

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0470.01 Bob Lackner x4350

HOUSE BILL 18-1181

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HOUSE SPONSORSHIP

Liston, McKean, Wilson, Coleman

SENATE SPONSORSHIP

Tate,

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House Committees

State, Veterans, & Military Affairs

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING MEASURES TO EXPAND THE ABILITY OF NONRESIDENT  
102 ELECTORS TO PARTICIPATE IN THE GOVERNANCE OF SPECIAL  
103 DISTRICTS, AND, IN CONNECTION THEREWITH, ALLOWING  
104 NONRESIDENT ELECTORS WHO OWN TAXABLE PROPERTY WITHIN  
105 THE SPECIAL DISTRICT TO VOTE IN SPECIAL DISTRICT ELECTIONS  
106 AND ALLOWING SUCH ELECTORS TO SERVE ON SPECIAL DISTRICT  
107 BOARDS IN A NONVOTING CAPACITY.

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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>.)*

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.

**Section 1** of the bill expands the definition of "eligible elector", as used in reference of persons voting in special district elections, to include a person who owns, or whose spouse or civil union partner owns, taxable real or personal property situated within the boundaries of the special district or the area to be included in the special district and who has satisfied all other requirements in the bill for registering to vote in an election of a special district but who is not a resident of the state.

**Section 2** prohibits a person from voting in a special district election unless that person is an eligible elector as defined by the bill. The section also requires any person desiring to vote at any election as an eligible elector to sign a self-affirmation that the person is an elector of the special district. The bill specifies the form the affirmation must take.

**Section 3** specifies procedures by which the eligible elector becomes registered to be able to vote in the special district election. This section also contains an affirmation to be executed by the voter upon completing his or her application for registration.

A person who is designated as an eligible elector in accordance with the bill is only permitted to vote in an election of the special district with which the person has registered and for a candidate for the board of directors of the special district (board) who is listed on the ballot of the special district with which the elector is registered. A person who is designated as an eligible elector in accordance with the bill is only permitted to vote for candidates for the board and is not authorized to vote for any other candidates or ballot issues or ballot questions that may appear on the regular ballot of the special district.

The form used to register an eligible elector under this section must contain a question asking the elector to confirm that he or she desires to receive a ballot from the special district. Unless the elector has executed the form to indicate that he or she desires to receive a ballot from the special district, the designated election official is not required to send a ballot to the elector. The special district is solely responsible for maintaining the list of nonresident owners of property within the special district who are eligible to vote in an election of the special district.

**Section 4** authorizes each special district board to select, in an exercise of its own discretion and by majority vote of the board's voting members, one or more additional board members, each of whom shall serve as a nonvoting member of the board. A member of the board appointed for this purpose must be a person who is a nonresident of the state of Colorado but is otherwise eligible to cast a ballot in elections of the special district in accordance with the bill. A board with 3 members may appoint no more than one nonvoting member of the board. A board with 5 members may appoint no more than 2 nonvoting members of the board. The term of such board members is 4 years subject to renewal of one or more additional 4-year terms in the discretion of a majority of the voting members of the board. Any board member appointed for this

purpose may be removed for cause at any time by a majority of the voting members of the board.

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

2 **SECTION 1.** In Colorado Revised Statutes, 32-1-103, **amend** the  
3 introductory portion; and **add** (5)(f) as follows:

4 **32-1-103. Definitions.** As used in this ~~article~~ ARTICLE 1, unless  
5 the context otherwise requires:

6 (5) (f) "ELIGIBLE ELECTOR" ALSO MEANS A PERSON WHO OWNS, OR  
7 WHOSE SPOUSE OR CIVIL UNION PARTNER OWNS, TAXABLE REAL OR  
8 PERSONAL PROPERTY SITUATED WITHIN THE BOUNDARIES OF THE SPECIAL  
9 DISTRICT OR THE AREA TO BE INCLUDED IN THE SPECIAL DISTRICT AND  
10 WHO HAS SATISFIED ALL REQUIREMENTS PROVIDED BY LAW FOR  
11 REGISTERING TO VOTE IN AN ELECTION OF A SPECIAL DISTRICT IN  
12 ACCORDANCE WITH SECTIONS 32-1-806 AND 32-1-806.5, BUT WHO IS NOT  
13 A RESIDENT OF THE STATE.

14 **SECTION 2.** In Colorado Revised Statutes, 32-1-806, **amend** (1)  
15 and (4); **repeal** (3); and **add** (2.5) as follows:

16 **32-1-806. Persons entitled to vote at special district elections.**

17 (1) No person shall be permitted to vote in any election unless that  
18 person is an eligible elector as defined in section 32-1-103 (5)(a) OR  
19 (5)(f).

20 (2.5) ANY PERSON DESIRING TO VOTE AT ANY ELECTION AS AN  
21 ELIGIBLE ELECTOR PURSUANT TO SECTION 32-1-103 (5)(f) SHALL SIGN A  
22 SELF-AFFIRMATION THAT THE PERSON IS AN ELECTOR OF THE SPECIAL  
23 DISTRICT. THE SELF-AFFIRMING OATH OR AFFIRMATION MUST BE ON A  
24 FORM THAT CONTAINS IN SUBSTANCE THE FOLLOWING:

25 "I, (PRINTED NAME), WHO RESIDES AT (ADDRESS), AM AN

1 ELECTOR OF THIS (NAME OF SPECIAL DISTRICT) DISTRICT AND DESIRE TO  
2 VOTE AT THIS ELECTION. I AM NOT A RESIDENT OF THE STATE OF  
3 COLORADO. I DO SOLEMNLY SWEAR (OR AFFIRM) THAT I AM QUALIFIED TO  
4 VOTE IN THIS SPECIAL DISTRICT ELECTION AS:

5 \_\_\_\_\_ THE OWNER OF TAXABLE REAL OR PERSONAL PROPERTY SITUATED  
6 WITHIN THE BOUNDARIES OF THE SPECIAL DISTRICT OR AREA TO BE  
7 INCLUDED WITHIN THE SPECIAL DISTRICT; OR

8 \_\_\_\_\_ A PERSON WHO IS OBLIGATED TO PAY TAXES UNDER A CONTRACT  
9 TO PURCHASE TAXABLE PROPERTY IN THE SPECIAL DISTRICT OR THE AREA  
10 TO BE INCLUDED WITHIN THE SPECIAL DISTRICT; OR

11 \_\_\_\_\_ THE SPOUSE OR CIVIL UNION PARTNER OF (NAME OF SPOUSE OR  
12 CIVIL UNION PARTNER) WHO IS THE OWNER OF TAXABLE REAL OR  
13 PERSONAL PROPERTY SITUATED WITHIN THE BOUNDARIES OF THE SPECIAL  
14 DISTRICT OR AREA TO BE INCLUDED WITHIN THE SPECIAL DISTRICT.

15 I HAVE NOT VOTED PREVIOUSLY AT THIS ELECTION.

16 DATE \_\_\_\_\_

17 SIGNATURE OF ELECTOR \_\_\_\_\_."

18 ~~(3) For electors who vote at any election by mail ballot, the~~  
19 ~~affidavit on the envelope of the ballot as required by title 1, C.R.S., may~~  
20 ~~be substituted for the self-affirming oath or affirmation required by~~  
21 ~~subsection (2) of this section.~~

22 (4) A person who completes the self-affirming oath or affirmation  
23 required by subsection (2) OR (2.5) of this section ~~shall be~~ IS permitted to  
24 vote, unless such person's right to vote is challenged.

25 **SECTION 3.** In Colorado Revised Statutes, **add** 32-1-806.5 as  
26 follows:

27 **32-1-806.5. Registration for specified electors in special**

1 **district election - owners of taxable property within special district**

2 **who are not residents of the state.** (1) NO PERSON WHO IS DESIGNATED  
3 AS AN ELIGIBLE ELECTOR IN ACCORDANCE WITH SECTION 32-1-103 (5)(f)  
4 SHALL BE PERMITTED TO CAST A BALLOT AT ANY SPECIAL DISTRICT  
5 ELECTION WITHOUT FIRST HAVING BEEN REGISTERED WITHIN THE TIME  
6 AND IN THE MANNER REQUIRED BY THE PROVISIONS OF THIS SECTION. NO  
7 CHARGE SHALL BE MADE FOR REGISTRATION.

8 (2) EACH ELECTOR REGISTERING SHALL SIGN HIS OR HER NAME ON  
9 THE REGISTRATION RECORD OR, IF UNABLE TO WRITE, SHALL MAKE A  
10 PERSONAL MARK OR BE PROVIDED ASSISTANCE TO MAKE SUCH A MARK BY  
11 THE DESIGNATED ELECTION OFFICIAL OR ANY OTHER PERSON AUTHORIZED  
12 BY SUCH OFFICIAL OR THE ELECTOR. THE ELECTOR SHALL ANSWER THE  
13 QUESTIONS REQUIRED BY SUBSECTION (7) OF THIS SECTION AND SHALL  
14 COMPLETE THE SELF-AFFIRMATION REQUIRED BY SUBSECTION (13) OF THIS  
15 SECTION. THE DESIGNATED ELECTION OFFICIAL SHALL NOT REGISTER AN  
16 ELECTOR WHO FAILS TO COMPLY WITH THIS SUBSECTION (2).

17 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW:

18 (a) AN ELECTOR IS PERMITTED TO VOTE IN ANY SPECIAL DISTRICT  
19 ELECTION IF HE OR SHE TIMELY REGISTERS TO VOTE BEFORE OR ON THE  
20 DATE OF SUCH ELECTION; AND

21 (b) A PERSON WHO IS DESIGNATED AS AN ELIGIBLE ELECTOR IN  
22 ACCORDANCE WITH SECTION 32-1-103 (5)(f) IS ONLY PERMITTED TO VOTE  
23 IN AN ELECTION OF THE SPECIAL DISTRICT WITH WHICH THE PERSON HAS  
24 REGISTERED UNDER THIS SECTION AND IS NOT PERMITTED TO VOTE IN ANY  
25 ELECTION OTHER THAN AN ELECTION CONDUCTED BY THE SPECIAL  
26 DISTRICT OR TO VOTE FOR ANY CANDIDATE FOR THE BOARD OF DIRECTORS  
27 OF THE SPECIAL DISTRICT UNLESS THE CANDIDATE IS ON THE BALLOT OF

1 THE SPECIAL DISTRICT WITH WHICH THE ELECTOR IS REGISTERED. A  
2 PERSON WHO IS DESIGNATED AS AN ELIGIBLE ELECTOR IN ACCORDANCE  
3 WITH SECTION 32-1-103 (5)(f) IS ONLY PERMITTED TO VOTE FOR  
4 CANDIDATES FOR THE BOARD OF DIRECTORS OF THE SPECIAL DISTRICT  
5 WITH WHICH THE ELECTOR IS REGISTERED AND IS NOT AUTHORIZED TO  
6 VOTE FOR ANY OTHER CANDIDATES OR BALLOT ISSUES OR BALLOT  
7 QUESTIONS THAT MAY APPEAR ON THE REGULAR BALLOT OF THE SPECIAL  
8 DISTRICT.

9 (4) AN ELECTOR MAY TIMELY REGISTER TO VOTE BY:

10 (a) SUBMITTING AN APPLICATION THROUGH THE MAIL TO THE  
11 DESIGNATED ELECTION OFFICIAL OF THE SPECIAL DISTRICT THROUGH THE  
12 EIGHTH DAY PRIOR TO AN ELECTION; EXCEPT THAT, IF THE EIGHTH DAY  
13 BEFORE AN ELECTION IS A SATURDAY, SUNDAY, OR LEGAL HOLIDAY, THE  
14 ELECTOR IS PERMITTED TO REGISTER ON THE NEXT DAY THAT IS NOT A  
15 SATURDAY, SUNDAY, OR LEGAL HOLIDAY; OR

16 (b) APPEARING IN-PERSON AT THE OFFICE OF THE DESIGNATED  
17 ELECTION OFFICIAL OF THE SPECIAL DISTRICT AT ANY TIME DURING WHICH  
18 REGISTRATION IS PERMITTED AT THE OFFICE.

19 (5) TO RECEIVE A BALLOT BY MAIL FOR A SPECIAL DISTRICT  
20 ELECTION, AN ELECTOR MUST SUBMIT HIS OR HER VOTER REGISTRATION  
21 APPLICATION ON OR BEFORE THE EIGHTH DAY BEFORE THE ELECTION.

22 (6) AN ELECTOR WHO SUBMITS A VOTER REGISTRATION FORM AND  
23 HAS NOT PREVIOUSLY VOTED IN THE STATE SHALL:

24 (a) SUBMIT WITH THE VOTER REGISTRATION FORM A COPY OF  
25 IDENTIFICATION AS DEFINED IN SECTION 1-1-104 (19.5), THE ELECTOR'S  
26 DRIVER'S LICENSE NUMBER, OR THE LAST FOUR DIGITS OF THE ELECTOR'S  
27 SOCIAL SECURITY NUMBER; OR

1 (b) SUBMIT A COPY OF IDENTIFICATION AS DEFINED IN SECTION  
2 1-1-104 (19.5) WITH THE ELECTOR'S MAIL BALLOT IN ACCORDANCE WITH  
3 SECTION 1-7.5-107 (3.5).

4 (7) IN ADDITION TO SUBMITTING THE INFORMATION REQUIRED BY  
5 SUBSECTION (6) OF THIS SECTION, EACH ELECTOR SHALL CORRECTLY  
6 ANSWER THE FOLLOWING:

7 (a) THE ELECTOR'S NAME IN FULL;

8 (b) THE ELECTOR'S ADDRESS OF RECORD OR DELIVERABLE MAILING  
9 ADDRESS IF DIFFERENT FROM THE ADDRESS OF RECORD. A POST OFFICE  
10 BOX NUMBER SHALL NOT BE USED AS A DELIVERABLE MAILING ADDRESS  
11 FOR THE PURPOSES OF THIS SUBSECTION (7)(b).

12 (c) WHETHER THE ELECTOR IS A CITIZEN OF THE UNITED STATES;

13 (d) THE ELECTOR'S GENDER IDENTITY, IF THE ELECTOR WISHES TO  
14 STATE IT;

15 (e) THE ELECTOR'S DATE OF BIRTH;

16 (f) THE ELECTOR'S DELIVERABLE MAILING ADDRESS IF DIFFERENT  
17 FROM THE ELECTOR'S ADDRESS OF RECORD;

18 (g) THE LAST FOUR DIGITS OF THE ELECTOR'S SOCIAL SECURITY  
19 NUMBER. IF THE ELECTOR DOES NOT HAVE A SOCIAL SECURITY NUMBER,  
20 THE ELECTOR SHALL ANSWER THAT HE OR SHE DOES NOT HAVE A SOCIAL  
21 SECURITY NUMBER.

22 (h) WHETHER ANY COMMUNICATION BY MAIL FROM THE  
23 DESIGNATED ELECTION OFFICIAL TO SUCH ELIGIBLE ELECTOR SHOULD BE  
24 SENT TO THE ELECTOR'S DELIVERABLE MAILING ADDRESS; AND

25 (i) THE QUESTION "DO YOU AFFIRM THAT YOU MEET THE VOTER  
26 REGISTRATION QUALIFICATIONS AND THAT THE INFORMATION YOU HAVE  
27 PROVIDED IN THIS APPLICATION IS TRUE TO THE BEST OF YOUR

1 KNOWLEDGE AND BELIEF?"

2 (8) IF AN APPLICANT FOR VOTER REGISTRATION HAS NOT BEEN  
3 ISSUED A SOCIAL SECURITY NUMBER, THE DESIGNATED ELECTION OFFICIAL  
4 SHALL ASSIGN THE APPLICANT A NUMBER THAT WILL SERVE TO IDENTIFY  
5 THE APPLICANT FOR VOTER REGISTRATION PURPOSES.

6 (9) THE FORM USED FOR REGISTRATION OF ELIGIBLE ELECTORS  
7 MUST CONTAIN A STATEMENT THAT THE APPLICANT SHALL COMPLY WITH  
8 THE REQUIREMENTS OF SUBSECTION (7)(g) OF THIS SECTION, THAT AN  
9 APPLICANT WHO SATISFIES THE REQUIREMENTS OF 32-1-103 (5)(f) BUT  
10 DOES NOT HAVE A SOCIAL SECURITY NUMBER MAY STILL REGISTER TO  
11 VOTE, AND THAT THE DESIGNATED ELECTION OFFICIAL WILL ASSIGN AN  
12 IDENTIFYING NUMBER TO SUCH AN APPLICANT FOR VOTER REGISTRATION  
13 PURPOSES.

14 (10) IF THE DESIGNATED ELECTION OFFICIAL HAS REASONABLE  
15 CAUSE TO BELIEVE THAT AN APPLICANT HAS FALSIFIED ANY ANSWERS TO  
16 THE QUESTIONS SET FORTH IN THIS SECTION, THE DESIGNATED ELECTION  
17 OFFICIAL SHALL CERTIFY THE SAME TO THE DISTRICT ATTORNEY FOR  
18 INVESTIGATION AND APPROPRIATE ACTION.

19 (11) (a) IF THE REGISTRATION RECORD OF A REGISTERED ELECTOR  
20 DOES NOT CONTAIN THE LAST FOUR DIGITS OF THE ELECTOR'S SOCIAL  
21 SECURITY NUMBER, THE DESIGNATED ELECTION OFFICIAL SHALL REQUEST  
22 THE ELECTOR TO PROVIDE THE LAST FOUR DIGITS OF THE ELECTOR'S  
23 SOCIAL SECURITY NUMBER. THE REQUEST MAY BE MADE OF THE  
24 REGISTERED ELECTOR BY THE DESIGNATED ELECTION OFFICIAL:

25 (I) IN ANY WRITTEN COMMUNICATION BY MAIL FROM THE  
26 DESIGNATED ELECTION OFFICIAL TO THE REGISTERED ELECTOR;

27 (II) IN MATERIALS TO BE RETURNED BY THE REGISTERED ELECTOR



1 WITH A MAIL BALLOT.

2 (b) NO REGISTERED ELECTOR SHALL BE PROHIBITED FROM VOTING  
3 AT ANY ELECTION FOR FAILURE TO PROVIDE THE LAST FOUR DIGITS OF THE  
4 ELECTOR'S SOCIAL SECURITY NUMBER OR THE ELECTOR'S FULL SOCIAL  
5 SECURITY NUMBER.

6 (c) ANY SOCIAL SECURITY NUMBER OR THE LAST FOUR DIGITS OF  
7 A SOCIAL SECURITY NUMBER OF AN ELECTOR THAT IS OBTAINED BY THE  
8 DESIGNATED ELECTION OFFICIAL FROM SUCH ELECTOR PURSUANT TO THIS  
9 SECTION SHALL BE HELD CONFIDENTIAL AND SHALL NOT BE PUBLISHED OR  
10 BE OPEN TO OR AVAILABLE FOR PUBLIC INSPECTION. THE DESIGNATED  
11 ELECTION OFFICIAL SHALL DEVELOP APPROPRIATE SECURITY MEASURES TO  
12 ENSURE THE CONFIDENTIALITY OF SUCH NUMBERS.

13 (d) THE LAST FOUR DIGITS OF A SOCIAL SECURITY NUMBER  
14 DESCRIBED IN THIS SECTION SHALL NOT BE CONSIDERED A SOCIAL  
15 SECURITY NUMBER FOR PURPOSES OF SECTION 7 OF THE FEDERAL  
16 "PRIVACY ACT OF 1974", PUB.L. 93-579.

17 (12) THIS SECTION DOES NOT APPLY TO A COVERED VOTER, AS  
18 DEFINED IN SECTION 1-8.3-102, WHO IS REGISTERING TO VOTE PURSUANT  
19 TO SECTION 1-8.3-107.

20 (13)(a) THE REGISTRATION RECORD TO BE SIGNED BY AN ELECTOR  
21 REGISTERED TO VOTE IN ACCORDANCE WITH THIS SECTION MUST BEAR THE  
22 FOLLOWING STATEMENT:

23 WARNING:

24 IT IS A CLASS 1 MISDEMEANOR:

25 TO SWEAR OR AFFIRM FALSELY AS TO YOUR

26 QUALIFICATIONS TO REGISTER TO VOTE.

27 (b) EACH ELECTOR MAKING APPLICATION FOR REGISTRATION

1 PURSUANT TO THIS SECTION ONLY SHALL MAKE THE FOLLOWING  
2 SELF-AFFIRMATION: "I, ..., AFFIRM THAT I AM A CITIZEN OF THE UNITED  
3 STATES AND I AM AT LEAST SIXTEEN YEARS OLD AND UNDERSTAND THAT  
4 I MUST BE EIGHTEEN YEARS OLD TO BE ELIGIBLE TO VOTE. I CERTIFY  
5 UNDER PENALTY OF PERJURY THAT I MEET THE REGISTRATION  
6 QUALIFICATIONS; THAT THE INFORMATION I HAVE PROVIDED ON THIS  
7 APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF; AND  
8 THAT I HAVE NOT, NOR WILL I, CAST MORE THAN ONE BALLOT IN ANY  
9 ELECTION."

10 (c) THE ELECTOR SHALL SIGN THE REGISTRATION RECORD AS  
11 EVIDENCE OF THE AFFIRMATION MADE BY THE ELECTOR.

12 (14) THE FORM USED TO REGISTER AN ELIGIBLE ELECTOR UNDER  
13 THIS SECTION MUST CONTAIN A QUESTION ASKING THE ELECTOR TO  
14 CONFIRM THAT HE OR SHE DESIRES TO RECEIVE A BALLOT FROM THE  
15 SPECIAL DISTRICT. NOTWITHSTANDING ANY OTHER PROVISION OF LAW,  
16 UNLESS THE ELECTOR HAS EXECUTED THE FORM TO INDICATE THAT HE OR  
17 SHE DESIRES TO RECEIVE A BALLOT FROM THE SPECIAL DISTRICT, THE  
18 DESIGNATED ELECTION OFFICIAL IS NOT REQUIRED TO SEND A BALLOT TO  
19 THE ELECTOR.

20 (15) THE SPECIAL DISTRICT IS SOLELY RESPONSIBLE FOR  
21 MAINTAINING THE LIST OF NONRESIDENT OWNERS OF PROPERTY WITHIN  
22 THE SPECIAL DISTRICT WHO ARE ELIGIBLE TO VOTE IN AN ELECTION OF THE  
23 SPECIAL DISTRICT IN ACCORDANCE WITH THIS SECTION. THE SPECIAL  
24 DISTRICT SHALL UPDATE THE LIST ON AN ANNUAL BASIS.

25 (16) THE SECRETARY OF STATE SHALL PROMULGATE RULES IN  
26 ACCORDANCE WITH ARTICLE 4 OF TITLE 24 AS MAY BE NECESSARY TO  
27 FACILITATE THE EFFECTIVE ADMINISTRATION OF THIS SECTION.

1           **SECTION 4.** In Colorado Revised Statutes, 32-1-902, **add** (1.5)  
2 as follows:

3           **32-1-902. Organization of board - compensation - disclosure.**

4 (1.5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EACH BOARD  
5 MAY SELECT, IN AN EXERCISE OF ITS OWN DISCRETION AND BY MAJORITY  
6 VOTE OF THE BOARD'S VOTING MEMBERS, ONE OR MORE ADDITIONAL  
7 BOARD MEMBERS IN ACCORDANCE WITH THIS SUBSECTION (1.5), EACH OF  
8 WHOM SHALL SERVE AS A NONVOTING MEMBER OF THE BOARD. A MEMBER  
9 OF THE BOARD APPOINTED IN ACCORDANCE WITH THIS SECTION MUST BE  
10 A PERSON WHO IS A NONRESIDENT OF THE STATE BUT IS OTHERWISE  
11 ELIGIBLE TO CAST A BALLOT IN ELECTIONS OF THE SPECIAL DISTRICT IN  
12 ACCORDANCE WITH SECTION 32-1-103 (5)(f). A BOARD WITH THREE  
13 MEMBERS MAY APPOINT NO MORE THAN ONE NONVOTING MEMBER OF THE  
14 BOARD IN ACCORDANCE WITH THIS SUBSECTION (1.5). A BOARD WITH FIVE  
15 MEMBERS MAY APPOINT NO MORE THAN TWO NONVOTING MEMBERS OF  
16 THE BOARD IN ACCORDANCE WITH THIS SUBSECTION (1.5). THE TERM OF  
17 A BOARD MEMBER APPOINTED PURSUANT TO THIS SUBSECTION (1.5) IS  
18 FOUR YEARS SUBJECT TO RENEWAL FOR ONE OR MORE ADDITIONAL  
19 FOUR-YEAR TERMS IN THE DISCRETION OF A MAJORITY OF THE VOTING  
20 MEMBERS OF THE BOARD. ANY BOARD MEMBER APPOINTED PURSUANT TO  
21 THIS SUBSECTION (1.5) MAY BE REMOVED FOR CAUSE AT ANY TIME BY A  
22 MAJORITY OF THE VOTING MEMBERS OF THE BOARD.

23           **SECTION 5. Act subject to petition - effective date.** This act  
24 takes effect September 1, 2018; except that, if a referendum petition is  
25 filed pursuant to section 1 (3) of article V of the state constitution against  
26 this act or an item, section, or part of this act within the ninety-day period  
27 after final adjournment of the general assembly, then the act, item,

1 section, or part will not take effect unless approved by the people at the  
2 general election to be held in November 2018 and, in such case, will take  
3 effect on the date of the official declaration of the vote thereon by the  
4 governor.