

ARTICLE 12

Recall and Vacancies in Office

Editor's note: Articles 1 to 13 were repealed and reenacted in 1980, and this article was subsequently repealed and reenacted in 1992, resulting in the addition, relocation, and elimination of sections as well as subject matter. For amendments to this article prior to 1992, consult the Colorado statutory research explanatory note and the table itemizing the replacement volumes and supplements to the original volume of C.R.S. 1973 beginning on page vii in the front of this volume and the editor's note following the title heading. Former C.R.S. section numbers are shown in editor's notes following those sections that were relocated in 1992. For a detailed comparison of this article for 1980 and 1992, see the comparative tables located in the back of the index.

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PART 1

RECALL FROM OFFICE

Cross references: For recall of state officers, including filling post-resignation vacancies, see also art. XXI, Colo. Const.; for recall of municipal officers, see part 5 of article 4 of title 31.

1-12-100.5. Definitions. As used in this part 1, and for purposes of article XXI of the state constitution, unless the context otherwise requires:

- (1) "Approved as to form" means that the appropriate designated election official has reviewed the blank form of a petition and has approved the form as meeting the standards set forth in this article.
- (2) "Circulated" means presented to an elector for the collection of a signature and other information required by this article.
- (2.5) "Circulator" means a person who presents to other persons for possible signature a petition for recall as described in this article.
- (3) "Committee" means the committee of signers described in section 1-12-108 (2).
- (3.5) "Date for holding the election" means the first day on which recall ballots:
 - (a) Are to be made available to eligible electors at voter service and polling centers pursuant to the election plan approved under section 1-12-114 (1) (a); and
 - (b) May be accepted for processing by a designated election official.
- (4) "Elected officer" means any person elected to public office or appointed to fill a vacancy in an elected position of public office.
- (5) "Designated election official" means the secretary of state, a county clerk and recorder, or other election official as provided by article XXI of the state constitution.
- (6) "Fails to qualify" means not satisfying the constitutional or statutory qualifications for office, whether by reason of age, citizenship, residency, or sufficient number of valid nomination

petition signatures required by section 1-12-117 (3).

(7) "Fully adjudicated" means to have been decided by a final judgment by a court of competent jurisdiction and from which there can be no appeal.

(8) "Recall petition entity" means a person, as defined in section 2-4-401, C.R.S., that provides compensation to a circulator to circulate a recall petition.

Source: L. 2012: Entire section added, (HB 12-1293), ch. 236, p. 1038, § 1, effective May 29.
L. 2014: IP amended and (2.5), (3.5), (5), (6), (7), and (8) added, (SB 14-158), ch. 170, p. 617, § 2, effective May 9.

Cross references: For the legislative declaration in SB 14-158, see section 1 of chapter 170, Session Laws of Colorado 2014.

1-12-101. Elected officers subject to recall. Every elected officer of this state or any political subdivision thereof is subject to recall from office at any time by the eligible electors entitled to vote for a successor to the incumbent. The recall of any state officer shall be governed by the recall of state officers procedure set forth in this article.

Source: L. 92: Entire article R&RE, p. 793, § 15, effective January 1, 1993.

1-12-102. Limitations. (1) No recall petition shall be circulated or filed against any elected officer until the officer has actually held office for at least six months following the last election; except that a recall petition may be filed against any member of the general assembly at any time after the fifth day following the convening and organizing of the general assembly after the election.

(2) After one recall petition and election, no further petition may be filed against the same state or county officer during the term for which the officer was elected, unless the petitioners signing the petition equal fifty percent of the votes cast at the last preceding general election for all of the candidates for the office held by the officer.

(3) After one recall petition and election, no further petition shall be filed against the same nonpartisan officer during the term for which the officer was elected, unless the petitioners signing the petition equal one and one-half times the number of signatures required on the first petition filed against the same officer, until one year has elapsed from the date of the previous recall election.

(4) No recall petition shall be circulated or filed against any elected officer whose term of office will expire within six months.

Source: L. 92: Entire article R&RE, p. 793, § 15, effective January 1, 1993. L. 97: (4) added, p.

1061, § 1, effective May 27.

Cross references: For the power of the county central committee to fill vacancies, see § 1-3-104.

1-12-103. Petition for recall - statement of grounds. Eligible electors of a political subdivision may initiate the recall of an elected official by signing a petition which demands the election of a successor to the officer named in the petition. The petition shall contain a general statement, consisting of two hundred words or less, stating the ground or grounds on which the recall is sought. The general statement may not include any profane or false statements. The statement is for the information of the electors who are the sole and exclusive judges of the legality, reasonableness, and sufficiency of the ground or grounds assigned for the recall. The ground or grounds are not open to review.

Source: L. 92: Entire article R&RE, p. 794, § 15, effective January 1, 1993. L. 2012: Entire section amended, (HB 12-1293), ch. 236, p. 1038, § 2, effective May 29.

1-12-104. Signatures required for state and county officers. (1) A petition to recall a state or county officer shall be signed by eligible electors equal in number to twenty-five percent of the entire vote cast at the last preceding general election for all candidates for the office which the incumbent sought to be recalled occupies.

(2) If more than one person is required by law to be elected to fill the office to which the person sought to be recalled is an incumbent, then the petition shall be signed by eligible electors entitled to vote for a successor to the incumbent sought to be recalled equal in number to twenty-five percent of the entire vote cast at the last preceding general election for all candidates for the office to which the incumbent sought to be recalled was elected, the entire vote being divided by the number of all officers elected to the office at the last preceding general election.

Source: L. 92: Entire article R&RE, p. 794, § 15, effective January 1, 1993. L. 97: (1) amended, p. 1061, § 2, effective May 27.

1-12-105. Signatures required for school district officers. A petition to recall a school district officer shall be signed by eligible electors of the school district equal in number to at least forty percent of those electors who voted in such district in the last preceding election at which the director to be recalled was elected as indicated by the pollbook or abstract for such election. If no such election was held, the petition shall be signed by eligible electors of the school district equal in number to at least ten percent of those electors residing within the school district on the date that the petition is approved as to form under section 1-12-108 (4). In no case shall the number

required for recall be less than ten percent of eligible electors qualified to vote in the most recent biennial school election; except that no more than fifteen thousand signatures is required.

Source: L. 92: Entire article R&RE, p. 794, § 15, effective January 1, 1993. L. 97: Entire section amended, p. 1061, § 3, effective May 27. L. 2012: Entire section amended, (HB 12-1293), ch. 236, p. 1039, § 3, effective May 29.

Cross references: For the determination of existence of vacancy in county offices, see § 30-10-105.

1-12-106. Signatures required for nonpartisan officers. A petition to recall any other nonpartisan officer shall be signed by three hundred eligible electors of the political subdivision who are entitled to vote for a successor to the incumbent sought to be recalled or forty percent of the eligible electors of the political subdivision at the time the petition is approved as to form under section 1-12-108 (4), whichever number is less.

Source: L. 92: Entire article R&RE, p. 794, § 15, effective January 1, 1993. L. 97: Entire section amended, p. 1062, § 4, effective May 27. L. 2012: Entire section amended, (HB 12-1293), ch. 236, p. 1039, § 4, effective May 29.

1-12-107. Designated election officials. (1) For state recall elections, the petition shall be filed with the secretary of state who shall review and approve as to form the petition for recall as provided in section 1-12-108 (4), certify the sufficiency of the petition, and notify the governor, who shall set the date for the election. The election shall be conducted by the appropriate county clerk and recorder in the manner provided in this title for state elections.

(2) For county recall elections, the county clerk and recorder shall review and approve as to form the petition as provided in section 1-12-108 (4). The petition shall be filed with the county clerk and recorder who shall certify the sufficiency of the petition and call and conduct the election.

(3) For school board recall elections, the county clerk and recorder shall review and approve as to form the petition as provided in section 1-12-108 (4). The petition shall be filed with the county clerk and recorder of the county in which the school district's administrative offices are located. The clerk and recorder of the county shall certify the sufficiency of the petition and call and conduct the election.

(4) (a) For all other nonpartisan recall elections, the form of the petition shall be filed with the designated election official for the political subdivision of the incumbent sought to be recalled.

(b) (I) If there is no designated election official for the political subdivision of the incumbent sought to be recalled, the petition shall be filed with another officer of that political subdivision.

(II) An officer who receives a petition filed under subparagraph (I) of this paragraph (b)

shall immediately notify:

(A) The county clerk and recorder of the county in which the district court file for the political subdivision is located; or

(B) If there is no such district court file, the county clerk and recorder of the county in which the political subdivision has the greatest number of eligible electors at the time the petition is filed.

(III) A county clerk and recorder receiving a petition under subparagraph (II) of this paragraph (b) shall promptly appoint a person to serve as the designated election official. The appointed designated election official shall review and approve as to form the petition as provided in section 1-12-108 (4), certify the sufficiency of the petition, and call and conduct the election.

(5) No designated election official may, by rule, regulation, order, or any other official act, suspend or avoid the requirement that recall elections be held as mail ballot elections.

Source: L. 92: Entire article R&RE, p. 795, § 15, effective January 1, 1993. L. 2012: Entire section amended, (HB 12-1293), ch. 236, p. 1039, § 5, effective May 29. L. 2014: (5) added, (SB 14-158), ch. 170, p. 618, § 3, effective May 9.

Cross references: For the legislative declaration in SB 14-158, see section 1 of chapter 170, Session Laws of Colorado 2014.

1-12-108. Petition requirements - approval as to form - determination of sufficiency - protest - offenses. (1) The petition shall be prepared and circulated pursuant to this part 1.

(1.5) No signature shall be counted that was placed on a petition prior to approval as to form of the petition by the designated election official pursuant to subsection (4) of this section or more than sixty days after the designated election official's approval as to form of the petition.

(2) (a) The petition for the recall of an elected official may consist of one or more sheets, to be fastened together in the form of one petition section, but each side of the sheet that contains signatures of eligible electors shall contain the same heading and each petition section shall contain one sworn affidavit of the circulator. No petition shall contain the name of more than one person proposed to be recalled from office.

(b) The petition for recall may be circulated and signed in sections, and each section shall contain a full and accurate copy of the warning as required by paragraph (b) of subsection (3) of this section, the title in paragraph (c) of subsection (3) of this section, the general statement as described in section 1-12-103, and appropriate columns or spaces for the information required in paragraph (b) of subsection (5) of this section. Each petition section shall designate, by name and address, a committee of up to three persons that shall represent the signers in all matters affecting the petition.

(3) (a) No petition shall be certified as sufficient that does not contain the requisite number of names of eligible electors whose names do not appear on any other petition previously filed for the recall of the same person under the provisions of this article.

(b) At the top of each side of each sheet that contains signatures of eligible electors shall be printed, in bold-faced type, the following:

**WARNING:
IT IS AGAINST THE LAW:**

For anyone to sign this petition with any name other than one's own or to knowingly sign one's name more than once for the same measure or to knowingly sign the petition when not a registered elector.

Do not sign this petition unless you are an eligible elector. To be an eligible elector you must be registered to vote and eligible to vote in (name of political subdivision) elections.

Do not sign this petition unless you have read or have had read to you the proposed recall measure in its entirety and understand its meaning.

(c) Directly following the warning in paragraph (b) of this subsection (3) shall be printed in bold-faced type the following:

Petition to recall (name of person sought to be recalled) from the office of (title of office).

(4) (a) No petition shall be circulated until it has been approved as to form as meeting the requirements of this subsection (4). The official with whom the petitions are to be filed pursuant to section 1-12-107 shall approve or disapprove a petition as to form by the close of the seventh business day following submission of the proposed petition. On the day that the action is taken, the official shall mail written notice of the action taken to the committee and to the person whom the petition seeks to recall.

(b) If the form of the petition is not approved as to form, the designated election official shall provide specific reasons for the disapproval.

(c) Nothing in this section limits the ability of the committee to correct a petition as to form in accordance with the specific reasons set forth pursuant to paragraph (b) of this subsection (4) and to submit the corrected petition for review and approval or disapproval in the same manner as provided in this part 1 for an original submission.

(5) (a) Every petition shall be signed only by eligible electors.

(b) Unless physically unable, all electors shall sign their own signature and shall print their names, respective residence addresses, including the street number and name, the city or town, the county, and the date of signature. Each signature on a petition shall be made, to the extent possible, in black ink.

(c) Any person, except a circulator, may assist an elector who is physically unable to sign the petition in completing the information on the petition as required by law. On the petition immediately following the name of the elector receiving assistance, the person providing

assistance shall both sign and state that the assistance was given to the elector.

(6) (a) No person shall circulate a recall petition unless the person is a resident of the state, a citizen of the United States, and at least eighteen years of age.

(b) To each petition section must be attached a signed, notarized, and dated affidavit executed by the person who circulated the petition section, which includes the information and statements required for initiative or referendum petitions under section 1-40-111.

(c) The designated election official shall not accept for filing any section of a petition that does not have attached to it the notarized affidavit required by this section. Any signature added to a section of a petition after the notarized affidavit has been executed is invalid.

(7) (Deleted by amendment, L. 97, p. 1062, § 5, effective May 27, 1997.)

(7.5) The petition may be filed at any time during the sixty-day period after the designated election official's approval as to form of the petition as specified in this section. The committee shall file all sections of a petition simultaneously, and any section of a petition submitted after the petition is filed is invalid and has no force or effect.

(8) (a) Promptly after the petition has been filed, the designated election official for the political subdivision shall review all petition information and verify the information against the registration records, and, where applicable, the county assessor's records. The secretary of state shall establish guidelines for verifying petition entries. Within twenty-four hours after the petition is delivered, the designated election official shall notify the incumbent of the delivery. Following verification of the petition by the designated election official, the designated election official shall make a copy of the petition available to the incumbent sought to be recalled.

(b) Any disassembly of a section of the petition prior to filing that has the effect of separating the affidavit from the signatures renders that section of the petition invalid and of no force and effect.

(c) (I) After review, and no later than fifteen business days after the initial filing of the petition, the designated election official shall notify the committee and the incumbent of the number of valid signatures and whether the petition appears to be sufficient or insufficient.

(II) Upon determining that the petition is sufficient and after the time for protest has passed and any protests duly raised have been fully adjudicated, the designated election official shall, within twenty-four hours, submit the certificate of sufficiency to the governor or designated election official, as appropriate, who shall set a date for holding the election in accordance with section 1-12-111. If the election is a coordinated election, the secretary of state shall notify the designated election official of the coordinated election. The designated election official of the coordinated election shall post the certificate to his or her official website, or, if there is no official website, post the certificate in accordance with normal practices reasonably calculated to provide public notice, by 12 noon on the day after the day on which he or she issues the sufficiency determination.

(II.5) If the petition is determined to be insufficient, it may be withdrawn and may, within fifteen days after the date on which the petition was verified as insufficient, be amended and refiled as an original petition. A petition for recall may be amended no more than one time to collect additional signatures or cure circulator affidavits after a designated election official issues a determination of insufficiency under this subsection (8).

(III) If the petition is verified as insufficient, the designated election official shall provide

the specific reasons for the determination to the committee. The determination may be appealed by the committee in the manner provided in section 1-1-113 to the district court in the county in which the petition was filed. No person other than those on the committee have standing to appeal a determination that the petition is insufficient.

(9) (a) (I) A recall petition that has been verified by the designated election official shall be held to be sufficient unless a protest in writing under oath is filed in the office of the designated election official by an eligible elector within fifteen days after the designated election official has determined the sufficiency of the petition under paragraph (c) of subsection (8) of this section.

(II) The protest shall set forth specific grounds for the protest. Grounds include failure of any portion of a petition or circulator affidavit to meet the requirements of this article or any conduct on the part of petition circulators that substantially misleads persons signing the petition. The designated election official shall forthwith mail a copy of the protest to the committee, together with a notice fixing a time for hearing the protest not less than five nor more than ten days after the notice is mailed.

(III) Every hearing shall be before the designated election official with whom the protest is filed or a designee of the designated election official appointed as the hearing officer or before a district judge sitting in that county if the designated election official is the subject of the recall. The testimony in every hearing shall be under oath. The hearing shall be summary and not subject to delay and shall be concluded within thirty days after the protest is filed with the designated election official, and the result shall be forthwith certified to the committee.

(b) The party filing a protest has the burden of sustaining the protest by a preponderance of the evidence. The decision upon matters of substance is open to review, if prompt application is made, as provided in section 1-1-113. The remedy in all cases shall be summary, and the decision of any court having jurisdiction shall be final and not subject to review by any other court; except that the supreme court, in the exercise of its discretion, may review any judicial proceeding in a summary way.

(c) Repealed.

(d) (I) Any signer may request that his or her name be stricken from the petition at any time prior to when the petition is deemed sufficient and the time for protest has passed by filing with the designated election official a written request that his or her signature be stricken and delivering a copy of the request to at least one member of the committee. If the request is delivered to the member of the committee or the designated election official through the United States mail, it shall be deemed delivered to the committee or the designated election official on the date shown by the cancellation mark on the envelope containing the request received by the member of the committee or the designated election official. If the request is delivered to the member of the committee or the designated election official in any other manner, it shall be deemed delivered to the committee or the designated election official on the date of delivery and stamped receipt by the designated election official.

(II) If the designated election official receives a written request filed in accordance with this paragraph (d) after the petition is filed but before the petition is deemed sufficient and the time for protest has passed, the election official shall strike the signature of the signer who filed the request. If the election official receives such a written request before the petition is filed, the election official shall strike the signature of the signer who filed the request promptly upon the

filing of the petition.

(10) Any person who willfully destroys, defaces, mutilates, or suppresses a petition, or who willfully neglects to file or delays delivery of a petition, or who conceals or removes a petition from the possession of the person authorized by law to have custody of it, or who aids, counsels, procures, or assists any person in doing any of the above acts is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

Source: L. 92: Entire article R&RE, p. 795, § 15, effective January 1, 1993. L. 93: Entire section amended, p. 1435, § 119, effective July 1. L. 95: Entire section amended, p. 845, § 72, effective July 1. L. 97: (4), (7), (8)(c), (9)(a), and (9)(c) amended and (7.5) added, p. 1062, § 5, effective May 27. L. 99: (9)(c) amended and (9)(d) added, p. 95, § 1, effective September 1. L. 2001: (2)(a) amended, p. 1004, § 14, effective August 8. L. 2002: (7.5) amended, p. 1640, § 32, effective June 7. L. 2007: (6)(a) and (6)(b) amended, p. 1981, § 32, effective August 3. L. 2012: (1), (2), (3)(a), (3)(b), (4), (5)(c), (6)(b), (6)(c), (7.5), (8), (9)(a), (9)(c), and (9)(d)(I) amended and (1.5) added, (HB 12-1293), ch. 236, p. 1040, § 6, effective May 29. L. 2014: (6)(b) and (8)(c)(II) amended, (8)(c)(II.5) added, and (9)(c) repealed, (SB 14-158), ch. 170, p. 618, § 4, effective May 9.

Cross references: For the legislative declaration in SB 14-158, see section 1 of chapter 170, Session Laws of Colorado 2014.

1-12-108.5. Applicability of laws pertaining to initiative and referendum petitions and circulators. Sections 1-40-111 to 1-40-113 apply to recall elections conducted under this article. Nothing in this section permits the application to recall elections, nor the enforcement, of any provision of law held to be unconstitutional or otherwise declared invalid or enjoined by a court of law.

Source: L. 2014: Entire section added, (SB 14-158), ch. 170, p. 619, § 5, effective May 9.

Cross references: For the legislative declaration in SB 14-158, see section 1 of chapter 170, Session Laws of Colorado 2014.

1-12-109. Resignation. If an officer whose recall is sought offers a resignation, it shall be accepted and the vacancy caused by the resignation shall be filled as provided by law. The person appointed to fill the vacancy caused by the resignation shall hold the office only until the person elected at the recall election is qualified; except that, if the recall election is canceled in accordance with section 1-12-110 (1), the person appointed to fill the vacancy shall hold the office until it is filled at the next regularly scheduled election for that office.

Source: L. 92: Entire article R&RE, p. 795, § 15, effective January 1, 1993. L. 2012: Entire section amended, (HB 12-1293), ch. 236, p. 1044, § 7, effective May 29.

1-12-110. Call for election - cancellation of recall election. (1) If the officer whose recall is sought does not resign within five days after the sufficiency of the recall petition has been certified by the designated election official and the time for protest has passed, the designated election official shall call the election and set the election date as required by section 1-12-111; except that, if the officer whose recall is sought resigns at any time prior to the deadline to submit a petition as a successor candidate in accordance with section 1-12-117, the recall election shall be canceled.

(2) If the officer whose recall is sought resigns at any time after the deadline to submit a petition as a successor candidate, the recall election shall be called and held notwithstanding the resignation.

Source: L. 92: Entire article R&RE, p. 795, § 15, effective January 1, 1993. L. 95: (1) amended, p. 849, § 73, effective July 1. L. 2012: Entire section amended, (HB 12-1293), ch. 236, p. 1044, § 8, effective May 29.

1-12-111. Setting date of recall election. If the recall petition is held to be sufficient under section 1-12-108 (8) (c) and after the time for protest has passed and any such protest has been fully adjudicated, the designated election official or governor, as appropriate, without delay, shall set a date for holding the election not less than thirty nor more than sixty days after the petition has been filed and thus deemed sufficient by the designated election official and either the time for protest has passed or the time for such protest to be fully adjudicated has passed; however, if a general election is to be held within ninety days after the petition has been deemed sufficient and the time for protest has passed and the time for such protest to be fully adjudicated has passed, the recall election must be held as a part of that election.

Source: L. 92: Entire article R&RE, p. 796, § 15, effective January 1, 1993. L. 97: Entire section amended, p. 1063, § 6, effective May 27. L. 2012: Entire section amended, (HB 12-1293), ch. 236, p. 1044, § 9, effective May 29. L. 2014: Entire section amended, (SB 14-158), ch. 170, p. 619, § 6, effective May 9.

Cross references: For the legislative declaration in SB 14-158, see section 1 of chapter 170, Session Laws of Colorado 2014.

1-12-111.5. Nonpartisan recall mail ballot plan. (1) If a nonpartisan recall election is to be

conducted by mail ballot, the designated election official shall submit a written mail ballot plan to the secretary of state in accordance with section 1-7.5-105 no later than five calendar days after calling the election.

(2) The secretary of state shall approve or disapprove a recall mail ballot plan within five calendar days after receiving the plan and shall provide written notice to the designated election official.

Source: L. 2012: Entire section added, (HB 12-1293), ch. 236, p. 1045, § 10, effective May 29.

1-12-111.7. Recall election notice - publication. (1) For a recall election of a state officer, the governor shall publish notice of the recall election in the newspaper with the largest circulation in the state, and the secretary of state shall publish notice of the recall election on its website.

(2) For a recall election for an officer other than a state officer, the designated election official shall publish notice of the recall election in a newspaper of general circulation in accordance with section 1-5-205.

Source: L. 2012: Entire section added, (HB 12-1293), ch. 236, p. 1045, § 11, effective May 29.

1-12-112. Ballots - statement included. (1) In addition to all other requirements of law, the official ballot shall contain the statement described in section 1-12-103 stating the grounds for demanding the officer's recall. The officer sought to be recalled may submit to the designated election official a statement of three hundred words or fewer justifying the officer's course of conduct. The officer shall not include any profane or false statements in the statement of justification. The officer shall submit the statement no later than ten business days after the petition has been deemed sufficient and the time for protest has passed. The official ballot shall contain the statement of justification if submitted pursuant to this subsection (1).

(2) Ballots for the election of a successor to the officer sought to be recalled shall contain the candidates' names which shall be placed on the ballot by lot, regardless of the method of nomination.

(3) The official ballot for the election of a successor to the officer sought to be recalled shall contain a blank space in which the elector may write the name of a write-in candidate who has timely filed an affidavit of intent in accordance with section 1-12-115.

Source: L. 92: Entire article R&RE, p. 796, § 15, effective January 1, 1993. **L. 97:** (1) amended, p. 1063, § 7, effective May 27. **L. 2012:** (1) amended and (3) added, (HB 12-1293), ch. 236, p. 1045, § 12, effective May 29.

1-12-113. Conduct and timing of recall election. (1) Except as modified by this article, the recall election and election of a successor shall be conducted according to articles 1 to 13 of this title.

(2) Except as otherwise provided in this part 1, for a recall election, all events in the uniform election code that are to be completed by the secretary of state, designated election official, or coordinated election official on or before the forty-fifth day prior to the election shall be completed no later than the forty-second day prior to the recall election.

Source: L. 92: Entire article R&RE, p. 796, § 15, effective January 1, 1993. **L. 2012:** Entire section amended, (HB 12-1293), ch. 236, p. 1045, § 13, effective May 29.

1-12-114. Mail ballots - plan required - voter service and polling centers - number required - definition. (1) (a) Notwithstanding section 1-7.5-107 (1), as soon as practicable after the date that the designated election official certifies the recall question to the ballot under section 1-12-108 (8) (c) (II), the county clerk and recorder or designated election official administering a recall election shall submit to the secretary of state, for approval within twenty-four hours after receipt, a proposed mail ballot election plan, including the manner in and date by which the mail ballot transmission deadline set forth in subsection (2) of this section will be met. If the secretary of state does not provide written notice of approval or disapproval of the plan within twenty-four hours, the plan is deemed approved.

(b) The secretary of state may disapprove a mail ballot plan submitted under paragraph (a) of this subsection (1) using only the same standards used to evaluate and approve of mail ballot plans transmitted under section 1-7.5-105.

(2) Notwithstanding any provision of this code to the contrary:

(a) The designated election official conducting the recall election shall designate the office of the county clerk and recorder or other suitable location to function as a voter service and polling center from the twenty-second day prior to the final day of voting in such election through that final day of voting; and

(b) Not later than the fifteenth day before the last day on which voted mail ballots may be returned by electors other than covered voters under article 8.3 of this title, the designated election official shall mail ballots to eligible electors in accordance with the mail ballot plan developed pursuant to subsection (1) of this section.

(3) (a) There must be one voter service and polling center for each thirty thousand active registered electors in the district of the incumbent sought to be recalled; except that any such district must have at least one voter service and polling center, and each district that spans more than one county must operate one voter service and polling center within the boundaries of each county. Except for the voter service and polling center required under and open in accordance with paragraph (a) of subsection (2) of this section, which voter service and polling center counts as the first voter service and polling center required to be open under subsection (2) of this section, each additional voter service and polling center must be open from the eighth day prior to the final day of voting in the recall election through that final day.

(b) When a recall election is combined with a general election pursuant to article XXI of the state constitution and section 1-12-111, the number and days of operation of voter service and polling centers and the manner of voting for the recall as part of said general election are the same as those prescribed under section 1-5-102.9, except that one voter service and polling center must be open in accordance with the time established in paragraph (a) of subsection (2) of this section.

(4) As used in this section, and for purposes of article XXI of the state constitution, "part of said general election" means the inclusion of the questions of both the recall of an incumbent and the election of the incumbent's successor on mail ballots that are sent by mail, available at voter service and polling centers, or otherwise delivered to an elector as permitted by law, from the date for holding the election through the last day of voting in a general election pursuant to section 1-4-201. Notwithstanding this definition, to maximize participation of voters covered by the federal "Uniformed and Overseas Citizens Absentee Voting Act", 52 U.S.C. sec. 20301 et seq., all candidate races, ballot issues, and ballot questions that a covered voter is eligible to vote on must be included on the ballots required to be sent pursuant to that act, and recall-related ballot questions must be sent separately on ballots that adhere to the deadlines set forth in this section.

Source: L. 92: Entire article R&RE, p. 796, § 15, effective January 1, 1993. L. 95: Entire section amended, p. 849, § 74, effective July 1. L. 2007: Entire section amended, p. 1796, § 64, effective June 1. L. 2012: Entire section amended, (HB 12-1293), ch. 236, p. 1046, § 14, effective May 29. L. 2013: Entire section repealed, (HB 13-1303), ch. 185, p. 752, § 138, effective May 10. L. 2014: Entire section RC, (SB 14-158), ch. 170, p. 619, § 7, effective May 9. L. 2016: (4) amended, (SB 16-142), ch. 173, p. 587, § 65, effective May 18.

Editor's note: Section 84 of chapter 173 (SB 16-142), Session Laws of Colorado 2016, provides that changes to this section by the act apply to elections conducted on or after May 18, 2016.

Cross references: (1) In 2013, this section was repealed by the "Voter Access and Modernized Elections Act". For the short title and the legislative declaration, see sections 1 and 2 of chapter 185, Session Laws of Colorado 2013.

(2) For the legislative declaration in SB 14-158, see section 1 of chapter 170, Session Laws of Colorado 2014.

1-12-115. Write-in candidates. No write-in vote for any office shall be counted unless an affidavit of intent has been filed indicating that the person for whom the write-in vote is made desires the office and is legally qualified to assume the duties of the office if elected. The affidavit of intent shall be filed with the designated election official no later than fifteen calendar days before the recall election date.

Source: L. 92: Entire article R&RE, p. 796, § 15, effective January 1, 1993. L. 95: Entire section amended, p. 849, § 75, effective July 1. L. 2012: Entire section amended, (HB 12-1293), ch. 236, p. 1046, § 15, effective May 29.

1-12-116. Sufficiency of the recall. If a majority of those voting on the question of the recall of any incumbent from office vote "no", the incumbent shall continue in office; if a majority vote "yes", the incumbent shall be removed from office upon the qualification of the successor.

Source: L. 92: Entire article R&RE, p. 796, § 15, effective January 1, 1993.

1-12-117. Nomination of successor - ballot certification. (1) For partisan elections, a candidate to succeed the officer sought to be recalled shall meet the qualifications of a party candidate or an unaffiliated candidate as provided in part 8 of article 4 of this title and shall be nominated by a political party petition or an unaffiliated petition as provided in part 9 of article 4 of this title. Nomination petitions may be circulated beginning the first date on which a protest may be filed and shall be filed no later than fifteen calendar days prior to the date for holding the election as provided in section 1-12-111.

(2) For nonpartisan elections, nomination petitions for candidates whose names are to appear on the ballot may be circulated beginning the first date on which a protest may be filed and shall be filed no later than fifteen calendar days prior to the date for holding the election as provided in section 1-12-111.

(3) (a) Every nomination petition shall be signed by the number of eligible electors required for the office in part 8 of article 4 of this title or as otherwise provided by law.

(b) (I) The designated election official shall verify successor candidate petitions within forty-eight hours after the deadline to file such petitions as set forth in subsections (1) and (2) of this section.

(II) The designated election official shall certify the ballot content as soon as possible, but not later than two business days after the date upon which the verification of successor candidate petitions is required pursuant to subparagraph (I) of this paragraph (b).

(4) The officer who was sought to be recalled is not eligible as a candidate in the election to fill any vacancy resulting from the recall election.

Source: L. 92: Entire article R&RE, p. 797, § 15, effective January 1, 1993. L. 94: Entire section amended, p. 1179, § 71, effective July 1. L. 95: Entire section amended, pp. 849, 862, §§ 76, 123, effective July 1. L. 97: Entire section amended, p. 1064, § 8, effective May 27. L. 2012: Entire section amended, (HB 12-1293), ch. 236 p. 1046, § 16, effective May 29. L. 2014: (1), (2), and (3) amended, (SB 14-158), ch. 170, p. 621, § 8, effective May 9.

Editor's note: Amendments to this section by sections 76 and 123 of House Bill

95-1241 were harmonized.

Cross references: For the legislative declaration in SB 14-158, see section 1 of chapter 170, Session Laws of Colorado 2014.

1-12-118. Election of successor. (1) The election of a successor is held at the same time as the recall election. The names of those persons nominated as candidates to succeed the person sought to be recalled, except write-in candidates, shall appear on the ballot. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for office.

(2) (Deleted by amendment, L. 95, p. 850, § 77, effective July 1, 1995.)

Source: L. 92: Entire article R&RE, p. 797, § 15, effective January 1, 1993. L. 95: Entire section amended, p. 850, § 77, effective July 1. L. 2012: (1) amended, (HB 12-1293), ch. 236, p. 1047, § 17, effective May 29. L. 2014: (1) amended, (SB 14-158), ch. 170, p. 621, § 9, effective May 9.

Cross references: For the legislative declaration in SB 14-158, see section 1 of chapter 170, Session Laws of Colorado 2014.

1-12-118.5. Postelection protest of successor candidate qualification - procedure. (1) (a) Within seventy-two hours after certification of results of a recall election conducted under this article, any elector who is registered in a political subdivision represented by an official subject to recall may file a protest using the procedures in section 1-1-113 alleging that the successor candidate who received the highest number of votes fails to qualify for the office. The protest must be filed in the district court in the county in which the petition determination was issued.

(b) Any protest filed under paragraph (a) of this subsection (1) takes precedence over all other nonemergency civil matters before the district court.

(2) If the court determines, pursuant to a protest filed under subsection (1) of this section, that the successor candidate against whom the protest is made fails to qualify, that individual may not take office. In such case, the office is deemed vacant and shall be filled according to law, including section 2 (3) of article V of the state constitution and part 2 of this article. The officer recalled in the recall election at which the unqualified successor was elected is ineligible to fill the vacancy.

Source: L. 2014: Entire section added, (SB 14-158), ch. 170, p. 622, § 10, effective May 9.

Cross references: For the legislative declaration in SB 14-158, see section 1 of chapter 170, Session Laws of Colorado 2014.

1-12-119. Canvass of votes - notification of results. (1) For the recall of a partisan officer, the canvass board shall be composed of one representative from each major political party and the county clerk and recorder.

(2) For the recall of a nonpartisan officer, the canvass board shall be composed of the designated election official, one member of the governing body, and one eligible elector of the political subdivision.

(3) The canvass board shall complete and certify the abstract of votes in accordance with article 10 of this title.

(4) If the majority of those voting on the recall question voted "yes", upon receipt of the certified abstract of votes cast, the designated election official shall issue a certificate of election to the successor candidate who received the highest number of votes. A copy of the certificate shall be transmitted by the secretary of state to the appropriate house of the general assembly for recall elections concerning the general assembly and to the governor for the recall of all other elections of state officers. For all other recall elections, a copy of the certificate shall be transmitted to the governing body of the political subdivision. The candidate who received the highest number of votes shall be sworn in and shall assume the duties of the office upon certification of the election results.

(5) If less than a majority of those voting on the recall question voted "yes", upon receipt of the certified abstract of votes cast, the designated election official shall notify in writing the incumbent, each candidate for the office, the committee, and the governing body of the incumbent.

Source: L. 92: Entire article R&RE, p. 797, § 15, effective January 1, 1993. L. 95: (3) and (4) amended, p. 850, § 78, effective July 1. L. 99: Entire section amended, p. 491, § 22, effective July 1. L. 2012: Entire section amended, (HB 12-1293), ch. 236, p. 1047, § 18, effective May 29.

1-12-120. Cost of recall election. (1) If at any recall election for a state office the incumbent whose recall is sought is not recalled, the incumbent shall be repaid from the state treasury any money authorized by this article which the incumbent actually expended as an expense of the recall election. In no event shall the sum repaid be greater than an amount equal to ten cents per voter. The general assembly shall provide an appropriation for state recall elections.

(2) If at any recall election for a county or local government office the incumbent whose recall is sought is not recalled, the governing body shall authorize a resolution for repayment from the general fund of the political subdivision any money authorized to be repaid to the incumbent by this article which the incumbent actually expended as an expense of the election. In no event shall the sum repaid exceed forty cents per eligible elector as defined in section 1-1-104 (16), subject to a maximum repayment of ten thousand dollars.

(3) Authorized expenses shall include, but are not limited to, moneys spent in challenging the sufficiency of the recall petition and in presenting to the electors the official position of the

incumbent, including campaign literature, advertising, and maintaining campaign headquarters.

(4) Unauthorized expenses shall include, but are not limited to: Moneys spent on challenges and court actions not pertaining to the sufficiency of the recall petition; personal expenses for meals; lodging and mileage for the incumbent; costs of maintaining a campaign staff and associated expenses; reimbursement for expenses incurred by a campaign committee which has solicited contributions; reimbursement of any kind for employees in the incumbent's office; and all expenses incurred prior to the filing of the recall petition.

(5) The incumbent shall file a complete and detailed request for reimbursement within sixty days after the date of the recall election with the governing body of the political subdivision holding the recall election, who shall then review the reimbursement request for appropriateness under subsection (2) of this section and shall refer the request, with recommendations, to the general assembly at its next general session for state recall elections or to the treasurer of the governing body for all other elections within thirty days after receipt of the request for reimbursement.

Source: L. 92: Entire article R&RE, p. 798, § 15, effective January 1, 1993. L. 97: (2) amended, p. 1064, § 9, effective May 27.

1-12-120.5. Reimbursement for recall election expenses. A political subdivision shall reimburse the office of the county clerk and recorder for reasonable expenses incurred by the county clerk and recorder in performing duties relating to the recall of an incumbent of the political subdivision under this part 1.

Source: L. 2012: Entire section added, (HB 12-1293), ch. 236, p. 1048, § 19, effective May 29.

1-12-121. Special provisions. (1) If the governor is sought to be recalled under this article by recall petition filed in the office of the secretary of state, the duties imposed upon the governor by this article and article XXI of the state constitution as to that recall petition shall be performed by the lieutenant governor. If the secretary of state is sought to be recalled under this article by recall petition filed in the office of the secretary of state, the duties imposed upon the secretary of state by this article and article XXI of the state constitution as to that recall petition shall be performed by the state auditor.

(2) If recall is sought of any other elected or appointed officer who is charged with responsibilities under this article, the governing body shall immediately appoint another person to perform those duties.

Source: L. 92: Entire article R&RE, p. 799, § 15, effective January 1, 1993. L. 2012: Entire section amended, (HB 12-1293), ch. 236, p. 1048, § 20, effective May 29.

1-12-122. Recalls subject to "Fair Campaign Practices Act". Recall elections are subject to the appropriate sections of article 45 of this title.

Source: L. 95: Entire section added, p. 850, § 79, effective July 1.

1-12-123. Conflicts with constitutional requirements for recall of state officers or other elections laws. (1) To the extent that this part 1 concerning the recall of state officers conflicts with article XXI of the state constitution, article XXI of the state constitution controls.

(2) To the extent that this part 1 conflicts with other provisions of this code, this part 1 controls.

Source: L. 97: Entire section added, p. 1064, § 10, effective May 27. **L. 2014:** Entire section amended, (SB 14-158), ch. 170, p. 622, § 11, effective May 9.

Cross references: For the legislative declaration in SB 14-158, see section 1 of chapter 170, Session Laws of Colorado 2014.

PART 2

VACANCIES IN OFFICE

1-12-201. Vacancies in office of United States senator. (1) When a vacancy occurs in the office of United States senator from this state, the governor shall make a temporary appointment to fill the vacancy until it is filled by election.

(2) When a vacancy occurs, the governor shall direct the secretary of state to include in the general election notice for the next general election a notice of the filling of the vacancy. The secretary of state shall give notice accordingly. At the election, the vacancy shall be filled for the unexpired term. If, for any reason, no United States senator is elected at the next general election, the person temporarily appointed by the governor shall hold the office until a United States senator is elected at a succeeding general election.

Source: L. 92: Entire article R&RE, p. 799, § 15, effective January 1, 1993.

Editor's note: This section is similar to former § 1-12-101 as it existed prior to 1992.

1-12-202. Vacancies in office of representative in congress. Except as provided in section 1-4-401.5, when any vacancy occurs in the office of representative in congress from this state, the governor shall set a day to hold a congressional vacancy election to fill the vacancy and cause notice of the election to be given as required in part 2 of article 5 of this title; but congressional vacancy elections shall not be held within the ninety-day period preceding a general election.

Source: L. 92: Entire article R&RE, p. 800, § 15, effective January 1, 1993. L. 2008: Entire section amended, p. 410, § 5, effective August 5.

Editor's note: This section is similar to former § 1-12-102 as it existed prior to 1992.

Cross references: For registration for congressional vacancy elections, see § 1-2-210; for power of the county central committee to fill vacancies, see § 1-3-104.

1-12-203. Vacancies in general assembly. (1) In the event of a vacancy in the general assembly caused by the death or resignation of a member who has been sworn into office, caused by the death or resignation of a member who has been elected to a seat but who has not yet been sworn into office, or caused by a person not taking the oath of office as provided in paragraph (b) of subsection (3) of this section, the vacancy shall be filled by the appropriate vacancy committee, if any, as provided in section 1-3-103 (1) (d), of the same political party and of the same representative or senatorial district represented by the former member whose seat is vacant. If the member was affiliated with a minor political party, then the vacancy shall be filled by the vacancy committee designated in the constitution or bylaws of the minor political party. If the member was unaffiliated with a political party, then the vacancy shall be filled by the vacancy committee designated on the petition for nomination pursuant to section 1-4-802 (1) (e). The vacancy shall be filled until the next general election after the vacancy occurs, when the vacancy shall be filled by election.

(2) No vacancy committee may select a person to fill a vacancy at a meeting held pursuant to this section unless a written notice announcing the time and location of the vacancy committee meeting was mailed to each of the committee members at least ten days prior to the meeting by the chairperson of the central committee that 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.

(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 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), 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.

(b) No sooner than two days after receiving the certification from the vacancy committee, the secretary of state shall certify the name of the person selected or appointed to the appropriate house of the general assembly. The oath of office shall be administered to the person within thirty days of the receipt of such certification by the appropriate house or on the convening date of the general assembly, whichever occurs first; except that the president of the senate or the speaker of the house of representatives, as appropriate, shall extend the time to take the oath upon a finding that extenuating circumstances prevented the person from taking the oath within the initial thirty-day period. In the event the person does not take the oath of office in accordance with this paragraph (b), the office shall be deemed vacant and shall be filled by the appropriate vacancy committee pursuant to the provisions of this section. The person, after having qualified and taken the oath of office, shall immediately assume the duties of office and shall serve until the next convening of the general assembly following the election certification and qualification of a successor. Nothing in this subsection (3) shall be construed to reduce the number of consecutive terms that a person appointed to fill a vacancy in the general assembly may serve in accordance with section 3 of article V of the state constitution.

(4) For purposes of this section, a vacancy caused by the resignation of a member of the general assembly occurs on the effective date of the member's letter of resignation to the chief clerk of the house of representatives or the secretary of the senate. If the letter of resignation gives an effective date of resignation that is later than the date the letter of resignation is submitted, the vacancy committee may meet no more than twenty days prior to the effective date of the resignation for the purposes of nominating a person to fill the vacancy. The certification of the nominee of the vacancy committee to the secretary of state may not be made prior to the effective date of the resignation; further, should the member of the general assembly withdraw the letter of resignation prior to the effective date, the person nominated by the vacancy committee may not be certified to the secretary of state.

(5) If the vacancy is caused by the death of a member-elect of the general assembly who has been elected to office but who has not yet been sworn in, the vacancy committee shall meet no more than thirty days after the death of the general assembly member-elect to fill the vacancy. The certification of the nomination of the vacancy committee to the secretary of state may be made prior to the convening of the general assembly but shall not take effect until the effective date of the vacancy, which is the first day the general assembly convenes.

Source: L. 92: Entire article R&RE, p. 800, § 15, effective January 1, 1993. L. 95: (1) and (3) amended and (4) and (5) added, p. 851, § 80, effective July 1. L. 98: (1) and (3) amended, p. 260, § 15, effective April 13; (3) amended, p. 812, § 2, effective May 26. L. 99: (3) amended, p. 934, § 4, effective August 4. L. 2008: Entire section amended, p. 1745, § 1, effective August 5. L. 2016: (3)(a) amended, (SB 16-142), ch. 173, p. 587, § 66, effective May 18.

Editor's note: (1) This section is similar to former § 1-12-103 as it existed prior to 1992.
(2) Amendments to subsection (3) by House Bill 98-1110 and Senate Bill 98-193 were harmonized.
(3) Section 84 of chapter 173 (SB 16-142), Session Laws of Colorado 2016, provides that changes to this section by the act apply to elections conducted on or after May 18, 2016.

1-12-204. Vacancies in state and district offices. All vacancies in any state office and in the office of district attorney shall be filled by appointment by the governor until the next general election after the vacancy occurs, when the vacancy shall be filled by election.

Source: L. 92: Entire article R&RE, p. 801, § 15, effective January 1, 1993.

Editor's note: This section is similar to former § 1-12-104 as it existed prior to 1992.

1-12-205. Vacancies in county offices. All vacancies in any county office, except that of county commissioner, shall be filled by appointment by the board of county commissioners of the county in which the vacancy occurs, until the next general election, at which time the vacancy shall be filled by election.

Source: L. 92: Entire article R&RE, p. 801, § 15, effective January 1, 1993.

Editor's note: This section is similar to former § 1-12-105 as it existed prior to 1992.

Cross references: For determination of existence of vacancy in county offices, see § 30-10-105.

1-12-206. Vacancies in the office of county commissioner. (1) In case of a vacancy occurring in the office of county commissioner, a vacancy committee constituted as provided in this section shall, by a majority vote of its members present at a meeting called for the purpose, fill the vacancy by appointment within ten days after the occurrence of the vacancy. The meeting shall not be held unless a quorum is present consisting of not less than one-half of the voting members of the vacancy committee. A member of the vacancy committee may not vote by proxy. If the vacancy committee fails to fill the vacancy within ten days, the governor shall fill the vacancy by appointment within fifteen days after the occurrence of the vacancy.

(2) If the vacating commissioner was elected by the electors of the whole county, whether at large or from a district, the successor shall be appointed by a vacancy committee constituted of those persons selected at the county central committee organizational meeting of the same political party as the vacating commissioner.

(3) If the vacating commissioner was elected only by the electors of the district from which

the vacating commissioner was elected, the county commissioner district central committee of the same district and political party as the vacating commissioner shall appoint a vacancy committee whose sole purpose shall be to name a successor to the position of county commissioner. In the event the county commissioner district central committee fails to appoint a vacancy committee, the vacancy committee shall consist of the chairperson and the vice-chairperson of the county commissioner district central committee, and a third person designated by the chairperson and vice-chairperson from among the precinct committeepersons of the same district and the same political party as the vacating commissioner.

(4) If the vacating commissioner is unaffiliated, then a registered unaffiliated successor shall be appointed by the governor, acting as a vacancy committee, within ten days after the vacancy.

(4.5) If the vacating commissioner is affiliated with a minor political party, then a registered elector affiliated with the same minor political party shall be appointed as the successor pursuant to the constitution or bylaws of the minor political party.

(5) Any person appointed to a vacancy in the office of county commissioner under this section must be a resident of the county and reside within the district, if any, in which the vacancy exists and must be a member of the same political party or minor political party, if any, shown in the statewide voter registration system as the vacating commissioner. Any person appointed pursuant to this section holds the office until the next general election or until the vacancy is filled by election according to law.

(6) A vacancy committee may not select a person to fill a vacancy at a meeting held pursuant to this section unless a written notice announcing the time and location of the vacancy committee meeting is mailed to each member of the vacancy committee at least six days before the meeting by the chairperson of the central committee. Mailing of the notice is effective when the notice is properly addressed and deposited in the United States mail with first-class postage prepaid.

Source: L. 92: Entire article R&RE, p. 801, § 15, effective January 1, 1993. L. 98: (4.5) added and (5) amended, p. 260, § 16, effective April 13. L. 2008: (1) amended and (6) added, p. 1747, § 2, effective August 5. L. 2016: (5) amended, (SB 16-142), ch. 173, p. 588, § 67, effective May 18.

Editor's note: (1) This section is similar to former § 1-12-106 as it existed prior to 1992.

(2) Section 84 of chapter 173 (SB 16-142), Session Laws of Colorado 2016, provides that changes to this section by the act apply to elections conducted on or after May 18, 2016.

1-12-207. Vacancies on nonpartisan boards. (1) Any vacancy on a nonpartisan board shall be filled by appointment by the remaining director or directors. The appointee shall meet all of the qualifications for holding the office. The appointee shall serve until the next regular election, at which time any remaining unexpired portion of the term shall be filled by election. If the board fails, neglects, or refuses to fill any vacancy within sixty days after it occurs, the board of county commissioners of the county in which the organizational petition is filed shall fill the vacancy.

(2) If there are no duly elected directors and if the failure to appoint a new board will result in the interruption of services that are being provided by the district, then the board of county commissioners of the county in which the organizational petition is filed may appoint all

directors. Any board appointed pursuant to this subsection (2) shall call a special election within six months after its appointment.

Source: L. 92: Entire article R&RE, p. 802, § 15, effective January 1, 1993.

1-12-208. Unexpired terms less than ninety days. No person shall be elected to fill a vacancy in an elective office when the unexpired term is, at the time of the election, less than ninety days. In such case, the person appointed to fill the vacancy shall continue to hold the office for the remainder of the unexpired term and until the successor elected at the election is duly qualified.

Source: L. 92: Entire article R&RE, p. 802, § 15, effective January 1, 1993.

Editor's note: This section is similar to former § 1-12-107 as it existed prior to 1992.

1-12-209. Terms of persons filling vacancies. Except for appointments on nonpartisan boards, any officers elected or appointed to fill vacancies as provided in this article shall qualify and enter upon the duties of their offices immediately thereafter. If elected or appointed, the officers shall hold the office during the unexpired term for which they were elected and until their successors are elected, qualified, and take office on the second Tuesday of January, except as otherwise provided by law, in accordance with section 1-1-201.

Source: L. 92: Entire article R&RE, p. 802, § 15, effective January 1, 1993.

Editor's note: This section is similar to former § 1-12-108 as it existed prior to 1992.

1-12-210. Certification of appointment. All appointments under this article shall be evidenced by an appropriate entry in the minutes of the meeting of the governing board, and the appointing body shall cause a notice of appointment and the oath of office to be delivered to the person appointed. A duplicate of each notice of appointment, an acceptance of appointment, and the mailing address of the person appointed shall be kept as a permanent record by the appointing body and forwarded to any other appropriate official.

Source: L. 92: Entire article R&RE, p. 803, § 15, effective January 1, 1993.