

Bylaws for the Republican Central Committee for the Third Commissioner District in El Paso County, Colorado

Article I: NAME

The full and complete name of the organization shall be: The El Paso County Colorado Third Commissioner District Republican Central Committee. The full name will be shortened in this document to: "3rd CCDRCC." The El Paso County Colorado Third Commissioner District shall be: "3rd CCD.")

Article II: PURPOSE

To perform the functions set forth in the Colorado Election Laws for a County Commissioner District, and in the Colorado Republican Party State Bylaws, to provide an organization for the election of a Republican to the El Paso County Board of County Commissioner from the 3rd CCD.

Article III: POLICY

All applicable provisions of the statutes of the State of Colorado and the Colorado State Republican Party Bylaws shall supersede any provision of these bylaws, which may be in conflict.

Article IV: MEMBERSHIP

Regular voting membership of the 3rd CCDRCC shall be:

- A) The elected and appointed precinct leaders who reside within the 3rd CCD.
- B) The Chair, Vice-Chair and Secretary of the 3rd CCDRCC.
- C) Any Republican state senators, state representatives and any district attorney who may reside within the 3rd CCD.
- D) The County Commissioner of the 3rd CCD who is a member of the Republican Party.

Article V: OFFICERS

Section 5.01: The elected officers of the 3rd CCDRCC shall be the Chair, Vice-Chair, and Secretary. These officers shall assume their duties at the conclusion of the Biennial Organizational Meeting of the El Paso County Republican Party, or at the close of any meeting that may be called to fill a vacancy. They shall hold office until their successors are elected or appointed and are qualified to serve. These officers normally serve for a term of two (2) years, until the next Biennial Organizational Meeting.

- A) They shall be a registered Republican for, and shall have resided within the 3rd CCD at least one year 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:

A.) The **Chair** shall:

1. Be the Chief Executive Officer, issue the call and preside at all meetings of the 3rd CCDRCC and the 3rd CCD Republican Assembly.
2. Be custodian of all funds, books, papers, records, and proceedings of the 3rd CCDRCC, and the 3rd CCD Republican Assembly.
3. Appoint necessary committees and be ex-officio member of all committees.
4. With the assistance of the Secretary, provide a list of the officers from the organizational meeting, together with their mailing address, zip code, E-mail address, and telephone number to the El Paso County Republican Party Chair, the El Paso County Clerk and Recorder, and the Colorado Secretary of State, immediately following the Biennial Organizational Meeting.
5. Shall ensure that the El Paso County Republican Party Chair, the State Republican Party Chair and the Colorado Secretary of State have a current copy of the 3rd CCDRCC Bylaws and are notified of any amendments thereto.
6. Be responsible for seeing that the arrangements are made for the 3rd CCD Republican Assembly.

B.) The **Vice-Chair** shall:

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

C.) The **Secretary** shall:

1. Be the chief clerical officer of the 3rd CCDRCC and shall make a complete record of all proceedings of the 3rd CCDRCC, and the 3rd CCD Republican Assembly.
2. Provide the Chair, at least three (3) days prior to the convening of the 3rd CCD Republican Assembly, a temporary 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 El Paso County Republican Assembly.
3. Prepare and verify all credentials for delegates (and alternates) and certificates of designation that shall be made by the 3rd CCD Republican Assembly.
4. In the event of any emergency, and in the absence of the Chair and Vice-Chair, may call a meeting of the 3rd CCDRCC, and shall preside until the election of a Chair Pro-Tem, which shall be the first order of business.

Section 5.03: Nominations of candidates for the positions of Chair, Vice-Chair and Secretary shall come from the floor, and be made only by members of the 3rd CCDRCC, in person or by proxy.

Section 5.04: Election of the officers shall be by secret ballot by credentialed delegates or by credentialed 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 delegates 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 a manner until a majority vote is cast for one nominee.

Section 5.05: Removal - Any officer may be removed from office at any time for whatever cause the 3rd CCDRCC may deem sufficient, by a vote of two-thirds (2/3) of the entire voting membership of the 3rd CCDRCC present or represented by proxy at a meeting called for that purpose.

- A.) This meeting shall be a "*special meeting*" and shall meet all the requirements as stated in Article VII; Section 7.03.
- B.) Said officer for removal shall have at least ten (10) days' notice, in writing, of the date, time, place and purpose thereof, before any such special meeting is held. The action of the 3rd CCDRCC shall be final.
- C.) The District Central Committee Vacancy Committee shall convene immediately upon adjournment of the meeting of the 3rd CCD, at which an officer is removed to fill the vacancy.

Article VI: OFFICER VACANCY in 3rd CCD REPUBLICAN CENTRAL COMMITTEE

A vacancy in an office shall exist in the event of ineligibility to hold office (including no longer a resident of the 3rd CCD), death, resignation, removal, permanent absence, or permanent disability of the officer. Vacancies shall be filled as follows:

- A.) **A vacancy of Chair:** The Vice-Chair shall automatically succeed to the powers and duties of the Chair and shall serve until the next organizational meeting.
- B.) **A vacancy of Vice Chair or Secretary:** The Chair shall appoint a temporary Vice Chair or Secretary to act until the next meeting of the 3rd CCDRCC, when the vacancy committee shall fill the vacancy. Notice of such an election shall be in the call of such meeting (if other than an organizational meeting). The District Central Committee Vacancy Committee shall convene prior to the convening of the 3rd CCDRCC.
- C.) In the event the Secretary is elected Vice-Chair as per B) of this article, a new Secretary may be elected during the same such meeting, without notice having been given in the meeting call.

Article VII: MEETINGS

Section 7.01: The Organizational Meeting shall be held on the same date and location as (or in a location proximate to) the El Paso County Republican Central Committee's organizational meeting for the purpose of electing a Chair, Vice-Chair, and Secretary. (CRS 1 - 103) (I) (c).

- A) The Organization Meeting shall be held between February 1 and February 15 of each odd-numbered year; or within such time period as may otherwise be required by law. The purpose of the Organization Meeting is to:
 - a. Elect a Chair, Vice-Chair and Secretary of the 3rd CCDRCC.
 - b. Elect or ratify the selection of the of The District Vacancy Committees in accordance with the bylaws. (The District Central Committee Vacancy Committee and The Elected Officer Vacancy Committee.)
 - c. Conduct such other business as may properly come before the 3rd CCDRCC.
- B) Meeting Notice: Notice of the Organization Meeting shall be distributed in accordance with section 7.04 of these bylaws.
- C) Failure to Properly Notice: The Chair of the El Paso County Republican Party may include notice of the 3rd CCDRCC Organization Meeting with the call for the El Paso County Republican Party's Organization Meeting at the request of the 3rd CCDRCC's Chair.
- D) Failure of the meeting to be properly noticed shall not invalidate a 3rd CCDRCC's Organization Meeting held on the same date and proximate to the El Paso County Republican Party's Organization Meeting.
- E) If no meeting is held within the appropriate time frame for the biennial Organization Meeting, the El Paso County Republican Party Chair or the Colorado Republican Party Chair may issue such a call or notice and may personally or by nominee preside at the meeting.

Section 7.02: Other Meetings shall be held upon the call of the Chair, or in the event of the Chair's absence or inability to act, upon the call of the Vice-Chair, 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: A *special meeting* of the 3rd CCDRCC shall be called upon the written request, signed by one-third (1/3) or more of the members of the 3rd CCDRCC. The notice of such meeting shall be mailed or emailed to each member of the 3rd CCDRCC 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. If the Chair fails to act on the request within ten (10) days, then any voting member may issue 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 the 3rd CCDRCC. It shall state the date, time, place of the meeting, the business to be conducted (except for "special meetings"). 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 thirty (30) days prior to the meeting. All members shall receive a copy of amendments in the call.
- C.) Waiver of Notice of Special Meetings: If two-thirds of the entire membership of the District Central Committee waive notice of the call of a special meeting of the District Central Committee, a Special Meeting of the Committee may be held without prior notice. Failure of

the District Chair to properly provide a call for the Special Meeting shall not invalidate the need and purpose for the Special Meeting.

Section 7.05: A *quorum* for any meeting shall be those persons present or represented by a proxy, so long as due notice has been given, or the meeting is held in accordance with these Bylaws and the rules of the Colorado Republican Party Central Committee. (Ref. Article XIV. Parliamentary Authority)

Article VIII: VOTING AND PROXIES

Section 8.01: Voting, with the exception of the election or removal of the Officers of 3rd CCDRCC, or the designation or nomination of any candidate for Elective Office, (Section 5:04), shall be by voice vote, by raised hands or by standing vote, at the discretion of the Chair; unless a roll-call vote or secret ballot is requested by a motion properly made and passed by one-third (1/3) or more of those members present, in which case roll shall be made or ballots distributed when each member or a proxy's name is called.

Section 8.02: Multiple offices shall not entitle a person to more than one vote, excluding a valid 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 the member, dated, witnessed, notarized, and delivered to the Secretary before the meeting is called to order. (This requirement may be waived by the 3rd CCDRCC 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 B), the proxy holder may be any present voting member of the 3rd CCDRCC.
- C.) A proxy shall apply only to a single meeting.
- D.) The individual designated as a proxy shall be a registered Republican voter and reside within the same constituency as the individual giving the proxy represents. (For example, the 3rd District County Commissioner may give a proxy to any Republican voter in the 3rd CCD, but a Precinct Leader may only give a proxy to a Republican voter in the same precinct.) The proxy may vote only if the principal is absent at the time of the vote.
- E.) Any member of the 3rd CCDRCC 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 any meeting where proxies are allowed.

Article IX: COMMITTEES

Section 9.01: The Executive Committee, composed of the 3rd CCDRCC's elected officers, shall meet at times and places designated by the 3rd CCDRCC' Chair to discuss matters related to the efficient and orderly operation of the 3rd CCDRCC'.

Section 9.02: All Vacancy Committees shall be comprised of members of the 3rd CCDRCC, defined in Article IV, unless otherwise appointed, consistent with state law.

Section 9.03: The Bylaws Committee shall be appointed by the 3rd CCDRCC's Chair to review all proposed amendments and make recommendations to the 3rd CCDRCC, and to notify members of mandatory changes in the Colorado Election laws or the Bylaws of the Republican Party State Central Committee. (Ref. Article XIV, Parliamentary Authority)

Section 9.04: The Credentials Committee, composed of the 3rd CCDRCC's Executive Committee, shall meet before the 3rd CCD Republican Assembly to hear, and determine any questions concerning the qualifications of elected delegates and alternates.

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

Section 9.06: A quorum for any standing or special committee shall be those committee members present, as described in Section 7.05.

Article X: ASSEMBLIES

Section 10.01: The 3rd CCD Republican Assembly shall be held no later than seventy-three (73) days preceding the primary election date. (CRS 1-4-601)

Section 10.02: The delegates and alternates elected at the precinct caucuses to the El Paso County Republican Assembly within the 3rd CCD shall also serve as delegates and alternates to the 3rd CCD Republican Assembly. (Such delegates and alternates shall meet the requirements as listed in CRS 1-4-601 and CRC bylaws XIII (4)).

Section 10.03: No proxies shall be allowed or recognized in the 3rd CCD Republican 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 10.04: A quorum of the 3rd CCD Republican Assembly shall be those delegates present at the Assembly.

Section 10.05: What is commonly known as the "unit rule," by which the entire vote of a delegation is cast according for the majority vote within the delegation, shall not be enforced nor adhered to at any Assembly.

Section 10.06: The 3rd CCD Republican Assembly SHALL designate a vacancy committee who shall be responsible for filling a vacancy occurring in candidate designation as provided by Colorado Law.

Article XI: District Assembly and Elective Office Vacancy Committees

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 as defined in Section 9.02.

- A.) The failure to designate a candidate at the District Assembly. (Procedure is outlined in CRS 1-4-1002.)
- B.) 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.)
- C.) The declination, death, disqualification, resignation, or withdrawal of the person nominated at the Republican primary election. (Procedure is outlined in CRS 1-4-1005.)
- D.) 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 XII (REQUIREMENTS FOR NOMINEES) at the time of the 3rd CCD Republican Assembly. The District Assembly Vacancy Committee shall certify the results of its selection to the Colorado Secretary of State in accordance with law.

The District Assembly Vacancy Committee shall certify the results of its selection for vacancy in designation or nomination to the Colorado Secretary of State no later than three days from the date of the vacancy committee meeting or in accordance with law. Vacancies occurring prior to the earliest day to mail general election ballots must certify the results no later than the sixty-fourth day prior to the election.

Section 11.02: Vacancy in the office of County Commissioner for the 3rd CCD- 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 1-12-206 will be followed.

- A.) The death or resignation of a person who has been sworn into office.
- B.) The death or resignation of a person who has been elected to a seat but who has not yet been sworn into office.
- C.) 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.
- D.) 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 ten (10) 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 and sent by first-class mail to each member of the committee. Such notice shall clearly state the date, time, place, and purpose of the meeting. If the below time-lines are not met, the Governor will appoint, where appropriate, consistent with state law.

A.) Vacancy in Designation: Notice of the District Assembly Vacancy Committee shall be mailed at least six days prior to the meeting if the vacancy in designation occurs up to sixty-eight days prior to the primary election. If the vacancy occurs between the sixty-seventh day through primary election day, notice shall be mailed at least 5 days prior to the Vacancy Committee meeting.

B.) Vacancy in Nomination: Notice of the District Assembly Vacancy Committee shall be mailed at least five days prior to the Vacancy Committee meeting.

C.) Vacancy in the office of County Commissioner for the 3rd CCD: Notice of the Elective Office Vacancy Committee shall be mailed at least six days prior to the Vacancy Committee meeting.

Section 11.04: Vacancy Committee Quorum:

The quorum for any Vacancy Committee meeting shall be at least one half (1/2) of the entire 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 or for members participating remotely, if allowed. 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.

Section 11.06: Remote Participation: The 3rd CCDRCC Executive Committee may allow members of a Vacancy Committee filling a vacancy in the office of the County Commissioner pursuant to this section, to participate in a vacancy committee meeting remotely. The provisions for a remote voting must be included in the notice of the vacancy committee meeting and available to all members of the vacancy committee. Members may participate remotely notwithstanding the provision for a secret ballot. Voting by remote participation shall be by voice roll call.

Article XII: REQUIREMENTS FOR NOMINEES

Section 12.01: 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 one year preceding the District Assembly, as shown by the voter registration rolls maintained by the EL Paso County Clerk and Recorder. (CRC ARTICLE VII, Section 3, D)

Section 12.02: A nominee shall be a U.S. Citizen, a resident of Colorado for one (1) year, a resident of the 3rd CCD for twelve (12) months, and at least 25 years old. (Colorado Constitution, Article V, Section 4.)

Article XIII: CONTROVERSIES

In the event any controversy arises in the 3rd CCDRCC which cannot be resolved, the controversy shall be determined by the El Paso County Republican Central Committee or the El Paso County Republican 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 XIV: PARLIAMENTARY AUTHORITY

ROBERT'S RULES OF ORDER NEWLY REVISED shall govern the 3rd CCDRCC 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 Party Bylaws.

Article XV: AMENDMENT OF BYLAWS

Section 15.01: These Bylaws may be amended at a meeting by two-thirds (2/3) vote of members of the 3rd CCDRCC attending or by proxy provided that the proposed amendment was submitted to the bylaw committee and mailed or emailed no fewer than thirty (30) days prior to that meeting.

Section 15.02: If previous notice has not been given in the call, unanimous consent of all members of the 3rd CCDRCC present, in person or by proxy, must be obtained before an amendment may be offered

ADOPTED at the June 26, 2023, Meeting of the El Paso County Colorado Commissioner District 3 Republican Central Committee, as amended.

Signed: 
Chair of the Republican Central Committee
El Paso County Commissioner, District 3

Signed: 
Vice-Chair of the Republican Central Committee
El Paso County Commissioner, District 3

Signed: 
Secretary of the Republican Central Committee
El Paso County Commissioner, District 3

Appendix A

Colo. Rev. Stat. § 1-12-206

Current through 2022 Legislative Session

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. In selecting the members of a vacancy committee, the central committee of a jurisdiction shall select, at a minimum, the members of the jurisdiction's central committee.

(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 selecting the members of a vacancy committee, the central committee of a jurisdiction shall select, at a minimum, the members of the jurisdiction's central committee. In the event the county commissioner district central committee fails to appoint a vacancy committee, the vacancy committee shall consist of the members of the jurisdiction's central committee.

(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.

(7) (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 seventy-three 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)

(I) No vacancy committee meeting shall be held until a quorum is present consisting of not less than one-half of the voting membership of the vacancy committee.

(II) The vacancy committee, by a majority vote of its members present and voting at a meeting called for that purpose, shall select a person who meets all of the requirements of candidacy as of the date of the appointment and who is affiliated with the same political party:

(A) As shown in the statewide voter registration system as the candidate whose declination, death, disqualification, or withdrawal caused the vacancy; or

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

(III) No member of the vacancy committee may vote by proxy.

(IV) If the vacancy committee fails to timely certify a selection, the state chair of the party of the candidate whose declination, death, disqualification, or withdrawal caused the vacancy, within seven days, shall fill the vacancy by appointing a person who meets all of the requirements of candidacy as of the date of the appointment and who is affiliated with the same political party shown in the statewide voter registration system as the candidate whose declination, death, disqualification, or withdrawal caused the vacancy. The name of the person appointed by the state chair must be certified to the secretary of state.

(c)

(I) The designation and acceptance of the person selected to fill the vacancy must be submitted to the designated election official no later than three days from either the date of the vacancy committee meeting or from the date of appointment by the state chair pursuant to subsection (3)(b)(IV) of this section, as applicable; except that such certification must in all cases be submitted no later than the sixty-fourth day before the date of the primary election.

(II) For purposes of this section, a vacancy is filled when the designated election official receives the certificate of nomination and the written acceptance of the replacement candidate.

(d) 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.