

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

INTRODUCED

LLS NO. 21-0741.01 Sarah Lozano x3858

SENATE BILL 21-160

SENATE SPONSORSHIP

Gardner,

HOUSE SPONSORSHIP

Snyder,

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING CERTAIN ADMINISTRATIVE CLARIFICATIONS TO LOCAL**
102 **GOVERNMENT ELECTION CODES.**

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 makes the following changes to the local government and special district election codes:

- Revises statutory citations to clarify that the Colorado local government election code is the portion of the election code applicable to special district elections;
- Provides additional statutory citations to specify all

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.

- instances in which a county assessor provides a list of property owners for an election;
- Clarifies that, when computing time for any designated period of days for a local government election, the first day from which the period of days runs is excluded and the last day from which the period of days runs is included;
 - Specifies that the candidate self-nomination form for special district elections must contain the county where the special district is located;
 - Clarifies that a candidate's and witness's respective addresses and telephone numbers and a candidate's current e-mail address need to be provided but do not need to be printed by the candidate and witness on the self-nomination form for special district elections;
 - Specifies that an eligible elector of a local government who is a covered voter must reside within the boundaries of the local government to receive a mail ballot;
 - Clarifies that local government ballots may be automatically sent to eligible electors who are qualified under contracts to purchase taxable property; and
 - Eliminates provisions governing a self-affirming oath or affirmation of an elector in the statutes governing special districts that are covered by similar provisions in the election code.

The board of directors of a special district currently consists of 5 or 7 directors elected at large. The bill provides a process for dividing a special district into separate director districts and for members to be elected from each director district at large or by the electors within each director district.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-5-304, **amend** (1)
 3 as follows:

4 **1-5-304. Lists of property owners.** (1) For elections where
 5 owning property in the political subdivision is a requirement for voting
 6 in the election, no later than the fortieth day preceding the date of the
 7 election, the designated election official, in addition to using the affidavit
 8 prescribed in ~~section 32-1-806, C.R.S.~~, SECTION 1-13.5-605 (2)(a), shall

1 order the list of property owners from the county assessor. Except as
2 otherwise required under subsection (2) of this section, the county
3 assessor shall certify and deliver an initial list of all recorded owners of
4 taxable real and personal property within the political subdivision no later
5 than thirty days before the election. The supplemental list for the political
6 subdivision shall be provided no later than twenty days before the election
7 and shall contain the names and addresses of all recorded owners who
8 have become owners no later than thirty days prior to the election and
9 after the initial list of property owners was provided. The cost for the lists
10 shall be assessed by the county assessors and paid by the political
11 subdivision holding the election. The fee for furnishing the lists shall be
12 no less than twenty-five dollars for both lists nor more than one cent for
13 each name contained on the lists, whichever is greater.

14 **SECTION 2.** In Colorado Revised Statutes, 1-13.5-103, **amend**
15 the introductory portion and (9) as follows:

16 **1-13.5-103. Definitions.** As used in this ~~article~~ ARTICLE 13.5,
17 unless the context otherwise requires:

18 (9) "Property owners list" means the list of property owner names
19 and addresses prepared by the county assessor in accordance with section
20 1-13.5-204 OR 1-13.5-1105 (2)(a) AND (2)(b).

21 **SECTION 3.** In Colorado Revised Statutes, 1-13.5-107, **amend**
22 (2) as follows:

23 **1-13.5-107. Computation of time.** (2) In computing time for any
24 act OR EVENT to be done before any local government election, the first
25 day is ~~included~~ EXCLUDED, and the last, or election, day is ~~excluded~~
26 INCLUDED. Saturdays, Sundays, and legal holidays are included, but, if the
27 time for any act to be done or the last day of any period is a Saturday,

1 Sunday, or a legal holiday, the period is extended to include the next day
2 that is not a Saturday, Sunday, or legal holiday.

3 **SECTION 4.** In Colorado Revised Statutes, 1-13.5-303, **amend**
4 (3) as follows:

5 **1-13.5-303. Candidates for special district or business**
6 **improvement district director - self-nomination and acceptance form.**

7 (3) The self-nomination and acceptance form or letter must contain the
8 name of the special district in which the election will be held, THE
9 COUNTY OR COUNTIES WHERE THE SPECIAL DISTRICT IS LOCATED, the
10 special district director office sought by the candidate, the term of office
11 sought if more than one length of a director's term is to be voted upon at
12 the election, the date of the election, the full name of the candidate as it
13 is to appear on the ballot, and whether the candidate is a member of an
14 executive board of a unit owners' association, as defined in section
15 38-33.3-103, ~~C.R.S.~~, located within the boundaries of the special district
16 for which the candidate is running for office. THE CANDIDATE AND
17 WITNESS MUST PROVIDE THEIR RESPECTIVE RESIDENCE ADDRESSES,
18 INCLUDING THE STREET NUMBER AND NAME, CITY OR TOWN, AND COUNTY,
19 AND TELEPHONE NUMBERS, AND THE CANDIDATE MUST PROVIDE A
20 CURRENT E-MAIL ADDRESS. Unless physically unable, all candidates and
21 witnesses shall sign their own signature and shall print their names ~~their~~
22 ~~respective residence addresses, including the street number and name, the~~
23 ~~city or town, the county, telephone number,~~ and INCLUDE the date of
24 signature on the self-nomination and acceptance form or letter.

25 **SECTION 5.** In Colorado Revised Statutes, **amend** 1-13.5-618
26 as follows:

27 **1-13.5-618. Covered voters to receive mail ballots.**

1 Notwithstanding any provision of this ~~article~~ ARTICLE 13.5 to the
2 contrary, the designated election official of a local government shall mail
3 a ballot to every eligible elector of the local government WHO RESIDES
4 WITHIN THE BOUNDARIES OF THE LOCAL GOVERNMENT AND who is a
5 covered voter, as that term is defined in section 1-8.3-102, for any
6 election conducted under this ~~article~~ ARTICLE 13.5.

7 **SECTION 6.** In Colorado Revised Statutes, 1-13.5-1105, **amend**
8 (4)(a) as follows:

9 **1-13.5-1105. Procedures for conducting independent mail**
10 **ballot election.** (4) (a) Not sooner than twenty-two days before an
11 election, and no later than fifteen days before an election, the designated
12 election official shall mail to each active registered elector AND ANY
13 ELECTORS WHO ARE AUTHORIZED TO VOTE PURSUANT TO SECTION
14 1-13.5-202 OR OTHER APPLICABLE LAW, at the last mailing address
15 appearing in the registration records and in accordance with United States
16 postal service regulations, a mail ballot packet marked "Do not forward.
17 Address correction requested.", or any other similar statement that is in
18 accordance with United States postal service regulations.

19 **SECTION 7.** In Colorado Revised Statutes, 32-1-103, **amend**
20 (14.5) as follows:

21 **32-1-103. Definitions.** As used in this article 1, unless the context
22 otherwise requires:

23 (14.5) "Property owners' list" means the list furnished by the
24 county assessor in accordance with ~~section 1-5-304, C.R.S.~~ SECTION
25 1-5-304, 1-13.5-204, OR 1-13.5-1105 (2)(a) AND (2)(b) showing each
26 property owner within the district, as shown on a deed or contract of
27 record.

1 **SECTION 8.** In Colorado Revised Statutes, 32-1-104, **amend** (1)
2 as follows:

3 **32-1-104. Establishment of a special districts file.** (1) The
4 division shall promptly establish and maintain on a current basis, as a
5 public record, a file listing by name all special districts, listing the names
6 and addresses of all the members of the boards of the special districts, and
7 recording all changes in the names or boundaries of the special districts.
8 The file shall also list the names of the officers of each special district and
9 a business address, a telephone number, and the name of a contact person
10 for each district. Annually, the division shall compile and maintain a
11 current and revised list of special districts for public inspection. Each
12 special district shall register its business address, its telephone number,
13 and the name of a contact person with the division when certifying the
14 results of a district election pursuant to section 1-11-103 ~~C.R.S.~~ OR
15 1-13.5-1305 (1).

16 **SECTION 9.** In Colorado Revised Statutes, 32-1-305, **amend** (4)
17 and (6) as follows:

18 **32-1-305. Court hearing - election - declaration of**
19 **organization.** (4) Except as otherwise provided in section 32-1-304.5,
20 upon the hearing, if it appears that a petition for the organization of a
21 special district has been signed and presented in conformity with this part
22 3 and that the allegations of the petition are true, the court, by order duly
23 entered of record, shall direct that the question of the organization of the
24 special district be submitted at an election to be held for that purpose in
25 accordance with ~~articles 1 to~~ ARTICLE 13.5 of title 1. ~~C.R.S.~~

26 (6) If a majority of the votes cast at said election are in favor of
27 the organization and the court determines the election was held in

1 accordance with ~~articles 1 to~~ ARTICLE 13.5 of title 1, ~~C.R.S.~~, the court
2 shall declare the special district organized and give the special district the
3 corporate name designated in the petition, by which it shall thereafter be
4 known in all proceedings, and designate the first board elected.
5 Thereupon the special district shall be a quasi-municipal corporation and
6 a political subdivision of the state of Colorado with all the powers
7 thereof.

8 **SECTION 10.** In Colorado Revised Statutes, 32-1-401, **amend**
9 (2)(d) and (2)(e) as follows:

10 **32-1-401. Inclusion of territory - procedure.** (2) (d) If the
11 petition is granted or the resolution finally adopted, the board shall make
12 an order to that effect and file the same with the clerk of the court. A
13 municipality or county which has filed a written objection to the inclusion
14 and which can provide adequate service to the real property described in
15 the petition within a reasonable time and on a comparable basis may bring
16 an action in the court, commenced within thirty days after entry of the
17 order of the board, to determine whether the action of the board granting
18 the inclusion was arbitrary, capricious, or unreasonable. The court shall
19 direct that the question of inclusion of the area within the special district
20 be submitted to the eligible electors of the area to be included and shall
21 order the secretary to give published notice, as provided in part 2 of
22 article 5 and article 13.5 of title 1, ~~C.R.S.~~, of the time and place of the
23 election and of the question to be submitted, together with a summary of
24 any conditions attached to the proposed inclusion. The election shall be
25 held within the area sought to be included and shall be held and
26 conducted, and the results thereof determined, in the manner provided in
27 ~~articles 1 to~~ ARTICLE 13.5 of title 1. ~~C.R.S.~~ The ballot shall be prepared

1 by the designated election official and shall contain the following words:

2 "Shall the following described area become a part of the
3 district upon the following conditions, if any?

4 (Insert description of area)

5 (Insert accurate summary of conditions)

6 For inclusion

7 Against inclusion"

8 (e) If a majority of the votes cast at the election are in favor of
9 inclusion and the court determines the election was held in accordance
10 with ~~articles 1 to~~ ARTICLE 13.5 of title 1, ~~C.R.S.~~, the court shall enter an
11 order including any conditions so prescribed and making the area a part
12 of the special district. The validity of the inclusion may not be questioned
13 directly or indirectly in any suit, action, or proceeding, except as provided
14 in article 11 of title 1. ~~C.R.S.~~

15 **SECTION 11.** In Colorado Revised Statutes, 32-1-501, **amend**
16 (4)(c)(I) and (4)(c)(II) as follows:

17 **32-1-501. Exclusion of property by fee owners or board -**
18 **procedure.** (4) (c) (I) If the property to be excluded from the special
19 district will be served by a fire protection district or county fire
20 improvement district that has previously agreed to include the property as
21 provided in subsection (1.5) of this section and that has a higher mill levy
22 than the special district and after the certified copy of the order of the
23 board excluding the property from the district is filed with the clerk of the
24 court, the court shall direct the question of excluding the area from the
25 special district and including it in the fire protection district or county fire
26 improvement district with a higher mill levy to the eligible electors of the
27 area sought to be excluded. The court shall order the secretary to give

1 published notice, as provided in part 2 of article 5 and article 13.5 of title
2 1, ~~C.R.S.~~, of the time and place of the election and of the question to be
3 submitted, together with a summary of any conditions attached to the
4 proposed exclusion. The election shall be held within the area sought to
5 be excluded and shall be held and conducted, and the results thereof
6 determined, in the manner provided in ~~articles 1 to~~ ARTICLE 13.5 of title
7 1. ~~C.R.S.~~ The ballot shall be prepared by the designated election official
8 and shall contain the following words:

9 "Shall the following described area be excluded from the
10 _____ district, which has a current mill levy of _____,
11 and become a part of the _____ district, which has a current
12 mill levy of _____, and upon the following conditions, if any?

13 (Insert general description of area)

14 (Insert accurate summary of conditions)

15 For exclusion from _____ district and inclusion
16 in _____ district _____
17 Against exclusion from _____ district _____"

18 (II) If a majority of the votes cast at the election pursuant to
19 ~~subparagraph (f) of this paragraph (c)~~ SUBSECTION (4)(c)(I) OF THIS
20 SECTION are in favor of exclusion to become a part of another district and
21 the court determines the election was held in accordance with ~~articles 1~~
22 ~~to~~ ARTICLE 13.5 of title 1, ~~C.R.S.~~, the court shall enter an order with any
23 conditions so prescribed excluding the area from the special district and
24 including it in the fire protection district or county fire improvement
25 district with a higher mill levy. The validity of the exclusion to become
26 a part of another district may not be questioned directly or indirectly in
27 any suit, action, or proceeding, except as provided in article 11 of title 1.

1 ~~C.R.S.~~

2 **SECTION 12.** In Colorado Revised Statutes, 32-1-502, **amend**
3 (5)(a) as follows:

4 **32-1-502. Exclusion of property within municipality -**
5 **procedure.** (5) (a) After the filing of a petition for exclusion under
6 subsection (1) of this section, ten percent or one hundred of the eligible
7 electors of the special district territory proposed for exclusion, whichever
8 number is less, may petition the court for a special election to be held
9 within the special district territory proposed for exclusion on the question
10 of exclusion of the territory described in the petition for exclusion. If a
11 petition for a special election is filed with the court and complies with this
12 subsection (5), the court shall order a special election to be held only after
13 it finds the conditions of ~~paragraphs (a), (c), and (d) of subsection (2)~~
14 ~~SUBSECTIONS (2)(a), (2)(c), AND (2)(d)~~ and, if applicable, of subsection (3)
15 or (4) of this section are met. The election shall be held and conducted,
16 and the results thereof determined, in the manner provided in ~~articles 1 to~~
17 ~~ARTICLE 13.5 of title 1. C.R.S.~~ The special district shall bear the costs of
18 the election.

19 **SECTION 13.** In Colorado Revised Statutes, 32-1-602, **amend**
20 (2)(e) as follows:

21 **32-1-602. Procedure for consolidation.** (2) Consolidation may
22 be accomplished in the following manner:

23 (e) At the hearing, if the court finds that the consolidation
24 resolution and the concurring resolutions have been properly filed and
25 that the board of each special district desiring to be consolidated or
26 desiring to have specified services consolidated has proceeded in
27 accordance with this part 6, the court shall enter an order ex parte setting

1 an election within each of the consolidating special districts for the
2 approval of the consolidated district by the eligible electors affected by
3 the consolidation at the next regular special district or special election,
4 which shall be held and conducted pursuant to ~~articles 1 to~~ ARTICLE 13.5
5 of title 1. ~~C.R.S.~~ The order shall require publication of notice as required
6 by section 1-13.5-510, ~~C.R.S.~~, specifying the name of the consolidated
7 district; the names of the special districts to be consolidated or the name
8 of the district into which specific services are to be consolidated and the
9 names of the special districts presently empowered to provide the
10 services; a summary of any special conditions that may attach to the
11 consolidated district, including any preconsolidation agreements and the
12 provisions included therein regarding the assumption of debt and the
13 approval of any financial obligation, including accrued unfunded pension
14 liability, as debt to remain payable by the taxpayers of the consolidating
15 special district which incurred the obligation or maintained the pension
16 plan to which the accrued unfunded liability attaches; if the consolidated
17 district may be granted the powers of a metropolitan district, the effect of
18 the change and the services a metropolitan district may provide, including
19 any change in maximum mill levies set forth in section 32-1-1101 (1), or,
20 if the mill levy is unlimited, the fact that there is no mill levy limit
21 established by statute; and the area to be included within the consolidated
22 district, which shall be all of the area originally contained within the
23 organization order for each individual special district, together with all
24 areas contained in any inclusions, the consolidated area not to include any
25 area excluded by any special district being so consolidated or by the court
26 pursuant to ~~paragraph (d) of this subsection (2)~~ SUBSECTION (2)(d) OF
27 THIS SECTION. If two or more districts are to be consolidated and if the

1 consolidated district is to assume metropolitan district powers, the court
2 shall order that the eligible electors vote separately on the question of
3 consolidation and the question of granting the consolidated district the
4 powers of a metropolitan district. If the eligible electors approve
5 consolidation but reject the granting of metropolitan district powers, the
6 consolidated district shall have only those powers granted single-purpose
7 districts providing the same services. If all or part of the outstanding
8 bonded indebtedness of all of the consolidating special districts is to be
9 assumed by the consolidated district, the court shall also order that the
10 eligible electors vote separately on the question of consolidation and the
11 question of assuming the indebtedness at the consolidation election. If the
12 eligible electors approve consolidation but reject the assumption of
13 indebtedness by the consolidated district, the outstanding bonded
14 indebtedness shall remain the obligation of the special district which
15 incurred the bonded indebtedness and shall be paid and discharged by the
16 taxpayers having taxable property within the boundaries of the indebted
17 special district. If a preconsolidation agreement provides that the
18 consolidation shall be contingent upon assumption of debt by the
19 consolidated district, then the consolidation shall not be approved unless
20 the assumption of indebtedness is approved by the eligible electors. If any
21 financial obligation of one or more of the consolidating districts is to be
22 submitted to the electors for approval as debt, the court shall also order
23 that the electors vote separately on the question of consolidation and the
24 question of approval of each financial obligation as debt, which issue
25 shall be presented to the electors in accordance with ~~the provisions of~~
26 section 32-1-606.5. If the electors approve consolidation but do not
27 approve the treatment of one or more financial obligations as debt, the

1 financial obligations not so approved shall be assumed by the
2 consolidated district in the same manner as other obligations of
3 consolidating districts are assumed, unless a preconsolidation agreement
4 providing that the consolidation shall be contingent upon the approval
5 regarding treatment of the financial obligation as debt, in which case the
6 consolidation shall not be approved. The area of the consolidated district
7 after the election shall be the total area of the special districts
8 consolidated existing as of the date of the court order. No appeal shall lie
9 from any orders of the court.

10 **SECTION 14.** In Colorado Revised Statutes, **amend** 32-1-706 as
11 follows:

12 **32-1-706. Conduct of election.** It is the duty of the secretary to
13 administer the election, subject to court supervision. The election shall be
14 conducted pursuant to ~~articles 1 to~~ ARTICLE 13.5 of title 1. ~~C.R.S.~~

15 **SECTION 15.** In Colorado Revised Statutes, 32-1-806, **repeal**
16 (2), (3), and (4) as follows:

17 **32-1-806. Persons entitled to vote at special district elections.**

18 ~~(2) Any person desiring to vote at any election as an eligible elector~~
19 ~~pursuant to section 32-1-103 (5)(a)(H) shall sign a self-affirmation that~~
20 ~~the person is an elector of the special district. The self-affirming oath or~~
21 ~~affirmation must be on a form that contains in substance the following:~~

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

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

26 A resident of the district or area to be included in the district; or

27 The owner of taxable real or personal property situated within the

1 boundaries of the special district or area to be included within the special
2 district; or

3 ~~_____ A person who is obligated to pay taxes under a contract to~~
4 ~~purchase taxable property in the special district or the area to be included~~
5 ~~within the special district; or~~

6 ~~_____ The spouse or civil union partner of (name of spouse or civil~~
7 ~~union partner) who is the owner of taxable real or personal property~~
8 ~~situated within the boundaries of the special district or area to be included~~
9 ~~within the special district.~~

10 I have not voted previously at this election.

11 Date _____

12 Signature of elector _____."

13 (3) ~~For electors who vote at any election by mail ballot, the~~
14 ~~affidavit on the envelope of the ballot as required by title 1, C.R.S., may~~
15 ~~be substituted for the self-affirming oath or affirmation required by~~
16 ~~subsection (2) of this section.~~

17 (4) ~~A person who completes the self-affirming oath or affirmation~~
18 ~~required by subsection (2) of this section shall be permitted to vote, unless~~
19 ~~such person's right to vote is challenged.~~

20 **SECTION 16.** In Colorado Revised Statutes, **add** 32-1-902.7 as
21 follows:

22 **32-1-902.7. Director districts.** (1) THE BOARD MAY ADOPT A
23 RESOLUTION TO DIVIDE THE DISTRICT INTO DIRECTOR DISTRICTS. A
24 DISTRICT WITH A FIVE-MEMBER BOARD MAY BE DIVIDED INTO FIVE
25 DIRECTOR DISTRICTS AND A DISTRICT WITH A SEVEN-MEMBER BOARD MAY
26 BE DIVIDED INTO SEVEN DIRECTOR DISTRICTS. EACH DIRECTOR DISTRICT
27 MUST HAVE, AS NEARLY AS POSSIBLE, THE SAME NUMBER OF ELIGIBLE

1 DIRECTORS AND SHALL BE AS CONTIGUOUS AND COMPACT AS POSSIBLE. IN
2 MAKING THE DIVISION, THE BOARD SHALL CONSIDER EXISTING OR
3 POTENTIAL DEVELOPMENTS WITHIN THE PROPOSED DIRECTOR DISTRICTS
4 THAT, WHEN COMPLETED, WOULD, IN THE REASONABLY NEAR FUTURE,
5 INCREASE OR DECREASE THE NUMBER OF ELIGIBLE DIRECTORS WITHIN THE
6 DIRECTOR DISTRICT. THE BOARD SHALL THEN SELECT FROM ITS MEMBERS
7 A REPRESENTATIVE OF EACH DIRECTOR DISTRICT, AND IF POSSIBLE, THE
8 REPRESENTATIVE SHALL BE AN ELIGIBLE ELECTOR FROM WITHIN A
9 BOUNDARY OF THE DIRECTOR DISTRICT THEY ARE SELECTED TO
10 REPRESENT. THEREAFTER, DIRECTORS MUST BE ELIGIBLE ELECTORS OF THE
11 DIRECTOR DISTRICT THAT THEY REPRESENT. IF, AFTER A REASONABLE
12 TIME, THE BOARD DETERMINES THAT IT IS IN THE BEST INTEREST OF THE
13 DISTRICT TO REVERT TO A SINGLE DISTRICT FORMAT, THE BOARD MAY
14 ELIMINATE THE DIRECTOR DISTRICTS AND THEREAFTER OPERATE AS A
15 SINGLE DISTRICT BY ADOPTING A RESOLUTION.

16 (2) IF A BOARD DIVIDES A DISTRICT INTO DIRECTOR DISTRICTS
17 PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE BOARD SHALL ALSO
18 DESIGNATE WHETHER THE DIRECTORS REPRESENTING THE DIRECTOR
19 DISTRICTS MUST BE ELECTED AT LARGE, OR BY THE ELIGIBLE ELECTORS
20 WITHIN EACH DIRECTOR DISTRICT. IF, AFTER A REASONABLE TIME, THE
21 BOARD DETERMINES THAT IT IS IN THE BEST INTEREST OF THE DISTRICT,
22 THE BOARD MAY REVERSE THIS DESIGNATION BY ADOPTING A RESOLUTION.

23 **SECTION 17.** In Colorado Revised Statutes, 32-1-905, **amend**
24 (2.5) as follows:

25 **32-1-905. Vacancies.** (2.5) If there are no duly elected directors
26 and if the failure to appoint a new board will result in the interruption of
27 services that are being provided by the district, then the board of county

1 commissioners of the county or counties which approved the
2 organizational petition may appoint all directors from the pool of duly
3 qualified, willing candidates. The board appointed pursuant to this
4 subsection (2.5) shall call for nominations for a special election within six
5 months after their appointment, which special election is to be held in
6 accordance with ~~the provisions of section 32-1-305.5 and articles 1 to~~
7 ARTICLE 13.5 of title 1; ~~C.R.S.~~; except that the question of the
8 organization shall not be presented at the election. In the event a district
9 is wholly within the boundaries of a municipality, the governing body of
10 the municipality may appoint directors.

11 **SECTION 18.** In Colorado Revised Statutes, 32-1-1004, **amend**
12 (5) as follows:

13 **32-1-1004. Metropolitan districts - additional powers and**
14 **duties.** (5) The board of a metropolitan district has the power to
15 establish, maintain, and operate a system to transport the public by bus,
16 rail, or any other means of conveyance, or any combination thereof, and
17 may contract pursuant to ~~the provisions of~~ part 2 of article 1 of title 29.
18 ~~C.R.S.~~ The board of a metropolitan district may not establish, maintain,
19 or operate such a system of transportation in a county, city, city and
20 county, or any other political subdivision of the state empowered to
21 provide a system of transportation except pursuant to a contract entered
22 into pursuant to ~~the provisions of~~ part 2 of article 1 of title 29. ~~C.R.S.~~ The
23 board of a metropolitan district not originally organized as having the
24 power granted in this subsection (5) may exercise its power upon
25 compliance with ~~the provisions of~~ part 2 of this ~~article~~ ARTICLE 1.
26 Notwithstanding any other provision of this subsection (5), the board of
27 a metropolitan district shall not exercise the power under this subsection

1 (5) until approved by the district court in compliance with ~~the provisions~~
2 ~~of part 2 of this article~~ ARTICLE 1 and unless authorized, at a regular
3 special district election or a special election held and conducted pursuant
4 to ~~articles 1 to~~ ARTICLE 13.5 of title 1, ~~C.R.S.~~, by a majority of the eligible
5 electors of the district voting on the question of whether the board should
6 exercise such power. The board of a metropolitan district which exercises
7 the power granted in this subsection (5) shall provide transportation
8 services only in the county or counties within which the boundaries of the
9 metropolitan district lie.

10 **SECTION 19.** In Colorado Revised Statutes, 32-1-1006, **amend**
11 (2)(b) as follows:

12 **32-1-1006. Sanitation, water and sanitation, or water districts**
13 **- additional powers - special provisions.** (2) (b) (I) After a hearing on
14 the resolution, the court shall direct that the question of conversion of the
15 special district be submitted to the eligible electors of the special district
16 and shall appoint the secretary as the designated election official
17 responsible for the calling and conducting of the election according to ~~the~~
18 ~~provisions of articles 1 to~~ ARTICLE 13.5 of title 1. ~~C.R.S.~~

19 (II) If a majority of the votes cast at the election are in favor of
20 conversion and the court determines the election was held in accordance
21 with ~~articles 1 to~~ ARTICLE 13.5 of title 1, ~~C.R.S.~~, the court shall enter an
22 order including any conditions so prescribed and converting the special
23 district.

24 **SECTION 20.** In Colorado Revised Statutes, 32-1-1101, **amend**
25 (1)(a) and (2) as follows:

26 **32-1-1101. Common financial powers.** (1) For and on behalf of
27 the special district, the board has the following powers:

1 (a) To levy and collect ad valorem taxes on and against all taxable
2 property within the special district, which shall not be limited except as
3 provided in section 39-10-111 (11) ~~C.R.S.~~, and in part 3 of article 1 of
4 title 29. ~~C.R.S.~~ Any election on the question of an increased levy pursuant
5 to section 29-1-302 ~~C.R.S.~~, shall be conducted as a special election in
6 accordance with ~~articles 1 to~~ ARTICLE 13.5 of title 1. ~~C.R.S.~~

7 (2) Whenever the board determines, by resolution, that the interest
8 of the special district and the public interest or necessity demand the
9 acquisition, construction, installation, or completion of any works or other
10 improvements or facilities or the making of any contract with the United
11 States or other persons or corporations to carry out the objects or purposes
12 of such district, requiring the creation of a general obligation
13 indebtedness exceeding one and one-half percent of the valuation for
14 assessment of the taxable property in the special district, the board shall
15 order the submission of the proposition of issuing general obligation
16 bonds or creating other general obligation indebtedness, except the
17 issuing of revenue bonds, at an election held for that purpose. The
18 resolution shall also fix the date upon which the election will be held. The
19 election shall be held and conducted as provided in ~~articles 1 to~~ ARTICLE
20 13.5 of title 1. ~~C.R.S.~~ Any election may be held separately or may be held
21 jointly or concurrently with any other election authorized by this ~~article~~
22 ARTICLE 1. If the issuance of general obligation bonds is approved at an
23 election held pursuant to this subsection (2), the board shall be authorized
24 to issue such bonds for a period not to exceed the later of five years
25 following the date of the election or, subject to ~~the provisions of~~ section
26 32-1-1101.5, for a period not to exceed twenty years following the date
27 of the election if the issuance of such bonds is in material compliance

1 with the financial plan set forth in the service plan, as that plan is
2 amended from time to time, or in material compliance with the statement
3 of purposes of the special district. After the specified period has expired,
4 the board shall not be authorized to issue bonds which were authorized
5 but not issued after the initial election unless the issuance is approved at
6 a subsequent election; except that nothing in this subsection (2) shall be
7 construed as limiting the board's power to issue refunding bonds in
8 accordance with statutory requirements.

9 **SECTION 21. Act subject to petition - effective date.** This act
10 takes effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly; except
12 that, if a referendum petition is filed pursuant to section 1 (3) of article V
13 of the state constitution against this act or an item, section, or part of this
14 act within such period, then the act, item, section, or part will not take
15 effect unless approved by the people at the general election to be held in
16 November 2022 and, in such case, will take effect on the date of the
17 official declaration of the vote thereon by the governor.