

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 19-0516.01 Bob Lackner x4350

HOUSE BILL 19-1108

HOUSE SPONSORSHIP

Liston and Hooton, Catlin, Coleman, McKean, Rich, Singer, Wilson

SENATE SPONSORSHIP

Tate, Ginal

House Committees

State, Veterans, & Military Affairs

Senate Committees

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.**

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 natural 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 natural 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 who is an eligible elector in another state 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. The oath or affirmation must be notarized by the elector.

Section 3 also permits any special district organized under the laws of the state, upon passage of a resolution by the board of the district (board), to allow an elector whose eligibility has been established through the procedures specified in the bill to vote for candidates for the board of directors of the special district. The bill makes clear that no person who is designated as an eligible elector is permitted to cast a ballot at any special district election without first having been registered within the time and in the manner required by the bill. The bill only applies to a special district whose board, by resolution, permits an eligible elector who is not a resident of the state to vote in elections of the special district.

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 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 bill describes procedures by which an eligible elector who is a resident of another state registers to vote with the special district.

The form used to register an eligible elector under the bill 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 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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 32-1-103, **add** (5)(f)
3 as follows:

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

6 (5) (f) "ELIGIBLE ELECTOR" ALSO MEANS A NATURAL PERSON WHO
7 OWNS, OR WHOSE SPOUSE OR CIVIL UNION PARTNER OWNS, TAXABLE REAL
8 OR PERSONAL PROPERTY SITUATED WITHIN THE BOUNDARIES OF THE
9 SPECIAL DISTRICT OR THE AREA TO BE INCLUDED IN THE SPECIAL DISTRICT
10 AND 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.**

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

4 (2.5) (a) ANY NATURAL PERSON DESIRING TO VOTE AT ANY
5 ELECTION AS AN ELIGIBLE ELECTOR PURSUANT TO SECTIONS 32-1-103
6 (5)(f) AND 32-1-806.5 SHALL SIGN A SELF-AFFIRMATION THAT THE PERSON
7 IS AN ELECTOR OF THE SPECIAL DISTRICT. THE SELF-AFFIRMING OATH OR
8 AFFIRMATION MUST BE ON A FORM THAT CONTAINS IN SUBSTANCE THE
9 FOLLOWING:

10 "I, (PRINTED NAME), WHO RESIDES AT (ADDRESS), AM AN
11 ELECTOR OF THIS (NAME OF SPECIAL DISTRICT) DISTRICT AND DESIRE TO
12 VOTE AT THIS ELECTION. I AM NOT A RESIDENT OF THE STATE OF
13 COLORADO BUT I AM A RESIDENT OF THE STATE OF _____, COUNTY OF
14 _____, AND AM ELIGIBLE TO VOTE IN THE STATE OF _____. I DO
15 SOLEMNLY SWEAR (OR AFFIRM) THAT I AM QUALIFIED TO VOTE IN THIS
16 SPECIAL DISTRICT ELECTION AS:

17 _____ THE OWNER OF TAXABLE REAL OR PERSONAL PROPERTY SITUATED
18 WITHIN THE BOUNDARIES OF THE SPECIAL DISTRICT OR AREA TO BE
19 INCLUDED WITHIN THE SPECIAL DISTRICT; OR

20 _____ A PERSON WHO IS OBLIGATED TO PAY TAXES UNDER A CONTRACT
21 TO PURCHASE TAXABLE PROPERTY IN THE SPECIAL DISTRICT OR THE AREA
22 TO BE INCLUDED WITHIN THE SPECIAL DISTRICT; OR

23 _____ THE SPOUSE OR CIVIL UNION PARTNER OF (NAME OF SPOUSE OR
24 CIVIL UNION PARTNER) WHO IS THE OWNER OF TAXABLE REAL OR
25 PERSONAL PROPERTY SITUATED WITHIN THE BOUNDARIES OF THE SPECIAL
26 DISTRICT OR AREA TO BE INCLUDED WITHIN THE SPECIAL DISTRICT.

27 I HAVE NOT VOTED PREVIOUSLY AT THIS ELECTION.

1 DATE _____

2 SIGNATURE OF ELECTOR _____."

3 (b) IN ORDER TO VOTE IN A SPECIAL DISTRICT ELECTION IN
4 ACCORDANCE WITH SECTION 32-1-806.5, THE SELF-AFFIRMING OATH OR
5 AFFIRMATION REQUIRED BY SUBSECTION (2.5)(a) OF THIS SECTION MUST
6 BE NOTARIZED BY THE ELECTOR.

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

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

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

16 **32-1-806.5. Registration for specified electors in special**
17 **district election - option for special district to allow owners of taxable**
18 **property within special district who are not state residents to vote for**
19 **district board members - rules. (1) (a)** ANY SPECIAL DISTRICT

20 ORGANIZED UNDER THE LAWS OF THE STATE MAY, UPON PASSAGE OF A
21 RESOLUTION BY THE BOARD OF THE DISTRICT AT A PUBLIC HEARING,
22 ALLOW AN ELECTOR WHOSE ELIGIBILITY TO VOTE IN A SPECIAL DISTRICT
23 ELECTION IS ESTABLISHED BY SECTION 32-1-806 (2.5) TO VOTE FOR
24 CANDIDATES FOR THE BOARD OF DIRECTORS OF THE SPECIAL DISTRICT IN
25 ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION. SUBJECT TO THE
26 REQUIREMENTS OF THIS SECTION, NO PERSON WHO IS DESIGNATED AS AN
27 ELIGIBLE ELECTOR IN ACCORDANCE WITH SECTION 32-1-103 (5)(f) SHALL

1 BE PERMITTED TO CAST A BALLOT AT ANY SPECIAL DISTRICT ELECTION
2 WITHOUT FIRST HAVING BEEN REGISTERED WITHIN THE TIME AND IN THE
3 MANNER REQUIRED BY THIS SECTION. NO CHARGE SHALL BE MADE FOR
4 REGISTRATION.

5 (b) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
6 THIS SECTION ONLY APPLIES TO A SPECIAL DISTRICT WHOSE:

7 (I) BOARD OF DIRECTORS, BY RESOLUTION AT A PUBLIC HEARING,
8 PERMITS AN ELIGIBLE ELECTOR WHO IS NOT A RESIDENT OF THE STATE TO
9 VOTE IN ELECTIONS OF THE SPECIAL DISTRICT IN ACCORDANCE WITH THE
10 REQUIREMENTS OF THIS SECTION; AND

11 (II) REGULAR SPECIAL DISTRICT ELECTION IS NOT CONDUCTED AS
12 PART OF A COORDINATED ELECTION WITHIN THE MEANING OF SECTION
13 1-1-104 (6.5).

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

23 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW:

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

27 (b) A PERSON WHO IS DESIGNATED AS AN ELIGIBLE ELECTOR IN

1 ACCORDANCE WITH SECTION 32-1-103 (5)(f) IS ONLY PERMITTED TO VOTE
2 IN AN ELECTION OF THE SPECIAL DISTRICT WITH WHICH THE PERSON HAS
3 REGISTERED UNDER THIS SECTION AND IS NOT PERMITTED TO VOTE IN ANY
4 ELECTION OTHER THAN AN ELECTION CONDUCTED BY THE SPECIAL
5 DISTRICT OR TO VOTE FOR ANY CANDIDATE FOR THE BOARD OF DIRECTORS
6 OF THE SPECIAL DISTRICT UNLESS THE CANDIDATE IS ON THE BALLOT OF
7 THE SPECIAL DISTRICT WITH WHICH THE ELECTOR IS REGISTERED. A
8 PERSON WHO IS DESIGNATED AS AN ELIGIBLE ELECTOR IN ACCORDANCE
9 WITH SECTION 32-1-103 (5)(f) IS ONLY PERMITTED TO VOTE FOR
10 CANDIDATES FOR THE BOARD OF DIRECTORS OF THE SPECIAL DISTRICT
11 WITH WHICH THE ELECTOR IS REGISTERED AND IS NOT AUTHORIZED TO
12 VOTE FOR ANY OTHER CANDIDATES OR BALLOT ISSUES OR BALLOT
13 QUESTIONS THAT MAY APPEAR ON THE REGULAR BALLOT OF THE SPECIAL
14 DISTRICT.

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

16 (a) SUBMITTING AN APPLICATION THROUGH THE MAIL TO THE
17 DESIGNATED ELECTION OFFICIAL OF THE SPECIAL DISTRICT THROUGH THE
18 EIGHTH DAY PRIOR TO AN ELECTION; EXCEPT THAT, IF THE EIGHTH DAY
19 BEFORE AN ELECTION IS A SATURDAY, SUNDAY, OR LEGAL HOLIDAY, THE
20 ELECTOR IS PERMITTED TO REGISTER ON THE NEXT DAY THAT IS NOT A
21 SATURDAY, SUNDAY, OR LEGAL HOLIDAY; OR

22 (b) APPEARING IN PERSON AT THE OFFICE OF THE DESIGNATED
23 ELECTION OFFICIAL OF THE SPECIAL DISTRICT AT ANY TIME DURING WHICH
24 REGISTRATION IS PERMITTED AT THE OFFICE.

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

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

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

7 (b) SUBMIT A COPY OF IDENTIFICATION AS DEFINED IN SECTION
8 1-1-104 (19.5) WITH THE ELECTOR'S MAIL BALLOT IN ACCORDANCE WITH
9 SECTION 1-7.5-107 (3.5); AND

10 (c) SUBMIT A COPY OF THE NOTARIZED SELF-AFFIRMING OATH OR
11 AFFIRMATION THE ELECTOR HAS EXECUTED PURSUANT TO SECTION
12 32-1-806 (2.5).

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

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

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

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

22 (d) THE ELECTOR'S STATE AND COUNTY OF RESIDENCE AND
23 WHETHER THE ELECTOR IS ELIGIBLE TO VOTE IN THE STATE IDENTIFIED;

24 (e) THE ELECTOR'S GENDER IDENTITY, IF THE ELECTOR WISHES TO
25 STATE IT;

26 (f) THE ELECTOR'S DATE OF BIRTH;

27 (g) THE ELECTOR'S DELIVERABLE MAILING ADDRESS IF DIFFERENT

1 FROM THE ELECTOR'S ADDRESS OF RECORD;

2 (h) THE LAST FOUR DIGITS OF THE ELECTOR'S SOCIAL SECURITY
3 NUMBER. IF THE ELECTOR DOES NOT HAVE A SOCIAL SECURITY NUMBER,
4 THE ELECTOR SHALL ANSWER THAT HE OR SHE DOES NOT HAVE A SOCIAL
5 SECURITY NUMBER.

6 (i) WHETHER ANY COMMUNICATION BY MAIL FROM THE
7 DESIGNATED ELECTION OFFICIAL TO SUCH ELIGIBLE ELECTOR SHOULD BE
8 SENT TO THE ELECTOR'S DELIVERABLE MAILING ADDRESS; AND

9 (j) THE QUESTION "DO YOU AFFIRM THAT YOU MEET THE VOTER
10 REGISTRATION QUALIFICATIONS AND THAT THE INFORMATION YOU HAVE
11 PROVIDED IN THIS APPLICATION IS TRUE TO THE BEST OF YOUR
12 KNOWLEDGE AND BELIEF?"

13 (8) IF AN APPLICANT FOR VOTER REGISTRATION HAS NOT BEEN
14 ISSUED A SOCIAL SECURITY NUMBER, THE DESIGNATED ELECTION OFFICIAL
15 SHALL ASSIGN THE APPLICANT A NUMBER THAT WILL SERVE TO IDENTIFY
16 THE APPLICANT FOR VOTER REGISTRATION PURPOSES.

17 (9) THE FORM USED FOR REGISTRATION OF ELIGIBLE ELECTORS
18 MUST CONTAIN A STATEMENT THAT THE APPLICANT SHALL COMPLY WITH
19 THE REQUIREMENTS OF SUBSECTION (7)(h) OF THIS SECTION, THAT AN
20 APPLICANT WHO SATISFIES THE REQUIREMENTS OF SECTION 32-1-103 (5)(f)
21 BUT DOES NOT HAVE A SOCIAL SECURITY NUMBER MAY STILL REGISTER TO
22 VOTE, AND THAT THE DESIGNATED ELECTION OFFICIAL WILL ASSIGN AN
23 IDENTIFYING NUMBER TO SUCH AN APPLICANT FOR VOTER REGISTRATION
24 PURPOSES.

25 (10) IF THE DESIGNATED ELECTION OFFICIAL HAS REASONABLE
26 CAUSE TO BELIEVE THAT AN APPLICANT HAS FALSIFIED ANY ANSWERS TO
27 THE QUESTIONS SET FORTH IN THIS SECTION, THE DESIGNATED ELECTION

1 OFFICIAL SHALL CERTIFY THE SAME TO THE DISTRICT ATTORNEY FOR
2 INVESTIGATION AND APPROPRIATE ACTION.

3 (11) (a) IF THE REGISTRATION RECORD OF A REGISTERED ELECTOR
4 DOES NOT CONTAIN THE LAST FOUR DIGITS OF THE ELECTOR'S SOCIAL
5 SECURITY NUMBER, THE DESIGNATED ELECTION OFFICIAL SHALL REQUEST
6 THE ELECTOR TO PROVIDE THE LAST FOUR DIGITS OF THE ELECTOR'S
7 SOCIAL SECURITY NUMBER. THE REQUEST MAY BE MADE OF THE
8 REGISTERED ELECTOR BY THE DESIGNATED ELECTION OFFICIAL:

9 (I) IN ANY WRITTEN COMMUNICATION BY MAIL FROM THE
10 DESIGNATED ELECTION OFFICIAL TO THE REGISTERED ELECTOR; OR

11 (II) IN MATERIALS TO BE RETURNED BY THE REGISTERED ELECTOR
12 WITH A MAIL BALLOT.

13 (b) NO REGISTERED ELECTOR SHALL BE PROHIBITED FROM VOTING
14 AT ANY ELECTION FOR FAILURE TO PROVIDE THE LAST FOUR DIGITS OF THE
15 ELECTOR'S SOCIAL SECURITY NUMBER OR THE ELECTOR'S FULL SOCIAL
16 SECURITY NUMBER.

17 (c) ANY SOCIAL SECURITY NUMBER OR THE LAST FOUR DIGITS OF
18 A SOCIAL SECURITY NUMBER OF AN ELECTOR THAT IS OBTAINED BY THE
19 DESIGNATED ELECTION OFFICIAL FROM SUCH ELECTOR PURSUANT TO THIS
20 SECTION SHALL BE HELD CONFIDENTIAL AND SHALL NOT BE PUBLISHED OR
21 BE OPEN TO OR AVAILABLE FOR PUBLIC INSPECTION. THE DESIGNATED
22 ELECTION OFFICIAL SHALL DEVELOP APPROPRIATE SECURITY MEASURES TO
23 ENSURE THE CONFIDENTIALITY OF SUCH NUMBERS.

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

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

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

7 WARNING:

8 IT IS A CLASS 1 MISDEMEANOR:

9 TO SWEAR OR AFFIRM FALSELY AS TO YOUR

10 QUALIFICATIONS TO REGISTER TO VOTE.

11 (b) EACH ELECTOR MAKING APPLICATION FOR REGISTRATION
12 PURSUANT TO THIS SECTION ONLY SHALL MAKE THE FOLLOWING
13 SELF-AFFIRMATION: "I, ..., AFFIRM THAT I AM A CITIZEN OF THE UNITED
14 STATES AND I AM AT LEAST SIXTEEN YEARS OLD AND UNDERSTAND THAT
15 I MUST BE EIGHTEEN YEARS OLD TO BE ELIGIBLE TO VOTE. I CERTIFY
16 UNDER PENALTY OF PERJURY THAT I MEET THE REGISTRATION
17 QUALIFICATIONS; THAT THE INFORMATION I HAVE PROVIDED ON THIS
18 APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF; AND
19 THAT I HAVE NOT, NOR WILL I, CAST MORE THAN ONE BALLOT IN ANY
20 ELECTION."

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

23 (14) THE FORM USED TO REGISTER AN ELIGIBLE ELECTOR UNDER
24 THIS SECTION MUST CONTAIN A QUESTION ASKING THE ELECTOR TO
25 CONFIRM THAT HE OR SHE DESIRES TO RECEIVE A BALLOT FROM THE
26 SPECIAL DISTRICT. NOTWITHSTANDING ANY OTHER PROVISION OF LAW,
27 UNLESS THE ELECTOR HAS EXECUTED THE FORM TO INDICATE THAT HE OR

1 SHE DESIRES TO RECEIVE A BALLOT FROM THE SPECIAL DISTRICT, THE
2 DESIGNATED ELECTION OFFICIAL IS NOT REQUIRED TO SEND A BALLOT TO
3 THE ELECTOR.

4 (15) THE SPECIAL DISTRICT IS SOLELY RESPONSIBLE FOR
5 MAINTAINING THE LIST OF NONRESIDENT OWNERS OF PROPERTY WITHIN
6 THE SPECIAL DISTRICT WHO ARE ELIGIBLE TO VOTE IN AN ELECTION OF THE
7 SPECIAL DISTRICT IN ACCORDANCE WITH THIS SECTION. THE SPECIAL
8 DISTRICT SHALL UPDATE THE LIST ON AN ANNUAL BASIS.

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

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

14 **32-1-902. Organization of board - compensation - disclosure.**

15 (1.5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EACH BOARD
16 MAY SELECT, IN AN EXERCISE OF ITS OWN DISCRETION AND BY MAJORITY
17 VOTE OF THE BOARD'S VOTING MEMBERS, ONE OR MORE ADDITIONAL
18 BOARD MEMBERS IN ACCORDANCE WITH THIS SUBSECTION (1.5), EACH OF
19 WHOM SHALL SERVE AS A NONVOTING MEMBER OF THE BOARD. A MEMBER
20 OF THE BOARD APPOINTED IN ACCORDANCE WITH THIS SECTION MUST BE
21 A PERSON WHO IS A NONRESIDENT OF THE STATE BUT IS OTHERWISE
22 ELIGIBLE TO CAST A BALLOT IN ELECTIONS OF THE SPECIAL DISTRICT IN
23 ACCORDANCE WITH SECTION 32-1-103 (5)(f). A BOARD WITH THREE
24 MEMBERS MAY APPOINT NO MORE THAN ONE NONVOTING MEMBER OF THE
25 BOARD IN ACCORDANCE WITH THIS SUBSECTION (1.5). A BOARD WITH FIVE
26 MEMBERS MAY APPOINT NO MORE THAN TWO NONVOTING MEMBERS OF
27 THE BOARD IN ACCORDANCE WITH THIS SUBSECTION (1.5). THE TERM OF

1 A BOARD MEMBER APPOINTED PURSUANT TO THIS SUBSECTION (1.5) IS
2 FOUR YEARS SUBJECT TO RENEWAL FOR ONE OR MORE ADDITIONAL
3 FOUR-YEAR TERMS IN THE DISCRETION OF A MAJORITY OF THE VOTING
4 MEMBERS OF THE BOARD. ANY BOARD MEMBER APPOINTED PURSUANT TO
5 THIS SUBSECTION (1.5) MAY BE REMOVED FOR CAUSE AT ANY TIME BY A
6 MAJORITY OF THE VOTING MEMBERS OF THE BOARD.

7 **SECTION 5. Act subject to petition - effective date.** This act
8 takes effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly (August
10 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
11 referendum petition is filed pursuant to section 1 (3) of article V of the
12 state constitution against this act or an item, section, or part of this act
13 within such period, then the act, item, section, or part will not take effect
14 unless approved by the people at the general election to be held in
15 November 2020 and, in such case, will take effect on the date of the
16 official declaration of the vote thereon by the governor.