

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 18-0939.01 Megan Waples x4348

**HOUSE BILL 18-1268**

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**HOUSE SPONSORSHIP**

**Gray,**

**SENATE SPONSORSHIP**

**Gardner,**

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**House Committees**

State, Veterans, & Military Affairs

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE PROCEDURES TO RECALL A DIRECTOR OF A SPECIAL**  
102 **DISTRICT.**

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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>.)*

The bill establishes procedures to govern the recall of a director of a special district.

**Section 4** of the bill requires the county clerk and recorder of the appropriate county to appoint a designated election official (DEO) to oversee the recall election. The director and the director's spouse or civil union partner cannot serve as the DEO.

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

HOUSE  
3rd Reading Unamended  
April 3, 2018

HOUSE  
Amended 2nd Reading  
April 2, 2018

The bill requires that recall petitions must be approved as to form by the DEO before being circulated. To be approved, a petition must designate a committee to represent the signers, must name only one director, and must include a brief statement of the grounds for the recall. It must also provide certain warnings to electors concerning their eligibility to sign.

**Section 5** requires that signed petitions be filed with the DEO within 60 days after their form has been approved. Signed petitions must include a signed and notarized affidavit from the circulator attesting to the circulator's compliance with the requirements of the law. Once a signed petition is filed, the DEO is required to review the petition and issue a written determination that the petition is sufficient or not sufficient within 5 business days, unless a protest is filed before that date.

An eligible elector may file a protest of a recall petition within 15 days after a petition is filed. In the case of a protest, a hearing is required and the DEO is the hearing officer. The hearing officer is required to issue a determination that the petition is sufficient or not sufficient within 15 days after the conclusion of the hearing.

If a petition is determined not sufficient, the committee representing the electors may withdraw, amend, and refile it within 15 days. A petition can only be withdrawn and refiled once.

A determination that a petition is sufficient or not sufficient is subject to judicial review on request by the director, the director's representative, or a majority of the committee representing the electors, but judicial review cannot include the statement of the grounds on which the recall is sought.

If a petition is determined sufficient, the board of the special district must set a date for the recall election, and determine whether the election will take place at the polling place or by mail ballot. If a regular special district election is to be held within 180 days after the date on which the board orders the recall election, the recall election must be held as part of the regular election. If the director is seeking reelection at that regular election, only the question of his or her reelection appears on the ballot. If the director's successor is to be chosen at that regular election, and the director is not seeking reelection, only the selection of the successor appears on the ballot. The recall election may also be held as part of a coordinated election if the information required for the ballot is determined within the deadline, and the county clerk and recorder agrees.

**Section 6** provides that if the director resigns in writing prior to the election, the recall proceedings are terminated and the office is filled as a vacancy. The ballot for a recall election must include the statement of grounds for the recall that was included in the petition. The director may file a statement in support of his or her retention, which must also be included on the ballot if it is timely filed. The ballot must also include the names of candidates nominated to fill the office if the director is recalled.

If an incumbent is not recalled, or if a recall petition is deemed not sufficient, **section 7** authorizes the special district to reimburse the director for reasonable expenses. Under **section 10**, the special district must pay the costs of the county clerk and recorder and the DEO for the recall election.

**Section 8** provides that after one recall election that does not recall the director, any subsequent recall petition must be signed by more than 50% of the eligible electors to be sufficient. **Section 11** makes a conforming amendment to the "Uniform Election Code of 1992".

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

2 **SECTION 1.** In Colorado Revised Statutes, 32-1-906, **amend** (1)  
3 as follows:

4 **32-1-906. Directors subject to recall - applicability of laws.**

5 (1) ~~(a)~~ Any director elected OR APPOINTED to the board of any special  
6 district who has actually held office for at least six months may be  
7 recalled from office by the eligible electors of the special district; EXCEPT  
8 THAT A PETITION SHALL NOT BE FILED TO RECALL A DIRECTOR WHOSE  
9 TERM OF OFFICE EXPIRES IN LESS THAN SIX MONTHS FROM THE DATE THE  
10 PETITION IS PRESENTED FOR FILING. EXCEPT AS PROVIDED IN SECTION  
11 32-1-913, a petition signed by the lesser of three hundred eligible electors  
12 or forty percent of the eligible electors demanding the recall of any  
13 director named in the petition ~~shall~~ MUST be filed ~~in the court~~ IN  
14 ACCORDANCE WITH SECTION 32-1-910 TO INITIATE A RECALL ELECTION.

15 ~~(b) In case of specific conflict between this part 9 and part 5 of~~  
16 ~~article 4 of title 31, C.R.S., with respect to a recall, this part 9 controls.~~

17 ~~(b.5) The recall of a special district director is governed by the~~  
18 ~~procedures set forth in part 5 of article 4 of title 31, C.R.S.; except that:~~

19 ~~(f) The term "registered elector" must be replaced by "eligible~~  
20 ~~elector"; "municipality" must be replaced by "local government"; and~~

1 ~~"municipal clerk" or "clerk" must be replaced by "designated election~~  
2 ~~official, or if none is designated, then the secretary of the local~~  
3 ~~government";~~

4 ~~(H) The second paragraph of the warning contained in section~~  
5 ~~31-4-502 (1)(a)(H), C.R.S., shall not be used for a local government recall~~  
6 ~~election;~~

7 ~~(HH) The number of signatures required by section 31-4-502~~  
8 ~~(1)(d), C.R.S., applies to a local government recall election only if a~~  
9 ~~different number is not specified by this article or by title 1, C.R.S.; and~~

10 ~~(IV) The words "who resides within the municipality" in 31-4-503~~  
11 ~~(3)(b), C.R.S., do not apply.~~

12 **SECTION 2.** In Colorado Revised Statutes, 32-1-907, **amend** (1)  
13 as follows:

14 **32-1-907. Recall election - resignation.** (1) If a director subject  
15 to a recall petition offers a resignation, it shall be accepted, and the  
16 vacancy caused by the resignation, or from any other cause, shall be filled  
17 as provided by section 32-1-905 (2). ~~If the director does not resign within~~  
18 ~~five days after the sufficiency of the recall petition has been sustained, the~~  
19 ~~board shall order that a recall election be held pursuant to part 5 of article~~  
20 ~~4 of title 31, C.R.S.~~

21 **SECTION 3.** In Colorado Revised Statutes, **add** 32-1-908,  
22 32-1-909, 32-1-910, 32-1-911, 32-1-912, 32-1-913, 32-1-914, and  
23 32-1-915 as follows:

24 **32-1-908. Recall procedures.** PROCEDURES TO RECALL A  
25 DIRECTOR OF A SPECIAL DISTRICT ARE GOVERNED BY THIS PART 9.

26 **32-1-909. Recall petition - designated election official -**  
27 **approval as to form - definition.** (1) A RECALL PETITION SHALL NOT BE

1 CIRCULATED UNTIL IT HAS BEEN APPROVED AS MEETING THE  
2 REQUIREMENTS OF THIS SECTION AS TO FORM.

3 (2) THE PROPOSED FORM OF A RECALL PETITION SHALL BE FILED  
4 WITH THE COURT AS DEFINED IN SECTION 32-1-103 (2) FOR THE SPECIAL  
5 DISTRICT. WITHIN FIVE BUSINESS DAYS OF RECEIPT OF A PROPOSED FORM  
6 OF RECALL PETITION FOR A SPECIAL DISTRICT DIRECTOR, THE COURT SHALL  
7 ISSUE AN ORDER APPOINTING A DESIGNATED ELECTION OFFICIAL WHO  
8 SHALL PERFORM THE DUTIES SET FORTH FOR THE RECALL. THE  
9 DESIGNATED ELECTION OFFICIAL SHALL NOT BE THE DIRECTOR SOUGHT TO  
10 BE RECALLED BY THE PETITION OR THE SPOUSE OR CIVIL UNION PARTNER  
11 OF THE DIRECTOR SOUGHT TO BE RECALLED BY THE PETITION.

12 (3) THE DESIGNATED ELECTION OFFICIAL SHALL APPROVE OR  
13 DISAPPROVE A PETITION AS TO FORM BY THE CLOSE OF THE THIRD  
14 BUSINESS DAY FOLLOWING HIS OR HER APPOINTMENT AS THE DESIGNATED  
15 ELECTION OFFICIAL. ON THE DAY THAT THE PETITION IS APPROVED OR  
16 DISAPPROVED AS TO FORM, THE DESIGNATED ELECTION OFFICIAL SHALL  
17 MAIL OR TRANSMIT ELECTRONICALLY WRITTEN NOTICE OF THE APPROVAL  
18 OR DISAPPROVAL TO THE COMMITTEE AS DEFINED IN SUBSECTION (4)(a) OF  
19 THIS SECTION, THE BOARD OF DIRECTORS OF THE SPECIAL DISTRICT, AND  
20 THE DIRECTOR SOUGHT TO BE RECALLED. IF THE DESIGNATED ELECTION  
21 OFFICIAL DISAPPROVES THE PETITION AS TO FORM, THE DESIGNATED  
22 ELECTION OFFICIAL SHALL IDENTIFY IN THE WRITTEN NOTICE THE PORTION  
23 OR PORTIONS OF THE PETITION THAT ARE NOT SUFFICIENT AND THE  
24 REASONS THEY ARE NOT SUFFICIENT.

25 (4) EACH PETITION MUST:

26 (a) DESIGNATE BY NAME AND ADDRESS AT LEAST THREE, BUT NOT  
27 MORE THAN FIVE, ELIGIBLE ELECTORS OF THE SPECIAL DISTRICT, REFERRED

1 TO IN THIS PART 9 AS THE "COMMITTEE", WHO REPRESENT THE SIGNERS  
2 THEREOF IN ALL MATTERS AFFECTING THE PETITION;

3 (b) INCLUDE THE NAME OF ONLY ONE DIRECTOR TO BE RECALLED;  
4 AND

5 (c) CONTAIN A GENERAL STATEMENT, IN NOT MORE THAN TWO  
6 HUNDRED WORDS, OF THE GROUNDS ON WHICH THE RECALL IS SOUGHT,  
7 WHICH STATEMENT IS INTENDED FOR THE INFORMATION OF THE ELECTORS  
8 OF THE SPECIAL DISTRICT. THE STATEMENT MUST NOT INCLUDE ANY  
9 PROFANE OR FALSE STATEMENT. THE ELECTORS OF THE SPECIAL DISTRICT  
10 ARE THE SOLE AND EXCLUSIVE JUDGES OF THE LEGALITY,  
11 REASONABLENESS, AND SUFFICIENCY OF THE GROUNDS ON WHICH THE  
12 RECALL IS SOUGHT, AND SAID GROUNDS ARE NOT SUBJECT TO A PROTEST  
13 OR TO JUDICIAL REVIEW.

14 (5) THE SIGNATURES TO A RECALL PETITION NEED NOT ALL BE ON  
15 ONE SHEET OF PAPER. AT THE TOP OF EACH SIGNATURE PAGE OF THE  
16 PETITION MUST BE PRINTED, IN BOLD-FACED TYPE, THE FOLLOWING:

17 WARNING:

18 IT IS AGAINST THE LAW:

19 FOR ANYONE TO SIGN THIS PETITION WITH ANY NAME OTHER  
20 THAN ONE'S OWN OR TO KNOWINGLY SIGN ONE'S OWN NAME  
21 MORE THAN ONCE FOR THE SAME MEASURE OR TO SIGN  
22 SUCH PETITION WHEN NOT AN ELIGIBLE ELECTOR.

23 DO NOT SIGN THIS PETITION UNLESS YOU ARE AN ELIGIBLE  
24 ELECTOR. TO BE AN ELIGIBLE ELECTOR, YOU MUST BE  
25 REGISTERED TO VOTE IN COLORADO AND BE EITHER A  
26 RESIDENT OF THE (NAME OF SPECIAL DISTRICT), OR BE THE  
27 OWNER OR SPOUSE OR CIVIL UNION PARTNER OF AN OWNER

1 OF TAXABLE REAL OR PERSONAL PROPERTY IN THE (NAME  
2 OF SPECIAL DISTRICT) AS DESCRIBED IN SECTION 32-1-103  
3 (5) OF THE COLORADO REVISED STATUTES.

4 DO NOT SIGN THIS PETITION UNLESS YOU HAVE READ OR  
5 HAVE HAD READ TO YOU THE PROPOSED MEASURE IN ITS  
6 ENTIRETY AND UNDERSTAND ITS MEANING.

7 (6) DIRECTLY FOLLOWING THE WARNING REQUIRED BY  
8 SUBSECTION (5) OF THIS SECTION MUST BE PRINTED IN BOLD-FACED TYPE  
9 THE FOLLOWING:

10 PETITION TO RECALL (NAME OF DIRECTOR SOUGHT TO BE  
11 RECALLED) FROM THE OFFICE OF DIRECTOR OF THE (NAME  
12 OF SPECIAL DISTRICT).

13 **32-1-910. Petition in sections - signing - affidavit - review -**  
14 **tampering with petition.** (1) A RECALL PETITION MAY BE CIRCULATED  
15 AND SIGNED IN SECTIONS, BUT EACH SECTION MUST CONTAIN A FULL AND  
16 ACCURATE COPY OF THE TITLE AND TEXT OF THE PETITION AS DESCRIBED  
17 IN SECTION 32-1-909 (4), AND EACH SIGNATURE PAGE OF EACH SECTION  
18 MUST INCLUDE THE LANGUAGE SET FORTH SECTION 32-1-909 (5) AND (6).

19 (2) (a) ALL SIGNED RECALL PETITIONS MUST BE FILED WITH THE  
20 DESIGNATED ELECTION OFFICIAL WITHIN SIXTY DAYS FROM THE DATE ON  
21 WHICH THE DESIGNATED ELECTION OFFICIAL APPROVES THE PETITION AS  
22 TO FORM PURSUANT TO SECTION 32-1-909 (3).

23 (b) A RECALL PETITION SHALL BE SIGNED ONLY BY ELIGIBLE  
24 ELECTORS OF THE SPECIAL DISTRICT USING THEIR OWN SIGNATURES, AFTER  
25 WHICH EACH SUCH ELECTOR SHALL PRINT OR, IF SUCH ELECTOR IS UNABLE  
26 TO DO SO, SHALL CAUSE TO BE PRINTED, SUCH ELECTOR'S LEGAL NAME,  
27 THE RESIDENCE ADDRESS OF SUCH ELECTOR, INCLUDING THE STREET AND

1 NUMBER, IF ANY, AND THE DATE OF SIGNING OF THE PETITION.

2 (c) TO EACH PETITION OR PETITION SECTION MUST BE ATTACHED  
3 A SIGNED, NOTARIZED, AND DATED AFFIDAVIT OF THE PERSON WHO  
4 CIRCULATED THE PETITION STATING THE AFFIANT'S ADDRESS, THAT THE  
5 AFFIANT IS EIGHTEEN YEARS OF AGE OR OLDER, THAT THE AFFIANT  
6 CIRCULATED THE PETITION, THAT THE AFFIANT MADE NO  
7 MISREPRESENTATION OF THE PURPOSE OF SUCH PETITION TO ANY SIGNER  
8 OF THE PETITION, THAT EACH SIGNATURE ON THE PETITION WAS AFFIXED  
9 IN THE AFFIANT'S PRESENCE, THAT EACH SIGNATURE ON THE PETITION IS  
10 THE SIGNATURE OF THE PERSON WHOSE NAME IT PURPORTS TO BE, THAT TO  
11 THE BEST OF THE KNOWLEDGE AND BELIEF OF THE AFFIANT EACH PERSON  
12 SIGNING SAID PETITION WAS AT THE TIME OF SIGNING AN ELIGIBLE  
13 ELECTOR OF THE SPECIAL DISTRICT, AND THAT THE AFFIANT NEITHER HAS  
14 PAID NOR SHALL PAY AND THAT THE AFFIANT BELIEVES THAT NO OTHER  
15 PERSON HAS SO PAID OR SHALL PAY, DIRECTLY OR INDIRECTLY, ANY  
16 MONEY OR OTHER THING OF VALUE TO ANY SIGNER FOR THE PURPOSE OF  
17 INDUCING OR CAUSING SUCH SIGNER TO SIGN SUCH PETITION.

18 (d) ANY DISASSEMBLY OF A PETITION OR PETITION SECTION THAT  
19 SEPARATES THE AFFIDAVIT FROM THE SIGNATURES RENDERS THE  
20 SIGNATURES ON SUCH PETITION OR PETITION SECTION INVALID AND OF NO  
21 FORCE AND EFFECT.

22 (3) (a) PROMPTLY AFTER THE PETITION HAS BEEN FILED, THE  
23 DESIGNATED ELECTION OFFICIAL SHALL REVIEW ALL PETITION  
24 INFORMATION AND VERIFY THE INFORMATION AGAINST THE COUNTY  
25 CLERK AND RECORDER'S REGISTRATION RECORDS AND THE COUNTY  
26 ASSESSOR'S RECORDS TO DETERMINE WHETHER IT MEETS THE  
27 REQUIREMENTS OF SECTION 32-1-906 (1) AND SUBSECTIONS (2)(a), (2)(b),



1 AND (2)(c) OF THIS SECTION.

2 (b) THE DESIGNATED ELECTION OFFICIAL SHALL ISSUE A WRITTEN  
3 DETERMINATION THAT A RECALL PETITION IS SUFFICIENT OR NOT  
4 SUFFICIENT BY THE CLOSE OF THE FIFTH BUSINESS DAY AFTER SUCH  
5 PETITION IS FILED, UNLESS A PROTEST HAS BEEN FILED PURSUANT TO  
6 SUBSECTION (3)(d) OF THIS SECTION PRIOR TO THAT DATE. ON THE DAY  
7 THE DESIGNATED OFFICIAL ISSUES SUCH WRITTEN DETERMINATION, HE OR  
8 SHE SHALL MAIL OR TRANSMIT ELECTRONICALLY A COPY OF THE  
9 DETERMINATION TO THE DIRECTOR SOUGHT TO BE RECALLED, THE BOARD  
10 OF DIRECTORS OF THE SPECIAL DISTRICT, AND THE COMMITTEE AS DEFINED  
11 IN SECTION 32-1-909 (4)(a). THE DESIGNATED ELECTION OFFICIAL SHALL  
12 MAKE A COPY OF THE PETITION AVAILABLE TO THE DIRECTOR SOUGHT TO  
13 BE RECALLED.

14 (c) THE DESIGNATED ELECTION OFFICIAL SHALL DEEM THE  
15 PETITION SUFFICIENT IF HE OR SHE DETERMINES THAT IT WAS TIMELY  
16 FILED, HAS THE REQUIRED ATTACHED CIRCULATOR AFFIDAVITS, AND WAS  
17 SIGNED BY THE REQUISITE NUMBER OF ELIGIBLE ELECTORS OF THE SPECIAL  
18 DISTRICT WITHIN SIXTY DAYS FOLLOWING THE DATE UPON WHICH THE  
19 DESIGNATED ELECTION OFFICIAL APPROVED THE FORM OF THE PETITION.  
20 THE DESIGNATED ELECTION OFFICIAL SHALL NOT REMOVE THE SIGNATURE  
21 OF AN ELIGIBLE ELECTOR FROM THE PETITION AFTER SUCH PETITION IS  
22 FILED. IF THE DESIGNATED ELECTION OFFICIAL DETERMINES THAT A  
23 PETITION OR PETITION SECTION IS NOT SUFFICIENT, THE DESIGNATED  
24 ELECTION OFFICIAL SHALL IDENTIFY THOSE PORTIONS OF THE PETITION  
25 THAT ARE NOT SUFFICIENT AND THE REASONS FOR SUCH DETERMINATION  
26 IN THE WRITTEN DETERMINATION REQUIRED IN SUBSECTION (3)(b) OF THIS  
27 SECTION.

1 (d) (I) AN ELIGIBLE ELECTOR OF THE DISTRICT MAY FILE A PROTEST  
2 OF A RECALL PETITION WITHIN FIFTEEN DAYS AFTER SUCH PETITION IS  
3 FILED. THE PROTEST MUST BE IN WRITING AND SIGNED UNDER OATH. THE  
4 PROTEST MUST BE FILED IN THE OFFICE OF THE DESIGNATED ELECTION  
5 OFFICIAL AND MUST SET FORTH SPECIFICALLY THE GROUNDS OF THE  
6 PROTEST. THE GROUNDS FOR A PROTEST OF A RECALL PETITION INCLUDE,  
7 BUT ARE NOT LIMITED TO, THE FAILURE OF ANY PORTION OF A PETITION,  
8 PETITION SECTION, CIRCULATOR AFFIDAVIT, OR CIRCULATOR TO MEET THE  
9 REQUIREMENTS OF THIS SECTION OR SECTION 32-1-909.

10 (II) UPON RECEIVING A PROTEST OF A RECALL PETITION, THE  
11 DESIGNATED ELECTION OFFICIAL SHALL PROMPTLY MAIL A COPY OF THE  
12 PROTEST, TOGETHER WITH A NOTICE FIXING A TIME FOR HEARING THE  
13 PROTEST ON A DATE NOT LESS THAN FIVE NOR MORE THAN TEN BUSINESS  
14 DAYS AFTER SUCH NOTICE IS MAILED, TO THE DIRECTOR SOUGHT TO BE  
15 RECALLED, THE COMMITTEE AS DEFINED IN SECTION 32-1-909 (4)(a), AND  
16 THE BOARD OF DIRECTORS OF THE SPECIAL DISTRICT.

17 (III) IF THE GROUNDS OF A PROTEST INCLUDE THE FAILURE OF THE  
18 PETITION TO MEET THE SIGNATURE REQUIREMENTS OF SECTION 32-1-906  
19 (1) OR SUBSECTION (2)(b) OF THIS SECTION, THE DESIGNATED ELECTION  
20 OFFICIAL SHALL PROVIDE THE NOTICE OF THE HEARING TO THE COUNTY  
21 CLERK AND RECORDER AND THE COUNTY ASSESSOR OF EACH COUNTY, ANY  
22 PORTION OF THE LAND AREA OF WHICH IS LOCATED WITHIN THE  
23 TERRITORIAL BOUNDARIES OF THE SPECIAL DISTRICT. AT LEAST ONE  
24 BUSINESS DAY BEFORE THE HEARING, THE COUNTY CLERK AND RECORDER  
25 OF EACH SUCH COUNTY SHALL PROVIDE TO THE DESIGNATED ELECTION  
26 OFFICIAL A REGISTRATION LIST, AS DEFINED IN SECTION 1-13.5-103 (10),  
27 FOR THE SPECIAL DISTRICT. AT LEAST ONE BUSINESS DAY BEFORE THE

1 HEARING, THE COUNTY ASSESSOR OF EACH SUCH COUNTY SHALL PROVIDE  
2 TO THE DESIGNATED ELECTION OFFICIAL A PROPERTY OWNERS LIST, AS  
3 DEFINED IN SECTION 1-13.5-103 (9), FOR THE SPECIAL DISTRICT. THE  
4 SPECIAL DISTRICT SHALL PAY THE COSTS OF PRODUCING THE  
5 REGISTRATION LISTS AND PROPERTY OWNERS LISTS. THE DESIGNATED  
6 ELECTION OFFICIAL SHALL USE THE LISTS PREPARED IN ACCORDANCE WITH  
7 THIS SUBSECTION (3)(d)(III) IN DETERMINING WHETHER THE PETITION IS  
8 SUFFICIENT.

9 (IV) THE DESIGNATED ELECTION OFFICIAL SHALL SERVE AS THE  
10 HEARING OFFICER. ALL TESTIMONY IN THE HEARING MUST BE GIVEN  
11 UNDER OATH. THE HEARING OFFICER HAS THE POWER TO ISSUE SUBPOENAS  
12 AND COMPEL THE ATTENDANCE OF WITNESSES. THE HEARING MUST BE  
13 SUMMARY AND NOT SUBJECT TO DELAY AND MUST BE CONCLUDED WITHIN  
14 FORTY DAYS AFTER THE PETITION IS FILED. NO LATER THAN FIVE BUSINESS  
15 DAYS AFTER THE CONCLUSION OF THE HEARING, THE HEARING OFFICER  
16 SHALL ISSUE A WRITTEN DETERMINATION OF WHETHER THE PETITION IS  
17 SUFFICIENT OR NOT SUFFICIENT. IF THE HEARING OFFICER DETERMINES  
18 THAT A PETITION IS NOT SUFFICIENT, THE HEARING OFFICER SHALL  
19 IDENTIFY THOSE PORTIONS OF THE PETITION THAT ARE NOT SUFFICIENT  
20 AND THE REASONS FOR THE INSUFFICIENCY. THE DESIGNATED ELECTION  
21 OFFICIAL SHALL CERTIFY THE RESULT OF THE HEARING TO THE COMMITTEE  
22 AS DEFINED IN SECTION 32-1-909 (4)(a), THE DIRECTOR SOUGHT TO BE  
23 RECALLED, AND THE BOARD OF DIRECTORS OF THE SPECIAL DISTRICT.

24 (e) IF THE DESIGNATED ELECTION OFFICIAL DETERMINES THAT A  
25 PETITION IS NOT SUFFICIENT, A MAJORITY OF THE COMMITTEE AS DEFINED  
26 IN SECTION 32-1-909 (4)(a) MAY WITHDRAW THE PETITION AND AMEND IT  
27 AND REFILE IT, EXCEPT THAT A PETITION WITHDRAWN AND REFILED IN

1 ACCORDANCE WITH THIS SUBSECTION (3)(e) SHALL NOT BE WITHDRAWN  
2 AND REFILED AGAIN. THE COMMITTEE MAY AMEND THE PETITION BY  
3 ADDING ANY REQUIRED INFORMATION RELATING TO THE SIGNERS OR BY  
4 ATTACHING PROPER CIRCULATOR AFFIDAVITS. TO BE CONSIDERED, THE  
5 AMENDED PETITION MUST BE REFILED WITH THE DESIGNATED ELECTION  
6 OFFICIAL IN THE SAME MANNER AS THE ORIGINAL PETITION WITHIN FIFTEEN  
7 DAYS AFTER THE DESIGNATED ELECTION OFFICIAL ISSUES THE  
8 DETERMINATION THAT THE PETITION IS INSUFFICIENT. THE DESIGNATED  
9 ELECTION OFFICIAL SHALL ISSUE A WRITTEN DETERMINATION THAT AN  
10 AMENDED AND REFILED PETITION IS SUFFICIENT OR NOT SUFFICIENT WITHIN  
11 FIVE BUSINESS DAYS AFTER THE PETITION IS REFILED. AN ELIGIBLE  
12 ELECTOR MAY FILE A PROTEST OF AN AMENDED AND REFILED PETITION. A  
13 PROTEST OF AN AMENDED AND REFILED PETITION IS SUBJECT TO THE  
14 PROVISIONS OF SUBSECTION (3)(d) OF THIS SECTION, EXCEPT THAT THE  
15 PROTEST MUST BE FILED WITHIN FIVE BUSINESS DAYS OF THE DATE ON  
16 WHICH THE AMENDED PETITION WAS REFILED.

17 (f) A DETERMINATION THAT A RECALL PETITION IS SUFFICIENT OR  
18 NOT SUFFICIENT IS SUBJECT TO REVIEW BY THE COURT AS DEFINED IN  
19 SECTION 32-1-103 (2) UPON THE WRITTEN REQUEST OF THE DIRECTOR  
20 SOUGHT TO BE RECALLED, THE DIRECTOR'S REPRESENTATIVE, OR A  
21 MAJORITY OF THE COMMITTEE AS DEFINED IN SECTION 32-1-909 (4)(a),  
22 EXCEPT THAT THE STATEMENT OF THE GROUNDS ON WHICH THE RECALL IS  
23 SOUGHT PROVIDED PURSUANT TO SECTION 32-1-909 (4)(c) IS NOT SUBJECT  
24 TO SUCH REVIEW. A REQUEST FOR JUDICIAL REVIEW MUST BE FILED WITHIN  
25 FIVE BUSINESS DAYS AFTER THE DESIGNATED ELECTION OFFICIAL ISSUES  
26 THE DETERMINATION.

27 (4) (a) (I) WHEN A RECALL PETITION IS DETERMINED SUFFICIENT,

1 THE DESIGNATED ELECTION OFFICIAL SHALL SUBMIT THE PETITION,  
2 TOGETHER WITH A CERTIFICATE OF ITS SUFFICIENCY, TO THE BOARD OF  
3 DIRECTORS OF THE SPECIAL DISTRICT AT A REGULAR OR SPECIAL MEETING  
4 OF SUCH BOARD.

5 (II) IF NO REQUEST FOR JUDICIAL REVIEW IS FILED, THE BOARD  
6 SHALL HOLD THE REGULAR OR SPECIAL MEETING WITHIN THIRTY DAYS  
7 FOLLOWING THE EXPIRATION OF THE PERIOD WITHIN WHICH A PROTEST  
8 MAY BE FILED, OR WITHIN THIRTY DAYS OF THE DATE THE WRITTEN  
9 DETERMINATION OF SUFFICIENCY IS ISSUED, WHICHEVER IS LATER. IF A  
10 REQUEST FOR JUDICIAL REVIEW IS FILED, THE BOARD SHALL HOLD THE  
11 REGULAR OR SPECIAL MEETING WITHIN THIRTY DAYS FOLLOWING THE  
12 ISSUANCE OF A FINAL ORDER FINDING THE PETITION SUFFICIENT.

13 (III) AT THE MEETING, THE BOARD SHALL ORDER AND FIX A DATE  
14 FOR THE RECALL ELECTION TO BE HELD NOT LESS THAN SEVENTY-FIVE  
15 DAYS NOR MORE THAN NINETY DAYS FROM THE DATE OF THE MEETING.  
16 THE BOARD SHALL DETERMINE WHETHER VOTING IN THE RECALL ELECTION  
17 IS TO TAKE PLACE AT THE POLLING PLACE OR BY MAIL BALLOT.

18 (b) NOTWITHSTANDING SUBSECTION (4)(a)(III) OF THIS SECTION,  
19 IF A REGULAR SPECIAL DISTRICT ELECTION IS TO BE HELD WITHIN ONE  
20 HUNDRED EIGHTY DAYS AFTER THE DATE THE BOARD ORDERS THE RECALL  
21 ELECTION, THE RECALL ELECTION MUST BE HELD AS PART OF SUCH  
22 REGULAR SPECIAL DISTRICT ELECTION; EXCEPT THAT:

23 (I) IF THE DIRECTOR SOUGHT TO BE RECALLED IS SEEKING  
24 REELECTION AT THE REGULAR SPECIAL DISTRICT ELECTION, ONLY THE  
25 QUESTION OF SUCH DIRECTOR'S REELECTION APPEARS ON THE BALLOT.

26 (II) IF A SUCCESSOR TO THE DIRECTOR SOUGHT TO BE RECALLED IS  
27 TO BE SELECTED AT THE REGULAR SPECIAL DISTRICT ELECTION AND THE

1 DIRECTOR SOUGHT TO BE RECALLED IS NOT SEEKING REELECTION, ONLY  
2 THE QUESTION OF THE SELECTION OF THE SUCCESSOR TO THE DIRECTOR  
3 APPEARS ON THE BALLOT.

4 (5) A RECALL ELECTION SHALL BE CONDUCTED AND THE RESULT  
5 OF SUCH ELECTION DECLARED IN ACCORDANCE WITH ARTICLE 13.5 OF  
6 TITLE 1, UNLESS SUCH RECALL ELECTION IS CONDUCTED AS PART OF A  
7 COORDINATED ELECTION AS PROVIDED IN SUBSECTION (6) OF THIS  
8 SECTION.

9 (6) A RECALL ELECTION MAY BE CONDUCTED AS PART OF A  
10 COORDINATED ELECTION ONLY IF:

11 (a) THE CONTENT OF THE RECALL ELECTION BALLOT IS FINALLY  
12 DETERMINED BY THE DATE FOR CERTIFICATION OF THE BALLOT CONTENT  
13 FOR THE COORDINATED ELECTION UNDER SECTION 1-5-203 (3); AND

14 (b) THE COUNTY CLERK AND RECORDER AGREES TO CONDUCT THE  
15 RECALL ELECTION AS PART OF THE COORDINATED ELECTION.

16 (7) A PERSON COMMITS A MISDEMEANOR AND, UPON CONVICTION  
17 THEREOF, SHALL BE PUNISHED AS PROVIDED IN SECTION 1-13-111, IF SUCH  
18 PERSON WILLFULLY:

19 (a) DESTROYS, DEFACTS, MUTILATES, OR SUPPRESSES A RECALL  
20 PETITION OR PETITION SECTION;

21 (b) FAILS TO FILE OR DELAYS THE DELIVERY OF A RECALL PETITION  
22 OR PETITION SECTION;

23 (c) CONCEALS OR REMOVES A RECALL PETITION OR PETITION  
24 SECTION FROM THE POSSESSION OF A PERSON AUTHORIZED BY LAW TO  
25 HAVE THE CUSTODY THEREOF; OR

26 (d) AIDES, COUNSELS, PROCURES, OR ASSISTS ANOTHER PERSON IN  
27 DOING ANY OF SAID ACTS.

1           **32-1-911. Resignation - vacancy filled - election - ballot -**

2           **nomination.** (1) IF THE DIRECTOR SOUGHT TO BE RECALLED RESIGNS BY  
3           SUBMITTING A WRITTEN LETTER OF RESIGNATION TO THE DESIGNATED  
4           ELECTION OFFICIAL AT ANY TIME PRIOR TO THE RECALL ELECTION, ALL  
5           RECALL PROCEEDINGS MUST BE TERMINATED, AND THE VACANCY CAUSED  
6           BY SUCH RESIGNATION MUST BE FILLED AS PROVIDED BY SECTION 32-1-905  
7           (2)(a). IF THE DIRECTOR RESIGNS AFTER THE BALLOTS HAVE BEEN  
8           PREPARED OR AT A TIME WHEN IT WOULD OTHERWISE BE IMPRACTICABLE  
9           TO REMOVE THE RECALL QUESTION FROM THE BALLOT, VOTES CAST ON  
10          THE RECALL QUESTION SHALL NOT BE COUNTED. IF THERE ARE NO OTHER  
11          ISSUES TO BE VOTED ON AT SUCH ELECTION, THE RECALL ELECTION MUST  
12          BE CANCELED AND NOTICE PROVIDED AS SET FORTH IN SECTION 1-13.5-513  
13          (6).

14           (2) UNLESS THE DESIGNATED ELECTION OFFICIAL RECEIVES A  
15          RESIGNATION FROM THE DIRECTOR SOUGHT TO BE RECALLED IN  
16          ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION, THE DESIGNATED  
17          ELECTION OFFICIAL SHALL GIVE NOTICE OF THE ELECTION AND THE RECALL  
18          QUESTION SUBSTANTIALLY IN COMPLIANCE WITH SECTION 1-13.5-502 AT  
19          LEAST TWENTY DAYS BEFORE THE ELECTION.

20           (3) (a) THE OFFICIAL BALLOT FOR A RECALL ELECTION MUST  
21          INCLUDE THE STATEMENT OF THE GROUNDS ON WHICH THE RECALL IS  
22          SOUGHT, AS INCLUDED IN THE RECALL PETITION IN ACCORDANCE WITH  
23          SECTION 32-1-909 (4)(c). THE DIRECTOR SOUGHT TO BE RECALLED MAY  
24          SUBMIT TO THE DESIGNATED ELECTION OFFICIAL ON OR BEFORE THE DATE  
25          ON WHICH THE BALLOT CONTENT MUST BE CERTIFIED UNDER SECTION  
26          1-13.5-511 OR 1-5-203 (3), AS APPLICABLE, A STATEMENT OF NOT MORE  
27          THAN THREE HUNDRED WORDS IN SUPPORT OF THE DIRECTOR'S RETENTION.

1 THE DIRECTOR SHALL NOT INCLUDE ANY PROFANE OR FALSE STATEMENT  
2 IN THE STATEMENT IN SUPPORT OF HIS OR HER RETENTION. THE OFFICIAL  
3 BALLOT MUST INCLUDE THE DIRECTOR'S STATEMENT IF THE STATEMENT IS  
4 SUBMITTED ON OR BEFORE THE DATE OF THE CERTIFICATION OF THE  
5 BALLOT.

6 (b) THE OFFICIAL BALLOT MUST INCLUDE, FOR EVERY DIRECTOR  
7 WHOSE RECALL IS TO BE VOTED ON, THE WORDS: "SHALL (NAME OF  
8 DIRECTOR SOUGHT TO BE RECALLED) BE RECALLED FROM THE OFFICE OF  
9 DIRECTOR OF (NAME OF SPECIAL DISTRICT)?" FOLLOWING OR TO THE  
10 RIGHT OF THE QUESTION MUST BE THE WORDS "YES" AND "NO" WITH A  
11 BLANK SPACE OR BOX TO THE RIGHT OF EACH IN WHICH THE ELIGIBLE  
12 ELECTOR MAY INDICATE HIS OR HER VOTE FOR OR AGAINST SUCH RECALL.

13 (c) FOLLOWING EACH RECALL QUESTION AS DESCRIBED IN  
14 SUBSECTION (3)(b) OF THIS SECTION, THE OFFICIAL BALLOT MUST INCLUDE  
15 THE NAMES OF THOSE PERSONS WHO HAVE BEEN NOMINATED AS  
16 CANDIDATES IN ACCORDANCE WITH SUBSECTION (4) OF THIS SECTION TO  
17 SUCCEED THE DIRECTOR SOUGHT TO BE RECALLED. THE NAME OF THE  
18 DIRECTOR SOUGHT TO BE RECALLED MUST NOT APPEAR ON THE BALLOT AS  
19 A CANDIDATE FOR THE OFFICE. THE POSITION OF CANDIDATE NAMES ON  
20 THE BALLOT SHALL BE DETERMINED BY LOT IN ACCORDANCE WITH  
21 SECTION 1-13.5-902 (2).

22 (4) CANDIDATES TO SUCCEED THE DIRECTOR SOUGHT TO BE  
23 RECALLED AT A RECALL ELECTION MUST BE NOMINATED IN ACCORDANCE  
24 WITH SECTION 1-13.5-303 OR SECTION 1-13.5-305. SELF NOMINATIONS  
25 MUST BE FILED NO LATER THAN SIXTY-FOUR DAYS PRIOR TO THE RECALL  
26 ELECTION. AFFIDAVITS OF INTENT TO BE A WRITE-IN CANDIDATE MUST BE  
27 FILED NO LATER THAN SIXTY-ONE DAYS PRIOR TO THE RECALL ELECTION.



1 THE DESIGNATED ELECTION OFFICIAL MAY PROVIDE A CALL FOR  
2 NOMINATIONS IN ACCORDANCE WITH SECTION 1-1.5-501 (1).

3 (5) THE DESIGNATED ELECTION OFFICIAL SHALL MAKE ABSENTEE  
4 BALLOTS AVAILABLE NO LATER THAN THREE BUSINESS DAYS AFTER THE  
5 BOARD FIXES THE DATE FOR THE RECALL ELECTION. AN APPLICATION FOR  
6 AN ABSENTEE BALLOT MUST BE FILED WITH THE DESIGNATED ELECTION  
7 OFFICIAL NO LATER THAN THE TUESDAY IMMEDIATELY PRECEDING THE  
8 RECALL ELECTION.

9 (6) IF A MAJORITY OF THOSE VOTING ON THE QUESTION OF THE  
10 RECALL OF A DIRECTOR VOTE "NO", THE DIRECTOR SHALL CONTINUE IN  
11 OFFICE. IF A MAJORITY VOTE "YES", THE DIRECTOR SHALL BE REMOVED  
12 FROM OFFICE UPON COMPLIANCE WITH SECTION 32-1-901 BY HIS OR HER  
13 SUCCESSOR.

14 (7) IF THE VOTE IN A RECALL ELECTION RECALLS THE INCUMBENT  
15 DIRECTOR, THE CANDIDATE WHO HAS RECEIVED THE HIGHEST NUMBER OF  
16 VOTES FOR THE VACATED OFFICE SHALL BE DECLARED ELECTED TO SERVE  
17 THE REMAINDER OF THE TERM OF OFFICE. THE CANVASSING BOARD OR THE  
18 DESIGNATED ELECTION OFFICIAL SHALL PROMPTLY ISSUE A CERTIFICATE  
19 OF ELECTION TO THE DIRECTOR-ELECT. IF THE PERSON WHO RECEIVED THE  
20 HIGHEST NUMBER OF VOTES FAILS TO COMPLY WITH SECTION 32-1-901  
21 WITHIN THIRTY DAYS AFTER THE ISSUANCE OF A CERTIFICATE OF  
22 ELECTION, OR IN THE EVENT NO PERSON SOUGHT ELECTION, THE OFFICE IS  
23 DEEMED VACANT AND MUST BE FILLED IN ACCORDANCE WITH SECTION  
24 32-1-905 (2)(a).

25 (8) MANDATORY OR OPTIONAL RECOUNTS OF BALLOTS IN A  
26 RECALL ELECTION MUST BE CONDUCTED IN ACCORDANCE WITH SECTION  
27 1-13.5-1306.

1                   **32-1-912. Incumbent not recalled - reimbursement - definition.**

2           (1) IF AT ANY RECALL ELECTION THE DIRECTOR WHOSE RECALL IS SOUGHT  
3           IS NOT RECALLED, OR IF THE HEARING OFFICER DETERMINES THAT A  
4           RECALL PETITION IS NOT SUFFICIENT AFTER A PROTEST, THE SPECIAL  
5           DISTRICT MAY REIMBURSE THE DIRECTOR SOUGHT TO BE RECALLED FOR  
6           HIS OR HER ACTUAL REASONABLE EXPENSES.

7                   (2) A DIRECTOR SOUGHT TO BE RECALLED WHO REQUESTS  
8           REIMBURSEMENT SHALL FILE A WRITTEN REQUEST FOR REIMBURSEMENT  
9           WITH THE BOARD OF THE SPECIAL DISTRICT. THE REQUEST MUST INCLUDE  
10          THE DATE, AMOUNT, PROOF OF PAYMENT, AND PURPOSE FOR EACH  
11          EXPENSE FOR WHICH THE DIRECTOR IS REQUESTING REIMBURSEMENT. THE  
12          BOARD SHALL REVIEW THE REQUEST AND DETERMINE WHETHER THE  
13          EXPENSES ARE REASONABLE EXPENSES UNDER SUBSECTION (3) OF THIS  
14          SECTION AND WHETHER TO REIMBURSE SUCH EXPENSES. IF THE SPECIAL  
15          DISTRICT DETERMINES TO REIMBURSE THE SUBMITTED EXPENSES, THE  
16          SPECIAL DISTRICT SHALL ISSUE PAYMENT WITHIN FORTY-FIVE DAYS OF THE  
17          RECEIPT OF THE REQUEST.

18                   (3) (a) FOR PURPOSES OF THIS SECTION, "REASONABLE EXPENSES"  
19          INCLUDE, BUT ARE NOT LIMITED TO, MONEY SPENT CHALLENGING THE  
20          SUFFICIENCY OF THE RECALL PETITION AND IN PRESENTING TO THE  
21          ELIGIBLE ELECTORS THE OFFICIAL POSITION OF THE DIRECTOR SOUGHT TO  
22          BE RECALLED, INCLUDING CAMPAIGN LITERATURE.

23                   (b) "REASONABLE EXPENSES" DO NOT INCLUDE:

24                   (I) MONEY SPENT ON CHALLENGES AND COURT ACTIONS THAT ARE  
25          FRIVOLOUS OR ARE NOT RELATED TO THE SUFFICIENCY OF THE RECALL  
26          PETITION;

27                   (II) PERSONAL EXPENSES FOR MEALS, LODGING, AND TRAVEL

1 COSTS FOR THE DIRECTOR SOUGHT TO BE RECALLED;  
2 (III) THE COSTS OF MAINTAINING A CAMPAIGN STAFF;  
3 (IV) REIMBURSEMENT FOR EXPENSES INCURRED BY A CAMPAIGN  
4 COMMITTEE THAT HAS SOLICITED CONTRIBUTIONS;  
5 (V) REIMBURSEMENT OF ANY KIND FOR EMPLOYEES IN THE  
6 DIRECTOR'S OFFICE; AND  
7 (VI) ALL EXPENSES INCURRED PRIOR TO THE FILING OF THE RECALL  
8 PETITION.

9 **32-1-913. Second recall petition.** AFTER ONE RECALL PETITION  
10 AN ELECTION, NO FURTHER PETITION SHALL BE FILED AGAINST THE SAME  
11 DIRECTOR DURING THE TERM FOR WHICH THE DIRECTOR WAS ELECTED  
12 UNLESS SUCH A PETITION IS SIGNED BY MORE THAN FIFTY PERCENT OF THE  
13 ELIGIBLE ELECTORS OF THE DISTRICT.

14 **32-1-914. Powers of designated election official and county**  
15 **clerk and recorder.** (1) THE DESIGNATED ELECTION OFFICIAL SHALL  
16 RENDER ALL INTERPRETATIONS AND SHALL MAKE ALL INITIAL DECISIONS  
17 AS TO CONTROVERSIES OR OTHER MATTERS ARISING OUT OF THE  
18 OPERATION OF A RECALL ELECTION.

19 (2) ALL POWERS AND AUTHORITY GRANTED TO THE DESIGNATED  
20 ELECTION OFFICIAL BY THIS ARTICLE 1 MAY BE EXERCISED BY THE COUNTY  
21 CLERK AND RECORDER IN THE ABSENCE OF THE DESIGNATED ELECTION  
22 OFFICIAL OR IN THE EVENT THE DESIGNATED ELECTION OFFICIAL FOR ANY  
23 REASON IS UNABLE TO PERFORM THE DUTIES OF THE DESIGNATED  
24 ELECTION OFFICIAL.

25 **32-1-915. Costs of recall.** THE SPECIAL DISTRICT SHALL  
26 PROMPTLY PAY THE COSTS OF THE RECALL ELECTION, INCLUDING THE  
27 REASONABLE COSTS OF THE COUNTY CLERK AND RECORDER AND

1 DESIGNATED ELECTION OFFICIAL, INCLUDING BUT NOT LIMITED TO THE  
2 COSTS OF STAFF TIME, CONSULTANTS, PRINTING, AND PUBLICATION.

3 **SECTION 4.** In Colorado Revised Statutes, 1-13.5-106, **amend**  
4 (2) as follows:

5 **1-13.5-106. Applicability of the "Uniform Election Code of**  
6 **1992".** (2) All provisions of the "Uniform Election Code of 1992" not in  
7 conflict with this ~~article~~ ARTICLE 13.5 apply to local government  
8 elections; except that:

9 (a) Elections offenses and penalties described by parts 2 and 3 of  
10 article 13 of this ~~title~~ TITLE 1 do not apply to elections authorized under  
11 this ~~article~~, and ARTICLE 13.5;

12 (b) EXCEPT AS PROVIDED IN SUBSECTION (2)(c) OF THIS SECTION,  
13 recall elections of local government officers must be conducted pursuant  
14 to part 5 of article 4 of title 31; ~~C.R.S.~~ AND

15 (c) RECALL ELECTIONS OF DIRECTORS OF SPECIAL DISTRICTS  
16 CREATED PURSUANT TO TITLE 32 AND DIRECTORS OF BUSINESS  
17 IMPROVEMENT DISTRICTS WHO WERE ELECTED PURSUANT TO SECTION  
18 31-25-1209 (1)(d) MUST BE CONDUCTED PURSUANT TO PART 9 OF ARTICLE  
19 1 OF TITLE 32.

20 **SECTION 5. Applicability.** This act applies to petitions and  
21 elections to recall a director of a special district initiated and conducted  
22 on or after the effective date of this act.

23 **SECTION 6. Safety clause.** The general assembly hereby finds,  
24 determines, and declares that this act is necessary for the immediate  
25 preservation of the public peace, health, and safety.