

# State of Colorado

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## **BOARD MEMBER ELECTION GUIDELINES - VACANCIES**

WHEREAS, 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.

WHEREAS, 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.

WHEREAS, Board Rule 1-2 provides that the Board Director shall conduct an election within three months of the date of the vacancy.

WHEREAS, budgetary constraints require using a cost-effective process for conducting the election.

THEREFORE, the Board Member Election 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. Candidates collect signatures from a minimum of 100 certified state employees using the Nominating Petition Form, the Employee Nomination Form, or a combination of both.
3. In the event only one qualified nomination with 100 verified signatures is submitted, no voting is conducted and the Board Director will certify that:
  - The deadline for submitting nominations for the vacant Board position has expired and that notice of the election had been provided;
  - One nomination and accompanying signatures has been received;
  - No other nominations and accompanying signatures 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 Petition Form and/or Employee Nomination Form are those of state certified employees.

In conjunction with such certification, the Board Director will also certify that the one candidate is the newly elected member of the Colorado State Personnel Board.

4. Voting occurs only if there are at least two qualified nominees who have collected verified signatures of 100 certified state employees.
5. An electronic ballot system will be utilized for voting. Information on how to vote shall be distributed through email communications to state employees and published on the Board's website. The electronic ballot system will only permit certified state employees to cast a vote. Voting shall be open for at least fifteen (15) days.
6. If voting occurs, the Board Director will provide each candidate's information on the Board's website and on the electronic ballot system. The information will be based upon the biographical information provided by each candidate.
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 Colorado Constitution and the Colorado Revised Statutes. It is the intent of these guidelines to prevent misconduct, fraud, or corruption in Board elections.