

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 18-1131.01 Gregg Fraser x4325

SENATE BILL 18-221

SENATE SPONSORSHIP

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Senate Committees

Local Government

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE ELECTION OF A COUNTY COMMISSIONER IN A**
102 **COUNTY WITH A POPULATION OF LESS THAN SEVENTY THOUSAND**
103 **BY THE VOTERS RESIDING IN THE DISTRICT FROM WHICH THE**
104 **COMMISSIONER RUNS FOR ELECTION.**

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 less than 70,000, the board of county commissioners consists of 3 members from 3 separate districts, with one commissioner elected from each district by the voters

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.

SENATE
2nd Reading Unamended
April 16, 2018

of the whole county.

The bill allows the voters of a county to change the method of election so that a commissioner is elected only by voters residing in the district from which the commissioner runs for election.

The change can be made either by the board of county commissioners referring a question to the voters or by the qualified electors filing a petition to have the question placed the ballot. Terms of current commissioners are not affected and the change only affects newly elected commissioners.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 30-10-306.8 as
3 follows:

4 **30-10-306.8. Election of commissioners by district.** (1) IN ANY
5 COUNTY HAVING A POPULATION OF LESS THAN SEVENTY THOUSAND, THE
6 REGISTERED ELECTORS MAY, EITHER BY REFERENDUM OR BY INITIATIVE,
7 CHANGE THE METHOD OF ELECTING THE BOARD OF COUNTY
8 COMMISSIONERS AS PROVIDED IN THIS SECTION. IN A COUNTY IN WHICH
9 COMMISSIONERS ARE ELECTED BY THE VOTERS OF THE WHOLE COUNTY,
10 THE ELECTORS MAY CHANGE THE METHOD OF ELECTION SO THAT
11 COMMISSIONERS ARE ELECTED ONLY BY VOTERS RESIDING IN THE DISTRICT
12 FROM WHICH THE COMMISSIONERS RUN FOR ELECTION. IN A COUNTY IN
13 WHICH COMMISSIONERS ARE ELECTED ONLY BY VOTERS RESIDING IN THE
14 DISTRICT FROM WHICH THE COMMISSIONERS RUN FOR ELECTION, THE
15 ELECTORS MAY CHANGE THE METHOD OF ELECTION SO THAT THE
16 COMMISSIONERS ARE ELECTED BY THE VOTERS OF THE WHOLE COUNTY.
17 THE COUNTY CLERK AND RECORDER SHALL MAKE ANY OTHER NECESSARY
18 PROVISION TO EFFECTUATE THE CHANGE IN METHOD OF ELECTION.

19 (2) SUBJECT TO REFERRAL AS PROVIDED IN THIS SUBSECTION (2),
20 A BOARD OF COUNTY COMMISSIONERS MAY PASS A RESOLUTION CHANGING

1 THE METHOD OF ELECTING THE COMMISSIONERS AS PROVIDED IN
2 SUBSECTION (1) OF THIS SECTION. PRIOR TO THE NINETIETH DAY BEFORE
3 THE NEXT GENERAL ELECTION, THE BOARD OF COUNTY COMMISSIONERS
4 SHALL REQUEST THAT THE COUNTY CLERK AND RECORDER PLACE THE
5 RESOLUTION ON THE BALLOT FOR REFERRAL TO THE REGISTERED ELECTORS
6 OF THE COUNTY AT THE NEXT GENERAL ELECTION.

7 (3) IN THE ALTERNATIVE, A PETITION SIGNED BY AT LEAST EIGHT
8 PERCENT OF THE TOTAL NUMBER OF QUALIFIED ELECTORS OF A COUNTY
9 VOTING FOR ALL CANDIDATES FOR THE OFFICE OF SECRETARY OF STATE AT
10 THE LAST PRECEDING GENERAL ELECTION SHALL BE SUFFICIENT TO PLACE
11 ON THE BALLOT AT A GENERAL ELECTION THE QUESTION OF WHETHER TO
12 CHANGE THE METHOD OF ELECTING THE BOARD OF COUNTY
13 COMMISSIONERS AS PROVIDED IN SUBSECTION (1) OF THIS SECTION. IN THE
14 CASE OF A PETITION TO CHANGE THE METHOD OF ELECTING
15 COMMISSIONERS, SUCH PETITION SHALL SPECIFY THE METHOD OF ELECTION
16 ACCORDING TO SUBSECTION (1) OF THIS SECTION. THE PETITION SHALL BE
17 DELIVERED TO THE COUNTY CLERK AND RECORDER PRIOR TO THE
18 NINETIETH DAY BEFORE THE NEXT GENERAL ELECTION WITH A REQUEST
19 THAT THE QUESTION BE PLACED ON THE BALLOT FOR REFERRAL TO THE
20 REGISTERED ELECTORS OF THE COUNTY AT THE NEXT GENERAL ELECTION.

21 (4) IN THE EVENT THAT THE REGISTERED ELECTORS OF A COUNTY
22 VOTE TO CHANGE THE METHOD OF ELECTION OF THE BOARD OF COUNTY
23 COMMISSIONERS PURSUANT TO THIS SECTION, THE TERMS OF OFFICE OF THE
24 THREE PRESENTLY ELECTED COMMISSIONERS SHALL NOT BE AFFECTED. AT
25 THE NEXT ELECTION AT WHICH A COMMISSIONER IS ELECTED, SUCH
26 COMMISSIONER SHALL BE ELECTED IN ACCORDANCE WITH THE METHOD
27 APPROVED BY THE REGISTERED ELECTORS AND AS OTHERWISE PROVIDED

1 IN SECTION 1-4-205.

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

4 **1-4-205. County commissioners.** (3) (b) If the board consists of
5 three commissioners, they shall be elected as provided in subsection (2)
6 of this section and as provided in section 30-10-306.7 (5) ~~C.R.S.~~ OR
7 30-10-306.8.

8 **SECTION 3. Act subject to petition - effective date -**
9 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
10 the expiration of the ninety-day period after final adjournment of the
11 general assembly (August 8, 2018, if adjournment sine die is on May 9,
12 2018); except that, if a referendum petition is filed pursuant to section 1
13 (3) of article V of the state constitution against this act or an item, section,
14 or part of this act within such period, then the act, item, section, or part
15 will not take effect unless approved by the people at the general election
16 to be held in November 2018 and, in such case, will take effect on the
17 date of the official declaration of the vote thereon by the governor.

18 (2) This act applies to elections for county commissioners
19 conducted on or after the applicable effective date of this act.