

## CHAPTER 150

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**GOVERNMENT - SPECIAL DISTRICTS**

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HOUSE BILL 99-1268

BY REPRESENTATIVES Decker and Mace;  
also SENATOR Evans.**AN ACT**

CONCERNING SPECIAL DISTRICT ELECTIONS.

*Be it enacted by the General Assembly of the State of Colorado:***SECTION 1.** 32-1-305.5 (4), Colorado Revised Statutes, is amended to read:**32-1-305.5. Organizational election - new special district - first directors.**

(4) A nomination for director to serve for either term may be made by ~~written~~ petition signed by not less than five eligible electors, regardless of whether or not those signing are nominated in the petition. ~~The process designated in part 8 of article 4 of title 1, C.R.S., regarding nomination of independent candidates, and part 9, regarding petitions for candidacy, shall be followed for the nomination of directors~~ SELF-NOMINATION AND ACCEPTANCE FORM OR LETTER, AS PROVIDED IN SECTION 32-1-804.3, WITH THE TIME AND MANNER OF FILING SUCH FORM OR LETTER AS DIRECTED IN THE ORDER OF THE DISTRICT COURT AUTHORIZING THE ELECTION.

**SECTION 2.** 32-1-701 (2), Colorado Revised Statutes, is amended to read:

**32-1-701. Initiation - petition - procedure.** (2) (a) The board, promptly and in good faith, shall also take the necessary steps to dissolve the special district whenever the lesser of five percent of the eligible electors or two hundred fifty eligible electors or, in case of special districts larger than twenty-five thousand persons, three percent of the eligible electors of the district or the division file an application with the board to dissolve the special district pursuant to the provisions of this part 7. In that case the board shall file a petition for dissolution with the court within sixty days after the date of filing of the application by the eligible electors. The petition for dissolution shall request an election and shall include a report on the steps which have been taken to comply with the requirements of section 32-1-702. The board, at the time it files

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

a petition for dissolution pursuant to this subsection (2), may request that the proceedings under sections 32-1-703 and 32-1-704 be continued until further progress has been made in complying with the requirements of section 32-1-702.

(b) NO APPLICATION TO DISSOLVE A SPECIAL DISTRICT SHALL BE CIRCULATED UNTIL IT HAS BEEN APPROVED AS FOLLOWING AS NEARLY PRACTICABLE THE REQUIREMENTS OF SECTION 31-11-106, C.R.S., FOR MUNICIPAL PETITIONS. THE APPLICATION SHALL BE SUBMITTED TO THE SECRETARY OF THE BOARD OF DIRECTORS OF THE SPECIAL DISTRICT. THE SECRETARY SHALL APPROVE THE APPLICATION AS TO FORM OR NOTIFY THE PERSON WHO SUBMITTED THE APPLICATION OF ANY DEFICIENCIES IN THE FORM OF THE APPLICATION BY THE CLOSE OF THE FIFTEENTH BUSINESS DAY FOLLOWING THE SUBMISSION OF SUCH APPLICATION. THE SECRETARY SHALL MAIL WRITTEN NOTICE OF THE APPROVAL OR DEFICIENCIES TO THE PERSON WHO SUBMITTED THE APPLICATION WITHIN TWO DAYS AFTER THE DATE THE ACTION IS TAKEN.

(c) ANY SIGNATURE THAT IS AFFIXED TO AN APPLICATION TO DISSOLVE A SPECIAL DISTRICT PRIOR TO THE DATE THAT THE WRITTEN APPROVAL NOTICE IS MAILED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2) SHALL BE INVALID.

(d) NO APPLICATION TO DISSOLVE A SPECIAL DISTRICT FILED BY THE ELIGIBLE ELECTORS IN ACCORDANCE WITH PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL BE ACCEPTED BY THE BOARD OF DIRECTORS OF SUCH DISTRICT MORE THAN NINETY DAYS AFTER THE DATE THAT THE WRITTEN APPROVAL NOTICE IS MAILED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2).

**SECTION 3.** Part 8 of article 1 of title 32, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

**32-1-804.1. Call for nominations.** NOT LESS THAN SEVENTY-FIVE DAYS NOR MORE THAN NINETY DAYS BEFORE A REGULAR SPECIAL DISTRICT ELECTION, THE DESIGNATED ELECTION OFFICIAL SHALL PROVIDE NOTICE BY PUBLICATION OF A CALL FOR NOMINATIONS FOR THE ELECTION. THE CALL SHALL STATE THE SPECIAL DISTRICT DIRECTOR OFFICES TO BE VOTED UPON AT THE ELECTION, WHERE A SELF-NOMINATION AND ACCEPTANCE FORM MAY BE OBTAINED, THE DEADLINE FOR SUBMITTING THE SELF-NOMINATION AND ACCEPTANCE FORM TO THE DESIGNATED ELECTION OFFICIAL, AND INFORMATION ON OBTAINING AN ABSENTEE BALLOT.

**32-1-804.3. Candidates for director - self-nomination and acceptance form.**

(1) NOT LESS THAN SIXTY-SEVEN DAYS BEFORE THE DATE OF THE REGULAR SPECIAL DISTRICT ELECTION, ANY PERSON WHO DESIRES TO BE A CANDIDATE FOR THE OFFICE OF A SPECIAL DISTRICT DIRECTOR SHALL FILE A SELF-NOMINATION AND ACCEPTANCE FORM OR LETTER SIGNED BY THE CANDIDATE AND BY A REGISTERED ELECTOR AS A WITNESS TO THE SIGNATURE OF THE CANDIDATE.

(2) ON THE DATE OF SIGNING THE SELF-NOMINATION AND ACCEPTANCE FORM OR LETTER, A CANDIDATE FOR DIRECTOR SHALL BE AN ELIGIBLE ELECTOR OF THE SPECIAL DISTRICT, IF THE DISTRICT IS DIVIDED INTO DIRECTOR DISTRICTS ESTABLISHED PURSUANT TO SECTION 32-1-301 (2) (f), THE CANDIDATE SHALL BE AN ELIGIBLE ELECTOR WITHIN THE BOUNDARIES OF THE DIRECTOR DISTRICT IN WHICH THE CANDIDATE IS RUNNING FOR OFFICE.

(3) A SELF-NOMINATION AND ACCEPTANCE FORM THAT IS NOT SUFFICIENT MAY BE AMENDED ONCE AT ANY TIME PRIOR TO 3 P.M. ON THE SIXTY-SEVENTH DAY BEFORE THE ELECTION.

(4) THE SELF-NOMINATION AND ACCEPTANCE FORM OR LETTER SHALL STATE THE NAME OF THE SPECIAL DISTRICT IN WHICH THE ELECTION WILL BE HELD, THE SPECIAL DISTRICT DIRECTOR OFFICE SOUGHT BY THE CANDIDATE, THE TERM OF OFFICE SOUGHT IF MORE THAN ONE LENGTH OF A DIRECTOR'S TERM IS TO BE VOTED UPON AT THE ELECTION, THE DATE OF THE ELECTION, AND THE FULL NAME OF THE CANDIDATE AS IT IS TO APPEAR ON THE BALLOT. UNLESS PHYSICALLY UNABLE, ALL CANDIDATES AND WITNESSES SHALL SIGN THEIR OWN SIGNATURE AND SHALL PRINT THEIR NAMES, THEIR RESPECTIVE RESIDENCE ADDRESSES, INCLUDING THE STREET NUMBER AND NAME, THE CITY OR TOWN, THE COUNTY, TELEPHONE NUMBER, AND THE DATE OF SIGNATURE ON THE SELF-NOMINATION AND ACCEPTANCE FORM OR LETTER.

(5) THE SELF-NOMINATION AND ACCEPTANCE FORM OR LETTER SHALL BE FILED WITH THE DESIGNATED ELECTION OFFICIAL OR, IF NONE HAS BEEN DESIGNATED, THE PRESIDING OFFICER OR THE SECRETARY OF THE BOARD OF DIRECTORS OF THE SPECIAL DISTRICT IN WHICH THE ELECTION WILL BE HELD.

(6) THE SELF-NOMINATION AND ACCEPTANCE FORM OR LETTER SHALL BE VERIFIED AND PROCESSED SUBSTANTIALLY AS PROVIDED IN SECTION 1-4-908, C.R.S. A PROTEST ON SUCH A FORM OR LETTER SHALL BE DETERMINED SUBSTANTIALLY AS PROVIDED IN SECTIONS 1-4-909 AND 1-4-911, C.R.S. CURE OF SUCH A FORM OR LETTER SHALL BE ALLOWED SUBSTANTIALLY AS PROVIDED FOR IN SECTION 1-4-912, C.R.S.

**SECTION 4.** 1-4-503, Colorado Revised Statutes, is amended to read:

**1-4-503. Method of nomination for nonpartisan candidates.** EXCEPT AS PROVIDED FOR THE NOMINATION OF SPECIAL DISTRICT DIRECTORS IN SECTION 32-1-804.3, C.R.S., nominations for all elected nonpartisan local government officials shall be by petition for nomination as provided in part 8 of this article.

**SECTION 5. Repeal.** 1-4-804, Colorado Revised Statutes, is repealed as follows:

**1-4-804. Petitions for nominating nonpartisan special district directors.**

~~(1) Not less than sixty-six days prior to the date of the election, any person who desires to be a candidate for the office of a special district director shall file a nomination petition signed by five eligible electors of the district, which may include the signature of the candidate, unless otherwise provided by the enabling legislation.~~

~~(2) The candidate shall have been an eligible elector of the political subdivision on the date of the earliest signature on the petition.~~

~~(3) In case a petition for nominating a nonpartisan candidate is not sufficient, it may be amended once at any time prior to 3 p.m. on the sixty-sixth day prior to the election.~~

~~(4) If offices with terms of different lengths are to be filled at a special district~~

~~election, the nomination petition shall specify the term the candidate desires.~~

**SECTION 6.** 1-5-304, Colorado Revised Statutes, is amended to read:

**1-5-304. Lists of property owners.** (1) For elections where owning property in the political subdivision is a requirement for voting in the election, no later than the fortieth day preceding the date of the scheduled nonpartisan election, the designated election official shall order the list of property owners from the county assessor. EXCEPT AS OTHERWISE REQUIRED UNDER SUBSECTION (2) OF THIS SECTION, the county assessor shall certify and deliver an initial list of all recorded owners of taxable real and personal property within the political subdivision no later than thirty days before the election. The supplemental list for the political subdivision shall be provided no later than twenty days before the election and shall contain the names and addresses of all recorded owners who have become owners within the period since the initial list of property owners was provided. The cost for the lists shall be assessed by the county assessors and paid by the political subdivision holding the election. The fee for furnishing the lists shall be no less than twenty-five dollars for both lists nor more than one cent for each name contained on the lists, whichever is greater.

(2) THE DESIGNATED ELECTION OFFICIAL OF A SPECIAL DISTRICT MAY ORDER THE LIST DESCRIBED IN SUBSECTION (1) OF THIS SECTION OF ALL RECORDED OWNERS OF TAXABLE REAL AND PERSONAL PROPERTY WITHIN THE SPECIAL DISTRICT AS OF THE THIRTIETH DAY BEFORE THE ELECTION WITH A SUPPLEMENTARY LIST TO BE PROVIDED ON THE TWENTIETH DAY BEFORE THE ELECTION, OR THE DESIGNATED ELECTION OFFICIAL MAY ORDER A COMPLETE LIST AS OF THE TWENTIETH DAY BEFORE THE ELECTION.

**SECTION 7.** 1-6-105 (1), Colorado Revised Statutes, is amended, and the said 1-6-105 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**1-6-105. Appointment of election judges for elections not coordinated by the county clerk and recorder.** (1) EXCEPT AS PROVIDED FOR SPECIAL DISTRICT ELECTIONS IN SUBSECTION (1.5) OF THIS SECTION, no later than forty-five days before the regular election, the governing body with authority to call elections shall appoint election judges for the political subdivision. The term of office of election judges shall be two years from the date of appointment.

(1.5) NO LATER THAN FORTY-FIVE DAYS BEFORE A REGULAR SPECIAL DISTRICT ELECTION, THE DESIGNATED ELECTION OFFICIAL SHALL APPOINT ELECTION JUDGES FOR THE SPECIAL DISTRICT UNLESS OTHERWISE DIRECTED BY THE BOARD OF DIRECTORS OF SUCH DISTRICT.

**SECTION 8.** 1-10-201 (1), Colorado Revised Statutes, is amended, and the said 1-10-201 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**1-10-201. Canvassers for nonpartisan elections.** (1) Except as provided FOR SPECIAL DISTRICTS IN SUBSECTION (1.5) OF THIS SECTION AND in section 1-10-202, at least fifteen days before any nonpartisan election, the governing body which called the election shall appoint at least one member of the governing body and at least one

eligible elector of the political subdivision who is not a member of the governing body to assist the designated election official in the survey of returns. The persons so appointed and the designated election official constitute the board of canvassers for the election.

(1.5) UNLESS OTHERWISE DIRECTED BY THE BOARD OF DIRECTORS OF A SPECIAL DISTRICT, AT LEAST FIFTEEN DAYS BEFORE ANY REGULAR SPECIAL DISTRICT ELECTION, THE DESIGNATED ELECTION OFFICIAL SHALL APPOINT AT LEAST ONE MEMBER OF THE BOARD OF SUCH DISTRICT AND AT LEAST ONE ELIGIBLE ELECTOR OF THE SPECIAL DISTRICT WHO IS NOT A MEMBER OF SUCH BOARD TO ASSIST THE DESIGNATED ELECTION OFFICIAL IN THE SURVEY OF RETURNS. THE PERSONS SO APPOINTED AND THE DESIGNATED ELECTION OFFICIAL CONSTITUTE THE BOARD OF CANVASSERS FOR THE ELECTION.

**SECTION 9.** 32-13-104.5 (1) (b) (I), Colorado Revised Statutes, is amended to read:

**32-13-104.5. Additional district area - Douglas county.** (1) In addition to the areas described in section 32-13-104, the area of Douglas county that is not included in the Denver metropolitan scientific and cultural facilities district may be included in the district if the following requirements are met:

(b) An election is held and conducted in accordance with articles 1 to 13 of title 1, C.R.S., and the following requirements:

(I) The election is held at the general election in 1998, 2000, or 2002, OR AT THE ODD-YEAR ELECTION IN 1999 OR 2001, as determined by intergovernmental agreement of the governing bodies of all municipalities that include portions of the area proposed to be included in the district and the board of county commissioners of Douglas county;

**SECTION 10.** 1-11-103 (3), Colorado Revised Statutes, is amended to read:

**1-11-103. Certificates of election for nonpartisan, ballot issue, or ballot question elections.** (3) The results of a special district election shall be certified to the division of local government within ~~forty-five~~ THIRTY days after the election as provided in section 32-1-104 (1), C.R.S. If an election is cancelled, the notice and a copy of the resolution of cancellation shall be filed with the division of local government.

**SECTION 11. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 30, 1999