



## Home Rule Governance in Colorado

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In 1902, Colorado voters authorized home rule governance for cities and towns (municipalities) by amending the state constitution. Home rule governance for counties was authorized by voters through a separate amendment to the constitution, in 1970. This *issue brief* outlines home rule governance for municipalities and counties, including the process for adopting a home rule charter and the powers that a home rule charter provides to local governments.

### What is Home Rule?

Home rule is a form or structure of governing defined by the citizens of a municipality or county that allows for more control over matters of local significance. Voters can decide to adopt home rule, and through a charter, detail the structure and powers of the local government.

Home rule empowers local governments to act and legislate on local matters. In general, home rule ordinances addressing local matters supersede state law. However, in matters of statewide or mixed concern, state laws may take precedence over conflicting home rule ordinances. Without a home rule charter, local governments are strictly subject to the laws of the state.

**Authorizing law.** While the Colorado Constitution authorizes home rule municipalities and counties<sup>1</sup>, Colorado law also provides additional details on the creation of and implementation of home rule governance<sup>2</sup>. An addition to the constitution and Colorado law

created an avenue for smaller towns to pursue home rule in 1972.<sup>3</sup>

**Number of home rule local governments.** There are currently 103 municipalities in the state that have adopted home rule charters, including the City and County of Broomfield and the City and County of Denver. Pitkin and Weld Counties have also adopted home rule charters.

### Home Rule for Municipalities

A petition, signed by 5 percent of the registered voters in a municipality, or the adoption of an ordinance by the municipal governing body begins the process to establish home rule governance. Then, the municipality must hold an election to decide if a charter commission will be formed. If approved by voters and after electing the charter members, the commission must create a charter and submit it to the governing body within 180 days after the election. The municipality must then hold another election to consider the adoption of the proposed charter.

**Legal powers.** Once a voter-approved charter is certified and filed with the Colorado Secretary of State, a municipality has the power to legislate upon, provide, regulate, conduct, and control:

<sup>1</sup> Colo. Const. art. XX, § 6 and art. XIV, § 16.

<sup>2</sup> Section 31-2-201, et. seq., C.R.S., Section 30-11-501, et. seq., C.R.S., and Article 35 of Title 30, C.R.S.

<sup>3</sup> Colo. Const. art XX, § 9.

- municipal officers, agencies, and employment, including the powers, duties, qualifications and terms or tenure of all municipal officers, agents, and employees; police courts, including the election or appointment of police magistrates;
- municipal courts, including the election or appointment of officers;
- municipal obligations, including bonds and other obligations of special districts;
- park or water districts;
- assessment of property for municipal taxation;
- imposition, enforcement, and collection of fines and penalties for the violation of any of the charter provisions, or of any ordinances adopted pursuant to the charter.

**Election provisions.** Municipalities may specify election powers within the charter, including all matters pertaining to:

- electoral votes on measures submitted under the charter or ordinances;
- calling an election or notice of election and election date;
- voter registration;
- nomination and election systems;
- judges and clerks of the election;
- form of ballot, balloting, challenging, and canvassing;
- certifying results, the purity of elections, and guarding against abuses; and
- nonpartisan elections and electoral votes.

A home rule municipality may choose to adopt portions or all of the Colorado State Municipal Election Code of 1965. In addition, charters must include procedures for submitting ballot measures and recalling elected officials.

## Home Rule for Counties

The process for adoption of a county home rule charter is generally the same as the process for a municipality. However, the election to determine if a charter will be pursued and to elect commission members must take place during the next general

election. The commission also has more time to create a charter, 240 days after the first meeting of the commission, and then, the adoption of the proposed charter is considered during a special election. The special election may be part of a coordinated or general election, depending on the timing of the charter submission.

**Legal powers.** The charter adopted by the county may include the regulation of:

- administrative powers, such as finances and property, debts and expenses, and the powers and duties of officials, including elections, terms of office, and compensation;
- public works and services, such as buildings, bridges, tunnels, sewers, water mains, hospitals, and parks;
- building codes and zoning;
- condemnation powers for the purpose of public transportation, utilities, and streets;
- ordinances to create and enforce local laws and provide for parking facilities; and
- the sale or lease of real property or facilities.

**Election provisions.** Home rule charters for counties are more limited than municipalities regarding the oversight of elections. Home rule county charters are limited to addressing election matters related to procedures for submitting ballot measures and recalling elected officials.

**Mandatory functions, services, and facilities.** Unlike municipalities, home rule counties must continue to provide all mandatory county functions, services, and facilities that are delegated to counties by Colorado law, in addition to powers identified in the charter. Mandatory functions include transportation, street lighting, jails, abandoned property, land management, and providing for the public health, safety, and welfare of its citizens.

For additional information on home rule governance, please see the [Local Government Handbook](#) prepared by Legislative Council Staff.