

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 13-0656.01 Kate Meyer x4348

HOUSE BILL 13-1201

HOUSE SPONSORSHIP

Buck,

SENATE SPONSORSHIP

(None),

House Committees
State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE RELIEF THAT A COURT MUST ORDER IN SPECIFIED
102 ELECTION CONTESTS UPON A SHOWING THAT A CERTAIN
103 QUANTUM OF ILLEGAL VOTES WERE CAST.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

In election contests affecting county and nonpartisan races in which the contestor establishes that illegal votes were cast in a number greater than the margin of victory or within the margin required for a recount, the bill directs the judge presiding over the contest to,

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

respectively, order a recount or invalidate the election and grant other appropriate relief.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 1-11-215 as
3 follows:

4 **1-11-215. Recount or new election in contests for county and**
5 **nonpartisan elections - when.** (1) (a) (I) If, at trial of any election
6 contest as provided in section 1-11-214 and this section, the statement or
7 counterstatement alleges an error in the abstract of votes cast sufficient
8 to change the result, the district judge has the power to order a recount of
9 the ballots cast or the votes tabulated in the precincts in which the alleged
10 error was made.

11 (II) IF, AT TRIAL OF ANY ELECTION CONTEST, THE CONTESTOR
12 ESTABLISHES THAT ILLEGAL VOTES WERE CAST IN A NUMBER THAT, IF
13 INVALIDATED, WOULD PLACE THE ELECTION WITHIN THE MARGIN
14 REQUIRED FOR A RECOUNT PURSUANT TO SECTION 1-10.5-101, THE COURT
15 SHALL ORDER A RECOUNT BE HELD IN ACCORDANCE WITH ARTICLE 10.5 OF
16 THIS TITLE.

17 (b) IF, AT TRIAL OF ANY ELECTION CONTEST, THE CONTESTOR
18 ESTABLISHES THAT ILLEGAL VOTES WERE CAST IN A NUMBER EQUAL TO OR
19 GREATER THAN THE MARGIN OF VICTORY, THE COURT SHALL DECLARE THE
20 ELECTION INVALID AND GRANT OTHER APPROPRIATE RELIEF.

21 (2) The court may ~~also~~ require the production before it of
22 witnesses, documents, records, and other evidence as may have or contain
23 information regarding the legality of any vote cast or counted for either
24 of the contesting candidates or a ballot issue or ballot question, or
25 concerning the correct number of votes cast for a candidate or a ballot

1 issue or ballot question.

2 (3) IN CASE OF A RECOUNT ORDERED PURSUANT TO THIS SECTION,
3 the court may order the returns corrected in accordance with the evidence
4 presented and the court's findings.

5 **SECTION 2. Act subject to petition - effective date -**
6 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
7 the expiration of the ninety-day period after final adjournment of the
8 general assembly (August 7, 2013, if adjournment sine die is on May 8,
9 2013); except that, if a referendum petition is filed pursuant to section 1
10 (3) of article V of the state constitution against this act or an item, section,
11 or part of this act within such period, then the act, item, section, or part
12 will not take effect unless approved by the people at the general election
13 to be held in November 2014 and, in such case, will take effect on the
14 date of the official declaration of the vote thereon by the governor.

15 (2) This act applies to election contests filed on or after the
16 applicable effective date of this act.