

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0593.04 Rebecca Bayetti x4348

HOUSE BILL 26-1203

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A BILL FOR AN ACT

101 **CONCERNING THE MODIFICATION OF COUNTY COMMISSIONER**
102 **ELECTIONS.**

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>.)

Currently, in a county with a population of 70,000 or more, the board of county commissioners (board) may consist of 3 or 5 commissioners. If the board consists of 3 commissioners, the county is divided into 3 districts, with one commissioner elected from each district by voters in the district or voters of the whole county. Alternatively, the board may consist of 5 commissioners, in which case the county may be

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

divided into 3 or 5 districts, and the commissioners may be elected pursuant to numerous methods, including by district, at large, or by some combination of both methods.

The bill eliminates this discretionary system and instead requires any county with a population of 70,000 or more (covered county) to elect 5 commissioners by one of the following 2 methods:

- 5 commissioners resident in 5 districts elected only by voters resident in those districts; or
- 5 commissioners elected at large using a ranked voting method.

The board of a covered county is required to adopt a resolution designating the 2 alternative methods of electing the 5 county commissioners no later than its first regularly scheduled meeting in the calendar year 2027 or its first regularly scheduled meeting in the month following becoming a covered county. The board is required to refer the resolution to the electors of the county at the first general election following its adoption for those electors to select their preferred method of electing the 5 commissioners. A covered county that already elects its commissioners according to one of the 2 alternative methods of election is not required to pass a resolution.

A home rule county that elects more than half of its county commissioners by district or using a ranked voting method is exempt from the requirements of the bill.

The bill also makes conforming amendments.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-4-205, **amend** (3)
3 as follows:

4 **1-4-205. County commissioners.**

5 (3) (a) In each county having a population of seventy thousand or
6 more, the board of county commissioners ~~may~~ **MUST** consist either of
7 three members, any two of whom ~~shall~~ constitute a quorum for the
8 transaction of business, or of five members, any three of whom ~~shall~~
9 constitute a quorum for the transaction of business; **EXCEPT THAT THE**
10 **REQUIREMENT TO HAVE A BOARD OF COUNTY COMMISSIONERS CONSIST OF**
11 **FIVE MEMBERS DOES NOT APPLY TO A HOME RULE COUNTY THAT ELECTS**

1 MORE THAN HALF OF ITS COUNTY COMMISSIONERS BY A DISTRICT METHOD
2 OF ELECTION, SUCH THAT THE COUNTY COMMISSIONERS ARE RESIDENT IN
3 DISTRICTS AND ARE ELECTED BY VOTERS RESIDENT IN THOSE DISTRICTS.

4 (b) If the board consists of three commissioners, they ~~shall~~ MUST
5 be elected as provided in subsection (2) of this section ~~and as provided in~~
6 ~~section 30-10-306.7 (5), C.R.S.~~ BY DISTRICT ONLY, IN WHICH THE THREE
7 COUNTY COMMISSIONERS RESIDENT IN THREE DISTRICTS ARE ELECTED BY
8 VOTERS RESIDENT IN THOSE DISTRICTS.

9 (c) In any county having a population of seventy thousand or
10 more, the membership of the board of county commissioners may be
11 increased from three to five members pursuant to ~~section 30-10-306.5,~~
12 ~~C.R.S., or decreased from five to three members pursuant to section~~
13 ~~30-10-306.7 (2)(a)(II), C.R.S.~~ SECTION 30-10-306.8.

14 SECTION 2. In Colorado Revised Statutes, 1-4-601, **add** (2)(a.5)
15 as follows:

16 **1-4-601. Designation of candidates for primary election -**
17 **definition.**

18 (2) (a.5) (I) NOTWITHSTANDING SUBSECTION (2)(a) OF THIS
19 SECTION, FOR PARTY CANDIDATES FOR MULTIPLE SEATS ON A BOARD OF
20 COUNTY COMMISSIONERS ELECTED IN THE SAME BALLOT CONTEST,
21 ASSEMBLY DELEGATES MAY VOTE FOR AS MANY SEATS AS ARE TO BE
22 FILLED AT THE NEXT GENERAL ELECTION. EVERY CANDIDATE RECEIVING
23 A VOTE ON THIRTY PERCENT OR MORE OF THE BALLOTS OF ALL DULY
24 ACCREDITED ASSEMBLY DELEGATES WHO ARE PRESENT AND VOTING ON
25 THAT OFFICE MUST BE CERTIFIED BY AFFIDAVIT OF THE PRESIDING OFFICER
26 AND SECRETARY OF THE ASSEMBLY. IF FEWER CANDIDATES RECEIVE A
27 VOTE ON THIRTY PERCENT OR MORE OF THE BALLOTS OF ALL DULY

1 ACCREDITED ASSEMBLY DELEGATES WHO ARE PRESENT AND VOTING THAN
2 THE NUMBER OF SEATS TO FILL AT THE GENERAL ELECTION, THEN THE
3 CANDIDATES RECEIVING THE HIGHEST NUMBER OF VOTES, UNTIL THE
4 NUMBER OF CANDIDATES IS ONE MORE THAN THE NUMBER OF SEATS TO
5 FILL, MUST BE CERTIFIED AS CANDIDATES FOR THAT OFFICE BY AFFIDAVIT
6 OF THE PRESIDING OFFICER AND SECRETARY OF THE ASSEMBLY.

7 (II) THE CERTIFICATE OF DESIGNATION BY ASSEMBLY MUST STATE
8 THE NAME OF THE OFFICE FOR WHICH EACH PERSON IS A CANDIDATE AND
9 THE CANDIDATE'S NAME AND ADDRESS, MUST DESIGNATE IN NOT MORE
10 THAN THREE WORDS THE NAME OF THE POLITICAL PARTY THAT THE
11 CANDIDATE REPRESENTS, AND MUST CERTIFY THAT THE CANDIDATE HAS
12 BEEN A MEMBER OF THE POLITICAL PARTY FOR THE PERIOD OF TIME
13 REQUIRED BY PARTY RULE OR BY SUBSECTION (4) OF THIS SECTION IF THE
14 PARTY HAS NO SUCH RULE. THE CANDIDATE'S AFFILIATION, AS SHOWN IN
15 THE STATEWIDE VOTER REGISTRATION SYSTEM, IS PRIMA FACIE EVIDENCE
16 OF POLITICAL PARTY MEMBERSHIP. THE CERTIFICATE OF DESIGNATION
17 MUST INDICATE THE ORDER OF THE VOTE RECEIVED AT THE ASSEMBLY BY
18 CANDIDATES FOR EACH OFFICE, BUT NO ASSEMBLY SHALL DECLARE THAT
19 ANY ONE CANDIDATE HAS RECEIVED THE NOMINATION OF THE ASSEMBLY.
20 THE CERTIFICATE OF DESIGNATION MUST BE FILED IN ACCORDANCE WITH
21 SECTION 1-4-604. IF TWO OR MORE CANDIDATES RECEIVING DESIGNATION
22 UNDER THIS SUBSECTION (2)(a.5) HAVE RECEIVED AN EQUAL NUMBER OF
23 VOTES, THE ORDER OF CERTIFICATION OF DESIGNATION IS DETERMINED BY
24 LOT BY THE CANDIDATES. THE ASSEMBLY SHALL SELECT A VACANCY
25 COMMITTEE FOR VACANCIES IN DESIGNATION OR NOMINATION ONLY.

26 **SECTION 3.** In Colorado Revised Statutes, 1-4-801, **amend**
27 (2)(e) introductory portion, (2)(e)(II) introductory portion, (2)(e)(II)(B),

1 and (2)(f) as follows:

2 **1-4-801. Designation of party candidates by petition.**

3 (2) The signature requirements for the petition are as follows:

4 (e) ~~Where the electors of the county have voted to increase~~ WHEN
5 A COUNTY HAVING A POPULATION OF SEVENTY THOUSAND OR MORE
6 INCREASES the membership of the board of county commissioners from
7 three to five pursuant to section ~~30-10-306.5, C.R.S., or to decrease the~~
8 ~~membership of the board from five to three pursuant to section~~
9 ~~30-10-306.7, C.R.S.,~~ TO COMPLY WITH SECTIONS 1-4-205 (3) AND
10 30-10-306.8, for the next two primary elections immediately following an
11 election at which the voters have approved the change in the membership
12 of the board, the signature requirements for the petition are as follows:

13 (II) Where any one or more commissioners to be elected to the
14 board of county commissioners will be voted on only by the electors
15 residing in a particular county commissioner district, the determination of
16 the required number of signers must begin with a calculation of the
17 average of all votes cast in each commissioner district in the county
18 during the prior two contested or uncontested primary elections for the
19 political party's candidates in the county commissioner districts that held
20 a primary election in either of those elections. Upon a determination of
21 the average, that number must then be divided by the total number of
22 commissioner districts in the county where commissioners are voted on
23 only by the electors residing in the district. ~~whether three or five~~ After
24 completing this calculation, every petition must require signers equal in
25 number to twenty percent of the number realized. If no primary election
26 was held in either year, the calculation must be based on the most recent
27 preceding general election for which the party had a candidate on the

1 ballot, and every petition must require signers equal in number to the
2 following calculation:

3 (B) Divide the number found in ~~sub-subparagraph (A) of this~~
4 ~~subparagraph (H)~~ SUBSECTION (2)(e)(II)(A) OF THIS SECTION by the total
5 number of commissioner districts in the county where commissioners are
6 voted on only by the electors residing in the district. ~~whether three or five~~

7 (f) Following the first two primary elections that are conducted
8 after a change in the membership of the board of county commissioners
9 pursuant to ~~section 30-10-306.5 or 30-10-306.7, C.R.S.~~ SECTIONS 1-4-205
10 (3) AND 30-10-306.8, in accordance with the requirements of ~~paragraph~~
11 ~~(e) of this subsection (2)~~ SUBSECTION (2)(e) OF THIS SECTION, the
12 signature requirements for a petition for a county commissioner candidate
13 who is affiliated with a major political party must follow the procedures
14 specified in ~~paragraph (a) of this subsection (2)~~ SUBSECTION (2)(a) OF
15 THIS SECTION.

16 **SECTION 4.** In Colorado Revised Statutes, 1-4-802, **amend** (2)
17 introductory portion, (2)(b)(II), and (2)(c); and **repeal** (3) as follows:

18 **1-4-802. Petitions for nominating minor political party and**
19 **unaffiliated candidates for a partisan office.**

20 (2) ~~Where the electors of the county have voted to increase~~ WHEN
21 A COUNTY HAVING A POPULATION OF SEVENTY THOUSAND OR MORE
22 INCREASES the membership of the board of county commissioners from
23 three to five ~~pursuant to section 30-10-306.5, C.R.S., or to decrease the~~
24 ~~membership of the board from five to three pursuant to section~~
25 ~~30-10-306.7, C.R.S.,~~ TO COMPLY WITH SECTIONS 1-4-205 (3) AND
26 30-10-306.8, for the next two general elections immediately following ~~an~~
27 ~~election at which the voters have approved a~~ THE change in the

1 membership of the board, the signature requirements for the petition to
2 select candidates who do not wish to affiliate with a major political party
3 are as follows:

4 (b) Where any one or more commissioners to be elected to the
5 board of county commissioners will be voted on only by the electors
6 residing in a particular county commissioner district, every petition must
7 require signers equal in number to the lesser of either:

8 (II) The number realized by first determining two percent of the
9 average of all votes cast in each county commissioner district for which
10 there was a race on the ballot during the most recent general election, and
11 then dividing that number by the total number of commissioner districts
12 in the county where commissioners are voted on only by the electors
13 residing in a district. ~~whether three or five~~

14 (c) Following the first two general elections that are conducted
15 after a THE change in the membership of the board of county
16 commissioners, ~~pursuant to section 30-10-306.5 or 30-10-306.7, C.R.S.;~~
17 the signature requirements for a petition for a county commissioner
18 candidate who does not wish to affiliate with a major political party must
19 follow the procedures specified in: ~~subparagraph (VI) of paragraph (c) of~~
20 ~~subsection (1)~~

21 (I) SUBSECTION (1)(c)(VI) of this section, IF THE COUNTY
22 COMMISSIONERS ARE ELECTED BY DISTRICT ONLY AS DESCRIBED IN
23 SECTION 30-10-306.8 (3); OR

24 (II) SUBSECTION (1)(c)(VII) OF THIS SECTION, IF THE COUNTY
25 COMMISSIONERS ARE ELECTED BY A COMBINATION OF AT-LARGE AND
26 BY-DISTRICT VOTING METHODS AS DESCRIBED IN SECTION 30-10-306.8 (4).

27 (3) ~~Following the first two general elections that are conducted~~

1 after a change in the membership of the board of county commissioners
2 pursuant to ~~section 30-10-306.5 or 30-10-306.7, C.R.S., the signature~~
3 ~~requirements for a petition for a county commissioner candidate who does~~
4 ~~not wish to affiliate with a major political party must follow the~~
5 ~~procedures specified in subparagraph (VI) of paragraph (c) of subsection~~
6 ~~(1) of this section.~~

7 **SECTION 5.** In Colorado Revised Statutes, 30-10-306, **amend**
8 (1) and (2) as follows:

9 **30-10-306. Commissioners' districts - vacancies - definitions.**

10 (1) Each county HAVING A POPULATION OF LESS THAN SEVENTY
11 THOUSAND must be divided into three compact districts by the board of
12 county commissioners. Each district must be as nearly equal in population
13 as possible based on the redistricting population data prepared by staff of
14 the legislative council and office of legislative legal services, or any
15 successor offices, in accordance with section 2-2-902. In no event shall
16 there be more than five percent deviation between the most populous and
17 the least populous district in each county, at the time such district
18 boundaries are adopted. Each district must be numbered consecutively
19 and must not be subject to alteration more often than once every two
20 years. One county commissioner must be elected from each ~~of such~~
21 ~~districts~~ DISTRICT by the voters of the whole county. If any county
22 commissioner, during ~~his or her~~ THEIR term of office, moves from the
23 district in which ~~he or she~~ THEY resided when elected, ~~his or her~~ THE
24 COMMISSIONER'S office ~~thereupon~~ becomes vacant. All proceedings by the
25 board of county commissioners in formation of such districts not
26 inconsistent with this section are confirmed and validated.

27 (2) Each county having a population of seventy thousand or more

1 ~~that has chosen to increase the members of the board of county~~
2 ~~commissioners from three to five~~ must be divided into **three or five**
3 ~~districts. by the board of county commissioners according to the method~~
4 ~~of election described in section 30-10-306.5 (5) or (6) or section~~
5 ~~30-10-306.7.~~ When applicable, the board of county commissioners shall
6 divide the county into districts in accordance with the final redistricting
7 plan approved in accordance with section 30-10-306.4. The districts must
8 be as nearly equal in population as possible based on the redistricting
9 population data prepared by staff of the legislative council and office of
10 legislative legal services, or any successor offices, in accordance with
11 section 2-2-902. In no event shall there be more than five percent
12 deviation between the most populous and the least populous district in
13 each county, at the time such district boundaries are adopted. Each district
14 must be numbered consecutively and is not subject to alteration more
15 often than once every two years; except that, notwithstanding subsection
16 (3) of this section, the board may alter the districts to conform to precinct
17 boundaries that are changed in accordance with section 1-5-103 (1), based
18 on the division of the state into congressional districts or an approved
19 plan for redistricting of the members of the general assembly when
20 necessary to ensure that no precinct is located in more than one district.
21 County commissioners are elected at large or from districts according to
22 the method of election described in ~~section 30-10-306.5 (5) or (6) or~~
23 ~~section 30-10-306.7~~ **SECTION 1-4-205 (3)(b) OR SECTION 30-10-306.8 (3)**
24 **OR (4).** If any county commissioner required to be resident in a district
25 moves during ~~his or her~~ THEIR term of office from the district in which ~~he~~
26 ~~or she~~ THEY resided when elected, ~~his or her~~ THE COMMISSIONER'S office
27 ~~thereupon~~ becomes vacant. All proceedings by the board of county

1 commissioners in formation of such districts not inconsistent with this
2 section are confirmed and validated.

3 **SECTION 6.** In Colorado Revised Statutes, **repeal** 30-10-306.5
4 and 30-10-306.7.

5 **SECTION 7.** In Colorado Revised Statutes, **add** 30-10-306.8 as
6 follows:

7 **30-10-306.8. Methods of election for five county**
8 **commissioners in a county with a population of seventy thousand or**
9 **more - elections - redistricting.**

10 (1) IN ANY COUNTY HAVING A POPULATION OF SEVENTY
11 THOUSAND OR MORE, THE MEMBERSHIP OF THE BOARD OF COUNTY
12 COMMISSIONERS MAY BE INCREASED FROM THREE TO FIVE MEMBERS
13 PURSUANT TO SUBSECTION (1.5) OF THIS SECTION. IF THE BOARD CONSISTS
14 OF FIVE MEMBERS, THE FIVE MEMBERS OF THE BOARD OF COUNTY
15 COMMISSIONERS MUST BE ELECTED BY ONE OF THE FOLLOWING METHODS:

16 (a) BY DISTRICT ONLY, AS DESCRIBED IN SUBSECTION (3) OF THIS
17 SECTION; OR

18 (b) BY A COMBINATION OF AT-LARGE AND BY-DISTRICT VOTING
19 METHODS, AS DESCRIBED IN SUBSECTION (4) OF THIS SECTION.

20 (1.5) (a) IN ANY COUNTY HAVING A POPULATION OF SEVENTY
21 THOUSAND OR MORE WHOSE BOARD OF COUNTY COMMISSIONERS CONSISTS
22 OF THREE MEMBERS, THE BOARD OF COUNTY COMMISSIONERS SHALL
23 ADOPT A RESOLUTION INCREASING ITS MEMBERSHIP TO FIVE MEMBERS AND
24 DESIGNATING THE TWO ALTERNATIVE METHODS OF ELECTING ITS FIVE
25 COUNTY COMMISSIONERS SET FORTH IN SUBSECTIONS (3) AND (4) OF THIS
26 SECTION. THE BOARD OF COUNTY COMMISSIONERS SHALL PASS THE
27 RESOLUTION AT ITS FIRST REGULARLY SCHEDULED MEETING IN EACH

1 DECENNIAL CENSUS YEAR.

2 (b) THE BOARD OF COUNTY COMMISSIONERS SHALL REFER THE
3 RESOLUTION REQUIRED BY SUBSECTION (1.5)(a) OF THIS SECTION TO THE
4 REGISTERED ELECTORS OF THE COUNTY AT THE FIRST GENERAL ELECTION
5 FOLLOWING ITS ADOPTION SO THAT THE VOTERS MAY CHOOSE WHETHER
6 TO INCREASE THE MEMBERSHIP OF THE BOARD OF COUNTY COMMISSIONERS
7 TO FIVE MEMBERS AND, IF INCREASED, WHICH OF THE TWO ALTERNATIVE
8 METHODS OF ELECTING COUNTY COMMISSIONERS THE VOTERS PREFER.

9 (c) IF A MAJORITY OF VOTES CAST ARE IN FAVOR OF THE REFERRED
10 RESOLUTION DESCRIBED IN THIS SUBSECTION (1.5), THE BOARD OF COUNTY
11 COMMISSIONERS SHALL TAKE ACTION TO ENSURE THAT THE INCREASED
12 NUMBER OF COUNTY COMMISSIONERS ARE ELECTED AT THE NEXT GENERAL
13 ELECTION ACCORDING TO THE METHOD OF ELECTION IN THE REFERRED
14 RESOLUTION THAT RECEIVED THE LARGEST NUMBER OF VOTES CAST.

15 (2) (a) (I) IN ANY COUNTY HAVING A POPULATION OF SEVENTY
16 THOUSAND OR MORE WHOSE BOARD OF COUNTY COMMISSIONERS CONSISTS
17 OF FIVE MEMBERS, THE BOARD OF COUNTY COMMISSIONERS SHALL ADOPT
18 A RESOLUTION DESIGNATING THE TWO ALTERNATIVE METHODS OF
19 ELECTING ITS FIVE COUNTY COMMISSIONERS SET FORTH IN SUBSECTIONS
20 (3) AND (4) OF THIS SECTION. THE BOARD OF COUNTY COMMISSIONERS
21 SHALL PASS THE RESOLUTION NO LATER THAN ITS FIRST REGULARLY
22 SCHEDULED MEETING IN CALENDAR YEAR 2027.

23 (II) THE BOARD OF COUNTY COMMISSIONERS SHALL REFER THE
24 RESOLUTION REQUIRED BY THIS SUBSECTION (2)(a) TO THE REGISTERED
25 ELECTORS OF THE COUNTY AT THE FIRST GENERAL ELECTION FOLLOWING
26 ITS ADOPTION SO THAT THE VOTERS MAY CHOOSE WHICH OF THE TWO
27 ALTERNATIVE METHODS OF ELECTING COUNTY COMMISSIONERS THEY

1 PREFER. THEREAFTER, THE BOARD OF COUNTY COMMISSIONERS SHALL
2 TAKE ACTION TO ENSURE THAT COUNTY COMMISSIONERS ARE ELECTED AT
3 THE NEXT GENERAL ELECTION ACCORDING TO THE METHOD OF ELECTION
4 IN THE REFERRED RESOLUTION THAT RECEIVED THE LARGEST NUMBER OF
5 VOTES CAST.

6 (b) A COUNTY HAVING A POPULATION OF SEVENTY THOUSAND OR
7 MORE THAT ALREADY ELECTS ITS FIVE COUNTY COMMISSIONERS
8 ACCORDING TO ONE OF THE TWO ALTERNATIVE METHODS OF ELECTION SET
9 FORTH IN SUBSECTION (3) OR (4) OF THIS SECTION IS NOT REQUIRED TO
10 PASS THE RESOLUTION OTHERWISE REQUIRED BY SUBSECTION (2)(a) OF
11 THIS SECTION.

12 (c) (I) A BOARD OF COUNTY COMMISSIONERS MAY ADOPT A
13 RESOLUTION CHANGING THE METHOD OF ELECTING THE MEMBERS OF THE
14 BOARD FROM ONE ALTERNATIVE METHOD OF ELECTION PROVIDED IN
15 SUBSECTION (3) OR (4) OF THIS SECTION TO THE OTHER METHOD, AND
16 SHALL REFER THE RESOLUTION TO THE REGISTERED ELECTORS OF THE
17 COUNTY AT THE FIRST GENERAL ELECTION FOLLOWING ITS ADOPTION. IF
18 A MAJORITY OF VOTES CAST ARE IN FAVOR OF THE RESOLUTION, THE
19 BOARD OF COUNTY COMMISSIONERS SHALL TAKE SUCH ACTION AS IS
20 NECESSARY TO ENSURE THAT THE COUNTY COMMISSIONERS ARE ELECTED
21 AT THE NEXT GENERAL ELECTION ACCORDING TO THE PROCEDURE FOR
22 ELECTION CONTAINED IN THE RESOLUTION.

23 (II) ALTERNATIVELY, A PETITION SIGNED BY AT LEAST FIVE
24 PERCENT OF THE TOTAL NUMBER OF QUALIFIED ELECTORS OF A COUNTY
25 VOTING FOR ALL CANDIDATES FOR THE OFFICE OF SECRETARY OF STATE AT
26 THE LAST PRECEDING GENERAL ELECTION IS SUFFICIENT TO PLACE ON THE
27 BALLOT AT A GENERAL ELECTION THE QUESTION OF WHETHER TO CHANGE

1 THE METHOD OF ELECTING MEMBERS OF THE BOARD FROM ONE
2 ALTERNATIVE METHOD OF ELECTION PROVIDED IN SUBSECTION (3) OR (4)
3 OF THIS SECTION TO THE OTHER METHOD. THE PETITION MUST SPECIFY THE
4 CURRENT METHOD OF ELECTION AND THE PROPOSED ALTERNATIVE
5 METHOD OF ELECTION. THE PETITION MUST BE DELIVERED TO THE COUNTY
6 CLERK AND RECORDER PRIOR TO THE NINETIETH DAY BEFORE THE NEXT
7 GENERAL ELECTION WITH A REQUEST THAT THE QUESTION BE PLACED ON
8 THE BALLOT FOR REFERRAL TO THE REGISTERED ELECTORS OF THE COUNTY
9 AT THE NEXT GENERAL ELECTION.

10 (3) (a) FIVE COUNTY COMMISSIONERS RESIDENT IN FIVE DISTRICTS
11 MAY BE ELECTED BY VOTERS RESIDENT IN THOSE DISTRICTS, AS SPECIFIED
12 IN THIS SUBSECTION (3). EACH COUNTY COMMISSIONER SEAT TO WHICH A
13 COMMISSIONER WAS ELECTED BY VOTERS RESIDENT IN THE DISTRICT
14 PURSUANT TO THIS SUBSECTION (3) MUST BE FILLED BY THE DISTRICT
15 METHOD OF ELECTION. IF ANY COUNTY COMMISSIONER, DURING THE
16 COMMISSIONER'S TERM OF OFFICE, MOVES FROM THE DISTRICT IN WHICH
17 THE COMMISSIONER RESIDED WHEN ELECTED, THE COMMISSIONER'S OFFICE
18 BECOMES VACANT.

19 (b) IF A COUNTY ADOPTS THE DISTRICT METHOD OF ELECTION
20 PURSUANT TO THIS SUBSECTION (3) BUT IS NOT DIVIDED INTO FIVE COUNTY
21 COMMISSIONER DISTRICTS, THE BOARD OF COUNTY COMMISSIONERS SHALL
22 CHANGE THE BOUNDARIES OF THE COMMISSIONERS' DISTRICTS TO CREATE
23 FIVE DISTRICTS IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION
24 30-10-306 (2) AND THE COUNTY'S FINAL REDISTRICTING PLAN APPROVED
25 IN ACCORDANCE WITH SECTION 30-10-306.4.

26 (c) (I) IF THE FIRST GENERAL ELECTION AFTER THE VOTERS'
27 SELECTION OF THE DISTRICT METHOD OF ELECTION IS HELD IN 2028 OR ANY

1 FOURTH YEAR THEREAFTER, THREE MEMBERS RESIDENT IN DISTRICTS MUST
2 BE ELECTED TO FOUR-YEAR TERMS AT THAT GENERAL ELECTION AND TWO
3 MEMBERS RESIDENT IN DISTRICTS MUST BE ELECTED TO TWO-YEAR TERMS
4 UNTIL THE NEXT GENERAL ELECTION, AT WHICH TWO MEMBERS RESIDENT
5 IN DISTRICTS MUST BE ELECTED TO FOUR-YEAR TERMS. THEREAFTER,
6 THREE MEMBERS RESIDENT IN DISTRICTS MUST BE ELECTED AT THE
7 GENERAL ELECTIONS WHICH OCCUR EACH FOUR YEARS AFTER THE FIRST
8 GENERAL ELECTION FOLLOWING THE SELECTION OF THE DISTRICT METHOD
9 OF ELECTION, AND TWO MEMBERS RESIDENT IN DISTRICTS MUST BE
10 ELECTED AT THE GENERAL ELECTION WHICH OCCURS TWO YEARS AFTER
11 THE FIRST GENERAL ELECTION FOLLOWING THE SELECTION OF THE
12 DISTRICT METHOD OF ELECTION AND EVERY FOURTH YEAR THEREAFTER.

13 (II) IF THE FIRST GENERAL ELECTION AFTER THE VOTERS'
14 SELECTION OF THE DISTRICT METHOD OF ELECTION IS HELD IN 2030 OR ANY
15 FOURTH YEAR THEREAFTER, TWO MEMBERS RESIDENT IN DISTRICTS MUST
16 BE ELECTED TO FOUR-YEAR TERMS AT THAT GENERAL ELECTION AND
17 THREE MEMBERS RESIDENT IN DISTRICTS MUST BE ELECTED TO TWO-YEAR
18 TERMS UNTIL THE NEXT GENERAL ELECTION, AT WHICH THREE MEMBERS
19 RESIDENT IN DISTRICTS MUST BE ELECTED TO FOUR-YEAR TERMS.
20 THEREAFTER, TWO MEMBERS RESIDENT IN DISTRICTS MUST BE ELECTED AT
21 THE GENERAL ELECTIONS WHICH OCCUR EACH FOUR YEARS AFTER THE
22 FIRST GENERAL ELECTION FOLLOWING THE SELECTION OF THE DISTRICT
23 METHOD OF ELECTION, AND THREE MEMBERS RESIDENT IN DISTRICTS MUST
24 BE ELECTED AT THE GENERAL ELECTION WHICH OCCURS TWO YEARS AFTER
25 THE FIRST GENERAL ELECTION FOLLOWING THE SELECTION OF THE
26 DISTRICT METHOD OF ELECTION AND EVERY FOURTH YEAR THEREAFTER.

27 (III) BY MARCH 1 OF THE YEAR OF THE FIRST GENERAL ELECTION

1 AFTER THE VOTERS' SELECTION OF THE DISTRICT METHOD OF ELECTION,
2 THE BOARD OF COUNTY COMMISSIONERS SHALL DESIGNATE THE DISTRICTS
3 FROM WHICH A COMMISSIONER IS TO BE ELECTED TO AN INITIAL TWO-YEAR
4 TERM DESCRIBED IN THIS SUBSECTION (3)(c).

5 (4) (a) THREE COMMISSIONERS RESIDENT IN THREE DISTRICTS AND
6 ELECTED BY VOTERS RESIDENT IN THOSE DISTRICTS AND TWO
7 COMMISSIONERS ELECTED AT LARGE.

8 (b) (I) IF THE FIRST GENERAL ELECTION AFTER THE ADOPTION OF
9 THE AT-LARGE AND BY-DISTRICT COMBINATION METHOD OF ELECTION SET
10 FORTH IN THIS SUBSECTION (4) IS HELD IN 2028 OR ANY FOURTH YEAR
11 THEREAFTER, TWO MEMBERS MUST BE ELECTED BY DISTRICT AND ONE
12 MEMBER MUST BE ELECTED AT LARGE TO FOUR-YEAR TERMS AT THAT
13 ELECTION. ONE MEMBER MUST BE ELECTED BY DISTRICT AND ONE MEMBER
14 MUST BE ELECTED AT LARGE AT THAT ELECTION TO TWO-YEAR TERMS
15 UNTIL THE NEXT GENERAL ELECTION, AT WHICH THOSE TWO MEMBERS
16 MUST BE ELECTED TO FOUR-YEAR TERMS BY THEIR RESPECTIVE ELECTION
17 METHOD. THEREAFTER, TWO MEMBERS MUST BE ELECTED BY DISTRICT
18 AND ONE MEMBER MUST BE ELECTED AT LARGE AT THE GENERAL
19 ELECTIONS THAT OCCUR EVERY FOUR YEARS AFTER THE FIRST GENERAL
20 ELECTION FOLLOWING THE ADOPTION OF THE COMBINATION METHOD OF
21 ELECTION; AND TWO MEMBERS MUST BE ELECTED, ONE BY DISTRICT AND
22 ONE AT LARGE, AT THE GENERAL ELECTIONS THAT OCCUR EVERY FOUR
23 YEARS AFTER THE GENERAL ELECTION THAT OCCURS TWO YEARS AFTER
24 THE FIRST GENERAL ELECTION FOLLOWING THE ADOPTION OF THE
25 AT-LARGE AND BY-DISTRICT COMBINATION METHOD OF ELECTION.

26 (II) IF THE FIRST GENERAL ELECTION AFTER THE ADOPTION OF THE
27 AT-LARGE AND BY-DISTRICT COMBINATION METHOD OF ELECTION SET

1 FORTH IN THIS SUBSECTION (4) IS HELD IN 2030 OR ANY FOURTH YEAR
2 THEREAFTER, ONE MEMBER MUST BE ELECTED BY DISTRICT AND ONE
3 MEMBER MUST BE ELECTED AT LARGE TO FOUR-YEAR TERMS AT THAT
4 ELECTION. TWO MEMBERS MUST BE ELECTED BY DISTRICT AND ONE
5 MEMBER MUST BE ELECTED AT LARGE AT THAT ELECTION TO TWO-YEAR
6 TERMS UNTIL THE NEXT GENERAL ELECTION, AT WHICH THOSE THREE
7 MEMBERS MUST BE ELECTED TO FOUR-YEAR TERMS BY THEIR RESPECTIVE
8 ELECTION METHOD. THEREAFTER, ONE MEMBER MUST BE ELECTED BY
9 DISTRICT AND ONE MEMBER MUST BE ELECTED AT LARGE AT THE GENERAL
10 ELECTIONS THAT OCCUR EVERY FOUR YEARS AFTER THE FIRST GENERAL
11 ELECTION FOLLOWING THE ADOPTION OF THE COMBINATION METHOD OF
12 ELECTION; AND TWO MEMBERS MUST BE ELECTED BY DISTRICT AND ONE
13 MEMBER MUST BE ELECTED AT LARGE AT THE GENERAL ELECTIONS THAT
14 OCCUR EVERY FOUR YEARS AFTER THE GENERAL ELECTION THAT OCCURS
15 TWO YEARS AFTER THE FIRST GENERAL ELECTION FOLLOWING THE
16 ADOPTION OF THE AT-LARGE AND BY-DISTRICT COMBINATION METHOD OF
17 ELECTION.

18 (III) BY MARCH 1 OF THE YEAR OF THE FIRST GENERAL ELECTION
19 AFTER THE VOTERS' SELECTION OF THE AT-LARGE AND BY-DISTRICT
20 COMBINATION METHOD OF ELECTION DESCRIBED IN THIS SUBSECTION (4),
21 THE BOARD OF COUNTY COMMISSIONERS SHALL DESIGNATE THE BY
22 DISTRICT AND AT-LARGE POSITIONS FROM WHICH A COMMISSIONER IS TO
23 BE ELECTED TO AN INITIAL TWO-YEAR TERM AS DESCRIBED IN THIS
24 SUBSECTION (4)(b).

25 (5) ALL PROCEEDINGS BY A BOARD OF COUNTY COMMISSIONERS IN
26 ELECTING FIVE COUNTY COMMISSIONERS IN A MANNER CONSISTENT WITH
27 SUBSECTION (3) OR (4) OF THIS SECTION ARE CONFIRMED AND VALIDATED.

1 (6) SIGNATURE REQUIREMENTS GOVERNING PETITIONS FOR A RACE
2 INVOLVING A SEAT ON THE BOARD OF COUNTY COMMISSIONERS ARE AS
3 SPECIFIED IN SECTION 1-4-801 FOR MAJOR POLITICAL PARTY CANDIDATES
4 AND SECTION 1-4-802 FOR CANDIDATES WHO DO NOT WISH TO AFFILIATE
5 WITH A MAJOR POLITICAL PARTY.

6 (7) A HOME RULE COUNTY IS EXEMPT FROM THE REQUIREMENTS OF
7 THIS SECTION IF THE HOME RULE COUNTY ELECTS MORE THAN HALF OF ITS
8 COUNTY COMMISSIONERS BY A DISTRICT METHOD OF ELECTION, SUCH THAT
9 THE COUNTY COMMISSIONERS ARE RESIDENT IN DISTRICTS AND ARE
10 ELECTED BY VOTERS RESIDENT IN THOSE DISTRICTS.

11 **SECTION 8. Act subject to petition - effective date.** This act
12 takes effect at 12:01 a.m. on the day following the expiration of the
13 ninety-day period after final adjournment of the general assembly (August
14 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
15 referendum petition is filed pursuant to section 1 (3) of article V of the
16 state constitution against this act or an item, section, or part of this act
17 within such period, then the act, item, section, or part will not take effect
18 unless approved by the people at the general election to be held in
19 November 2026 and, in such case, will take effect on the date of the
20 official declaration of the vote thereon by the governor.