

**Rule 17. General Rules Concerning Verification of Petitions****17.1 General procedures concerning verification of petitions.**

**17.1.1** No petition shall be accepted which lists proponents other than those authorized by law.

**17.1.2** When the petitions are received, each section shall be date-stamped and consecutively numbered with a four digit number. The number may be printed by a printer, hand-stamped with a manual stamp, or handwritten.

**17.1.3** Each petition shall be either an individual sheet for signatures or multiple sheets that are stapled together.

**17.1.4** Each section shall be checked for evidence of disassembly. If it appears that the section was disassembled, all entries in the section shall be rejected.

**17.1.5** The lines on each petition section shall be consecutively numbered. The block of information which consists of the printed last name, first name, middle initial, county, signing date, street address, city, and signature is considered a line.

**17.1.6** If the number of entries is less than the total number of signatures required to certify the measure to the ballot, a statement of insufficiency shall be issued.

**17.1.7** Each line with writing shall be counted on each petition and shall be considered an entry. The number of entries for each page of the section shall be written on the page and the total entries for the section shall be written on the face of the petition section.

a. A line that has no writing or marks on it shall not be considered an entry.

b. A line that has writing on it but is completely crossed out shall not be considered an entry.

c. A line which has writing on it but is incomplete or on its face contains an invalid signature or which is partially crossed out shall be considered an entry to be included in this count.

**17.2 Checking the circulator's affidavit.**

**17.2.1** The circulator's affidavit shall be checked for each entry. If the affidavit is not attached and completed, all entries in the section shall be rejected.

**17.2.2** The notary clause at the end of the affidavit shall be checked for each entry. If any information is missing, or if the date on the notary clause is not the same date as the circulator signed the affidavit, all entries in the section shall be rejected.

**17.2.3** The circulator's affidavit shall be checked to assure it has been completed in accordance with the statutory requirements listed below. If the affidavit was not completed in accordance with the requirements listed below, all entries in the section shall be rejected.

a. For candidate petitions, the circulator's affidavit shall be completed in accordance with section 1-4-905(1) and (2), C.R.S.

b. For initiative petitions, the circulator's affidavit shall be completed in accordance with section 1-40-111(2), C.R.S.

**17.3 Checking individual signatures.**

**17.3.1** Each individual entry shall be checked against the master voter registration files to assure that the elector was an eligible elector in the political subdivision at the time the petition was signed.

**17.3.2** Each reason for rejection of an entry shall be recorded by separate code and a master record of the rejected entries shall be maintained. A master record shall also be maintained of each entry that is accepted.

**17.3.3** If the information on the current voter registration file does not match the information on the entry, the elector's voter registration history shall be checked to determine if the information on the entry matches the voter registration file at the time the entry was signed.

**17.3.4** Name of eligible elector. To be accepted, the name on the entry must be in a form similar to that found on the voter registration record. Signatures that are common variants of the name found on the voter record shall be counted. If the signer of the petition is not found on the voter registration file, or if applicable, the county assessors' list, the entry shall be rejected.

**17.3.5 Middle initial and additional terms.**

a. If the middle initial or middle name is not part of either the signature line or the voter record but is included on the other document, if the first and last name are the same on both documents, the entry shall be accepted.

b. If the middle initial or middle name on the signature line is different than the middle initial or middle name on the voter record, the entry shall be rejected.

c. If an indicator such as Jr., Sr., or II is present or omitted from the petition or the voter record, the entry shall be accepted. If two persons with the same name reside at the same address as found on the master voter list, the entry shall be rejected, unless the identity of the signer can be conclusively determined.

**17.3.6 Address of eligible elector.**

- a. If the address written on the line does not match the address on the voter record or on the voter history for the date when the signature was taken, the entry shall be rejected.
- b. If the address on the petition either includes or omits a letter or number identifying an apartment or the directional location of a street, such as “E” for east, “SW” for southwest, etc., the entry shall be accepted.
- c. If the signer gave a post office box for the address, the entry shall be rejected.

**17.3.7** Incomplete information. If the line of the petition is incomplete, with at least one piece of information omitted, the entry shall be rejected.

**17.3.8** Date of signing.

- a. If a signature is placed on the petition prior to the final approval of the petition format by the designated election official, the entry shall be rejected.
- b. If the signer was not an eligible elector in the political subdivision at the time of signing, the entry shall be rejected.
- c. If a signature is placed on the petition after the date on the circulator's affidavit, the entry shall be rejected.

**17.3.9** Assistance to signer. If assistance appears to have been given to the signer and a statement of assistance does not accompany the signature or mark explaining the variance in the script, the entry shall be rejected.

**17.3.10** Illegible signature. If the signature and printed name are illegible so that the voter record cannot be verified, the entry shall be rejected.

**17.3.11** Duplicate signature. If the elector has previously signed the same petition, the first valid entry shall be counted and all other entries shall be rejected.

**17.3.12** Where an elector may sign more than one petition, the first signature(s) filed up to the maximum allowed, shall be the ones that are counted.

**17.4** Final Tally. After all of the sections have been checked, a final tally of all valid signatures shall be prepared and the statement of sufficiency or insufficiency issued.

Rule 17 – As amended 12/8/09

**1-4-601. Designation of candidates for primary election.**

(1) Assemblies of the major political parties may make assembly designations of candidates for nomination on the primary election ballot. An assembly shall be held no later than seventy-three days preceding the primary election.

(2) An assembly shall take no more than two ballots for party candidates for each office to be filled at the next general election. Every candidate receiving thirty percent or more of the votes of all duly accredited assembly delegates who are present and voting on that office shall be certified by affidavit of the presiding officer and secretary of the assembly. If no candidate receives thirty percent or more of the votes of all duly accredited assembly delegates who are present and voting, a second ballot shall be cast on all the candidates for that office. If on the second ballot no candidate receives thirty percent or more of the votes cast, the two candidates receiving the highest number of votes shall be certified as candidates for that office by the assembly. The certificate of designation by assembly shall state the name of the office for which each person is a candidate and the candidate's name and address, shall designate in not more than three words the name of the political party which the candidate represents, and shall certify that the candidate has been a member of the political party for the period of time required by party rule or by subsection (4) of this section if the party has no such rule. The candidate's affiliation, as shown on the registration books of the county clerk and recorder, is prima facie evidence of political party membership. The certificate of designation shall indicate the order of the vote received at the assembly by candidates for each office, but no assembly shall declare that any one candidate has received the nomination of the assembly. The certificate of designation shall be filed in accordance with section 1-4-604. If two or more candidates receiving designation under the provisions of this subsection (2) have received an equal number of votes, the order of certification of designation shall be determined by lot by the candidates. The assembly shall select a vacancy committee for vacancies in designation or nomination only.

(3) (a) Except as provided in paragraph (b) of this subsection (3), no later than four days after the adjournment of the assembly, each candidate designated by assembly shall file a written acceptance with the officer with whom the certificate of designation is filed. This acceptance may be transmitted by facsimile transmission. If the acceptance is transmitted by facsimile transmission, the original acceptance must also be filed and postmarked no later than ten days after the adjournment of the assembly. The acceptance shall state the candidate's name in the form in which it is to appear on the ballot. The name may include one nickname. If an acceptance is not filed within the specified time, the candidate shall be deemed to have declined the designation; except that the candidate shall not be deemed to have declined the designation and shall be included on the primary ballot if late filing of an acceptance is caused by the failure to timely file a certificate of designation or the failure to file such acceptance with such certificate of designation, as required by section 1-4-604 (1) (a).

(b) The written acceptance of a candidate nominated by assembly for any national or state office or for member of the general assembly, district attorney, or district office greater than a county office shall be filed by the presiding officer or secretary of such assembly with the certificate of designation of such assembly, as required by section 1-4-604 (1) (a). Nothing in this paragraph (b) shall prohibit a candidate from filing an acceptance of nomination directly with the officer with whom the certificate of designation is filed following written notice of such filing by the candidate to the presiding officer of the political party holding such assembly.

(4) (a) No person shall be eligible for designation by assembly as a candidate for nomination at any

primary election unless the person was affiliated with the political party holding the assembly, as shown on the registration books of the county clerk and recorder, no later than the first business day of the January immediately preceding the primary election, unless otherwise provided by party rules.

(b) Repealed.

(5) As used in this section, "political party" means a major political party as defined in section 1-1-104 (22).

**Source:** **L. 80:** Entire article R&RE, p. 326, § 1, effective January 1, 1981. **L. 81:** (1) and (3) amended, p. 310, § 1, effective March 27. **L. 83:** (2) amended, p. 352, § 16, effective July 1. **L. 87:** (2) amended, p. 286, § 8, effective June 26. **L. 88:** (4) amended, p. 294, § 3, effective May 29. **L. 89:** (4)(b) repealed, p. 314, § 3, effective April 12; (1) and (2) amended, p. 302, § 7, effective May 9. **L. 92:** Entire part amended, p. 678, § 6, effective January 1, 1993. **L. 94:** (4)(a) amended, p. 1153, § 13, effective July 1. **L. 98:** (5) added, p. 257, § 7, effective April 13. **L. 99:** (3) amended, p. 285, § 1, effective April 13; (1) and (3) amended, p. 762, § 20, effective May 20; (2) amended, p. 160, § 9, effective August 4. **L. 2005:** (1) amended, p. 1398, § 14, effective June 6; (1) amended, p. 1433, § 14, effective June 6. **L. 2010:** (2) and (4)(a) amended, (HB 10-1271), ch. 324, p. 1502, § 3, effective May 27. **L. 2011:** (1) amended, (SB 11-189), ch. 243, p. 1063, § 7, effective May 27.

**Editor's note:** (1) This section is similar to former § 1-14-204 as it existed prior to 1980.

(2) Amendments to subsection (3) by Senate Bill 99-025 and House Bill 99-1225 were harmonized.

(3) Section 7 of chapter 324, Session Laws of Colorado 2010, provides that the act amending subsections (2) and (4)(a) applies to the 2012 general election and each subsequent general or congressional vacancy election.

**Cross references:** For the definition of assembly, see § 1-1-104 (1.3); for designation of candidates by petition, see § 1-4-603.

## ANNOTATION

### Analysis

I. General Consideration.

II. Certification of Candidate's Designation.

III. Twelve-Month Affiliation Requirement.

### I. GENERAL CONSIDERATION.

**Annotator's note.** The following annotations include cases decided under former provisions similar to this section.

**Applied** in *Carstens v. Lamm*, 543 F. Supp. 68 (D. Colo. 1982).

### II. CERTIFICATION OF CANDIDATE'S DESIGNATION.

**It is the duty of the presiding officer and the secretary of the assembly** to certify the candidate's designation. *Murphy v. Trott*, 160 Colo. 336, 417 P.2d 234 (1966).

**They must also certify that the candidate has been registered** with the political party for the required time. *Murphy v. Trott*, 160 Colo. 336, 417 P.2d 234 (1966).

### III. TWELVE-MONTH AFFILIATION REQUIREMENT.

**In order to have been an eligible candidate for designation** a person must have been "affiliated with" that particular political party for the 12 months immediately preceding the date of the assembly. *Murphey v. Trott*, 160 Colo. 336, 417 P.2d 234 (1966).

**And in order to have been affiliated with a political party for the 12 months immediately preceding the assembly of that party**, the petitioner for a party candidacy must have filed in the new county to which he had moved the certificate proving his prior affiliation at the time he registered in the new county. *Murphey v. Trott*, 160 Colo. 336, 417 P.2d 234 (1966).

**Affiliation provisions mandatory.** Unless a person comes under the affiliation provisions, he may not be designated as a party candidate even though he may have been mistakenly designated by a county assembly as a primary nominee and even though he may have been selected by the voters at the primary election to be the party candidate. *Ray v. Mickelson*, 196 Colo. 325, 584 P.2d 1215 (1978).

**Also the provisions for designation of candidates by assembly by petition require registration of a person on the books of the county clerk and recorder** as a member of a particular political party as a condition of eligibility for designation as a candidate of that party for public office. *Anderson v. Kilmer*, 134 Colo. 270, 302 P.2d 185 (1956).

**And candidate not eligible if he does not meet this requirement.** Under the provisions for designation of candidates by assembly and by petition, a person who has not been registered as a member of the political party under which he seeks designation for public office, for a period of one year prior to the date of the party assembly, is not eligible for designation as a candidate. *Anderson v. Kilmer*, 134 Colo. 270, 302 P.2d 185 (1956).

**It is clear that the clerk's record must itself indicate the affiliation of the person** with the political party for at least one year prior to the date of the assembly. *Spain v. Fischahs*, 143 Colo. 464, 354 P.2d 502 (1960).

**Also, the record of the clerk and recorder cannot be supplemented or enlarged** in any way by parol evidence. *Spain v. Fischahs*, 143 Colo. 464, 354 P.2d 502 (1960).



(d) In the case of presidential electors, the names of the candidates for president and vice president may be added to the name of the political party in the certificate of nomination.

(3) Certificates of nomination shall be received and filed with the secretary of state no later than sixty days before the general or congressional vacancy election.

(4) Any person nominated in accordance with this section by either of the two major political parties shall be deemed to have accepted the nomination unless the candidate files with the secretary of state a written declination of the nomination no later than four days after the adjournment of the convention. The declination may be transmitted by facsimile transmission no later than four days after the adjournment of the convention. If the declination is transmitted by facsimile transmission, the original declination must also be filed and postmarked no later than ten days after the adjournment of the convention.

## PART 8

### NOMINATION OF CANDIDATES BY PETITION

#### **1-4-801. Designation of party candidates by petition.**

(1) Candidates for political party nominations to be made by primary election may be placed on the primary election ballot by petition. Every petition to nominate candidates for a primary election shall state the name of the office for which the person is a candidate and the candidate's name and address and shall designate in not more than three words the name of the political party which the candidate represents. No petition shall contain the name of more than one person for the same office.

(2) The signature requirements for the petition are as follows:

(a) Every petition in the case of a candidate for any county office shall be signed by electors eligible to vote within the county commissioner district or political subdivision for which the officer is to be elected. The petition shall require signers equal in number to twenty percent of the votes cast in the political subdivision at the contested or uncontested primary election for the political party's candidate for the office for which the petition is being circulated or, if there was no primary election, at the last preceding general election for which there was a candidate for the office.

(b) Every petition in the case of a candidate for member of the general assembly, district attorney, or any district office greater than a county office shall be signed by eligible electors resident within the district for which the officer is to be elected. The petition shall require the lesser of one thousand signers or signers equal to thirty percent of the votes cast in the district at the contested or uncontested primary election for the political party's candidate for the office for which the petition is being circulated or, if there was no primary election, at the last preceding general election for which there was a candidate for the office.

(c) (I) (Repealed, effective January 1, 1999.)

(II) On and after January 1, 1999, every petition in the case of a candidate for an office to be filled by vote of the electors of the entire state shall be signed by at least one thousand five hundred eligible electors in each congressional district.

(d) (Repealed per HB93-1255, effective July 1, 1993.)

(3) No person shall be placed in nomination by petition on behalf of any political party, unless the person was affiliated with the political party [] as shown on the registration books of the county clerk and recorder, no later than the first business day of the January immediately preceding the election for which the person desires to be placed in nomination.

(4) No person who attempted and failed to receive at least ten percent of the votes for the nomination of a political party assembly for a particular office shall be placed in nomination by petition on behalf of the political party for the same office.

(5) Party petitions shall not be circulated nor any signatures be obtained prior to the first Monday in February. Petitions shall be filed no later than eighty-five days before the primary election.

**1-4-802. Petitions for nominating minor political party and unaffiliated candidates for a partisan office.**

(1) Candidates for partisan public offices to be filled at a general or congressional vacancy election who do not wish to affiliate with a major political party may be nominated, other than by a primary election or a convention, in the following manner:

(a) A petition for nominating minor political party or unaffiliated candidates shall be prepared, indicating the name and address of any candidate for the office to be filled. The petition shall indicate the name of the minor political party or designate in not more than three words the political or other name selected by the signers to identify an unaffiliated candidate. No name of any political party shall be used, in whole or in part, to identify an unaffiliated candidate.

(b) Each petition shall contain only the name of one candidate for one office; except that any petition for a candidate for governor shall also include a candidate for lieutenant governor, and together they shall be considered joint candidates at the general election. In the case of nominations for electors of president and vice president of the United States, the names of the candidates may be added to the political or other name designated on the petition.

(c) Every petition for the office of president and vice president, for statewide office, for congressional district office, for the office of member of the general assembly, for district attorney, and for county office shall be signed by eligible electors residing within the district or political subdivision in which the officer is to be elected. The number of signatures of eligible electors on a petition shall be as follows:

(I) At least five thousand for the office of president and vice president;

(II) The lesser of one thousand or two percent of the votes cast for all candidates for that office in the most recent general election for any statewide office;

(III) The lesser of eight hundred or two percent of the votes cast in the congressional district in the most recent general election for the office of member of the United States house of representatives, member of the state board of education for a congressional district, or member of the board of regents of the university of Colorado for a congressional district;

(IV) The lesser of six hundred or two percent of the votes cast in the senate district in the most recent general election for the office of member of the state senate;

(V) The lesser of four hundred or two percent of votes cast in the house district in the most recent general election for the office of member of the state house of representatives;

(VI) The lesser of six hundred fifty or two percent of the votes cast in the district in the most recent general election for the office of district attorney; and

(VII) The lesser of seven hundred fifty or two percent of the votes cast for all candidates for that office in the most recent general election for any county office.

(d) (I) No petition to nominate an unaffiliated candidate, except petitions for candidates for vacancies to unexpired terms of representatives in congress and for presidential electors, shall be circulated or any signatures obtained thereon earlier than two hundred eleven days before the general election.

(II) No petition to nominate a minor political party candidate shall be circulated nor any signatures obtained thereon earlier than the first Monday in February in the general election year.

(e) The petition to nominate an unaffiliated candidate may designate or appoint upon its face one or more unaffiliated registered electors as a committee to fill vacancies in accordance with section 1-4-1002(4) and (5). However, in the case of a petition for the office of state senator or state representative, the petition shall designate or appoint upon its face three or more unaffiliated registered electors as a committee to fill vacancies in accordance with section 1-4-1002(4) and (5) and section 1-12-203.

(f) (I) Except as provided by subparagraph (II) of this paragraph (f), petitions shall be filed no later than 3 p.m. on the one hundred fifty-fifth day before the general election or, for congressional vacancy election, no later than 3 p.m. on the twentieth day after the date of the order issued by the governor.

(II) Petitions to nominate candidates of minor political parties shall be filed no later than eighty-five days before the primary election as specified in section 1-4-101.

(g) (I) For congressional vacancy elections, no person shall be placed in nomination by petition unless the person is an eligible elector [] and was registered as affiliated with a minor political party or as unaffiliated, as shown on the registration books of the county clerk and recorder, for at least twelve months prior to the last date the petition may be filed. []

(II) For general elections, no person shall be placed in nomination by petition unless the person is an eligible elector of the political subdivision or district in which the officer is to be elected and unless the person was registered as affiliated with a minor political party or as unaffiliated, as shown on the registration books of the county clerk and recorder, no later than the first business day of the January immediately preceding the general election for which the person desires to be placed in nomination; except that, if such nomination is for a nonpartisan election, the person shall be an eligible elector of the political subdivision or district and be a registered elector, as shown on the registration books of the county clerk and recorder, on the date of the earliest signature on the petition.

**1-4-803. Petitions for nominating school district directors.**

(1) (a) Any person who desires to be a candidate for the office of school director in a school district in which fewer than one thousand students are enrolled shall file a nomination petition signed by at least twenty-five eligible electors from throughout the school district, regardless of the school district's plan of representation. Any person who desires to be a candidate for the office of school director in a school district in which one thousand students or more are enrolled shall file a nomination petition signed by at least fifty eligible electors from throughout the school district, regardless of the school district's plan of representation. An eligible elector may sign as many petitions as candidates for whom that elector may vote.

(b) A person who desires to be a candidate for the office of school director may not circulate the nomination petition for signatures prior to ninety days before the election.

(2) The nomination petition must be filed no later than sixty-seven days before the election date.

(3) If a school district has an at-large method of representation and if terms of different lengths are to be filled at a district election, candidates must designate on the nomination petition the term for which they are running.

(4) A candidate for the office of school director shall not run as a candidate of any political party for that school directorship.

(5) The candidate for the office of school director shall have been a registered elector of the school district, as shown on the books of the county clerk and recorder, for at least twelve consecutive months prior to the date of the election.

**1-4-804. Petitions for nominating nonpartisan special district directors. (Repealed)**  
(Repealed per HB99-1268, effective August 4, 1999.)

**1-4-805. Petitions for nominating municipal candidates in coordinated elections.**

Any person who desires to be a candidate for a municipal office in a coordinated election shall, in lieu of the requirements of this article, comply with the nominating petition procedure set forth in the "Colorado Municipal Election Code of 1965", article 10 of title 31, C.R.S.; except that part 11 of this article, concerning write-in candidate affidavits, shall apply in such municipal elections, and any nominating petition may be circulated and signed beginning on the ninety-first day prior to the election and shall be filed with the municipal clerk no later than the seventy-first day prior to the date of the election. The petition may be amended to correct or replace signatures that the clerk finds are not in apparent conformity with the requirements of the municipal election code at any time before the sixty-seventh day before the election.

**Rule 4.**

## PART 9

PETITIONS FOR CANDIDACY AND RECALL**1-4-901. Designation of petition.**

(1) The petition for a candidate may consist of one or more sheets, to be fastened together in the form of one petition section, but each sheet shall contain the same heading and each petition section shall contain one sworn affidavit of the circulator. No petition shall contain the name of more than one person for the same office.

(2) (Repealed per HB96-1061, effective July 1, 1996.)

**1-4-902. Form of petition.**

(1) The signatures to a petition need not all be appended to one paper, but no petition shall be legal that does not contain the requisite number of names of eligible electors whose names do not appear on any other petition previously filed for the same office or recall under the provisions of this section.

(2) At the top of each page shall be printed, in bold-faced type, the following:

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

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

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

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

(3) Directly following the warning in subsection (2) of this section shall be printed in bold-faced type the following:

**Petition to nominate (name of person sought to be elected to) the office of (title of office).**

**1-4-903. Approval of petition.** No petition shall be circulated until it has been approved as meeting the requirements of this section as to form. The secretary of state or the official with whom the petitions are to be filed shall approve or disapprove a petition as to form by the close of the second business day following submission of the proposed petition. The secretary of state or official, as applicable, shall mail written notice of the action taken to the person who submitted the petition on the day the action is taken.

**1-4-904. Signatures on the petitions.**

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

(2) (a) For petitions to nominate candidates from a major political party in a partisan election, each signer shall be affiliated with the major political party named in the petition and shall state the following to the circulator: That the signer has been affiliated with the major political party named in the petition for at least twenty-nine days as shown on the registration books of the county clerk and recorder; and that the signer has not signed any other petition for any other candidate for the same office.

(b) Petitions to nominate candidates from a minor political party or unaffiliated candidates in a partisan election may be signed by any eligible elector who has not signed any other petition for any other candidate for the same office.

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

(4) Any person, except a circulator, may assist an elector who is physically unable to sign the petition in completing the information on the petition as required by law. On the petition, immediately following the name of the disabled elector, the person providing assistance shall both sign and shall state that the assistance was given to the disabled elector.

**1-4-905. Circulators.**

(1) No person shall circulate a petition to nominate a candidate unless the person is a resident of the state, a citizen of the United States, at least eighteen years of age, and, for partisan candidates, registered to vote and affiliated with the political party mentioned in the petition at the time the petition is circulated, as shown by the registration books of the county clerk and recorder.

(2) To each petition section shall be attached a signed, notarized, and dated affidavit executed by the person who circulated the petition section, which shall include: The affiant's printed name, the address at which the affiant resides, including the street name and number, the city or town, the county, and the date of signature; a statement that the affiant was a resident of the state, a citizen of the United States, and at least eighteen years of age at the time the section of the petition was circulated and signed by the listed electors; a statement that the affiant circulated the section of the petition; a statement that each signature on the petition section is the signature of the person whose name it purports to be; a statement that to the best of the affiant's knowledge and belief each of the persons signing the petition section was, at the time of signing, an eligible elector; and a statement that the affiant has not paid or will not in the future pay and that the affiant believes that no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing the signer to sign the petition.

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

**1-4-906. Candidate's acceptance.** Every nominating petition before it is filed shall have attached to it a notarized acceptance of the nomination of the candidate or notarized acceptances by both of the joint candidates. Each acceptance of nomination shall contain the full name of the candidate or joint candidate as the name will appear on the ballot and the candidate's full address.

**1-4-907. Filing of petition.** The petition, when executed and acknowledged as prescribed in this part 9, shall be filed as follows: With the secretary of state if it is for an office that is voted on by the electors of the entire state or of a congressional district or for the offices of members of the general assembly or district attorney or a district office of state concern; with the county clerk and recorder if it is for a county office; and with the designated election official if it is for a nonpartisan local election.

**1-4-908. Verification of petition and official statement.**

(1) Upon filing, the designated election official for the political subdivision shall review all petition information and verify the information against the registration records, and, where applicable, the county assessor's records. The secretary of state shall establish guidelines for verifying petition entries.

(2) (Deleted per HB95-1241, effective July 1, 1995.)

(3) After review, the official shall notify the candidate of the number of valid signatures and whether the petition appears to be sufficient or insufficient. In the case of a petition for nominating an unaffiliated candidate, the official shall provide notification of sufficiency or insufficiency to the candidate no later than one hundred thirty-four days before the general election. Upon determining that the petition is sufficient and after the time for protest has passed, the designated election official shall

certify the candidate to the ballot, and, if the election is a coordinated election, so notify the coordinated election official.

**1-4-909. Protest of designations and nominations.**

(1) A petition or certificate of designation or nomination that has been verified and appears to be sufficient under this code shall be deemed valid unless a petition for a review of the validity of the petition pursuant to section 1-1-113 is filed with the district court within five days after the election official's statement of sufficiency is issued or, in the case of a certificate of designation, within five days after the certificate of designation is filed with the designated election official.

(1.5) If the election official determines that a petition is insufficient, the candidate named in the petition may petition the district court within five days for a review of the determination pursuant to section 1-1-113.

(2) This section does not apply to any nomination made at a primary election.

**1-4-910. Protest to a recall petition. (Repealed)**  
(Repealed per HB95-1241, effective July 1, 1995.)

**1-4-911. Review of a protest.** The party filing a protest has the burden of sustaining the protest by a preponderance of the evidence. The decision upon matters of substance is open to review, if prompt application is made, as provided in section 1-1-113. The remedy in all cases shall be summary, and the decision of any court having jurisdiction shall be final and not subject to review by any other court; except that the supreme court, in the exercise of its discretion, may review any judicial proceeding in a summary way.

**1-4-912. Cure.** In case a petition for nominating an unaffiliated candidate is not sufficient, it may be amended once no later than 3 p.m. on the one hundred twenty-third day before the general election or 3 p.m. on the sixty-seventh day before an election that is not being held concurrently with the general election. If a petition for nominating an unaffiliated candidate is amended, the designated election official shall notify the candidate of whether the petition is sufficient or insufficient no later than the one hundred thirteenth day before the general election.

**1-4-913. Defacing of petitions. (Repealed)**  
(Repealed per HB95-1241, effective July 1, 1995.)

PART 10

WITHDRAWALS FROM AND VACANCIES IN NOMINATIONS AND DESIGNATIONS

**1-4-1001. Withdrawal from candidacy.**

(1) Any person who has accepted a designation or nomination may withdraw from candidacy at any time by filing a letter of withdrawal. The letter shall be signed and acknowledged by the candidate before some officer authorized to take acknowledgments and shall be filed with the designated election official with whom the original certificate or petition of candidacy was filed. Except in the case of a vacancy to be filled in accordance with the provisions of section 1-4-1002(2.5), in the event that the withdrawal of candidacy is not made in time for the candidate's name to be taken off the ballot, any votes cast for the candidate shall be deemed invalid and will not be counted.

(2) Any candidate withdrawing from a designation or nomination, as provided in subsection (1) of this section, shall forthwith report the withdrawal to the persons designated in section 1-4-1002 to fill the vacancy.

**1-4-1002. Vacancies in designation or nomination.**

(1) 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