

**First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 17-0648.01 Kate Meyer x4348

**HOUSE BILL 17-1100**

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**HOUSE SPONSORSHIP**

**Gray,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**  
Local Government

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING THE QUALIFICATION OF AN ELECTOR FOR SPECIFIED**  
102                    **LOCAL GOVERNMENT ELECTIONS BY VIRTUE OF A CONTRACT TO**  
103                    **PURCHASE TAXABLE PROPERTY.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

Currently, a person may qualify as an eligible elector in certain district elections if the person is an owner of taxable real (or, for some districts, personal) property situated within the boundaries of the district or the area to be included in the district. Further, a person is considered to be an owner for election purposes if the person is obligated to pay taxes

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

under a contract to purchase such taxable property.

For a person qualifying as an eligible elector as an owner by virtue of a contract to purchase taxable property in elections in the following types of districts, the bill mandates that the tax obligation must require the person to pay taxes prior to the date of purchase:

- ! Local governments, as defined in the "Local Government Election Code" (i.e., any district, business improvement district, special district created pursuant to title 32 of the Colorado Revised Statutes, authority, or political subdivision of the state, authorized by law to conduct an election; but does not include a county, school district, regional transportation district, or municipality) (**section 1** of the bill);
- ! Law enforcement authorities (**section 2**);
- ! Public improvement districts (**section 3**);
- ! Local improvement districts (**section 4**);
- ! Downtown development authorities (**section 5**);
- ! Special districts formed under the "Special District Act" (**sections 6 and 7**);
- ! The urban drainage and flood control district (**section 8**);
- ! Water conservancy districts (**section 9**); and
- ! Groundwater management districts (**section 10**).

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1.** In Colorado Revised Statutes, 1-13.5-605, **amend**  
3 (2)(a) as follows:

4           **1-13.5-605. Preparing to vote.** (2) (a) Any person desiring to  
5 vote at any special district election as an eligible elector who does not  
6 appear on the registration list or property owners list for the district shall  
7 sign a self-affirmation that the person is an elector of the special district.  
8 The self-affirming oath or affirmation ~~shall~~ **MUST** be on a form that  
9 contains in substance the following:

10 I, (printed name), who reside at (address), am an elector of this (name of  
11 special district) district and desire to vote at this election. I do solemnly  
12 swear (or affirm) that I am registered to vote in the state of Colorado and  
13 qualified to vote in this special district election as:

1 \_\_\_\_ a resident of the district or area to be included in the district; or  
2 \_\_\_\_ the owner of taxable real or personal property situated within the  
3 boundaries of the special district or area to be included within the special  
4 district; or  
5 \_\_\_\_ a person who is obligated to pay taxes under a contract to purchase  
6 taxable property in the special district or the area to be included within the  
7 special district, WHICH OBLIGATION REQUIRES THE TAXES WITH RESPECT  
8 TO SUCH PROPERTY TO BE PAID PRIOR TO THE DATE OF PURCHASE; or  
9 \_\_\_\_ the spouse or civil union partner of (name of spouse or civil union  
10 partner) who is the owner of taxable real or personal property situated  
11 within the boundaries of the special district or area to be included within  
12 the special district.

13 I have not voted previously at this election.

14 Date \_\_\_\_\_

15 Signature of elector \_\_\_\_\_.

16 **SECTION 2.** In Colorado Revised Statutes, 30-11-403, **amend**  
17 (2)(b) as follows:

18 **30-11-403. Definitions.** As used in this part 4, unless the context  
19 otherwise requires:

20 (2) (b) A person who is obligated to pay general taxes under a  
21 contract to purchase real property within the authority, ~~shall be~~ WHICH  
22 OBLIGATION REQUIRES THE PERSON TO PAY TAXES WITH RESPECT TO SUCH  
23 PROPERTY PRIOR TO THE DATE OF PURCHASE, IS considered an owner  
24 within the meaning of this subsection (2). The ownership of property on  
25 which a specific ownership tax is paid pursuant to law ~~shall~~ DOES not  
26 qualify a person as an elector. Taxable property ~~shall mean~~ MEANS real or  
27 personal property subject to general ad valorem taxes.

1           **SECTION 3.** In Colorado Revised Statutes, 30-20-503, **amend**  
2 (1)(c) as follows:

3           **30-20-503. Definitions.** As used in this part 5, unless the context  
4 otherwise requires:

5           (1) (c) A person who is obligated to pay general taxes under a  
6 contract to purchase real property within the district, ~~shall be~~ WHICH  
7 OBLIGATION REQUIRES THE PERSON TO PAY TAXES WITH RESPECT TO SUCH  
8 PROPERTY PRIOR TO THE DATE OF PURCHASE, IS considered an owner  
9 within the meaning of this subsection (1). The ownership of property on  
10 which a specific ownership tax is paid pursuant to law ~~shall~~ DOES not  
11 qualify a person as an elector nor as a taxpaying elector. Taxable property  
12 means real or personal property subject to general ad valorem taxes.

13           **SECTION 4.** In Colorado Revised Statutes, 30-20-602, **amend**  
14 (3) as follows:

15           **30-20-602. Definitions.** As used in this part 6, unless the context  
16 otherwise requires:

17           (3) "Owner" means the person holding record fee title to real  
18 property; except that a person obligated to pay general taxes under a  
19 contract to purchase real property, ~~shall be~~ WHICH OBLIGATION REQUIRES  
20 THE PERSON TO PAY TAXES WITH RESPECT TO SUCH PROPERTY PRIOR TO  
21 THE DATE OF PURCHASE, IS considered the owner thereof for the purposes  
22 of this part 6, and in such case any other person holding record fee title  
23 to such property shall not be considered the owner thereof.

24           **SECTION 5.** In Colorado Revised Statutes, 31-25-802, **amend**  
25 (6) as follows:

26           **31-25-802. Definitions.** As used in this part 8, unless the context  
27 otherwise requires:

1 (6) "Landowner" means the owner in fee of any undivided interest  
2 in real property or any improvement permanently affixed thereto within  
3 the district. As used in this part 8, "owner in fee" includes a contract  
4 purchaser obligated to pay general taxes IF SUCH OBLIGATION REQUIRES  
5 THE PURCHASER TO PAY THE TAXES PRIOR TO THE DATE OF PURCHASE, an  
6 heir, and a devisee under a will admitted to probate and does not include  
7 a contract seller of property with respect to which the contract purchaser  
8 is deemed to be the owner in fee for purposes of this subsection (6).

9 **SECTION 6.** In Colorado Revised Statutes, 32-1-103, **amend** the  
10 introductory portion, (5)(b), and (23)(b) as follows:

11 **32-1-103. Definitions.** As used in this ~~article~~ ARTICLE 1, unless  
12 the context otherwise requires:

13 (5) (b) A person who is obligated to pay taxes under a contract to  
14 purchase taxable property situated within the boundaries of the special  
15 district or the area to be included within the special district, ~~shall be~~  
16 WHICH OBLIGATION REQUIRES THE PERSON TO PAY TAXES WITH RESPECT  
17 TO SUCH PROPERTY PRIOR TO THE DATE OF PURCHASE, IS considered an  
18 owner within the meaning of this subsection (5).

19 (23) (b) A person who is obligated to pay taxes under a contract  
20 to purchase taxable property within the special district, ~~shall be~~ WHICH  
21 OBLIGATION REQUIRES THE PERSON TO PAY TAXES WITH RESPECT TO SUCH  
22 PROPERTY PRIOR TO THE DATE OF PURCHASE, IS considered an owner  
23 within the meaning of this subsection (23).

24 **SECTION 7.** In Colorado Revised Statutes, 32-1-806, **amend** (2)  
25 as follows:

26 **32-1-806. Persons entitled to vote at special district elections.**

27 (2) Any person desiring to vote at any election as an eligible elector

1 pursuant to section 32-1-103 (5)(a)(II) shall sign a self-affirmation that  
2 the person is an elector of the special district. The self-affirming oath or  
3 affirmation must be on a form that contains in substance the following:

4 "I, (printed name), who reside at (address), am an elector of  
5 this (name of special district) district and desire to vote at this election.

6 I do solemnly swear (or affirm) that I am registered to vote in the state of  
7 Colorado and qualified to vote in this special district election as:

8 \_\_\_\_\_ A resident of the district or area to be included in the district; or

9 \_\_\_\_\_ The owner of taxable real or personal property situated within the  
10 boundaries of the special district or area to be included within the special  
11 district; or

12 \_\_\_\_\_ A person who is obligated to pay taxes under a contract to  
13 purchase taxable property in the special district or the area to be included  
14 within the special district, WHICH OBLIGATION REQUIRES THE TAXES WITH  
15 RESPECT TO SUCH PROPERTY TO BE PAID PRIOR TO THE DATE OF PURCHASE;

16 or

17 \_\_\_\_\_ The spouse or civil union partner of (name of spouse or civil  
18 union partner) who is the owner of taxable real or personal property  
19 situated within the boundaries of the special district or area to be included  
20 within the special district.

21 I have not voted previously at this election.

22 Date \_\_\_\_\_

23 Signature of elector \_\_\_\_\_."

24 **SECTION 8.** In Colorado Revised Statutes, 32-11-104, **amend**  
25 the introductory portion and (54)(b) as follows:

26 **32-11-104. Definitions.** As used in this ~~article~~ ARTICLE 11, unless  
27 the context otherwise requires:

1 (54) (b) A person who is obligated to pay taxes under a contract  
2 to purchase property in the district ~~shall be~~ IS considered as such an  
3 owner, IF THE OBLIGATION REQUIRES THE TAXES WITH RESPECT TO SUCH  
4 PROPERTY TO BE PAID PRIOR TO THE DATE OF PURCHASE.

5 **SECTION 9.** In Colorado Revised Statutes, 37-45-103, **amend**  
6 the introductory portion and (4)(b) as follows:

7 **37-45-103. Definitions.** As used in this ~~article~~ ARTICLE 45, unless  
8 the context otherwise requires:

9 (4) (b) A person who is obligated to pay general taxes under a  
10 contract to purchase real property within the district ~~shall be~~ IS considered  
11 an owner within the meaning of this subsection (4) IF THE OBLIGATION  
12 REQUIRES THE TAXES WITH RESPECT TO SUCH PROPERTY TO BE PAID PRIOR  
13 TO THE DATE OF PURCHASE. The payment of a specific ownership tax  
14 pursuant to law ~~shall~~ DOES not qualify a person as an elector. Taxable  
15 property means real or personal property subject to general ad valorem  
16 taxes.

17 **SECTION 10.** In Colorado Revised Statutes, 37-90-103, **amend**  
18 the introductory portion and (18) as follows:

19 **37-90-103. Definitions - repeal.** As used in this ~~article~~ ARTICLE  
20 90, unless the context otherwise requires:

21 (18) "Taxpaying elector" means a person qualified to vote at  
22 general elections in Colorado, who owns real or personal property within  
23 the district and has paid ad valorem taxes thereon in the twenty months  
24 immediately preceding a designated time or event, which property is  
25 subject to taxation at the time of any election held under ~~the provisions of~~  
26 this ~~article~~ ARTICLE 90 or at any other time in reference to which the term  
27 "taxpaying elector" is used. A person who is obligated to pay taxes under

1 a contract to purchase real property in the district shall be IS considered  
2 an owner IF THE OBLIGATION REQUIRES THE TAXES WITH RESPECT TO SUCH  
3 PROPERTY TO BE PAID PRIOR TO THE DATE OF PURCHASE. The ownership  
4 of any property subject to the payment of a specific ownership tax on a  
5 motor vehicle or trailer or of any other excise or property tax other than  
6 general ad valorem property taxes shall DOES not constitute the ownership  
7 of property subject to taxation as provided in this article ARTICLE 90.

8 **SECTION 11. Act subject to petition - effective date -**  
9 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
10 the expiration of the ninety-day period after final adjournment of the  
11 general assembly (August 9, 2017, if adjournment sine die is on May 10,  
12 2017); except that, if a referendum petition is filed pursuant to section 1  
13 (3) of article V of the state constitution against this act or an item, section,  
14 or part of this act within such period, then the act, item, section, or part  
15 will not take effect unless approved by the people at the general election  
16 to be held in November 2018 and, in such case, will take effect on the  
17 date of the official declaration of the vote thereon by the governor.

18 (2) This act applies to elections conducted on or after the  
19 applicable effective date of this act.