

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

February 22, 2021

Committee on State, Civic, Military, & Veterans Affairs.

After consideration on the merits, the Committee recommends the following:

HB21-1071 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

- 1 Amend printed bill, page 8, line 17, after the period add "FAILURE TO
- 2 RECEIVE THE NOTICE REQUIRED BY SECTION 1-7-118 (1) IN A TIMELY
- 3 MANNER DOES NOT PROHIBIT THE COUNTY CLERK AND RECORDER FROM
- 4 ENTERING INTO AND PERFORMING AN INTERGOVERNMENTAL AGREEMENT
- 5 TO CONDUCT THE INSTANT RUNOFF VOTING ELECTION AS PART OF THE
- 6 COORDINATED ELECTION."

- 7 Page 8, line 22, after "MUNICIPALITY" insert "LOCATED IN A SINGLE
- 8 COUNTY".

- 9 Page 9, strikes lines 19 and 20 and substitute:
- 10 "(3) (a) ON AND AFTER JANUARY 1, 2025, A MUNICIPALITY
- 11 LOCATED IN MORE THAN ONE COUNTY THAT TAKES FORMAL ACTION TO
- 12 CONDUCT AN ELECTION USING INSTANT RUNOFF VOTING MAY REFER THE
- 13 ELECTION TO BE CONDUCTED AS PART OF A COORDINATED ELECTION, AS
- 14 DEFINED IN SECTION 1-7-116, BY PROVIDING WRITTEN NOTICE TO EACH
- 15 COUNTY CLERK AND RECORDER CONDUCTING THE ELECTION AT LEAST ONE
- 16 HUNDRED DAYS BEFORE THE ELECTION. THE COUNTY".

- 17 Page 10, line 21, before "ELECTION" insert "INSTANT RUNOFF VOTING".

- 18 Page 10, line 24, strike "APPLICABLE." and substitute, "APPLICABLE, AND
- 19 THE "COLORADO MUNICIPAL ELECTION CODE OF 1965", ARTICLE 10 OF
- 20 TITLE 31."

1 Page 11, line 10, strike "VOTING. THE" and substitute "VOTING
2 CONDUCTED BY A SINGLE COUNTY. ON OR BEFORE DECEMBER 31, 2023,
3 THE".

4 Page 13, line 18, after "(b)" insert "(I)" and strike "2022," and substitute
5 "2023,".

6 Page 13, after line 26 add:

7 "(II) A COUNTY SHALL AUDIT AN ELECTION USING INSTANT VOTING
8 CONDUCTED AS PART OF A COORDINATED ELECTION BEFORE DECEMBER
9 31, 2023, IN ACCORDANCE WITH RULES ADOPTED BY THE SECRETARY OF
10 STATE RELATED TO RANKED CHOICE OR INSTANT RUNOFF VOTING, OR, IF
11 NO SUCH RULES ARE ADOPTED, IN ACCORDANCE WITH PROCEDURES
12 ADOPTED BY THE COUNTY CLERK AND RECORDER.

13 **SECTION 15.** In Colorado Revised Statutes, 31-4-202, **amend**
14 (1), (3)(b), and (4)(b) as follows:

15 **31-4-202. Petition - election.** (1) When a petition, signed by five
16 percent of the registered electors of the municipality, requesting an
17 election on the question of adopting the city council-city manager form
18 of government is presented to the city council, the city council shall adopt
19 an ordinance calling for an election upon such question to be held within
20 four calendar months from the date of the presentation of such petition.
21 The petition shall state whether the mayor under such form of government
22 shall be elected by and from among the members of the city council or
23 from the city at large by ~~a plurality of the votes cast for that office~~ THE
24 REGISTERED ELECTORS OF THE CITY at the regular election. The question
25 of adopting such form of government shall be submitted to the registered
26 electors of the city at a special or regular election to be conducted in
27 accordance with the provisions of the "Colorado Municipal Election Code
28 of 1965".

29 (3) (b) If the petition requests that the mayor be elected from the
30 city at large by ~~a plurality of the votes cast for that office~~ THE REGISTERED
31 ELECTORS OF THE CITY at the regular election, the question to be
32 submitted at such election shall be: "Shall the city of (name of city)
33 reorganize by adopting the City Council-City Manager form of
34 government, as provided in part 2 of article 4 of title 31, Colorado
35 Revised Statutes, with the mayor to be elected by ~~a plurality of the votes~~
36 ~~cast for that office~~ THE REGISTERED ELECTORS OF THE CITY at the regular
37 election?". The form of ballot or voting machine tabs shall be: "For City



1 Council-City Manager Form - Mayor elected by Popular Vote" and
2 "Against City Council-City Manager Form - Mayor elected by Popular
3 Vote".

4 (4) The registered electors of any city which has previously
5 reorganized into the city council-city manager form of government under
6 this part 2 may, at any time, petition in the manner set forth in subsection
7 (1) of this section for an election on:

8 (b) Retaining the city council-city manager form of government
9 but with the mayor to be elected by a plurality of the votes cast for that
10 office THE REGISTERED ELECTORS OF THE CITY at the regular election
11 rather than elected by and from among the members of the city council;
12 or

13 **SECTION 16.** In Colorado Revised Statutes, 31-4-207, **amend**
14 (2) as follows:

15 **31-4-207. Mayor - selection.** (2) If the mayor is to be elected by
16 popular vote FROM THE CITY AT LARGE, he or she shall be elected by a
17 plurality of the votes cast for that office THE REGISTERED ELECTORS OF
18 THE CITY at the regular election in the city. The mayor shall be a
19 registered elector who has resided within the limits of the city for a period
20 of at least twelve consecutive months immediately preceding the date of
21 the election; except that, in the case of annexation, any person who has
22 resided within the annexed territory for the time prescribed in this
23 subsection (2) shall be deemed to have met the residence requirements for
24 the city to which the territory was annexed. The mayor shall assume his
25 or her office at the next regularly scheduled meeting of the city council
26 following his or her election or upon such earlier date as the council may
27 specify. Except as otherwise provided in subsection (3) of this section, the
28 mayor shall hold his or her office for a term of two years. At the same
29 meeting of the city council, the city council shall choose, by a majority
30 vote, one of its members to act as mayor pro tem in the temporary absence
31 of the mayor. The city council may appoint one of its members acting
32 mayor in the event both the mayor and the mayor pro tem are temporarily
33 absent from the city or unable to perform the duties of the mayor. In case
34 of a vacancy in the office of the mayor, the city council shall choose his
35 successor for the unexpired term."

36 Renumber succeeding section accordingly.

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