



Feb 27, 2023

Subject: **OPPOSE HB23-1185** – Recall Elections and Vacancies – LWV of Colorado written testimony

House State, Civic, Military, & Veterans Affairs Committee  
Colorado General Assembly

Dear Rep Daugherty, Chair Woodrow, and House State Affairs Committee members,

I am writing as a member of the League of Women Voters of Colorado's Legislative Action Committee to testify in opposition to HB23-1185, Requirements for Recall Elections and Vacancies.

LWVCO's Legislative Action Committee (LAC) has 3 concerns about the bill language, one concern with each of the 3 parts of the bill listed below. Therefore, we oppose HB1185.

- Sections 1 and 2 – eligible candidates in a partisan, e.g., General Assembly, recall election
- Sections 3 to 7 – rules on filling a municipal vacancy
- Sections 8 to 10 – rules about recall petitions

I apologize for not speaking during today's committee hearing or sending written testimony earlier. I was traveling today and waiting for the LAC's final consensus on our position. I signed up for remote testimony just a bit too late for the bill so I signed up for the 2<sup>nd</sup> bill on the agenda. I got into the colegov.zoom room during the testimony phase of HB1185 and raised my hand to testify on HB1185, but I was not recognized.

Section 2 requires that, if a successor is elected in a partisan election and the incumbent was affiliated with a political party when the incumbent was elected, **only a person who is affiliated with the same political party may be nominated as a successor**. If the incumbent was unaffiliated at the time the incumbent was elected, only a person who is unaffiliated may be nominated as a successor.

- The League works to "protect ... public participation in government decision-making." By restricting the successor to be a certain party affiliation, Colorado would limit public participation.

Sections 4 through 7 state that if a statutory municipality's governing body lacks sufficient members to reach a quorum, the clerk of the governing body is authorized to call a special election to fill any vacancies. However, the **governing body (city council or town board of trustees) can cancel the special election** if it can fill the vacancy before the date of the special election.

- By calling for an election and then subsequently canceling it, the government is taking away a right to vote. Canceling an already called-for election is only justified if no candidates file to run

for the vacant seat. Canceling an election may also lead to charges of insider politics and diminish faith in the electoral process.

Section 10 – In a recall if a majority of voters vote no on recalling the incumbent, then the votes for the second question on who shall replace the incumbent “SHALL NOT BE RECORDED AND ANY COUNTS OR UNOFFICIAL RESULTS OF THE **VOTES SHALL NOT BE PUBLICLY DISCLOSED.**”

- To promote trust in government elections, LWVCO’s Election Security position states: The public should have access to ... copies of ballots (with personally identifying information removed) ...”

For these 3 reasons, the League of Women Voters of Colorado **opposes** HB23-1185; the bill will reduce public participation in the electoral process and reduce election transparency.

Sincerely,

Celeste Landry, Volunteer Lobbyist

League of Women Voters of Colorado Legislative Action Committee

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The League is a nonpartisan organization that encourages informed and active participation in government and influences public policy through education and advocacy. Our membership spans the state of Colorado with 19 local leagues operating throughout the state.