

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 21-0741.01 Sarah Lozano x3858

SENATE BILL 21-160

SENATE SPONSORSHIP

Gardner,

HOUSE SPONSORSHIP

Snyder, Bird, Exum, Ricks, Titone

Senate Committees

State, Veterans, & Military Affairs

House Committees

State, Civic, Military, & Veterans Affairs

HOUSE
3rd Reading Unamended
May 4, 2021

A BILL FOR AN ACT

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

HOUSE
2nd Reading Unamended
May 3, 2021

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>.)

SENATE
3rd Reading Unamended
March 30, 2021

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

SENATE
Amended 2nd Reading
March 26, 2021

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:*

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SECTION 1. In Colorado Revised Statutes, 1-13.5-103, **amend**

4

the introductory portion and (9) as follows:

5

1-13.5-103. Definitions. As used in this ~~article~~ ARTICLE 13.5,

6

unless the context otherwise requires:

7

(9) "Property owners list" means the list of property owner names

8

and addresses prepared by the county assessor in accordance with section

1 1-13.5-204 OR 1-13.5-1105 (2)(a) AND (2)(b).

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

4 **1-13.5-107. Computation of time.** (2) In computing time for any
5 act OR EVENT to be done before any local government election, the first
6 day is ~~included~~ EXCLUDED, and the last, or election, day is ~~excluded~~
7 INCLUDED. Saturdays, Sundays, and legal holidays are included, but, if the
8 time for any act to be done or the last day of any period is a Saturday,
9 Sunday, or a legal holiday, the period is extended to include the next day
10 that is not a Saturday, Sunday, or legal holiday.

11 **SECTION 3.** In Colorado Revised Statutes, 1-13.5-303, **amend**
12 (3) and (5) as follows:

13 **1-13.5-303. Candidates for special district or business**
14 **improvement district director - self-nomination and acceptance form.**

15 (3) The self-nomination and acceptance form or letter must contain the
16 name of the special district in which the election will be held, THE
17 COUNTY OR COUNTIES WHERE THE SPECIAL DISTRICT IS LOCATED, the
18 special district director office sought by the candidate, the term of office
19 sought if more than one length of a director's term is to be voted upon at
20 the election, the date of the election, the full name of the candidate as it
21 is to appear on the ballot, and whether the candidate is a member of an
22 executive board of a unit owners' association, as defined in section
23 38-33.3-103, ~~C.R.S.~~, located within the boundaries of the special district
24 for which the candidate is running for office. THE CANDIDATE AND
25 WITNESS MUST PROVIDE THEIR RESPECTIVE RESIDENCE ADDRESSES,
26 INCLUDING THE STREET NUMBER AND NAME, CITY OR TOWN, AND COUNTY,
27 AND TELEPHONE NUMBERS, AND THE CANDIDATE MUST PROVIDE A

1 CURRENT E-MAIL ADDRESS. Unless physically unable, all candidates and
2 witnesses shall sign their own signature and shall print their names ~~their~~
3 ~~respective residence addresses, including the street number and name, the~~
4 ~~city or town, the county, telephone number,~~ and INCLUDE the date of
5 signature on the self-nomination and acceptance form or letter.

6 (5) (a) The self-nomination and acceptance form or letter must be
7 verified and processed substantially as provided in section 1-4-908 THIS
8 SUBSECTION (5)(a) AND SUBSECTION (5)(b) OF THIS SECTION, a protest on
9 such a form or letter must be determined substantially as provided in
10 sections 1-4-909 and 1-4-911, and cure of such a form or letter must be
11 allowed substantially as provided for in section 1-4-912; except that AN
12 INSUFFICIENT FORM OR LETTER MAY BE CURED BY SUBMITTING an
13 amended self-nomination and acceptance form or letter may be accepted
14 by TO the designated election official until BEFORE the normal close of
15 business on the sixty-seventh day before an election.

16 (b) UPON FILING, THE DESIGNATED ELECTION OFFICIAL SHALL
17 REVIEW THE INFORMATION IN THE SELF-NOMINATION AND ACCEPTANCE
18 FORM OR LETTER AND VERIFY THE INFORMATION AGAINST THE
19 REGISTRATION RECORDS, AND, WHERE APPLICABLE, THE COUNTY
20 ASSESSOR'S RECORDS.

21 (c) IF, WHILE VERIFYING A SIGNER'S INFORMATION AGAINST THE
22 REGISTRATIONS RECORDS IN ACCORDANCE WITH SUBSECTIONS (5)(a) AND
23 (5)(b) OF THIS SECTION, THE DESIGNATED ELECTION OFFICIAL FINDS THAT
24 THE SIGNER PROVIDED HIS OR HER MAILING ADDRESS RATHER THAN HIS OR
25 HER RESIDENCE ADDRESS AS REQUIRED UNDER SUBSECTION (3) OF THIS
26 SECTION, THE DESIGNATED ELECTION OFFICIAL MAY ACCEPT THE
27 SELF-NOMINATION FORM IF THE DESIGNATED ELECTION OFFICIAL IS ABLE

1 TO LOCATE THE SIGNER'S RECORD IN THE STATEWIDE VOTER REGISTRATION
2 DATABASE AND DETERMINE THAT THE SELF-NOMINATION FORM IS
3 OTHERWISE SUFFICIENT.

4 (d) AFTER REVIEW, THE DESIGNATED ELECTION OFFICIAL SHALL
5 PROVIDE NOTIFICATION OF THE SUFFICIENCY OR INSUFFICIENCY OF THE
6 CANDIDATE.

7 **SECTION 4.** In Colorado Revised Statutes, **amend** 1-13.5-618
8 as follows:

9 **1-13.5-618. Covered voters to receive mail ballots.**
10 Notwithstanding any provision of this ~~article~~ ARTICLE 13.5 to the
11 contrary, the designated election official of a local government shall mail
12 a ballot to every eligible elector of the local government ___ who is a
13 covered voter, as that term is defined in section 1-8.3-102, for any
14 election conducted under this ~~article~~ ARTICLE 13.5.

15 **SECTION 5.** In Colorado Revised Statutes, 1-13.5-1105, **amend**
16 (4)(a) as follows:

17 **1-13.5-1105. Procedures for conducting independent mail**
18 **ballot election.** (4) (a) Not sooner than twenty-two days before an
19 election, and no later than fifteen days before an election, the designated
20 election official shall mail to each active registered elector AND ANY
21 ELECTORS WHO ARE AUTHORIZED TO VOTE PURSUANT TO SECTION
22 1-13.5-202 OR OTHER APPLICABLE LAW, at the last mailing address
23 appearing in the registration records and in accordance with United States
24 postal service regulations, a mail ballot packet marked "Do not forward.
25 Address correction requested.", or any other similar statement that is in
26 accordance with United States postal service regulations.

27 **SECTION 6.** In Colorado Revised Statutes, 32-1-103, **amend**

1 (14.5) as follows:

2 **32-1-103. Definitions.** As used in this article 1, unless the context
3 otherwise requires:

4 (14.5) "Property ~~owners'~~ OWNERS list" means the list furnished by
5 the county assessor in accordance with ~~section 1-5-304, C.R.S.~~ SECTION
6 1-5-304, 1-13.5-204, OR 1-13.5-1105 (2)(a) AND (2)(b) showing each
7 property owner within the district, as shown on a deed or contract of
8 record.

9 **SECTION 7.** In Colorado Revised Statutes, 32-1-104, **amend** (1)
10 as follows:

11 **32-1-104. Establishment of a special districts file.** (1) The
12 division shall promptly establish and maintain on a current basis, as a
13 public record, a file listing by name all special districts, listing the names
14 and addresses of all the members of the boards of the special districts, and
15 recording all changes in the names or boundaries of the special districts.
16 The file shall also list the names of the officers of each special district and
17 a business address, a telephone number, and the name of a contact person
18 for each district. Annually, the division shall compile and maintain a
19 current and revised list of special districts for public inspection. Each
20 special district shall register its business address, its telephone number,
21 and the name of a contact person with the division when certifying the
22 results of a district election pursuant to section 1-11-103 ~~C.R.S.~~ OR
23 1-13.5-1305 (1).

24 **SECTION 8.** In Colorado Revised Statutes, 32-1-305, **amend** (4)
25 and (6) as follows:

26 **32-1-305. Court hearing - election - declaration of**
27 **organization.** (4) Except as otherwise provided in section 32-1-304.5,

1 upon the hearing, if it appears that a petition for the organization of a
2 special district has been signed and presented in conformity with this part
3 3 and that the allegations of the petition are true, the court, by order duly
4 entered of record, shall direct that the question of the organization of the
5 special district be submitted at an election to be held for that purpose in
6 accordance with ~~articles 1 to~~ ARTICLE 13.5 of title 1. ~~C.R.S.~~

7 (6) If a majority of the votes cast at said election are in favor of
8 the organization and the court determines the election was held in
9 accordance with ~~articles 1 to~~ ARTICLE 13.5 of title 1, ~~C.R.S.~~, the court
10 shall declare the special district organized and give the special district the
11 corporate name designated in the petition, by which it shall thereafter be
12 known in all proceedings, and designate the first board elected.
13 Thereupon the special district shall be a quasi-municipal corporation and
14 a political subdivision of the state of Colorado with all the powers
15 thereof.

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

18 **32-1-401. Inclusion of territory - procedure.** (2) (d) If the
19 petition is granted or the resolution finally adopted, the board shall make
20 an order to that effect and file the same with the clerk of the court. A
21 municipality or county which has filed a written objection to the inclusion
22 and which can provide adequate service to the real property described in
23 the petition within a reasonable time and on a comparable basis may bring
24 an action in the court, commenced within thirty days after entry of the
25 order of the board, to determine whether the action of the board granting
26 the inclusion was arbitrary, capricious, or unreasonable. The court shall
27 direct that the question of inclusion of the area within the special district

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

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

12 (Insert description of area)

13 (Insert accurate summary of conditions)

14 For inclusion

15 Against inclusion"

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

23 **SECTION 10.** In Colorado Revised Statutes, 32-1-501, **amend**
24 (4)(c)(I) and (4)(c)(II) as follows:

25 **32-1-501. Exclusion of property by fee owners or board -**
26 **procedure.** (4) (c) (I) If the property to be excluded from the special
27 district will be served by a fire protection district or county fire

1 improvement district that has previously agreed to include the property as
2 provided in subsection (1.5) of this section and that has a higher mill levy
3 than the special district and after the certified copy of the order of the
4 board excluding the property from the district is filed with the clerk of the
5 court, the court shall direct the question of excluding the area from the
6 special district and including it in the fire protection district or county fire
7 improvement district with a higher mill levy to the eligible electors of the
8 area sought to be excluded. The court shall order the secretary to give
9 published notice, as provided in part 2 of article 5 and article 13.5 of title
10 1, ~~C.R.S.~~, of the time and place of the election and of the question to be
11 submitted, together with a summary of any conditions attached to the
12 proposed exclusion. The election shall be held within the area sought to
13 be excluded and shall be held and conducted, and the results thereof
14 determined, in the manner provided in ~~articles 1 to~~ ARTICLE 13.5 of title
15 1. ~~C.R.S.~~ The ballot shall be prepared by the designated election official
16 and shall contain the following words:

17 "Shall the following described area be excluded from the
18 _____ district, which has a current mill levy of _____,
19 and become a part of the _____ district, which has a current
20 mill levy of _____, and upon the following conditions, if any?

21 (Insert general description of area)

22 (Insert accurate summary of conditions)

23 For exclusion from _____ district and inclusion
24 in _____ district _____

25 Against exclusion from _____ district _____"

26 (II) If a majority of the votes cast at the election pursuant to
27 ~~subparagraph (I) of this paragraph (c)~~ SUBSECTION (4)(c)(I) OF THIS

1 SECTION are in favor of exclusion to become a part of another district and
2 the court determines the election was held in accordance with ~~articles 1~~
3 ~~to~~ ARTICLE 13.5 of title 1, ~~C.R.S.~~; the court shall enter an order with any
4 conditions so prescribed excluding the area from the special district and
5 including it in the fire protection district or county fire improvement
6 district with a higher mill levy. The validity of the exclusion to become
7 a part of another district may not be questioned directly or indirectly in
8 any suit, action, or proceeding, except as provided in article 11 of title 1.
9 ~~C.R.S.~~

10 **SECTION 11.** In Colorado Revised Statutes, 32-1-502, **amend**
11 (5)(a) as follows:

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

27 **SECTION 12.** In Colorado Revised Statutes, 32-1-602, **amend**

1 (2)(e) as follows:

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

4 (e) At the hearing, if the court finds that the consolidation
5 resolution and the concurring resolutions have been properly filed and
6 that the board of each special district desiring to be consolidated or
7 desiring to have specified services consolidated has proceeded in
8 accordance with this part 6, the court shall enter an order ex parte setting
9 an election within each of the consolidating special districts for the
10 approval of the consolidated district by the eligible electors affected by
11 the consolidation at the next regular special district or special election,
12 which shall be held and conducted pursuant to ~~articles 1 to~~ ARTICLE 13.5
13 of title 1, ~~C.R.S.~~ The order shall require publication of notice as required
14 by section 1-13.5-510, ~~C.R.S.~~, specifying the name of the consolidated
15 district; the names of the special districts to be consolidated or the name
16 of the district into which specific services are to be consolidated and the
17 names of the special districts presently empowered to provide the
18 services; a summary of any special conditions that may attach to the
19 consolidated district, including any preconsolidation agreements and the
20 provisions included therein regarding the assumption of debt and the
21 approval of any financial obligation, including accrued unfunded pension
22 liability, as debt to remain payable by the taxpayers of the consolidating
23 special district which incurred the obligation or maintained the pension
24 plan to which the accrued unfunded liability attaches; if the consolidated
25 district may be granted the powers of a metropolitan district, the effect of
26 the change and the services a metropolitan district may provide, including
27 any change in maximum mill levies set forth in section 32-1-1101 (1), or,

1 if the mill levy is unlimited, the fact that there is no mill levy limit
2 established by statute; and the area to be included within the consolidated
3 district, which shall be all of the area originally contained within the
4 organization order for each individual special district, together with all
5 areas contained in any inclusions, the consolidated area not to include any
6 area excluded by any special district being so consolidated or by the court
7 pursuant to ~~paragraph (d) of this subsection (2)~~ SUBSECTION (2)(d) OF
8 THIS SECTION. If two or more districts are to be consolidated and if the
9 consolidated district is to assume metropolitan district powers, the court
10 shall order that the eligible electors vote separately on the question of
11 consolidation and the question of granting the consolidated district the
12 powers of a metropolitan district. If the eligible electors approve
13 consolidation but reject the granting of metropolitan district powers, the
14 consolidated district shall have only those powers granted single-purpose
15 districts providing the same services. If all or part of the outstanding
16 bonded indebtedness of all of the consolidating special districts is to be
17 assumed by the consolidated district, the court shall also order that the
18 eligible electors vote separately on the question of consolidation and the
19 question of assuming the indebtedness at the consolidation election. If the
20 eligible electors approve consolidation but reject the assumption of
21 indebtedness by the consolidated district, the outstanding bonded
22 indebtedness shall remain the obligation of the special district which
23 incurred the bonded indebtedness and shall be paid and discharged by the
24 taxpayers having taxable property within the boundaries of the indebted
25 special district. If a preconsolidation agreement provides that the
26 consolidation shall be contingent upon assumption of debt by the
27 consolidated district, then the consolidation shall not be approved unless

1 the assumption of indebtedness is approved by the eligible electors. If any
2 financial obligation of one or more of the consolidating districts is to be
3 submitted to the electors for approval as debt, the court shall also order
4 that the electors vote separately on the question of consolidation and the
5 question of approval of each financial obligation as debt, which issue
6 shall be presented to the electors in accordance with ~~the provisions of~~
7 section 32-1-606.5. If the electors approve consolidation but do not
8 approve the treatment of one or more financial obligations as debt, the
9 financial obligations not so approved shall be assumed by the
10 consolidated district in the same manner as other obligations of
11 consolidating districts are assumed, unless a preconsolidation agreement
12 providing that the consolidation shall be contingent upon the approval
13 regarding treatment of the financial obligation as debt, in which case the
14 consolidation shall not be approved. The area of the consolidated district
15 after the election shall be the total area of the special districts
16 consolidated existing as of the date of the court order. No appeal shall lie
17 from any orders of the court.

18 **SECTION 13.** In Colorado Revised Statutes, **amend** 32-1-706 as
19 follows:

20 **32-1-706. Conduct of election.** It is the duty of the secretary to
21 administer the election, subject to court supervision. The election shall be
22 conducted pursuant to ~~articles 1 to~~ ARTICLE 13.5 of title 1. ~~C.R.S.~~

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24 **SECTION 14.** In Colorado Revised Statutes, **add** 32-1-902.7 as
25 follows:

26 **32-1-902.7. Director districts.** (1) THE BOARD MAY ADOPT A
27 RESOLUTION TO DIVIDE THE DISTRICT INTO DIRECTOR DISTRICTS. A

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

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

27 **SECTION 15.** In Colorado Revised Statutes, 32-1-905, **amend**

1 (2.5) as follows:

2 **32-1-905. Vacancies.** (2.5) If there are no duly elected directors
3 and if the failure to appoint a new board will result in the interruption of
4 services that are being provided by the district, then the board of county
5 commissioners of the county or counties which approved the
6 organizational petition may appoint all directors from the pool of duly
7 qualified, willing candidates. The board appointed pursuant to this
8 subsection (2.5) shall call for nominations for a special election within six
9 months after their appointment, which special election is to be held in
10 accordance with ~~the provisions of section 32-1-305.5 and articles 1 to~~
11 ~~ARTICLE 13.5 of title 1; C.R.S.;~~ except that the question of the
12 organization shall not be presented at the election. In the event a district
13 is wholly within the boundaries of a municipality, the governing body of
14 the municipality may appoint directors.

15 **SECTION 16.** In Colorado Revised Statutes, 32-1-1004, **amend**
16 (5) as follows:

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

1 power granted in this subsection (5) may exercise its power upon
2 compliance with ~~the provisions of~~ part 2 of this ~~article~~ ARTICLE 1.
3 Notwithstanding any other provision of this subsection (5), the board of
4 a metropolitan district shall not exercise the power under this subsection
5 (5) until approved by the district court in compliance with ~~the provisions~~
6 ~~of~~ part 2 of this ~~article~~ ARTICLE 1 and unless authorized, at a regular
7 special district election or a special election held and conducted pursuant
8 to ~~articles 1 to~~ ARTICLE 13.5 of title 1, ~~C.R.S.~~, by a majority of the eligible
9 electors of the district voting on the question of whether the board should
10 exercise such power. The board of a metropolitan district which exercises
11 the power granted in this subsection (5) shall provide transportation
12 services only in the county or counties within which the boundaries of the
13 metropolitan district lie.

14 **SECTION 17.** In Colorado Revised Statutes, 32-1-1006, **amend**
15 (2)(b) as follows:

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

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

1 **SECTION 18.** In Colorado Revised Statutes, 32-1-1101, **amend**
2 (1)(a) and (2) as follows:

3 **32-1-1101. Common financial powers.** (1) For and on behalf of
4 the special district, the board has the following powers:

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

11 (2) Whenever the board determines, by resolution, that the interest
12 of the special district and the public interest or necessity demand the
13 acquisition, construction, installation, or completion of any works or other
14 improvements or facilities or the making of any contract with the United
15 States or other persons or corporations to carry out the objects or purposes
16 of such district, requiring the creation of a general obligation
17 indebtedness exceeding one and one-half percent of the valuation for
18 assessment of the taxable property in the special district, the board shall
19 order the submission of the proposition of issuing general obligation
20 bonds or creating other general obligation indebtedness, except the
21 issuing of revenue bonds, at an election held for that purpose. The
22 resolution shall also fix the date upon which the election will be held. The
23 election shall be held and conducted as provided in ~~articles 1 to~~ ARTICLE
24 13.5 of title 1. ~~C.R.S.~~ Any election may be held separately or may be held
25 jointly or concurrently with any other election authorized by this ~~article~~
26 ARTICLE 1. If the issuance of general obligation bonds is approved at an
27 election held pursuant to this subsection (2), the board shall be authorized

1 to issue such bonds for a period not to exceed the later of five years
2 following the date of the election or, subject to ~~the provisions of section~~
3 32-1-1101.5, for a period not to exceed twenty years following the date
4 of the election if the issuance of such bonds is in material compliance
5 with the financial plan set forth in the service plan, as that plan is
6 amended from time to time, or in material compliance with the statement
7 of purposes of the special district. After the specified period has expired,
8 the board shall not be authorized to issue bonds which were authorized
9 but not issued after the initial election unless the issuance is approved at
10 a subsequent election; except that nothing in this subsection (2) shall be
11 construed as limiting the board's power to issue refunding bonds in
12 accordance with statutory requirements.

13 **SECTION 19. Act subject to petition - effective date.** This act
14 takes effect at 12:01 a.m. on the day following the expiration of the
15 ninety-day period after final adjournment of the general assembly; except
16 that, if a referendum petition is filed pursuant to section 1 (3) of article V
17 of the state constitution against this act or an item, section, or part of this
18 act within such period, then the act, item, section, or part will not take
19 effect unless approved by the people at the general election to be held in
20 November 2022 and, in such case, will take effect on the date of the
21 official declaration of the vote thereon by the governor.