

CHAPTER 46

PUBLIC UTILITIES

SENATE BILL 16-055

BY SENATOR(S) Grantham, Donovan, Crowder, Sonnenberg, Baumgardner, Cooke, Hodge, Holbert, Lambert, Lundberg, Marble, Martinez Humenik, Neville T., Roberts, Scheffel, Scott, Tate, Woods, Cadman;
also REPRESENTATIVE(S) Moreno, Arndt, Becker J., Brown, Esgar, Hamner, Mitsch Bush, Saine, Vigil, Wilson, Winter.

AN ACT

CONCERNING THE CONDUCT OF ELECTIONS TO CHOOSE THE BOARD OF DIRECTORS OF A COOPERATIVE ELECTRIC ASSOCIATION.

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

SECTION 1. In Colorado Revised Statutes, 40-9.5-110, **amend** (2) (a) and (2) (c) as follows:

40-9.5-110. Board of directors of cooperative electric associations - nomination - elections. (2) (a) (I) Each member of the association ~~shall be~~ is entitled to vote in the election of directors on the board of directors either at a meeting held for such purpose or by mail, but not both. A member who has voted by mail ~~shall~~ is not ~~be~~ entitled to vote at the meeting.

(II) Mail voting ~~shall~~ **must** be in writing on ballots provided by the association. The mail ballot shall be voted by the member, placed in a special **SECRECY SLEEVE OR INNER ENVELOPE** provided for the purpose so as to conceal the marking on the ballot, deposited in a return envelope, which must be signed by the voting member, and mailed back to the association **OR TO AN INDEPENDENT THIRD PARTY WITH WHOM THE ASSOCIATION HAS CONTRACTED FOR THE STORAGE AND COUNTING OF BALLOTS IN ACCORDANCE WITH PARAGRAPH (c) OF THIS SUBSECTION (2).**

(III) **A MAIL BALLOT RECEIVED IN A SIGNED RETURN ENVELOPE BUT WITHOUT A SECRECY SLEEVE OR INNER ENVELOPE IS NONETHELESS VALID AND SHALL BE COUNTED.**

(c) The board of directors shall, when practicable, arrange for an independent third party to oversee the storage and counting of ballots. If this is not practicable,

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

then ballots shall be collected and stored in a manner that protects the privacy of their content. All candidates for the board of directors shall be given the opportunity to be present to observe ~~their tabulation~~ THE COUNTING OF THE BALLOTS; EXCEPT THAT, IF THE ASSOCIATION HAS CONTRACTED WITH AN INDEPENDENT THIRD PARTY TO COLLECT AND COUNT BALLOTS, THE BALLOTS MUST BE DELIVERED TO THE ASSOCIATION UNDER SEAL PROMPTLY AFTER THE COUNT AND, UPON THE REQUEST OF ANY CANDIDATE, MADE AVAILABLE TO THE CANDIDATE FOR INSPECTION.

SECTION 2. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to board elections conducted on or after the applicable effective date of this act.

Approved: March 23, 2016