

EL PASO COUNTY SENATE DISTRICT #11 REPUBLICAN CENTRAL COMMITTEE BYLAWS

ARTICLE I: NAME

The name of the organization shall be the El Paso County Senate District Eleven Central Committee, herein referred to as SD #11.

ARTICLE II: PURPOSE

Section 2.01: To perform the functions set forth in the Colorado Election laws for the Senate District, and the Colorado Republican State Bylaws, to provide an organization for the election of a Republican to the State of Colorado Senate from SD #11.

Section 2.02: No candidate for any designation or nomination for the Elective Office of this District shall be endorsed, supported, or opposed by SD #11, acting as an entity, or by its officers or committees, before the Primary Election, unless such candidate is unopposed in the Primary Election.

ARTICLE III: POLICY

All applicable provisions of the statutes of the State of Colorado and the Colorado State Republican Bylaws shall be considered a part of these bylaws, and shall supersede any Provision of these bylaws, which may be in conflict.

ARTICLE IV: MEMBERSHIP

Regular voting membership of the organization shall be:

1. All the Precinct Committee persons from precincts in this Senate 11 district.
2. The Officers (Chairman, Vice-Chairman, Secretary) of SD #11.
3. The Republican Elected State Senator that reside SD #11.
4. The Republican State Representative that resides in SD #11.
5. The Chairman, Vice-Chairman, Secretary of the County Republican Central Committee that reside in SD #11.

ARTICLE V: OFFICERS

Section 5.01: The elected officers of the SD #11 shall be a Chairman, Vice-Chairman, and Secretary. They shall assume their duties at the close of the organizational meeting and shall serve for a term of two (2) years and/or until their eligible successors take office.

a) They shall be registered Republican in the State of Colorado at least one year immediately prior to their election and shall have resided within the district at least thirty (30) days prior to their election, all as shown by their registration record with the El Paso County Clerk and Recorder.

b) If an officer is elected and found to be ineligible to serve, a vacancy has occurred and shall be filled as per Article VI.

Section 5.02: The duties of the officers shall be:

a.) The **Chairman** shall:

1. Be the chief executive officer, issue the call and preside at all meetings of SD #11 and SD #11 Assembly.
2. Be custodian of all funds, books, papers, records, and proceedings of SD #11 and SD #11 Assembly.
3. Appoint necessary committees and be ex-officio member of committees. With the assistance of the secretary, provide a list of the officers from the organizational meeting, together with their mailing address, zip code and telephone number to the El Paso County Republican Chairman, and El Paso County Clerk and Recorder, and the Secretary of State, immediately following the organizational meeting.
4. Shall ensure that the Republican County Chairman, the State Chairman and the Secretary of State have a current copy of the SD #11 Bylaws and are notified of any amendments thereto.
5. Be responsible for seeing that the arrangements are made for the SD #11 Assembly.

b.) The **Vice-Chairman** shall:

1. Exercise the functions of the Chairman in his/her absence or inability to perform, or at the Chairman's request.
2. Perform such other duties as may be prescribed by the Chairman.

c.) The **Secretary** shall:

1. Be the chief clerical officer of SD #11 and shall make a complete record of all proceedings of the SD #11 and the SD #11 Assemblies.
2. Prepare and have in readiness upon the convening of the SD #11 Assembly a roll of the delegates (and alternates) entitled to participate. This roll of delegates shall be based upon the report of the Credentials Committee of the County Assembly.
3. Prepare and verify all credentials for delegates (and alternates) and certificates of designation that shall be made by the SD #11 Assembly.
4. In the event of any emergency and in the absence of the Chairman and Vice-Chairman, may call a meeting of the SD #11 and shall preside until the election of the Chairman Pro-Tem which shall take place immediately.

d.) To turn over all funds, books, papers and proceedings of SD#11 to their duly elected successor(s) within fifteen (15) days.

Section 5.03: Nominations of candidates for Chairman, Vice-Chairman and Secretary shall come from the floor and be made only by members of the SD #11 in person or by proxy.

Section 5.04: Election of the officers shall be by secret ballot (that is, dropped in a ballot box by Individual members or proxy). Where there is only one nominee for an office, election may be by acclamation.

a.) Officers shall be elected individually and by a majority of the votes cast by those present and voting in person or by proxy.

b.) If more than two (2) persons are nominated for a position, and after three (3) ballots have been taken no nominee has received the required majority vote, then, unless one or more nominees have withdrawn during or following such balloting, the nominee receiving the least votes on the last of the three (3) ballots shall be dropped for all subsequent ballots. The nominee receiving the least votes on each ballot thereafter shall also be dropped from subsequent ballots, unless one or more other nominees withdraw following such ballot. Balloting shall continue in such manner until a majority vote is cast for one nominee.

Section 5.05: Removal: Officers may be removed from office for just cause by the membership by a 3/5 affirmative vote if the regular or special meeting notice states that as a purpose of the meeting, or by a 2/3 affirmative vote without notice, as provided in the parliamentary authority.

ARTICLE VI: VACANCY IN SD #11

A vacancy in an office shall exist in the event of ineligibility to hold office, death, resignation, removal, permanent absence, or permanent disability of the officer. Vacancies shall be filled as follows:

a.) **A vacancy of Chairman:** The Vice-Chairman shall automatically succeed to the powers and duties of the Chairman and shall serve until the next organizational meeting.

b.) **A vacancy of Vice Chairman or Secretary:** The Chairman shall appoint a Vice Chairman or Secretary to act until the next meeting of SD #11, when SD #11 shall fill the vacancy. Notice of such an election/elections shall be in the call of such meeting (if other than an organizational meeting).

c.) In the event the Secretary is elected Vice-Chairman as per b) of this article, a new Secretary may be elected during same such meeting without notice, having been given in the call.

ARTICLE VII: MEETINGS

Section 7.01 District Organizational Meeting:

- a) The Organizational Meeting shall be convened on the same date as the El Paso County Republican Central Committee's organizational meeting for the purpose of electing a Chairman, Vice-Chairman, and Secretary. (CRS 1 - 103) (I) (c).
- b) Notice of the Organizational Meeting of the District Central Committee shall be distributed in accordance with Section 4 of this Article no fewer than fifteen (15) days before the date of the meeting. The notice shall clearly state the time, date, and place of the meeting, and, to the fullest extent possible, the business to be conducted at the meeting.
- c) The Chairman of the County Central Committee may include notice of the District Organizational Meeting with the call for the County Organizational Meeting at the request of the District Chairman. Failure of the meeting to be properly noticed shall not invalidate a District Organizational Meeting convened on the same date and proximate to the County meeting in both time and location, provided that the meeting is announced during the County Organizational Meeting and before the District Organizational Meeting.
- d) If no meeting is held within the appropriate time-frame for the biennial Organizational Meeting, the County Party chairman or Chairman of the Colorado Republican State Central Committee may issue such a call or notice and she or he may personally or by nominee preside at the meeting so noticed if the District fails to provide a Chair.

Section 7.02: Other Meetings shall be held upon the call of the Chairman, or in the event of the Chairman's absence or inability to act, upon the call of the Vice-Chairman, or in the event of an emergency and in the absence of both of the above, upon the call of the Secretary.

Section 7.03: Requested Meetings of SD #11 shall be called upon the written request, signed by one-fourth (1/4) or more of the members of SD #11. The notice of such meeting shall be mailed or emailed to each member of SD #11 within ten (10) days after receipt of the request. The meeting shall be held no less than fifteen (15) nor more than thirty (30) days after the date such notice is mailed or emailed. The purpose of such meeting shall be clearly stated in the call.

Section 7.04: The Official Call shall be in writing or e-mail, mailed to the last address of each member on file with the Secretary of SD #11. It shall state the date, time, place of the meeting, and the business to be conducted. The meeting may consider items not in the call.

- a) The call shall be mailed or e-mailed at least fifteen (15) days prior to the date of the meeting.
- b) When amendments to the Bylaws are to be proposed, the call shall be mailed or e-mailed no fewer than fifteen (15) days prior to the meeting. All members shall receive a copy of amendments in the call.

Section 7.05: A quorum for any meeting shall be those persons present or represented by a proxy, provided proper notice has been received.

Section 7.06: Except for the biennial Organizational Meeting and District Assembly, any meetings where changes to these bylaws are considered, or any meeting of a Vacancy Committee, may be held by telephone conference call or by some other form of electronic communication that permits all participants to hear one another. The Special Rules of Order for Electronic Meetings will be observed.

ARTICLE VIII: VOTING AND PROXIES

Section 8.01: Voting, with the exception of the election of officers, (Article V: Section 5:04), shall be by voice vote, unless a roll call vote or secret ballot is requested by a motion properly made and passed by one-fourth (1/4) or more of those members present, in which case roll shall be made or ballots distributed when each member's or proxy's name is called.

Section 8.02: Multiple offices shall not entitle a person to more than one vote, excluding a proxy.

Section 8.03: Voting by Proxy shall be in accordance with the following:

- a.) A proxy of a member absent at roll call shall be designated on a written form which shall be signed by member, dated, witnessed and delivered to the Secretary before the meeting is called to order. (This requirement may be waived by SD #11 in special circumstances, subject to approval of the membership.)
- b.) A proxy of a member present at roll call who subsequently leaves the meeting may be submitted on a written form which shall be signed by the member, dated, witnessed and delivered to the Secretary for recording at any time during the meeting, but shall be eligible to be voted on a particular ballot only if so delivered prior to commencement of voting on that ballot. Notwithstanding sub-paragraph d), the proxy holder may be any present voting member of the SD #11.
- c.) A proxy shall apply only to a single meeting.

d.) The individual designated as a proxy shall be a Republican elector and reside within the same precinct as the principal he/she represents. The proxy may vote only if his/her principal is absent at the time of the vote.

e.) Any member of SD #11 shall have the right to examine the proxies prior to the taking of any vote.

f.) No individual shall be permitted to vote more than two proxies at a meeting.

ARTICLE IX: COMMITTEES

Section 9.01: The Executive Committee, composed of the SD #11 elected officers, shall meet at times and places designated by the SD #11 Chairman to discuss matters related to the efficient and orderly operation of SD #11.

Section 9.02: The Vacancy Committee shall be members of SD #11 defined in Article IV

Section 9.03: The Bylaws Committee shall be appointed by the SD #11 Chair to review all proposed amendments and make recommendations to the Committee, and to notify members of mandatory changes in the Colorado Election laws or the Bylaws of the Republican State Central Committee.

Section 9.04: The Credentials Committee, composed of the District Executive Committee, shall meet before the District Assembly to hear and determine any questions concerning the qualifications of elected delegates and alternates.

Section 9.05: The Chairman shall appoint other special committees as necessary.

Section 9.06: A quorum for any standing or special committee shall be those members present.

ARTICLE X: ASSEMBLIES

Section 10.01: Date and location: The District Assembly shall be convened on the same date as the County Assembly in which the District is comprised, in those years in which a candidate for the Elective Office of the District is designated for election.

Section 10.02: Call of the Assembly: The call of the District Assembly shall include the time, place, and purpose of the Assembly. The call shall, at the request of the District Chair, be included by the Chairman of the County Central Committee in the call of the County Assembly. Failure to properly call the District Assembly shall not invalidate a District Assembly convened on the same date and proximate to the County Assembly in both time and location, provided that the Assembly is announced during the County Assembly and before the District Assembly is called to order.

Section 10.03: The delegates and alternates elected at the precinct caucuses to the County Republican Assembly within Senate District #11 shall also serve as delegates and alternates to Senate District #11 Assembly. (Such delegates and alternates shall meet the requirements as listed in (CRS I - 602) (5).

Section 10.04:

- A. To be eligible for designation by the District Assembly to the Republican primary election ballot, a candidate shall have continuously affiliated as a Republican for at least thirty (30) days preceding the District Assembly, as shown by the voter registration rolls maintained by the El Paso County Clerk and Recorder. (CRS ARTICLE XIII, Section 1.)
- B. A nominee shall be a U.S. citizen, a resident of Colorado for one (1) year, a resident of SD#11 for twelve (12) months, and at least 25 years old. (Colorado Constitution, ARTICLE V, Section 4.)

Section 10.05: No proxies shall be allowed or recognized in the assembly. Any vacancy shall be filled by an alternate present, selected from that precinct list of alternates in their numerical order, beginning with the first alternate.

Section 10.06: A quorum of the assembly shall consist of those delegates present, provided each member has been given adequate notice of the meeting.

Section 10.07:

- A. The District Assembly shall take no more than two ballots for each office to be designated.
- B. Every candidate receiving thirty (30%) percent or more of the votes of all accredited District Assembly delegates, who are present and voting for that office, shall be certified by affidavit of the presiding officer and secretary of the District.
- C. If no candidate receives 30% or more of the votes on the first ballot, a second ballot shall be cast for all the candidates for that office.
- D. If, on the second ballot, no candidate receives 30% or more of the votes cast, the District Assembly shall certify the two candidates receiving the highest numbers of votes as candidates for the office. The certificate of designation shall indicate the order of the vote received by the candidates, but the Assembly shall not declare that one candidate has received the nomination of the District Assembly.
- E. If two or more candidates receiving designation have received an equal number of votes, the order of certification of designation shall be determined by lot by the candidates.

Section 10.08: The District Assembly Vacancy Committee shall fill any vacancy that occurs in the Republican designation or nomination of a candidate for Elective Office, with exception of the member identified in Article IV, Section 3 of these bylaws, the bylaws, and rules of the Colorado Republican State Central Committee, and the applicable laws of the State of Colorado.

ARTICLE XI: District Vacancy Committee

Section 11.01 Vacancy in Designation or Nomination - District Assembly Vacancy Committee:

A vacancy caused by the situations listed below shall be filled by a District Assembly Vacancy Committee consisting of the members listed in ARTICLE IV of these bylaws.

1. The failure to designate a candidate at the District Assembly. (Procedure is outlined CRS 1-4-1002.)
2. The declination, death, disqualification, resignation, or withdrawal of the person previously designated by the District Assembly. (Procedure is outlined in CRS 1-4-1002, and 1-4-1003.)
3. The declination, death, disqualification, resignation, or withdrawal of the person nominated at the Republican primary election. (Procedure is outlined in CRS 1-4-1005.)
4. The declination, death, disqualification, or withdrawal of a candidate for elective office after a primary at which a nomination could have been made for the office had the vacancy then existed. (Procedure is outlined in CRS 1-4-1005 and 1-4-1006.)

No person is eligible for appointment to fill a vacancy in party designation or nomination unless the person would have met all the qualifications of eligibility to be designated to the primary election ballot as enumerated in Article X Section 10.04., at the time of the District Assembly. The Assembly Vacancy Committee shall certify the results of its selection to the Colorado Secretary of State in accordance with law.

Section 11.02 Vacancy in the Republican Elected Official – Elective Office Vacancy Committee:

When a vacancy occurs in the office of a Republican Elective Official caused by the situations listed below, the vacancy shall be filled by the Elective Office Vacancy Committee, consisting of the members listed in ARTICLE IV., of these bylaws. The procedure outlined in CRS 1-12-203 will be followed.

1. The death or resignation of a person who has been sworn into office.

2. The death or resignation of a person who has been elected to a seat but who has not yet been sworn into office.

3. A 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.

4. A person not taking the oath of office within the time-period required by law.

The vacancy shall be filled until the next regularly scheduled general election. The Elective Office Vacancy Committee shall certify the selection of the person who meets the qualifications for Elective Office to the Colorado Secretary of State within thirty (30) days from the date the vacancy occurs.

Section 11.03 Notice of Vacancy Committee Meeting:

Notice of any meeting of any Vacancy Committee shall be emailed or sent by first-class mail to each member of the committee at least ten (10) days prior to such meeting, or in accordance with the notice provisions required by Colorado Revised Statute, whichever is a shorter time-period. Such notice shall clearly state the date, time, place, and purpose of the meeting.

Section 11.04 Vacancy Committee Quorum:

The quorum for any Vacancy Committee meeting shall be one half (1/2) of the membership. Proxies are permitted for District Officer Vacancy Committee meetings. Proxies are not permitted for any other vacancy committee meeting or any electronic meeting. If a quorum is not present at any Vacancy Committee meeting, the committee shall adjourn the meeting to a future date, time and place, within the period required under law to fill the vacancy, without republishing notice of the new meeting.

Section 11.05 Method of Voting:

All elections of the Vacancy Committee shall be conducted by a secret ballot unless there is only one nominee to fill a vacancy. The person to fill the vacancy shall be elected by a majority vote of those members present and voting. Balloting shall be repeated until a majority vote is cast for one nominee, and no nominee shall be removed from any subsequent ballot unless such nominee voluntarily withdraws.

ARTICLE XII: CONTROVERSIES

In the event any controversy arises in SD #11 which cannot be resolved, the controversy shall be determined by the County Central Committee or the County Executive Committee. In the event the controversy is determined by the Executive Committee, any party to the controversy may appeal the decision to the County Central Committee.

ARTICLE XIII: PARLIAMENTARY AUTHORITY

ROBERT'S RULES OF ORDER NEWLY REVISED shall govern SD #11 in all cases to which they are applicable and in which they are not inconsistent with these Bylaws or the Election Laws of the State of Colorado, or the State Republican Bylaws.

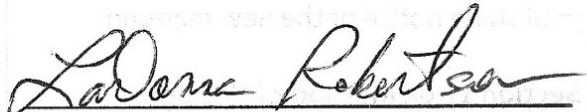
ARTICLE XIV: AMENDMENT OF BYLAWS

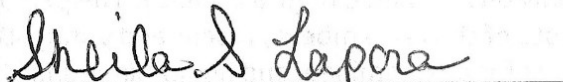
Section 14.01: These Bylaws may be amended at a meeting by two-thirds (2/3) vote of members of SD #11 Central Committee attending or by proxy provided that the proposed amendment was submitted to the bylaw committee and included in the official call mailed no fewer than fifteen (15) days prior to that meeting.


Section 14.02: If previous notice has not been given in the call, unanimous consent of all members of SD #11 present, in person or by proxy, must be obtained before an amendment may be offered. Such offered amendment may be approved by two-thirds (2/3) vote of members of SD#11 Central Committee attending or by proxy.

Section 14.03: Correction of Errors in the Bylaws: The Secretary of the District is authorized to correct bylaws article and section designations, spelling errors and to make conforming changes as may be necessary. Other errors shall be corrected by following the amendment process in section 14.01.

AMENDED & RESTATED
ADOPTED June 17, 2023


CHAIRMAN


VICE- CHAIRMAN


SECRETARY

Appendix A

Colo. Rev. Stat. § 1-12-203

Current through 2022 Legislative Session

Section 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 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 1-4-1006, 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

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.

(6)

(a) Notwithstanding any provision to the contrary, a member of a vacancy committee filling a vacancy pursuant to this section may participate in a vacancy committee meeting remotely, including casting the member's vote by e-mail, mail, telephone, or through an internet-based application if allowed by the party's rules.

(b) Repealed.

Appendix B

Colo. Rev. Stat. § 1-4-1002

Current through 2022 Legislative Session

Section 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.

(c) Repealed.

(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. 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)

(l) 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) 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) 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.

(6) Repealed.

Appendix C

Colo. Rev. Stat. § 1-4-1003

Current through 2022 Legislative Session

Section 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) (a) 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.

(b) Repealed.

(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.

Source: L. 2017: Entire part amended with relocated provisions, (SB 17-209), ch. 234, p. 954, § 5, effective August 9. L. 2020: (1) amended, (HB 20-1359), ch. 23, p. 87, § 8, effective March 16.

Editor's note: Subsection (1)(b)(II) provided for the repeal of subsection (1)(b), effective December 31, 2020. (See L. 2020, p. 87.)

Appendix D

Colo. Rev. Stat. § 1-4-1004

Current through 2022 Legislative Session

Section 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.

Source: L. 2017: Entire part amended with relocated provisions, (SB 17-209), ch. 234, p. 956, § 5, effective August 9.

Appendix E

Colo. Rev. Stat. § 1-4-1005

Current through 2022 Legislative Session

Section 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 general 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.

Source: L. 2017: Entire part amended with relocated provisions, (SB 17-209), ch. 234, p. 957, § 5, effective August 9. L. 2019: (3)(c)(I) amended, (HB 19-1278), ch. 326, p. 3019, § 25, effective August 2.

Cross references: For the short title ("Colorado Votes Act") in HB 19-1278, see section 1 of chapter 326, Session Laws of Colorado 2019.

Appendix F

Colo. Rev. Stat. § 1-4-1006

Current through 2022 Legislative Session

Section 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.