

State of Colorado



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BOARD MEMBER ELECTION GUIDELINES - VACANCIES

C.R.S. § 24-50-103(3)(b) provides:

The elected members of the board shall be elected by persons certified to classes and positions in the state personnel system in accordance with rules promulgated by the board, in consultation with the secretary of state and pursuant to section 24-4-103; except that the ballots for such elections shall be distributed to each employee qualified to vote with any payroll or other type of distribution otherwise made to said employees. However, such distribution shall be no later than fifteen days before the ballots are to be submitted by the voters.

In addition, C.R.S. § 24-50-103(3)(c) provides that an election may be contested:

- When the candidate is not eligible to be a member of the Board;
- When illegal votes have been received or legal votes rejected at the time of the election in sufficient numbers to change the outcome of the election;
- For any error or mistake on the part of the Board staff or Director in conducting, counting, or declaring the result of the election, if such error or mistake would be sufficient to change the outcome of the election;
- For misconduct, fraud, or corruption on the part of the Board staff or Director, if such misconduct, fraud, or corruption would be sufficient to change the outcome of the election;
- For any other cause which shows that another individual was the legally elected Board member.

Board Rule 1-2 provides that the Board shall establish a cost-effective process for those members elected by state employees.

Based on the above authority, the Election of Board Members guidelines shall be as follows:

1. When the Board receives notice of a vacancy of an *elected* Board member, the Board Director will post the vacancy and announce an election as soon as possible.

Posting can include: posting an announcement on the Board's website and advising agencies via email of the notice of vacancy.

2. After nomination petitions are received with 100 verified signatures of certified state employees, an electronic ballot system will be utilized for voting. Electronic voting occurs only if supporting petitions have been received by the due date and there are at least two certified nominees.
3. In the event only one nomination with 100 verified signatures is submitted, and no electronic voting is conducted, the Board Director will certify that:
 - The deadline for submitting nominating petitions for the vacant Board position has expired and that notice of the election had been provided;
 - One nomination and accompanying petitions have been received;
 - No other nominating petitions have been received;
 - The one nomination received was for a qualified elector of the state of Colorado and that the individual is not an officer or employee of the state or a state employee organization; and
 - At least verified 100 signatures on the nominating petitions are those of state certified employees.
 - Upon such certification, the Board Director will certify that the one candidate is the newly elected member of the Colorado State Personnel Board.
4. In the event of more than one nomination and supporting petitions, an electronic ballot system shall be utilized. The candidate information provided on the electronic ballot system shall be based on the biographical information provided by the nominated candidates.
5. Information on how to vote electronically shall be distributed through email communications to state employees and published on the Board's website.
6. The electronic ballot system will only permit certified state employees to cast a vote.
7. Upon verification of the votes, the Board Director will declare the results of the election and certify the winning candidate as the newly elected member of the Colorado State Personnel Board.
8. It is the intent that the above guidelines comport with the constitution and state statute. In addition, they represent past practices of the Board and support Board Rule 1-2, 4 CCR 801. It is the intent of these guidelines to prevent misconduct, fraud, or corruption on the part of the Board, Board staff and Board Director in the conduct and results of any Board member election.