembly that made the original designation.~~

~~(2) A vacancy in a party designation occurring during the sixty-seven days before the primary election or on the day of the primary election may be filled by the respective party assembly vacancy committee of the district, county, or state, depending upon the office for which the vacancy in designation or nomination has occurred. A vacancy may be caused by the declination, death, disqualification, resignation, or withdrawal of the person previously designated or of the person nominated at the primary election or by declination, death, disqualification, or withdrawal of an elective officer after a primary election at which a nomination could have been made for the office had the vacancy then existed. No person is eligible for appointment to fill a vacancy in the party designation or nomination unless the person meets all of the requirements of candidacy as of the date of the~~

primary election:

~~(2.3) (a) A vacancy in a party nomination, other than a vacancy for a party nomination for lieutenant governor for a general election, occurring after January 1, 2001, that occurs after the day of the primary election or after nomination by assembly or convention under section 1-4-702 and more than eighteen days before the general election may be filled by the respective party assembly vacancy committee of the district, county, or state, as appropriate, depending upon the office for which the vacancy in nomination has occurred in accordance with the provisions of subsection (9) of this section. A vacancy in a party nomination for lieutenant governor for a general election occurring after January 1, 2001, shall be filled by a replacement candidate for lieutenant governor nominated by the party's candidate for governor. A vacancy may be caused by the declination, death, disqualification, resignation, or withdrawal of the person nominated at the primary election or by the declination, death, disqualification, resignation, or withdrawal of an elective officer after a primary election at which a nomination could have been made for the office had the vacancy then existed. No person is eligible for appointment to fill a vacancy in the party nomination unless the person meets all of the requirements of candidacy as of the date of the primary election. When a vacancy is filled pursuant to this paragraph (a), the designated election official shall provide notice by publication of the replacement nomination in the same manner as the notice required by section 1-5-205.~~

~~(a.5) When a vacancy in a party nomination is filled pursuant to paragraph (a) of this subsection (2.3) before the designated election official has certified the ballot in accordance with section 1-5-203 (3)(a), the designated election official shall certify the name of the replacement candidate for the ballot.~~

~~(b) When a vacancy in a party nomination is filled pursuant to paragraph (a) of this subsection (2.3) after the designated election official has certified the ballot in accordance with section 1-5-203 (3)(a), the designated election official shall, to the extent reasonably practical under the circumstances:~~

~~(I) Cause the name of the replacement candidate to appear on the official ballot;~~
~~or~~

~~(II) Cause to be printed and placed on the sample ballot delivered to the election judges and posted pursuant to section 1-5-413 a sticker of a different color than the sample ballot indicating the name of the replacement candidate.~~

~~(c) Notwithstanding subparagraph (I) of paragraph (b) of this subsection (2.3), a designated election official shall not be required to print replacement ballots containing the name of a replacement candidate if the official ballots containing the name of the candidate who vacated the nomination have already been printed.~~

~~(d) For purposes of this section, a vacancy is filled when the designated election official receives the certificate of nomination and the written acceptance of the replacement candidate pursuant to paragraph (a) of subsection (5) of this section.~~

~~(e) If the name of a replacement candidate designated to fill a vacancy pursuant to this subsection (2.3) does not appear on the official ballot and ballots containing~~

~~the name of the candidate who vacated the nomination are used in a general election, the votes cast for the candidate who vacated the nomination shall be counted as votes for the replacement candidate.~~

~~(2.5) (a) Any vacancy in a party nomination occurring less than eighteen days before the general election that is caused by the declination, death, disqualification, or withdrawal of any person nominated at the primary election or by the declination, death, disqualification, or withdrawal of any elective officer after a primary election at which a nomination could have been made for the office had the vacancy then existed shall not be filled before the general election. In such case, the votes cast for the candidate whose declination, death, disqualification, or withdrawal caused the vacancy are to be counted and recorded, and, if the candidate receives a plurality of the votes cast, such vacancy shall be filled after the general election by the respective party vacancy committee of the district, county, or state, as appropriate, depending upon the office for which the vacancy in nomination has occurred and in the manner provided for in part 2 of article 12 of this title for filling vacancies in office.~~

~~(b) Any vacancy in a party nomination for lieutenant governor for a general election occurring after January 1, 2001, that occurs less than eighteen days before the general election that is caused by the declination, death, disqualification, or withdrawal of the nominated candidate shall not be filled before the general election. In such case, the votes cast for the candidate for governor who was a joint candidate with the candidate whose declination, death, disqualification, or withdrawal caused the vacancy shall be counted and recorded, and, if such candidate is elected, he or she shall fill the vacancy after the general election by selecting a lieutenant governor who is a member of the same political party. The senate shall have no power to confirm or deny such appointment.~~

~~(3) Any vacancy in a party nomination occurring after the convention or assembly at which the nomination was made and no later than seventy days before the congressional vacancy election, caused by the declination, death, disqualification, or withdrawal of any person nominated at the convention, may be filled in the same manner required for the original nomination. If the original nomination was made by a party convention or assembly that had delegated to a committee the power to fill vacancies, the committee may proceed to fill the same vacancy when it occurs. No person is eligible for appointment to fill a vacancy in the party nomination unless that person meets all of the requirements of candidacy as of the date of the convention or assembly at which the original nomination was made.~~

~~(4) Any vacancy in a nomination for an unaffiliated candidate caused by the declination, death, or withdrawal of any person nominated by petition or statement of intent occurring after the filing of the petition for nomination or the submittal of a statement of intent under section 1-4-303 and no later than seventy days before the general or congressional vacancy election may be filled by the person or persons designated on the petition or statement of intent to fill vacancies.~~

~~(4.5) Any vacancy in a nomination for a minor political party candidate occurring after the filing of the certificate of designation pursuant to section 1-4-1304(3) and no later than seventy days before the general or congressional vacancy election, which is caused by the declination, death, or withdrawal of any person nominated~~

by the minor political party, may be filled by the person or persons designated in the constitution or bylaws of the minor political party to fill vacancies.

~~(5) (a) The persons designated to fill any of the vacancies in subsections (1) to (4.5) of this section shall file with the designated election official with whom the original certificate or petition was filed any certificate of designation or nomination to fill the vacancy and a written acceptance signed by the person designated or nominated no later than the close of business on the sixty-seventh day before the primary election or the sixty-ninth day before the general election, depending on when the vacancy occurred; except that, in the case of a vacancy filled pursuant to subsection (2), (2.3)(a), or (7)(c) of this section, the filing shall be done no later than the seventh day before the election affected by the vacancy.~~

~~(b) (d) If the persons A PERSON designated to fill any of the vacancies in subsections (1) to (4.5) of A VACANCY PURSUANT TO this section decide DECIDES not to fill a vacancy, they HE OR SHE shall in like manner file a certificate setting forth the occurrence of the vacancy, stating they do THAT HE OR SHE DOES not intend to fill the vacancy.~~

~~(6) When the secretary of state or the county clerk and recorder receives a certificate of nomination to fill a vacancy, that official, in certifying the list of designees or nominees, shall replace the name of the original candidate with that of the replacement candidate. In the event the secretary of state has already certified the list, the secretary of state shall forthwith certify to the county clerk and recorders of the affected counties the name of the new nominee, the office for which the nomination is made, and the name of the person for whom the nominee is substituted. The secretary of state and the county clerk and recorders shall not accept any certificates of nomination to fill vacancies after the sixty-seventh day before election day; except that, in the case of a vacancy filled pursuant to the provisions of subsection (2.3) of this section, the secretary of state and the county clerk and recorder shall not accept any certificates of nomination to fill vacancies after the seventh day before election day.~~

~~(7) Except as otherwise provided in subsection (7.3) of this section, any vacancy in a statewide or county office, in the office of district attorney, or in the office of a state senator occurring during a term of office shall be filled at the next general election with nomination or designation by the political party as follows:~~

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

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

~~(c) If the vacancy occurs during the sixty-seven days before the primary election or after the primary election and no later than sixty-eight days before the general election, the designated election official shall add the office to the notice of election for the general election. Nominations for the office shall be made by the respective party central committee vacancy committee for the state, county, judicial district, or state senate district or as provided in section 1-4-802 for the nomination of unaffiliated candidates.~~

~~(7.3) Any vacancy in the office of lieutenant governor shall be filled by the appointment by the governor of a lieutenant governor of the same political party as the governor to fill the vacancy. The senate shall have no power to confirm or deny such appointment.~~

~~(7.5) Any vacancy in a statewide or county office, in the office of district attorney, or in the office of a state senator occurring during a term of office shall be filled at the next general election with nomination or designation by a minor political party pursuant to the constitution or bylaws of the minor political party.~~

~~(8) Notwithstanding any provisions to the contrary, if a political party has established a rule regarding the length of affiliation required for a candidate for the office of United States senator or representative in congress, and a vacancy in that office occurs, then the party rule applies.~~

~~(9) (a) No vacancy committee called to fill a vacancy pursuant to the provisions of subsection (2.3) of this section may select a person to fill a vacancy at a meeting held for that purpose unless a written notice announcing the time and location of the vacancy committee meeting was mailed to each of the committee members at least five days prior to such meeting by the chairperson of the central committee which selected the members. Mailing of the notice is effective when the notice is properly addressed and deposited in the United States mail, with first-class postage prepaid.~~

~~(b) The vacancy committee, by a majority vote of its members present and voting at a meeting called for that purpose, shall select a person who meets all of the requirements of candidacy as of the date of the primary election and who is affiliated with the same political party or minor political party, if any, shown in the statewide voter registration system as the candidate whose declination, death, disqualification, resignation, or withdrawal caused the vacancy. No meeting shall be held until a quorum is present consisting of not less than one-half of the voting membership of the vacancy committee. No member of the vacancy committee may vote by proxy. The committee shall certify the selection to the secretary of state within seven days from the date the vacancy occurs. If the vacancy committee fails to certify a selection within seven days, the state chair of the same political party or minor political party as the candidate whose declination, death, disqualification, resignation, or withdrawal caused the vacancy, within seven days, shall fill the vacancy by appointing a person having the qualifications set forth in this subsection (9). The name of the person selected or appointed by the state chair must be certified to the secretary of state. The vacancy is filled until the next general election after the vacancy occurs, when the vacancy is filled by election.~~

~~(4) WHEN A VACANCY OCCURS AND IS FILLED PURSUANT TO THIS SECTION, THE DESIGNATED ELECTION OFFICIAL SHALL CERTIFY THE NAME OF THE REPLACEMENT~~

CANDIDATE TO THE BALLOT.

(5) NOTWITHSTANDING ANY PROVISIONS TO THE CONTRARY, IF A POLITICAL PARTY HAS ESTABLISHED A RULE REGARDING THE LENGTH OF AFFILIATION REQUIRED FOR A CANDIDATE, AND A VACANCY IN THAT OFFICE OCCURS, THEN THE PARTY RULE APPLIES.

1-4-1003. Vacancies in major party designation occurring between the sixty-seventh day before a primary election and the earliest day to mail primary election ballots. (1) For the purposes of this part 10, ~~no vacancy in designation or nomination for the office of governor or the office of lieutenant governor shall in any way affect the candidacy of the other joint candidate~~ SECTION, A VACANCY IS CAUSED BY THE DECLINATION, DEATH, DISQUALIFICATION, OR WITHDRAWAL OF THE PERSON DESIGNATED BY THE ASSEMBLY AS A CANDIDATE FOR NOMINATION.

(2) A VACANCY IN A PARTY NOMINATION OCCURRING BETWEEN THE SIXTY-SEVENTH DAY BEFORE A PRIMARY ELECTION AND THE EARLIEST DAY TO MAIL PRIMARY ELECTION BALLOTS PURSUANT TO SECTION 1-7.5-107 MAY BE FILLED BY THE RESPECTIVE PARTY ASSEMBLY VACANCY COMMITTEE OF THE APPROPRIATE DISTRICT, COUNTY, OR STATE. THE PARTY ASSEMBLY VACANCY COMMITTEE MUST BE APPOINTED BY THE PARTY IN ACCORDANCE WITH PARTY RULES.

(3)(a) NO VACANCY COMMITTEE CALLED TO FILL A VACANCY PURSUANT TO THIS SECTION MAY SELECT A PERSON TO FILL A VACANCY AT A MEETING HELD FOR THAT PURPOSE UNLESS A WRITTEN NOTICE ANNOUNCING THE TIME AND LOCATION OF THE VACANCY COMMITTEE MEETING WAS MAILED TO EACH OF THE COMMITTEE MEMBERS WITHIN FIVE CALENDAR DAYS OF THE CHAIRPERSON OF THE CENTRAL COMMITTEE LEARNING OF THE VACANCY. MAILING OF THE NOTICE IS EFFECTIVE WHEN THE NOTICE IS PROPERLY ADDRESSED AND DEPOSITED IN THE UNITED STATES MAIL, WITH FIRST-CLASS POSTAGE PREPAID. IN ADDITION TO THIS MAILING, THE CHAIRPERSON OF THE CENTRAL COMMITTEE MAY ALSO CONTACT THE COMMITTEE MEMBERS BY ELECTRONIC MAIL.

(b) (I) NO VACANCY COMMITTEE MEETING SHALL BE HELD UNTIL A QUORUM IS PRESENT CONSISTING OF NOT LESS THAN ONE-HALF OF THE VOTING MEMBERSHIP OF THE VACANCY COMMITTEE.

(II) THE VACANCY COMMITTEE, BY A MAJORITY VOTE OF ITS MEMBERS PRESENT AND VOTING AT A MEETING CALLED FOR THAT PURPOSE, SHALL SELECT A PERSON WHO MEETS ALL OF THE REQUIREMENTS OF CANDIDACY AS OF THE DATE OF THE PRIMARY ELECTION AND WHO IS AFFILIATED WITH THE SAME POLITICAL PARTY OR MINOR POLITICAL PARTY, IF ANY, SHOWN IN THE STATEWIDE VOTER REGISTRATION DATABASE AS THE CANDIDATE WHOSE DECLINATION, DEATH, DISQUALIFICATION, OR WITHDRAWAL CAUSED THE VACANCY.

(III) NO MEMBER OF THE VACANCY COMMITTEE MAY VOTE BY PROXY.

(IV) IF THE VACANCY COMMITTEE FAILS TO TIMELY CERTIFY A SELECTION, THE STATE CHAIR OF THE PARTY OF THE CANDIDATE WHOSE DECLINATION, DEATH, DISQUALIFICATION, OR WITHDRAWAL CAUSED THE VACANCY, WITHIN SEVEN DAYS,

SHALL FILL THE VACANCY BY APPOINTING A PERSON WHO MEETS ALL OF THE REQUIREMENTS OF CANDIDACY AS OF THE DATE OF THE APPOINTMENT AND WHO IS AFFILIATED WITH THE SAME POLITICAL PARTY SHOWN IN THE STATEWIDE VOTER REGISTRATION SYSTEM AS THE CANDIDATE WHOSE DECLINATION, DEATH, DISQUALIFICATION, OR WITHDRAWAL CAUSED THE VACANCY. THE NAME OF THE PERSON APPOINTED BY THE STATE CHAIR MUST BE CERTIFIED TO THE SECRETARY OF STATE.

(c) (I) THE DESIGNATION AND ACCEPTANCE OF THE PERSON SELECTED TO FILL THE VACANCY MUST BE SUBMITTED TO THE DESIGNATED ELECTION OFFICIAL NO LATER THAN THREE DAYS FROM EITHER THE DATE OF THE VACANCY COMMITTEE MEETING OR FROM THE DATE OF APPOINTMENT BY THE STATE CHAIR PURSUANT TO SUBSECTION (3)(b)(IV) OF THIS SECTION, AS APPLICABLE.

(II) FOR PURPOSES OF THIS SECTION, A VACANCY IS FILLED WHEN THE DESIGNATED ELECTION OFFICIAL RECEIVES THE CERTIFICATE OF NOMINATION AND THE WRITTEN ACCEPTANCE OF THE REPLACEMENT CANDIDATE.

(d) NO PERSON IS ELIGIBLE FOR APPOINTMENT TO FILL A VACANCY IN A PARTY DESIGNATION UNLESS THAT PERSON MEETS ALL REQUIREMENTS OF CANDIDACY AS OF THE DATE THAT THE VACANCY APPOINTMENT IS MADE.

(e) IF A PERSON DESIGNATED TO FILL A VACANCY PURSUANT TO THIS SECTION DECIDES NOT TO FILL A VACANCY, HE OR SHE SHALL IN LIKE MANNER FILE A CERTIFICATE SETTING FORTH THE OCCURRENCE OF THE VACANCY, STATING THAT HE OR SHE DOES NOT INTEND TO FILL THE VACANCY.

(4)(a) WHEN A VACANCY IN A PARTY DESIGNATION IS FILLED PURSUANT TO THIS SECTION PRIOR TO THE BALLOTS BEING PRINTED, THE DESIGNATED ELECTION OFFICIAL SHALL CAUSE THE NAME OF THE REPLACEMENT CANDIDATE TO BE PRINTED ON THE BALLOT.

(b) WHEN A VACANCY IN A PARTY DESIGNATION IS FILLED PURSUANT TO THIS SECTION AFTER THE BALLOTS ARE PRINTED:

(I) THE DESIGNATED ELECTION OFFICIAL SHALL:

(A) PROMINENTLY POST, ON THE DESIGNATED ELECTION OFFICIAL'S OFFICIAL WEBSITE AND IN EACH VOTER SERVICE AND POLLING CENTER, A NOTICE REGARDING THE VACANCY AND THE NAME OF THE REPLACEMENT CANDIDATE; AND

(B) EITHER CAUSE TO BE PRINTED AND PLACED ON THE SAMPLE BALLOT DELIVERED TO THE ELECTION JUDGES AND POSTED PURSUANT TO SECTION 1-5-413 A STICKER OF A DIFFERENT COLOR THAN THE SAMPLE BALLOT INDICATING THE NAME OF THE REPLACEMENT CANDIDATE OR REPRINT THE SAMPLE BALLOT WITH THE NAME OF THE REPLACEMENT CANDIDATE IN A DIFFERENT COLOR; AND

(II) VOTES CAST FOR THE CANDIDATE WHO VACATED THE DESIGNATION MUST BE COUNTED AS VOTES FOR THE REPLACEMENT CANDIDATE.

(5) NOTWITHSTANDING ANY PROVISIONS TO THE CONTRARY, IF A POLITICAL

PARTY HAS ESTABLISHED A RULE REGARDING THE LENGTH OF AFFILIATION REQUIRED FOR A CANDIDATE, AND A VACANCY IN THAT OFFICE OCCURS, THEN THE PARTY RULE APPLIES.

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

(1) FOR THE PURPOSES OF THIS SECTION, A VACANCY IS CAUSED BY THE DECLINATION, DEATH, DISQUALIFICATION, OR WITHDRAWAL OF THE PERSON DESIGNATED BY THE ASSEMBLY AS A CANDIDATE FOR NOMINATION.

(2) A VACANCY IN A PARTY DESIGNATION OCCURRING FROM THE DAY AFTER THE EARLIEST DAY TO MAIL PRIMARY ELECTION BALLOTS PURSUANT TO SECTION 1-7.5-107 THROUGH THE DAY OF THE PRIMARY ELECTION MAY BE FILLED BY THE RESPECTIVE PARTY ASSEMBLY VACANCY COMMITTEE OF THE DISTRICT, COUNTY, OR STATE, DEPENDING UPON THE OFFICE FOR WHICH THE VACANCY IN NOMINATION HAS OCCURRED. THE PARTY ASSEMBLY VACANCY COMMITTEE MUST BE APPOINTED BY THE PARTY IN ACCORDANCE WITH PARTY RULES.

(3)(a) NO VACANCY COMMITTEE CALLED TO FILL A VACANCY PURSUANT TO THIS SECTION MAY SELECT A PERSON TO FILL A VACANCY AT A MEETING HELD FOR THAT PURPOSE UNLESS A WRITTEN NOTICE ANNOUNCING THE TIME AND LOCATION OF THE VACANCY COMMITTEE MEETING WAS MAILED TO EACH OF THE COMMITTEE MEMBERS WITHIN FIVE CALENDAR DAYS OF THE CHAIRPERSON OF THE CENTRAL COMMITTEE LEARNING OF THE VACANCY. MAILING OF THE NOTICE IS EFFECTIVE WHEN THE NOTICE IS PROPERLY ADDRESSED AND DEPOSITED IN THE UNITED STATES MAIL, WITH FIRST-CLASS POSTAGE PREPAID. IN ADDITION TO THE MAILING, THE CHAIRPERSON OF THE CENTRAL COMMITTEE MAY ALSO CONTACT COMMITTEE MEMBERS BY ELECTRONIC MAIL.

(b) (I) NO VACANCY COMMITTEE MEETING SHALL BE HELD UNTIL A QUORUM IS PRESENT CONSISTING OF NOT LESS THAN ONE-HALF OF THE VOTING MEMBERSHIP OF THE VACANCY COMMITTEE.

(II) THE VACANCY COMMITTEE, BY A MAJORITY VOTE OF ITS MEMBERS PRESENT AND VOTING AT A MEETING CALLED FOR THAT PURPOSE, SHALL SELECT A PERSON WHO MEETS ALL OF THE REQUIREMENTS OF CANDIDACY AS OF THE DATE OF THE PRIMARY ELECTION AND WHO IS AFFILIATED WITH THE SAME POLITICAL PARTY OR MINOR POLITICAL PARTY, IF ANY, SHOWN IN THE STATEWIDE VOTER REGISTRATION DATABASE AS THE CANDIDATE WHOSE DECLINATION, DEATH, DISQUALIFICATION, OR WITHDRAWAL CAUSED THE VACANCY.

(III) NO MEMBER OF THE VACANCY COMMITTEE MAY VOTE BY PROXY.

(IV) IF THE VACANCY COMMITTEE FAILS TO TIMELY CERTIFY A SELECTION, THE STATE CHAIR OF THE PARTY OF THE CANDIDATE WHOSE DECLINATION, DEATH, DISQUALIFICATION, OR WITHDRAWAL CAUSED THE VACANCY, WITHIN SEVEN DAYS, SHALL FILL THE VACANCY BY APPOINTING A PERSON WHO MEETS ALL OF THE REQUIREMENTS OF CANDIDACY AS OF THE DATE OF THE APPOINTMENT AND WHO IS AFFILIATED WITH THE SAME POLITICAL PARTY SHOWN IN THE STATEWIDE VOTER REGISTRATION SYSTEM AS THE CANDIDATE WHOSE DECLINATION, DEATH, DISQUALIFICATION, OR WITHDRAWAL CAUSED THE VACANCY. THE NAME OF THE

PERSON APPOINTED BY THE STATE CHAIR MUST BE CERTIFIED TO THE SECRETARY OF STATE.

(c) (I) THE DESIGNATION AND ACCEPTANCE OF THE PERSON SELECTED TO FILL THE VACANCY MUST BE SUBMITTED TO THE DESIGNATED ELECTION OFFICIAL NO LATER THAN THREE DAYS FROM EITHER THE DATE OF THE VACANCY COMMITTEE MEETING OR FROM THE DATE OF APPOINTMENT BY THE STATE CHAIR PURSUANT TO SUBSECTION (3)(b)(IV) OF THIS SECTION, AS APPLICABLE.

(II) FOR PURPOSES OF THIS SECTION, A VACANCY IS FILLED WHEN THE DESIGNATED ELECTION OFFICIAL RECEIVES THE CERTIFICATE OF NOMINATION AND THE WRITTEN ACCEPTANCE OF THE REPLACEMENT CANDIDATE.

(d) NO PERSON IS ELIGIBLE FOR APPOINTMENT TO FILL A VACANCY IN A PARTY DESIGNATION UNLESS THAT PERSON MEETS ALL REQUIREMENTS OF CANDIDACY AS OF THE DATE THAT THE VACANCY APPOINTMENT IS MADE.

(e) IF A PERSON DESIGNATED TO FILL A VACANCY PURSUANT TO THIS SECTION DECIDES NOT TO FILL A VACANCY, HE OR SHE SHALL IN LIKE MANNER FILE A CERTIFICATE SETTING FORTH THE OCCURRENCE OF THE VACANCY, STATING THEY DO NOT INTEND TO FILL THE VACANCY.

(4) WHEN A VACANCY IN A PARTY NOMINATION IS FILLED PURSUANT TO THIS SECTION:

(a) THE DESIGNATED ELECTION OFFICIAL SHALL:

(I) PROMINENTLY POST, ON THE DESIGNATED ELECTION OFFICIAL'S OFFICIAL WEBSITE AND IN EACH VOTER SERVICE AND POLLING CENTER, A NOTICE REGARDING THE VACANCY AND THE NAME OF THE REPLACEMENT CANDIDATE; AND

(II) EITHER CAUSE TO BE PRINTED AND PLACED ON THE SAMPLE BALLOT DELIVERED TO THE ELECTION JUDGES AND POSTED PURSUANT TO SECTION 1-5-413 A STICKER OF A DIFFERENT COLOR THAN THE SAMPLE BALLOT INDICATING THE NAME OF THE REPLACEMENT CANDIDATE OR REPRINT THE SAMPLE BALLOT WITH THE NAME OF THE REPLACEMENT CANDIDATE IN A DIFFERENT COLOR; AND

(b) VOTES CAST FOR THE CANDIDATE WHO VACATED THE DESIGNATION MUST BE COUNTED AS VOTES FOR THE REPLACEMENT CANDIDATE.

(5) NOTWITHSTANDING ANY PROVISIONS TO THE CONTRARY, IF A POLITICAL PARTY HAS ESTABLISHED A RULE REGARDING THE LENGTH OF AFFILIATION REQUIRED FOR A CANDIDATE, AND A VACANCY IN THAT OFFICE OCCURS, THEN THE PARTY RULE APPLIES.

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

(1) FOR THE PURPOSES OF THIS SECTION, A VACANCY IS CAUSED BY THE DECLINATION, DEATH, DISQUALIFICATION, OR WITHDRAWAL OF THE PERSON NOMINATED AT THE PRIMARY ELECTION.

(2) A VACANCY IN A PARTY NOMINATION OCCURRING FROM THE DAY AFTER THE PRIMARY ELECTION THROUGH THE EARLIEST DAY TO MAIL GENERAL ELECTION BALLOTS MAY BE FILLED BY THE RESPECTIVE PARTY ASSEMBLY VACANCY COMMITTEE OF THE DISTRICT, COUNTY, OR STATE, DEPENDING UPON THE OFFICE FOR WHICH THE VACANCY IN NOMINATION HAS OCCURRED. THE PARTY ASSEMBLY VACANCY COMMITTEE MUST BE APPOINTED BY THE PARTY IN ACCORDANCE WITH PARTY RULES.

(3)(a) NO VACANCY COMMITTEE CALLED TO FILL A VACANCY PURSUANT TO THIS SECTION MAY SELECT A PERSON TO FILL A VACANCY AT A MEETING HELD FOR THAT PURPOSE UNLESS A WRITTEN NOTICE ANNOUNCING THE TIME AND LOCATION OF THE VACANCY COMMITTEE MEETING WAS MAILED TO EACH OF THE COMMITTEE MEMBERS WITHIN FIVE CALENDAR DAYS OF THE CHAIRPERSON OF THE CENTRAL COMMITTEE LEARNING OF THE VACANCY. MAILING OF THE NOTICE IS EFFECTIVE WHEN THE NOTICE IS PROPERLY ADDRESSED AND DEPOSITED IN THE UNITED STATES MAIL, WITH FIRST-CLASS POSTAGE PREPAID. IN ADDITION TO THE MAILING, THE CHAIRPERSON OF THE CENTRAL COMMITTEE MAY ALSO CONTACT COMMITTEE MEMBERS BY ELECTRONIC MAIL.

(b)(I) NO VACANCY COMMITTEE MEETING SHALL BE HELD UNTIL A QUORUM IS PRESENT CONSISTING OF NOT LESS THAN ONE-HALF OF THE VOTING MEMBERSHIP OF THE VACANCY COMMITTEE.

(II) THE VACANCY COMMITTEE, BY A MAJORITY VOTE OF ITS MEMBERS PRESENT AND VOTING AT A MEETING CALLED FOR THAT PURPOSE, SHALL SELECT A PERSON WHO MEETS ALL OF THE REQUIREMENTS OF CANDIDACY AS OF THE DATE OF THE PRIMARY ELECTION AND WHO IS AFFILIATED WITH THE SAME POLITICAL PARTY OR MINOR POLITICAL PARTY, IF ANY, SHOWN IN THE STATEWIDE VOTER REGISTRATION DATABASE AS THE CANDIDATE WHOSE DECLINATION, DEATH, DISQUALIFICATION, OR WITHDRAWAL CAUSED THE VACANCY.

(III) NO MEMBER OF THE VACANCY COMMITTEE MAY VOTE BY PROXY.

(IV) IF THE VACANCY COMMITTEE FAILS TO TIMELY CERTIFY A SELECTION, THE STATE CHAIR OF THE PARTY OF THE CANDIDATE WHOSE DECLINATION, DEATH, DISQUALIFICATION, OR WITHDRAWAL CAUSED THE VACANCY, WITHIN SEVEN DAYS, SHALL FILL THE VACANCY BY APPOINTING A PERSON WHO MEETS ALL OF THE REQUIREMENTS OF CANDIDACY AS OF THE DATE OF THE APPOINTMENT AND WHO IS AFFILIATED WITH THE SAME POLITICAL PARTY SHOWN IN THE STATEWIDE VOTER REGISTRATION SYSTEM AS THE CANDIDATE WHOSE DECLINATION, DEATH, DISQUALIFICATION, OR WITHDRAWAL CAUSED THE VACANCY. THE NAME OF THE PERSON APPOINTED BY THE STATE CHAIR MUST BE CERTIFIED TO THE SECRETARY OF STATE. THE VACANCY IS FILLED UNTIL THE NEXT GENERAL ELECTION AFTER THE VACANCY OCCURS, WHEN THE VACANCY IS FILLED BY ELECTION.

(c)(I) THE DESIGNATION AND ACCEPTANCE OF THE PERSON SELECTED TO FILL THE VACANCY MUST BE SUBMITTED TO THE DESIGNATED ELECTION OFFICIAL NO LATER THAN THREE DAYS FROM EITHER THE DATE OF THE VACANCY COMMITTEE MEETING OR FROM THE DATE OF APPOINTMENT BY THE STATE CHAIR PURSUANT TO SUBSECTION (3)(b)(IV) OF THIS SECTION, AS APPLICABLE; EXCEPT THAT SUCH CERTIFICATION MUST IN ALL CASES BE SUBMITTED NO LATER THAN THE

SIXTY-FOURTH DAY BEFORE THE DATE OF THE PRIMARY ELECTION.

(II) FOR PURPOSES OF THIS SECTION, A VACANCY IS FILLED WHEN THE DESIGNATED ELECTION OFFICIAL RECEIVES THE CERTIFICATE OF NOMINATION AND THE WRITTEN ACCEPTANCE OF THE REPLACEMENT CANDIDATE.

(d) NO PERSON IS ELIGIBLE FOR APPOINTMENT TO FILL A VACANCY IN A PARTY DESIGNATION UNLESS THAT PERSON MEETS ALL REQUIREMENTS OF CANDIDACY AS OF THE DATE THAT THE VACANCY APPOINTMENT IS MADE.

(e) IF A PERSON DESIGNATED TO FILL A VACANCY PURSUANT TO THIS SECTION DECIDES NOT TO FILL A VACANCY, HE OR SHE SHALL IN LIKE MANNER FILE A CERTIFICATE SETTING FORTH THE OCCURRENCE OF THE VACANCY, STATING THEY DO NOT INTEND TO FILL THE VACANCY.

(4)(a) WHEN A VACANCY IN A PARTY NOMINATION IS FILLED PURSUANT TO THIS SECTION PRIOR TO THE BALLOTS BEING PRINTED, THE DESIGNATED ELECTION OFFICIAL SHALL CAUSE THE NAME OF THE REPLACEMENT CANDIDATE TO BE PRINTED ON THE BALLOT.

(b) WHEN A VACANCY IN A PARTY NOMINATION IS FILLED PURSUANT TO THIS SECTION SUBSEQUENT TO THE BALLOTS BEING PRINTED:

(I) THE DESIGNATED ELECTION OFFICIAL SHALL:

(A) PROMINENTLY POST, ON THE DESIGNATED ELECTION OFFICIAL'S OFFICIAL WEBSITE AND IN EACH VOTER SERVICE AND POLLING CENTER, A NOTICE REGARDING THE VACANCY AND THE NAME OF THE REPLACEMENT CANDIDATE; AND

(B) EITHER CAUSE TO BE PRINTED AND PLACED ON THE SAMPLE BALLOT DELIVERED TO THE ELECTION JUDGES AND POSTED PURSUANT TO SECTION 1-5-413 A STICKER OF A DIFFERENT COLOR THAN THE SAMPLE BALLOT INDICATING THE NAME OF THE REPLACEMENT CANDIDATE OR REPRINT THE SAMPLE BALLOT WITH THE NAME OF THE REPLACEMENT CANDIDATE IN A DIFFERENT COLOR; AND

(II) VOTES CAST FOR THE CANDIDATE WHO VACATED THE NOMINATION MUST BE COUNTED AS VOTES FOR THE REPLACEMENT CANDIDATE.

(5) NOTWITHSTANDING ANY PROVISIONS TO THE CONTRARY, IF A POLITICAL PARTY HAS ESTABLISHED A RULE REGARDING THE LENGTH OF AFFILIATION REQUIRED FOR A CANDIDATE AND A VACANCY IN THAT OFFICE OCCURS, THEN THE PARTY RULE APPLIES.

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

(1) FOR THE PURPOSES OF THIS SECTION, A VACANCY IS CAUSED BY THE DECLINATION, DEATH, DISQUALIFICATION, OR WITHDRAWAL OF THE PERSON NOMINATED AT THE PRIMARY ELECTION.

(2) A VACANCY OCCURRING FROM THE DAY AFTER THE EARLIEST DAY TO MAIL GENERAL ELECTION BALLOTS THROUGH GENERAL ELECTION DAY MUST BE FILLED IN

ACCORDANCE WITH PART 2 OF ARTICLE 12 OF THIS CODE.

1-4-1007. [Formerly 1-4-1002 (4.5)] Vacancies in minor party designation or affiliation. Any vacancy in a nomination for a minor political party candidate occurring after the filing of the certificate of designation pursuant to section 1-4-1304 (3) and no later than seventy days before the general or congressional vacancy election, which is caused by the declination, death, DISQUALIFICATION, or withdrawal of any person nominated by the minor political party, may be filled by the person or persons designated in the constitution or bylaws of the minor political party to fill vacancies.

1-4-1008. [Formerly 1-4-1002 (4)] Vacancies in unaffiliated designation or nomination. Any vacancy in a nomination for an unaffiliated candidate caused by the declination, death, DISQUALIFICATION, or withdrawal of any person nominated by petition or statement of intent occurring after the filing of the petition for nomination or the submittal of a statement of intent under section 1-4-303 and no later than seventy days before the general or congressional vacancy election may be filled by the person or persons designated on the petition or statement of intent to fill vacancies.

1-4-1009. Vacancies in school district director nomination. (1) A VACANCY IN NOMINATION FOR A SCHOOL DISTRICT DIRECTOR CANDIDATE CAUSED BY THE DECLINATION, DEATH, DISQUALIFICATION, OR WITHDRAWAL OF ANY PERSON NOMINATED BY PETITION OCCURRING AFTER THE FILING OF THE PETITION FOR NOMINATION MAY BE FILLED BY THE PERSON OR PERSONS DESIGNATED OR APPOINTED ON THE PETITION WITHIN FIVE DAYS OF THE PERSON OR PERSONS LEARNING OF THE VACANCY.

(2)(a) WHEN A VACANCY IS FILLED IN ACCORDANCE WITH THIS SECTION BEFORE THE BALLOTS ARE PRINTED, THE COORDINATED ELECTION OFFICIAL SHALL CAUSE THE NAME OF THE REPLACEMENT CANDIDATE TO BE PRINTED ON THE BALLOT.

(b) WHEN A VACANCY IS FILLED IN ACCORDANCE WITH THIS SECTION AFTER THE BALLOTS ARE PRINTED:

(I) THE COORDINATED ELECTION OFFICIAL SHALL:

(A) PROMINENTLY POST, ON THE COORDINATED ELECTION OFFICIAL'S OFFICIAL WEBSITE AND IN EACH VOTER SERVICE AND POLLING CENTER, A NOTICE REGARDING THE VACANCY AND THE NAME OF THE REPLACEMENT CANDIDATE; AND

(B) EITHER CAUSE TO BE PRINTED AND PLACED ON THE SAMPLE BALLOT DELIVERED TO THE ELECTION JUDGES AND POSTED IN ACCORDANCE WITH SECTION 1-5-413 A STICKER OF A DIFFERENT COLOR THAN THE SAMPLE BALLOT INDICATING THE NAME OF THE REPLACEMENT CANDIDATE OR REPRINT THE SAMPLE BALLOT WITH THE NAME OF THE REPLACEMENT CANDIDATE IN A DIFFERENT COLOR; AND

(II) VOTES CAST FOR THE CANDIDATE WHO VACATED THE NOMINATION MUST BE COUNTED AS VOTES FOR THE REPLACEMENT CANDIDATE.

1-4-1010. Vacancies in office occurring from the sixty-eighth day prior to

primary election day through the earliest day to mail general election ballots.

(1) **[Formerly 1-4-1002 (7)]** Except as otherwise provided in ~~subsection (7.3)~~ SUBSECTION (2) of this section OR SECTION 1-4-1010 (2), any vacancy in a statewide or county office, in the office of district attorney, or in the office of a state senator occurring during a term of office AND FALLING WITHIN THE TIME PERIODS GOVERNED BY SECTION 1-4-1002, 1-4-1003, 1-4-1004, OR 1-4-1005 shall be filled at the next general election with nomination or designation by the political party as follows:

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

(II) NO PERSON IS ELIGIBLE FOR APPOINTMENT TO FILL A VACANCY IN A PARTY DESIGNATION UNLESS THAT PERSON MEETS ALL REQUIREMENTS OF CANDIDACY AS OF THE DATE THAT THE VACANCY APPOINTMENT IS MADE.

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

(II) NO PERSON IS ELIGIBLE FOR APPOINTMENT TO FILL A VACANCY IN A PARTY DESIGNATION UNLESS THAT PERSON MEETS ALL REQUIREMENTS OF CANDIDACY AS OF THE DATE THAT THE VACANCY APPOINTMENT IS MADE.

(c) If the vacancy occurs during the sixty-seven days before the primary election, or after the primary election and no later than sixty-eight days before the general election, the designated election official shall add the office to the notice of election for the general election AND NOTIFY THE CHAIRPERSON OF EACH MAJOR POLITICAL PARTY THAT THE OFFICE WILL BE ON THE BALLOT FOR THE NEXT GENERAL ELECTION. Nominations for the office shall be made by the respective party central committee vacancy committee for the state, county, judicial district, or state senate district or as provided in section 1-4-802 for the nomination of unaffiliated candidates.

(d) IF THE VACANCY OCCURS SIXTY-EIGHT DAYS OR FEWER BEFORE A GENERAL ELECTION, THAT OFFICE MUST BE FILLED AT THE NEXT GENERAL ELECTION.

(2) **[Formerly 1-4-1002 (7.5)]** Any vacancy in a statewide or county office, in the office of district attorney, or in the office of a state senator occurring during a term of office shall be filled at the next general election with nomination or designation by a minor political party pursuant to the constitution or bylaws of the minor political party.

1-4-1011. Vacancies of joint gubernatorial candidates - process for filling vacancy in nomination for office of lieutenant governor. (1) **[Formerly 1-4-1003]** For the purposes of this part 10, no vacancy in designation or nomination for the office of governor or the office of lieutenant governor shall in any way affect

AFFECTS the candidacy of the other joint candidate.

(2) **[Formerly 1-4-1002 (7.3)]** Any vacancy in a NOMINATION FOR the office of lieutenant governor ~~shall~~ MUST be filled by the appointment by the VACATING CANDIDATE'S JOINT CANDIDATE FOR governor. ~~of a lieutenant governor of the same political party as the governor to fill the vacancy. The senate shall have no power to confirm or deny such appointment.~~

(3) FOR THE PURPOSES OF THIS SECTION, A VACANCY IS CAUSED BY THE DECLINATION, DEATH, DISQUALIFICATION, OR WITHDRAWAL OF THE CANDIDATE DESIGNATED OR NOMINATED FOR GOVERNOR OR LIEUTENANT GOVERNOR.

SECTION 6. In Colorado Revised Statutes, **amend** 1-4-404 as follows:

1-4-404. Nomination and acceptance of candidate. Any person nominated in accordance with this ~~article~~ ARTICLE 4 shall file a written acceptance with the secretary of state by mail or hand delivery. The written acceptance must be postmarked or received by the secretary of state within four business days after the adjournment of the assembly. If an acceptance is not filed within the specified time, the candidate ~~shall be~~ is deemed to have declined the nomination, and the nomination ~~shall~~ MUST be treated as a vacancy to be filled as provided in ~~section 1-4-1002 (3) and (5)~~ PART 10 OF THIS ARTICLE 4.

SECTION 7. In Colorado Revised Statutes, 1-4-502, **amend** (3) introductory portion and (3)(c) as follows:

1-4-502. Methods of nomination for partisan candidates. (3) For general elections: ~~occurring after January 1, 2001:~~

(c) Any person nominated as the candidate for lieutenant governor of a major political party pursuant to ~~paragraph (a) of this subsection (3)~~ SUBSECTION (3)(a) OF THIS SECTION shall file a written acceptance with the secretary of state by mail or hand delivery. The written acceptance must be postmarked or received by the secretary of state within thirty days after the primary election. If an acceptance is not filed within the required time, the candidate ~~shall be~~ is deemed to have declined the nomination, and the nomination ~~shall~~ MUST be treated as a vacancy to be filled as provided in ~~section 1-4-1002 (2.3)(a)~~ PART 10 OF THIS ARTICLE 4.

SECTION 8. In Colorado Revised Statutes, 1-4-802, **amend** (1)(e) as follows:

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

(e) The petition to nominate an unaffiliated candidate may designate or appoint upon its face one or more unaffiliated registered electors as a committee to fill vacancies in accordance with ~~section 1-4-1002 (4) and (5)~~ SECTION 1-4-1008. However, in the case of a petition for the office of state senator or state representative, the petition shall designate or appoint upon its face three or more

unaffiliated registered electors as a committee to fill vacancies in accordance with ~~section 1-4-1002 (4) and (5) and section 1-12-203~~ SECTIONS 1-4-1008 AND 1-12-203.

SECTION 9. In Colorado Revised Statutes, 1-5-412, **amend** (3) as follows:

1-5-412. Correction of errors. (3) If, before the date set for election, a duly nominated candidate withdraws by filing an affidavit of withdrawal with the designated election official, or dies and the fact of the death becomes known to the designated election official before the ballots are printed, ~~OR IS DEEMED DISQUALIFIED~~, the name of the candidate shall not be printed on the ballots. Except in the case of a vacancy to be filled in accordance with ~~the provisions of section 1-4-1002 (2.3) or (2.5)~~ SECTION 1-4-1005, 1-4-1006, OR 1-4-1009, if the ballots are already printed, the votes cast for the withdrawn, ~~or~~ deceased, ~~OR DISQUALIFIED~~ candidate are invalid and shall not be counted.

SECTION 10. In Colorado Revised Statutes, 1-12-203, **amend** (3)(a) as follows:

1-12-203. Vacancies in general assembly. (3) (a) The vacancy committee, by a majority vote of its members present and voting at a meeting called for that purpose and open to the public, shall select a person who possesses the constitutional qualifications for a member of the general assembly and who is affiliated with the same political party or minor political party, if any, shown in the statewide voter registration system as the former member whose seat is vacant. No VACANCY COMMITTEE meeting shall be held until a quorum is present consisting of not less than one-half of the voting membership of the vacancy committee. No member of the vacancy committee may vote by proxy. The committee shall certify the selection to the secretary of state within thirty days from the date the vacancy occurs; except that, in the case of a vacancy filled pursuant to ~~section 1-4-1002 (2.5)~~ SECTION 1-4-1006, the committee shall certify the selection within thirty days after the date of the general election affected by the vacancy. If the vacancy committee fails to certify a selection within thirty days in accordance with ~~the provisions of this subsection (3)~~, the governor, within five days, shall fill the vacancy by appointing a person having the qualifications set forth in this subsection (3). The name of the person selected or appointed must be certified to the secretary of state.

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

30-10-501.5. Qualifications. (1) No person ~~shall be~~ is eligible for nomination, election, or appointment to the office of sheriff unless ~~such~~ THE person:

(c) Has had a complete set of fingerprints taken by a qualified law enforcement agency and HAS submitted a receipt evidencing ~~such~~ THE fingerprinting at the time of filing his or her written acceptance pursuant to ~~section~~ SECTION 1-4-601 (3), 1-4-906, or ~~1-4-1002 (5)~~, C.R.S., PART 10 OF ARTICLE 4 OF TITLE 1, or a candidate AT THE TIME OF filing an affidavit of intent pursuant to section 1-4-1101, C.R.S. ~~Such~~ AS APPLICABLE. THE law enforcement agency shall forward the fingerprints to the Colorado bureau of investigation. The bureau shall utilize ~~such~~ THE fingerprints, its files and records, and those of the federal bureau of investigation for the purpose of determining whether the person has ever been convicted of or

pleaded guilty or entered a plea of nolo contendere to any felony charge under federal or state laws. The Colorado bureau of investigation shall notify the county clerk and recorder of the county wherein FOR WHICH the person is a candidate of the results of the fingerprint analysis. ~~In the event that~~ If a conviction or plea is disclosed, ~~such~~ THE person shall be deemed IS unqualified for the office of sheriff, unless pardoned. The results of ~~such~~ THE fingerprint analysis shall be ARE confidential; except that the county clerk and recorder may divulge whether ~~such~~ THE person is qualified or unqualified for the office of sheriff.

SECTION 12. In Colorado Revised Statutes, 30-10-601.5, **amend** (2)(a) as follows:

30-10-601.5. Qualifications - fingerprints. (2) (a) A person who is nominated by a political party or for whom a nominating petition is filed for the office of coroner shall have a complete set of fingerprints taken by a qualified law enforcement agency and submit proof of such fingerprinting when filing a written acceptance pursuant to ~~section~~ SECTION 1-4-601 (3), 1-4-906, or ~~1-4-1002 (5)~~; ~~C.R.S. PART 10 OF ARTICLE 4 OF TITLE 1.~~

SECTION 13. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to elections conducted on or after the applicable effective date of this act.

Approved: May 23, 2017