

CHAPTER 200

ELECTIONS

HOUSE BILL 94-1286

BY REPRESENTATIVES Allen, Linkhart, and Clarke;
also SENATOR Thiebaut.

AN ACT

**CONCERNING ELECTIONS, AND, IN CONNECTION THEREWITH, MAKING MISCELLANEOUS REVISIONS,
CORRECTIONS, AND CLARIFICATIONS TO THE ELECTION LAWS OF THE STATE.**

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

SECTION 1. 1-1-102 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-1-102. Applicability. (2) For elections that must be coordinated pursuant to section 20 (3) (b) of article X of the Colorado constitution where the enabling legislation does not require that the electors be registered electors, the political subdivision may conduct its elections pursuant to the enabling legislation but it must ~~provide~~ **ASSURE THAT** the notice required by ~~section 1-7-116~~ PART 9 OF ARTICLE 7 OF THIS TITLE IS PROVIDED to the ~~coordinated~~ election official RESPONSIBLE FOR PUBLISHING THE BALLOT ISSUE NOTICE.

SECTION 2. 1-1-104 (2.3), (2.7), (8), (34), and (35), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended, and the said 1-1-104 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

1-1-104. Definitions. As used in this code, unless the context otherwise requires:

(2.3) "Ballot issue" ~~election~~ means ~~an election where a nonrecall citizen petition or referred measure is on the ballot and is decided in a state general election, biennial local district election, or on the first Tuesday in November of odd-numbered years~~ A STATE OR LOCAL GOVERNMENT MATTER ARISING UNDER SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, AS DEFINED IN SECTIONS 1-41-102 (4) AND 1-41-103 (4), RESPECTIVELY.

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

(2.5) "BALLOT ISSUE NOTICE" MEANS THE NOTICE WHICH IS REQUIRED BY SECTION 20(3)(b) OF ARTICLE X OF THE STATE CONSTITUTION AND COMPRISES THE MATERIAL BETWEEN THE NOTICE TITLE AND THE CONCLUSION OF THE SUMMARY OF COMMENTS.

(2.7) "Ballot question" ~~election~~ means ~~an election other than a ballot issue election where~~ A STATE OR LOCAL GOVERNMENT MATTER INVOLVING a ~~nonrecall~~ citizen petition or referred measure, ~~is on the ballot~~ OTHER THAN A BALLOT ISSUE.

(8) "Designated election official" means the member of a governing board, secretary of the board, county clerk and recorder, or other person DESIGNATED BY THE GOVERNING BODY AS THE PERSON who is responsible for the running of an election.

(9.5) "DISTRICT OFFICE OF STATE CONCERN" MEANS THOSE ELECTIVE OFFICES, INVOLVING CONGRESSIONAL DISTRICTS OR UNIQUE POLITICAL SUBDIVISIONS WITH TERRITORY IN MORE THAN ONE COUNTY AND WITH THEIR OWN ENABLING LEGISLATION, AS IDENTIFIED BY RULES OF THE SECRETARY OF STATE BASED UPON THE METHOD FOR DESIGNATING CANDIDATES FOR OFFICE AND RESPONSIBILITY FOR IDENTIFICATION AND QUALIFICATION OF CANDIDATES.

(34) "Publication" means printing ONE TIME, in one newspaper of general circulation in the political subdivision if there is such a newspaper, and, if not, then in a newspaper in the county in which the political subdivision is located. FOR A POLITICAL SUBDIVISION WITH TERRITORY WITHIN MORE THAN ONE COUNTY, IF PUBLICATION CANNOT BE MADE IN ONE NEWSPAPER OF GENERAL CIRCULATION IN THE POLITICAL SUBDIVISION, THEN ONE PUBLICATION IS REQUIRED IN A NEWSPAPER IN EACH COUNTY IN WHICH THE POLITICAL SUBDIVISION IS LOCATED AND IN WHICH THE POLITICAL SUBDIVISION ALSO HAS FIFTY OR MORE ELIGIBLE ELECTORS.

(34.5) "REFERRED MEASURE" INCLUDES ANY BALLOT QUESTION OR BALLOT ISSUE SUBMITTED BY THE GENERAL ASSEMBLY OR THE GOVERNING BODY OF ANY POLITICAL SUBDIVISION TO THE ELIGIBLE ELECTORS OF THE STATE OR POLITICAL SUBDIVISION PURSUANT TO ARTICLE 40 OR 41 OF THIS TITLE.

(35) "Registered elector" means an elector, as defined in subsection (12) of this section, who has complied with the registration provisions of this code and who resides within OR IS ELIGIBLE TO VOTE IN the jurisdiction of the political subdivision calling the election. If any provision of this code requires the signing of any document by a registered elector, the person making the signature shall be deemed to be a registered elector if the person's name and address at the time of signing the document matches the name and address for the person on the registration document at the county clerk and recorder's office, and as it appears on the master elector list on file with the secretary of state.

SECTION 3. 1-1-111 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-1-111. Powers and duties of governing boards. (2) All powers and authority granted to the governing board of a political subdivision may be exercised by an election official designated by the board. The governing body may also contract with the county clerk and recorder of the county in which the political subdivision is

organized to ~~be the designated election official~~ PERFORM ALL OR PART OF THE REQUIRED DUTIES IN CONDUCTING THE ELECTION.

SECTION 4. 1-1-113 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended, and the said 1-1-113 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

1-1-113. Neglect of duty and wrongful acts. (2) The petitioner shall be required to deposit in court the ~~sum of two dollars per day~~ STATUTORY WITNESS FEES PURSUANT TO SECTION 13-33-102, C.R.S., for each person cited or summoned into court as a party or a witness, to be paid to the party or witness if the charge is not sustained. The money so deposited shall be returned to the party depositing it if any of the charges are sustained.

(4) EXCEPT AS OTHERWISE PROVIDED IN THIS PART 1, THE PROCEDURE SPECIFIED IN THIS SECTION SHALL BE THE EXCLUSIVE METHOD FOR THE ADJUDICATION OF CONTROVERSIES ARISING FROM A BREACH OR NEGLIGENCE OF DUTY OR OTHER WRONGFUL ACT THAT OCCURS PRIOR TO THE DAY OF AN ELECTION.

SECTION 5. 1-1-202, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-1-202. Commencement of terms - nonpartisan officers. The regular terms of office of all nonpartisan officers elected at regular elections shall commence at the next meeting of the governing body, but no later than thirty days following the survey of returns and upon the signing of an oath and posting of a bond, where required, UNLESS OTHERWISE PROVIDED BY LAW.

SECTION 6. 1-2-202 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-2-202. Registration by county clerk and recorder. (1) The county clerk and recorder shall register any eligible elector residing in any precinct in the state of Colorado who appears in person at the primary office or at any office, mobile or stationary, regularly maintained by the county clerk and recorder and staffed by regular employees at any time following any general election, up to and including the twenty-fifth day before the primary election, or at any time after the primary election, up to and including the twenty-fifth day before the general election. The registrations shall then be forwarded to the appropriate county clerk and recorder. The county clerk and recorder shall accept deferred registrations pursuant to subsection (6) of this section, except on the days of the primary, general, and congressional vacancy elections AND ELECTIONS HELD ON THE FIRST TUESDAY IN NOVEMBER OF ODD-NUMBERED YEARS.

SECTION 7. 1-2-206 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-2-206. Declaration of party affiliation. (2) Any declaration shall be separately dated and signed or dated and initialed by the elector if present or by the county clerk and recorder if the elector is not present, so that it is clearly indicated that the elector's affiliation has been properly recorded. An elector who is unable to

write may request assistance from the county clerk and recorder, ~~The county clerk and recorder~~ WHO shall then sign the registration record in or adjacent to the space provided for recording party affiliation and shall witness the elector's mark.

SECTION 8. 1-2-216 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-2-216. Change of residence. (1) Any eligible elector who has moved from the precinct in which the elector is registered to some other precinct in the same county or has moved from one residence to another residence in the same precinct may have the elector's residence changed on the registration books by appearing before the county clerk and recorder and signing the registration book for the change. An eligible elector may also have his or her residence changed on the registration books by writing a letter or filing a form furnished by the county clerk and recorder. The letter or form for the change shall include the elector's new RESIDENCE address within the county, MAILING ADDRESS IF DIFFERENT FROM THE RESIDENCE ADDRESS, printed name, birth date, social security number, if the elector wishes to state it, and signature and the date. Inclusion of the elector's old address of record in the letter or on the form is optional. Any eligible elector may make the change of residence for any family member who resides at the same address as the elector.

SECTION 9. 1-2-224 (6) (a) and (7), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

1-2-224. Canceling registration. (6) (a) At any time ~~after January 1 and~~ before January 10 after any general election, any registered elector whose registration record is marked "Inactive" prior to the general election and who failed to become "Active" pursuant to either subsection (2) or subsection (4) of this section, shall be mailed a continuance card by the county clerk and recorder pursuant to paragraph (b) of this subsection (6).

(7) Within ~~one hundred twenty~~ ONE HUNDRED THIRTY-FIVE days following any general election, the county clerk and recorder shall furnish to the county chairpersons of the two major political parties a list containing the names, addresses, precinct numbers, and party affiliations of the electors whose names were removed from the registration book.

SECTION 10. 1-2-301 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-2-301. Secretary of state to maintain master list of electors - consolidated data processing system. (2) Within five days after the close of the registration books prior to a primary, general, or congressional vacancy election, the county clerk and recorder of each county shall transmit to the secretary of state a list, tape, or card deck of the registered electors in the county. The list, tape, or card deck shall contain, but shall not be limited to, each elector's name, place of residence, MAILING ADDRESS IF DIFFERENT FROM RESIDENCE ADDRESS, precinct number, date of birth or naturalization, social security number or other identification number, and the date on which the elector was last registered.

SECTION 11. 1-3-101, Colorado Revised Statutes, 1980 Repl. Vol., as amended,

is amended BY THE ADDITION OF A NEW SUBSECTION to read:

1-3-101. Party affiliation required - residence - lists of registered electors.

(3) AT LEAST FORTY DAYS PRIOR TO THE DATE OF THE PRECINCT CAUCUS, THE COUNTY CLERK AND RECORDER SHALL FURNISH WITHOUT CHARGE TO EACH MAJOR POLITICAL PARTY IN THE COUNTY A LIST OF THE REGISTERED ELECTORS IN THE COUNTY WHO ARE AFFILIATED WITH THAT POLITICAL PARTY.

SECTION 12. 1-4-501 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-4-501. Only eligible electors eligible for office. (2) No person is eligible to be a candidate for more than one office at one time; except that this subsection (2) does not apply to memberships on DIFFERENT special district boards.

SECTION 13. 1-4-601 (4) (a), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-4-601. Designation of candidates for primary election. (4) (a) No person is eligible for designation by assembly as a candidate for nomination at any primary election unless the person has been affiliated with the political party holding the assembly for a period of at least twelve months immediately preceding the date of the assembly, as shown by the registration books of the county clerk and recorder, UNLESS OTHERWISE PROVIDED BY PARTY RULES.

SECTION 14. 1-4-803 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-4-803. Petitions for nominating school district directors. (1) Any person who desires to be a candidate for the office of school director shall file a nomination petition signed by a number of eligible electors equal to the lesser of fifty or fifteen percent of the eligible electors of the district, but if the school district has a director district plan of representation, the petition shall be signed by a number of eligible electors equal to the lesser of fifty or fifteen percent of the eligible electors resident in the director district in which the person is a candidate. AN ELIGIBLE ELECTOR MAY SIGN AS MANY PETITIONS AS CANDIDATES FOR WHOM THAT ELECTOR MAY VOTE.

SECTION 15. 1-4-804 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended, and the said 1-4-804 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

1-4-804. Petitions for nominating other nonpartisan directors. (1) NOT LESS THAN SIXTY-SIX DAYS PRIOR TO THE DATE OF THE ELECTION, any person who desires to be a candidate for the office of a special district director shall file a nomination petition signed by ~~the number of~~ FIVE eligible electors of the district, WHICH MAY INCLUDE THE SIGNATURE OF THE CANDIDATE, ~~required~~ UNLESS OTHERWISE PROVIDED by the enabling legislation. ~~not less than sixty-six days prior to the date of the election:~~

(3) IN CASE A PETITION FOR NOMINATING A NONPARTISAN CANDIDATE IS NOT SUFFICIENT, IT MAY BE AMENDED ONCE AT ANY TIME PRIOR TO 3 P.M. ON THE

SIXTY-SIXTH DAY PRIOR TO THE ELECTION.

SECTION 16. 1-4-908 (1) and (3), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

1-4-908. Verification of petition and official statement. (1) Upon filing, THE DESIGNATED ELECTION OFFICIAL FOR THE POLITICAL SUBDIVISION SHALL REVIEW all petition information ~~shall be reviewed and verified~~ VERIFY THE INFORMATION against the registration records, and, where applicable, the county assessor's records. The secretary of state shall establish guidelines for verifying petition entries.

(3) After review, the official shall notify the candidate or, in the case of a recall the committee and the incumbent, of the number of valid signatures and whether the petition appears to be sufficient or insufficient. UPON DETERMINING THAT THE PETITION IS SUFFICIENT AND AFTER THE TIME FOR PROTEST HAS PASSED, THE DESIGNATED ELECTION OFFICIAL SHALL CERTIFY THE CANDIDATE TO THE BALLOT, AND, IF THE ELECTION IS A COORDINATED ELECTION, SO NOTIFY THE COORDINATED ELECTION OFFICIAL.

SECTION 17. 1-4-910, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-4-910. Protest to a recall petition. A recall petition which has been verified by the designated election official shall be held to be sufficient unless a protest in writing under oath is filed in the office of the designated election official by an eligible elector within fifteen days after the petition IS FILED OR AN AMENDMENT IS FILED PURSUANT TO SECTION 1-4-912. ~~is filed~~. The petition shall set forth specific grounds for the protest. Grounds include but are not limited to failure of any portion of a petition or circulator affidavit to meet the requirements of this article or any conduct on the part of petition circulators that substantially misleads persons signing the petition. The designated election official shall forthwith mail a copy of the protest to the committee named in the petition as representing the signers, together with a notice fixing a time for hearing the protest not less than five nor more than ten days after the notice is mailed. Every hearing shall be before the designated election official with whom the protest is filed, or before a district judge sitting in that county if the designated election official is the subject of the recall. The testimony in every hearing shall be under oath. The hearing shall be summary and not subject to delay and shall be concluded within thirty days after the petition is filed, and the result shall be forthwith certified to the committee.

SECTION 18. 1-4-912 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-4-912. Cure. (1) In case a petition for nominating independent candidates is not sufficient, it may be amended ONCE at any time prior to 3 p.m. on the Tuesday preceding a primary election, 3 p.m. on the fifty-fifth day preceding a congressional vacancy election, or 3 p.m. sixty-six days prior to an election which is not being held concurrently with the general election.

SECTION 19. 1-5-102, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-5-102. Establishing precincts and polling places for nonpartisan elections.

(1) Not less than ninety days prior to a regular election, the governing body with authority to call elections shall divide the jurisdiction into as many election precincts as it deems expedient for the convenience of eligible electors of the jurisdiction and shall designate the polling place for each precinct. The election precincts shall consist of one or more whole general election precincts wherever practicable, and the designated election official and governing body shall cooperate with the county clerk and recorder and the board of county commissioners of their political subdivisions to accomplish this purpose. Wherever possible, the polling places shall be the same as those designated by the county for partisan elections.

(2) THE COUNTY CLERK AND RECORDER, AT LEAST ONE HUNDRED TWENTY DAYS PRIOR TO A REGULAR SPECIAL DISTRICT ELECTION OR REGULAR ELECTION OF ANY OTHER POLITICAL SUBDIVISION, SHALL PREPARE A MAP OF THE COUNTY SHOWING THE LOCATION OF THE POLLING PLACES AND PRECINCT BOUNDARIES UTILIZED IN THE LAST NOVEMBER ELECTION. COPIES OF THE MAP SHALL BE AVAILABLE FOR INSPECTION AT THE OFFICE OF THE COUNTY CLERK AND RECORDER AND FOR DISTRIBUTION TO THE DESIGNATED ELECTION OFFICIAL OF EACH POLITICAL SUBDIVISION.

(3) THE COUNTY CLERK AND RECORDER SHALL MAINTAIN A LIST OF OWNERS OR CONTACT PERSONS WHO, TO THE CLERK'S KNOWLEDGE, MAY GRANT PERMISSION TO POLITICAL SUBDIVISIONS TO USE THE LOCATIONS IDENTIFIED ON THE MAP FOR POLLING PLACES. THE CLERK SHALL, UPON REQUEST OF THE DESIGNATED ELECTION OFFICIAL OF A POLITICAL SUBDIVISION, PROVIDE A COPY OF THE LIST, OR A PART OF THE LIST AS REQUESTED BY THE DESIGNATED ELECTION OFFICIAL.

SECTION 20. Part 2 of article 5 of title 1, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

1-5-201.5. Legislative declaration - purpose. THE GENERAL ASSEMBLY DECLARES THAT THE PURPOSE OF THIS PART 2 IS TO PROVIDE ADEQUATE NOTICE OF ELECTIONS AT A REASONABLE COST TO THE TAXPAYERS OF THE STATE AND ITS POLITICAL SUBDIVISIONS.

SECTION 21. 1-5-202, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-5-202. Notice of presidential primary and primary election by secretary of state. (1) At least fifty days before any presidential primary or OTHER primary election, the secretary of state shall transmit to each county clerk and recorder a notice in writing specifying the offices for which nominations are to be made. The notice shall include a certified list of persons for whom certificates of designation or petitions have been filed WITH THE SECRETARY OF STATE and the office for which each person is a candidate, together with the other details mentioned in the certificates of designation or petitions, and the order of the ballot for the PRIMARY election.

(2) Each county clerk and recorder, at least ten days before the presidential primary or OTHER primary election, shall ~~publish once~~ PROVIDE NOTICE BY PUBLICATION OF THE PRIMARY ELECTION in a condensed form under the proper party designation and under the title of each office the names of all persons for whom

certificates of designation or petitions have been filed WITH THE SECRETARY OF STATE OR THE COUNTY CLERK AND RECORDER. The publication shall contain the date of the presidential primary or OTHER primary election and the hours during which the polls will be open and shall state that the presidential primary or OTHER primary election will be held in the lawful polling places designated for each precinct. A copy of the publication shall be posted in a conspicuous place in the office of the county clerk and recorder. The posting may be made by the use of sample ballots.

(3) The NOTICE BY publication required in this section shall be made in the same manner as provided in section 1-5-205 for publication of notices for general elections.

SECTION 22. 1-5-203, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-5-203. Certification of ballot. (1) At least fifty days before any general election, the secretary of state shall make and deliver or transmit ~~by certified mail~~ to the county clerk and recorder of each county a notice in writing specifying the national AND state OFFICERS and THE district officers OF STATE CONCERN to be elected at the general election. The notice shall include the name and party or other designation of each candidate for whom a petition or certificate of nomination has been filed with the secretary of state, the name and party of each candidate nominated at the primary election for a national OR state OFFICE or A district office OF STATE CONCERN, and the order of the ballot and the ballot content for the election. With regard to the election of members to the general assembly, the notice shall also specify the district number and the names of the members whose terms of office will expire. Upon receiving the certified notice, each county clerk and recorder shall review the ballot and indicate in writing within five days of the receipt of the notice whether the ballot is accurate as printed or whether corrections are required.

(2) When there is a vacancy for an unexpired term in any national OR state OFFICE or A district office OF STATE CONCERN which is by law to be filled at any general or congressional vacancy election, the secretary of state, at least fifty days prior to the election, shall give notice in writing BY PUBLISHING A NOTICE IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE STATE OR IN THE CONGRESSIONAL DISTRICT IN WHICH THE VACANCY IS TO BE FILLED. The notice shall specify the office in which the vacancy exists, the cause of the vacancy, the name of the officer in whose office it has occurred, and the time when the term of office will expire.

(3) ~~At least fifty~~ PRIOR TO FIFTY-FIVE days before a nonpartisan election, the designated election official OF EACH POLITICAL SUBDIVISION WHICH INTENDS TO CONDUCT AN ELECTION shall certify the ORDER OF THE BALLOT AND ballot CONTENT TO THE COUNTY CLERK AND RECORDER OF EACH COUNTY THAT HAS TERRITORY WITHIN THE POLITICAL SUBDIVISION. The ORDER OF THE BALLOT AND ballot CONTENT shall include the name and office of each candidate for whom a petition has been filed with the DESIGNATED election official and any ballot issues or ballot questions to be submitted to the eligible electors.

SECTION 23. 1-5-204, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-5-204. Call for nominations for nonpartisan elections. At least ninety days

before a regular nonpartisan election except a municipal election conducted as part of a coordinated election, the designated election official shall ~~make one~~ PROVIDE NOTICE BY publication of a call for nominations for the election. The call shall state which offices will be voted upon at the election, where petitions for nomination may be obtained, and deadlines for submitting the petitions to the designated election official.

SECTION 24. 1-5-205, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-5-205. Published and posted notice of election. (1) The designated election official, at least ten days before each election, shall ~~give~~ PROVIDE notice ~~in writing~~ BY PUBLICATION of the election, ~~as follows: The notice~~ WHICH NOTICE shall state, AS APPLICABLE FOR THE PARTICULAR ELECTION FOR WHICH NOTICE IS PROVIDED, THE FOLLOWING:

- (a) The date of the election; ~~and~~
- (b) The hours during which the polls will be open ON ELECTION DAY AND FOR EARLY VOTING; ~~shall state that the election will be held in the lawful polling places designated for each precinct;~~
- (c) THE ADDRESS OF THE WALK-IN LOCATION AND HOURS DURING WHICH THE WALK-IN LOCATION FOR THE DELIVERY OF MAIL BALLOTS AND RECEIPT OF REPLACEMENT BALLOTS WILL BE OPEN;
- (d) THE ADDRESS OF THE LOCATION FOR APPLICATION AND THE RETURN OF ABSENTEE BALLOTS AND THE HOURS DURING WHICH THE OFFICE WILL BE OPEN;
- (e) ~~shall name~~ The officers to be elected;
- (f) ~~shall list~~ The names of the judges on the ballot for retention in office;
- (g) ~~shall state that~~ THE proposed constitutional amendments and laws ~~will be on~~ CERTIFIED TO the ballot ~~and~~ WHICH have been published by the secretary of state;
- (h) ~~shall give~~ The name, and FOR A PARTISAN ELECTION, THE party or other designation of each candidate whose nomination to office has been certified ~~to~~ BY the designated election official, which shall be as nearly as possible in the form in which ~~such~~ THE nominations appear upon the official ballot; and
- (i) ~~shall state~~ The other ballot issues and ballot questions which have been certified to the COUNTY CLERK AND RECORDER OR designated election official by the governing body.

(1.3) A copy of the notice REQUIRED BY THIS SECTION shall be posted AT LEAST TEN DAYS PRIOR TO THE ELECTION AND until TWO DAYS after the election in a conspicuous place in the office of the designated election official. Sample ballots may be used as notices so long as the information required by this section is included WITH THE SAMPLE BALLOT. ~~In addition, the notice shall be published in at least one newspaper having general circulation in the county.~~

(1.5) The DESIGNATED election official shall retain a copy of the notice as a record for public inspection FOR TWO YEARS OR until ~~the~~ ANY election contest is decided, WHICHEVER IS LATER.

(2) At the time that NOTICE BY publication is made, the designated election official ~~of each political subdivision~~ shall also mail a COPY OF THE notice of the election to the county clerk and recorders of the counties in which the political subdivision is located.

SECTION 25. 1-5-206, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-5-206. Postcard notice and notice by publication. (1) At any time between twenty-five days before the primary election and thirty days after the primary election, except for the presidential primary, mail ballot, court-ordered elections, and elections which ~~pursuant to section 20 of article X of the Colorado constitution,~~ require the mailing of a BALLOT ISSUE notice, ~~of election,~~ the county clerk and recorder shall mail a voter information card CONCERNING THE GENERAL ELECTION to all eligible electors OF THE COUNTY. The card shall contain the eligible elector's name and address, precinct number, polling location FOR THE GENERAL ELECTION, and any other applicable information. It shall be mailed first-class and shall state on the address surface "Do not forward. Address correction requested." or similar wording in accordance with United States postal service regulations.

(2) (a) Not less than ~~eighteen~~ FIFTEEN days before all nonpartisan elections except elections conducted by mail ballots and court-ordered elections, the designated election official shall mail to each household where one or more eligible electors reside a voter ~~information~~ NOTIFICATION card or voter ~~information~~ NOTIFICATION letter which shall contain the household's address, precinct number, polling location, the specific election being noticed, and any other applicable information. ~~If a general election and an election on a ballot issue are being held as a coordinated election, as defined in section 1-1-104 (6.5), the voter information card or voter information letter is not required.~~ THE INFORMATION CONTAINED ON THE VOTER NOTIFICATION CARD OR VOTER NOTIFICATION LETTER MAY BE INCLUDED WITH THE BALLOT ISSUE NOTICE, AND IF SO INCLUDED, NO SEPARATE MAILING PURSUANT TO THIS PARAGRAPH (a) IS REQUIRED.

(b) UNLESS THE ELECTION IS CANCELED, for regular board of director elections, the governing body may elect, AS AN ALTERNATIVE TO MAILING THE VOTER NOTIFICATION CARD OR VOTER NOTIFICATION LETTER PURSUANT TO SECTION 1-5-206 (2) (a), to give notice of the election by publication in a newspaper published within the district in which the election is being held, or, if there is no newspaper published in the district within which the election is being held, then by publication in a newspaper published in the county which has general circulation within the district in which the election is being held. ~~The notice required by this paragraph (b) shall appear at least two times in such newspaper with the second appearance not less than five days prior to the election.~~ THE NOTICE SHALL CONTAIN THE INFORMATION REQUIRED BY SECTION 1-5-205 AS APPLICABLE TO THE POLITICAL SUBDIVISION. THE PUBLISHED APPEARANCE REQUIRED BY THIS PARAGRAPH (b) SHALL BE SATISFIED BY THE PUBLICATION REQUIRED BY SECTION 1-5-205 IF THE APPEARANCE OTHERWISE COMPLIES WITH THE REQUIREMENTS OF THIS PARAGRAPH (b). The notice must be at

least ten column inches in size, and shall be placed ~~once~~ in the portion of the newspaper in which legal notices and classified advertisements appear. ~~and once in the portion of the newspaper in which legal notices and classified advertisements do not appear.~~ The rates established in section 24-70-107, C.R.S., apply to all publications required under this section.

~~(3) Any nonpartisan election held pursuant to paragraph (a) of subsection (2) of this section shall not be invalidated on the grounds that an eligible elector did not receive postcard notification of the election so long as the designated election official acted in good faith in making the postcard notification.~~

~~(4) For coordinated elections, the information contained on the postcard notice as specified in subsection (1) of this section shall be included with the notice that is mailed pursuant to section 20 of article X of the Colorado constitution.~~

SECTION 26. Part 2 of article 5 of title 1, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

1-5-206.5. Ballot issue notice. THE BALLOT ISSUE NOTICE SHALL BE PREPARED AND MAILED IN ACCORDANCE WITH SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, THE PROVISIONS OF THIS TITLE, AND THE RULES AND REGULATIONS OF THE SECRETARY OF STATE.

1-5-206.7. Failure to receive mailed notice. ANY ELECTION FOR WHICH A NOTICE WAS MAILED SHALL NOT BE INVALIDATED ON THE GROUNDS THAT AN ELIGIBLE ELECTOR DID NOT RECEIVE THE BALLOT ISSUE NOTICE, MAILED INFORMATION, OR MAILED NOTIFICATION OF THE ELECTION REQUIRED BY THIS CODE OR THE STATE CONSTITUTION IF THE DESIGNATED ELECTION OFFICIAL OR COORDINATED ELECTION OFFICIAL ACTED IN GOOD FAITH IN MAKING THE MAILING. GOOD FAITH IS PRESUMED IF THE DESIGNATED ELECTION OFFICIAL OR COORDINATED ELECTION OFFICIAL MAILED THE BALLOT ISSUE NOTICE, INFORMATION, OR NOTIFICATION TO THE ADDRESSES APPEARING ON A REGISTRATION LIST FOR THE POLITICAL SUBDIVISION AS PROVIDED BY THE COUNTY CLERK AND RECORDER, AND, WHERE APPLICABLE, THE LIST OF PROPERTY OWNERS PROVIDED BY THE COUNTY ASSESSOR.

SECTION 27. 1-5-207, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-5-207. Court-ordered elections. (1) When an election is ordered by the court for a special district, the court shall authorize the designated election official to give notice AS PROVIDED IN THE ORDER.

(2) For an organizational election, the notice BY PUBLICATION shall include the purposes of the election, the estimated ~~costs~~ OPERATING AND DEBT SERVICE MILL LEVIES AND FISCAL YEAR SPENDING FOR THE FIRST YEAR FOLLOWING ORGANIZATION, and the boundaries of the special district. THE NOTICE BY PUBLICATION SHALL RECITE THE ELECTION DATE, WHICH SHALL BE NOT LESS THAN TEN DAYS AFTER PUBLICATION OF THE ELECTION NOTICE.

(3) For a dissolution election, the notice BY PUBLICATION shall include the plan for

dissolution or a summary of the plan and the place where a member of the public may inspect or obtain a copy of the complete plan. The notice BY PUBLICATION shall ~~set~~ ~~an~~ RECITE THE election date, which shall be not less than ten days after publication of the election notice.

SECTION 28. 1-5-208, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-5-208. Election may be canceled - when. (1) If the only matter before the electors is the election of persons to office and if, at the close of business on the twenty-fifth day before the election, there are not more candidates than offices to be filled at the election, including candidates filing affidavits of intent, the designated election official, if instructed by resolution of the governing body, ~~either before or after such day,~~ shall cancel the election and by resolution declare the candidates elected. ~~Notice of the cancellation shall be published and posted at each polling place and in the office of the designated election official in order to inform the eligible electors of the political subdivision.~~

(2) EXCEPT FOR INITIATIVE AND RECALL ELECTIONS, IF THE ONLY MATTER BEFORE THE ELECTORS IS THE CONSIDERATION OF BALLOT ISSUES OR BALLOT QUESTIONS, NO LATER THAN TWENTY-FIVE DAYS BEFORE AN ELECTION CONDUCTED AS A COORDINATED ELECTION IN NOVEMBER, AND AT ANY TIME PRIOR TO ANY OTHER ELECTIONS, A GOVERNING BODY MAY BY RESOLUTION CANCEL THE ELECTION. THE BALLOT ISSUES AND BALLOT QUESTIONS SHALL BE DEEMED TO HAVE NOT BEEN SUBMITTED AND VOTES CAST ON THE BALLOT ISSUES AND BALLOT QUESTIONS SHALL EITHER NOT BE COUNTED OR SHALL BE DEEMED INVALID BY ACTION OF THE GOVERNING BODY.

(3) IF THE ELECTORS ARE TO CONSIDER THE ELECTION OF PERSONS TO OFFICE AND BALLOT ISSUES OR BALLOT QUESTIONS, THE ELECTION MAY BE CANCELED BY THE GOVERNING BODY ONLY IN THE EVENT THAT ALL OF THE CONDITIONS OF BOTH SUBSECTIONS (1) AND (2) OF THIS SECTION EXIST.

(4) NO ELECTION MAY BE CANCELED IN PART.

(5) UNLESS OTHERWISE PROVIDED BY AN INTERGOVERNMENTAL AGREEMENT PURSUANT TO SECTION 1-7-116, UPON RECEIPT OF AN INVOICE, THE GOVERNING BODY SHALL WITHIN THIRTY DAYS PROMPTLY PAY ALL COSTS ACCRUED BY THE COUNTY CLERK AND RECORDER AND ANY COORDINATING POLITICAL SUBDIVISION ATTRIBUTABLE TO THE CANCELED ELECTION.

(6) THE GOVERNING BODY SHALL PROVIDE NOTICE BY PUBLICATION OF THE CANCELLATION OF THE ELECTION AND A COPY OF THE NOTICE SHALL BE POSTED AT EACH POLLING PLACE OF THE POLITICAL SUBDIVISION, IN THE OFFICE OF THE DESIGNATED ELECTION OFFICIAL, IN THE OFFICE OF THE CLERK AND RECORDER FOR EACH COUNTY IN WHICH THE POLITICAL SUBDIVISION IS LOCATED, AND, FOR SPECIAL DISTRICTS, IN THE OFFICE OF THE DIVISION OF LOCAL GOVERNMENT. THE GOVERNING BODY SHALL ALSO NOTIFY THE CANDIDATES THAT THE ELECTION WAS CANCELED AND THAT THEY WERE ELECTED BY ACCLAMATION.

SECTION 29. 1-5-304, Colorado Revised Statutes, 1980 Repl. Vol., as amended,

is amended to read:

1-5-304. Lists of property owners. For elections where owning property in the political subdivision is a requirement for voting in the election, NO LATER THAN THE FORTIETH DAY PRECEDING THE DATE OF THE SCHEDULED NONPARTISAN ELECTION, THE DESIGNATED ELECTION OFFICIAL SHALL ORDER THE LIST OF PROPERTY OWNERS FROM THE COUNTY ASSESSOR. The county assessor shall certify and deliver an initial list of all recorded owners of TAXABLE real AND PERSONAL property within the political subdivision no later than thirty days before the election. The supplemental list for the political subdivision shall be provided no later than twenty days before the election and shall contain the names and addresses of all recorded owners who have become owners within the period since the initial LIST OF property owners list was provided. The cost for the lists shall be assessed by the county assessors and paid by the political subdivision holding the election. The fee for furnishing the lists shall be no less than twenty-five dollars for both lists nor more than one cent for each name contained on the lists, whichever is greater.

SECTION 30. 1-5-407 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended, and the said 1-5-407 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

1-5-407. Form of ballots. (1) The extreme top part of each ballot shall be divided into two spaces by two perforated or dotted lines. Each space shall be not less than one inch wide. The top portion is called the stub, and the next portion is called the duplicate stub. ~~On the stub and the duplicate stub, nothing shall be printed except the number of the ballot, and~~ The same number shall be printed upon both the stub and the duplicate stub. All ballots shall be numbered consecutively. All ballots shall be uniform and of sufficient length and width to allow for the names of candidates, officers, ballot issues, and ballot questions to be printed in clear, plain type, with a space of at least one-half inch between the different columns on the ballot. On each ballot shall be printed the endorsement "Official ballot for", and after the word "for" shall follow the designation of the precinct, if appropriate, and the political subdivision for which the ballot is prepared, the date of the election, and a facsimile of the signature of the election official. The ballot shall contain no caption or other endorsement, except as provided in this section. The election official shall use precisely the same quality and tint of paper, the same kind of type, and the same quality and tint of plain black ink for all ballots prepared for one election.

(8) THE FORM OF THE BALLOT MAY VARY FROM THE REQUIREMENTS OF THIS SECTION IF THE CHANGES ARE APPROVED BY THE SECRETARY OF STATE.

SECTION 31. 1-5-608 (1) (e), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-5-608. Requirements - electronic voting systems. (1) No punch card electronic voting system shall be purchased, leased, or used unless it fulfills the following requirements:

(e) It is suitably designed and of durable construction and capable of being used safely, efficiently, and accurately in the conduct of elections and the counting of

ballots. When the name of any candidate or the text of any BALLOT QUESTION OR ballot issue is not printed on the ballot card, ~~but is printed on pages attached to the voting device, such pages shall be securely locked or sealed to prevent tampering~~ A BOOKLET WITH ONLY THE NAME OF THE CANDIDATE AND THE TEXT OF ANY BALLOT QUESTION OR BALLOT ISSUE SHALL BE PROVIDED TO THE ELECTOR.

SECTION 32. 1-6-116 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-6-116. Delivery of election returns and other election papers - compensation. (1) The supply judge shall pick up THE ELECTION SUPPLIES at the office of the designated election official, and, for partisan elections, with one other judge of the opposite political party who is selected by the remaining judges, shall deliver the election returns, registration book, ballot boxes, and other election papers and supplies to the office of the designated election official.

SECTION 33. 1-7-104, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-7-104. Affidavits of eligibility. (1) In any election where the list of registered electors and property owners is not divided by precinct, where an eligible elector may vote at any polling place in a political subdivision, or where a taxpaying elector's name is not on the list of registered electors or property owners, an affidavit signed by the eligible elector stating that the elector has not previously voted in the election may be required PRIOR TO ALLOWING THE ELECTOR TO CAST A BALLOT.

(2) FOR COORDINATED ELECTIONS, THE AFFIDAVITS SHALL BE AVAILABLE AT THE ELECTOR'S POLLING PLACE IF THE ELECTOR RESIDES WITHIN THE COUNTY OF THE POLITICAL SUBDIVISION. FOR ELECTORS WHO OWN PROPERTY WITHIN THE POLITICAL SUBDIVISION BUT RESIDE AND ARE REGISTERED TO VOTE IN ANOTHER COUNTY, THE AFFIDAVITS AND BALLOTS SHALL BE AVAILABLE AT THE OFFICE OF THE COUNTY CLERK AND RECORDER.

SECTION 34. 1-7-110, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

1-7-110. Preparing to vote. (2.5) IF THE ELECTOR'S QUALIFICATION TO VOTE IS ESTABLISHED BY THE COMPLETION OF AN AFFIDAVIT, AND IF THE AFFIDAVIT CONTAINS ALL OF THE INFORMATION REQUIRED IN SUBSECTION (1) OF THIS SECTION, THEN THE DESIGNATED ELECTION OFFICIAL MAY CONSIDER THE AFFIDAVIT THE SIGNATURE CARD OR MAY REQUIRE THE COMPLETION OF AN ADDITIONAL SIGNATURE CARD.

SECTION 35. 1-7-115, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-7-115. Time in voting area. Eligible electors shall cast their ballots without undue delay and shall leave the immediate voting area as soon as voting is complete. No eligible elector shall be allowed to occupy a voting booth already occupied by another, nor to remain within the immediate voting area more than ten minutes, nor to occupy a voting booth for more than ~~five~~ TEN minutes if all the booths are in use and other eligible electors are waiting to occupy them. No eligible elector whose

name has been entered on the pollbook shall be allowed to reenter the immediate voting area during the election, except an election judge.

SECTION 36. 1-7-116 (1), (2) (b), and (4), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

1-7-116. Coordinated elections. (1) If more than one political subdivision holds an election on the same day in November and the eligible electors for each such election are the same or the boundaries overlap, the county clerk and recorder shall be the coordinated election official and shall conduct the elections on behalf of all political subdivisions that are not utilizing the mail ballot procedure set forth in sections 1-7.5-101 to 1-7.5-112. As used in this subsection (1), "political subdivision" shall include THE STATE, counties, municipalities, school districts, and special districts formed pursuant to title 32, C.R.S.

(2) The political subdivisions for which the county clerk and recorder will conduct the coordinated election shall enter into an agreement with the county clerk and recorder for the county or counties in which the political subdivision is located concerning the conduct of the coordinated election. The agreement shall be signed no less than sixty days prior to the scheduled election. The agreement shall include but not be limited to the following:

(b) Provision for a reasonable sharing of the actual cost of the coordinated election among the county and the political subdivisions. FOR SUCH PURPOSE, POLITICAL SUBDIVISIONS ARE NOT RESPONSIBLE FOR SHARING ANY PORTION OF THE USUAL COSTS OF MAINTAINING THE OFFICE OF THE COUNTY CLERK AND RECORDER, INCLUDING BUT NOT LIMITED TO OVERHEAD COSTS AND PERSONAL SERVICES COSTS OF PERMANENT EMPLOYEES, EXCEPT FOR SUCH COSTS THAT ARE SHOWN TO BE DIRECTLY ATTRIBUTABLE TO CONDUCTING COORDINATED ELECTIONS ON BEHALF OF POLITICAL SUBDIVISIONS.

~~(4) Petition representatives who are required to summarize comments in favor of their petition pursuant to section 20 (3) (b) (v) of article X of the Colorado constitution, shall submit the summary, in typewritten form, to the designated election official for the jurisdiction in which the petition is presented, at least twenty-eight days before the election.~~

SECTION 37. Article 7 of title 1, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PART to read:

PART 9
BALLOT ISSUE NOTICES

1-7-901. Receipt of comments concerning ballot issues. (1) EACH POLITICAL SUBDIVISION SHALL ACCEPT WRITTEN COMMENTS CONCERNING BALLOT ISSUES IN ACCORDANCE WITH THIS SECTION.

(2) ALL COMMENTS FILED IN WRITING WILL BE RECEIVED AND KEPT ON FILE WITH THE DESIGNATED ELECTION OFFICIAL FOR THE POLITICAL SUBDIVISION SUBMITTING TO ITS ELIGIBLE ELECTORS THE BALLOT ISSUE TO WHICH THE COMMENTS PERTAIN. HOWEVER, ONLY THOSE COMMENTS THAT ARE FILED BY PERSONS ELIGIBLE TO VOTE IN THE POLITICAL SUBDIVISION SUBMITTING THE BALLOT ISSUE TO ITS ELECTORS MUST

BE SUMMARIZED IN THE BALLOT ISSUE NOTICE. THE FILED COMMENTS SHALL BE RETAINED BY THE DESIGNATED ELECTION OFFICIAL AS ELECTION RECORDS.

(3) TO BE SUMMARIZED IN THE BALLOT ISSUE NOTICE, THE COMMENTS SHALL ADDRESS A SPECIFIC BALLOT ISSUE AND SHALL INCLUDE A SIGNATURE AND AN ADDRESS WHERE THE SIGNOR IS REGISTERED TO VOTE AND SHALL BE FILED WITH THE DESIGNATED ELECTION OFFICIAL FOR THE POLITICAL SUBDIVISION AND NOT THE COUNTY CLERK AND RECORDER OF THE COUNTY IN WHICH THE POLITICAL SUBDIVISION IS LOCATED UNLESS THE ISSUE IS A COUNTY ISSUE FOR WHICH THE COUNTY CLERK AND RECORDER IS THE DESIGNATED ELECTION OFFICIAL.

(4) SINCE SECTION 20 (3) (b) (v) OF ARTICLE X OF THE STATE CONSTITUTION REQUIRES THAT COMMENTS PERTAINING TO A BALLOT ISSUE BE FILED BY THIRTY DAYS BEFORE THE ELECTION AND SINCE THE THIRTIETH DAY BEFORE ANY BALLOT ISSUE ELECTION IS ALWAYS A SUNDAY, ALL COMMENTS SHALL BE FILED BY THE END OF THE BUSINESS DAY ON THE FRIDAY BEFORE THE THIRTIETH DAY BEFORE THE ELECTION.

1-7-902. Preparation of fiscal information. A GOVERNING BODY SUBMITTING A REFERRED MEASURE, OR ITS DESIGNEE, SHALL BE RESPONSIBLE FOR PROVIDING TO ITS DESIGNATED ELECTION OFFICIAL THE FISCAL INFORMATION THAT MUST BE INCLUDED IN THE BALLOT ISSUE NOTICE. FOR STATEWIDE MEASURES, THE GOVERNING BODY SHALL BE THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL OF THE GENERAL ASSEMBLY. FOR ALL OTHER POLITICAL SUBDIVISIONS, THE GOVERNING BODY SHALL BE THE BOARD THAT AUTHORIZED SUBMISSION OF THE BALLOT ISSUE TO THE ELECTORATE.

1-7-903. Preparation of written comments. (1) FOR REFERRED MEASURES, THE DESIGNATED ELECTION OFFICIAL SHALL SUMMARIZE THE FILED COMMENTS IN FAVOR OF AND IN OPPOSITION TO THE BALLOT ISSUE FOR THE BALLOT ISSUE NOTICE.

(2) FOR INITIATED MEASURES, THE PETITION REPRESENTATIVES SHALL BE SOLELY RESPONSIBLE FOR SUMMARIZING ALL COMMENTS FILED IN FAVOR OF THE BALLOT ISSUE. THE DESIGNATED ELECTION OFFICIAL SHALL SUMMARIZE ALL COMMENTS FILED IN OPPOSITION TO THE BALLOT ISSUE.

(3) PETITION REPRESENTATIVES REQUIRED TO SUMMARIZE COMMENTS IN FAVOR OF THEIR PETITION SHALL SUBMIT THE SUMMARY, IN TYPEWRITTEN FORM, TO THE DESIGNATED ELECTION OFFICIAL FOR THE JURISDICTION IN WHICH THE PETITION IS PRESENTED, AT LEAST TWENTY-EIGHT DAYS BEFORE THE ELECTION. IF A SUMMARY IS NOT FILED BY THE PETITION REPRESENTATIVES WITHIN THE TIME ALLOWED, THE DESIGNATED ELECTION OFFICIAL SHALL STATE SUBSTANTIALLY THE FOLLOWING IN THE BALLOT ISSUE NOTICE WHERE THE SUMMARY WOULD APPEAR: "PETITION REPRESENTATIVES DID NOT FILE A SUMMARY BY THE STATUTORY DEADLINE."

(4) IF NO COMMENTS ARE FILED IN OPPOSITION TO OR IN SUPPORT OF A BALLOT ISSUE, THE DESIGNATED ELECTION OFFICIAL SHALL NOT PREPARE ANY SUMMARIES AND SHALL STATE SUBSTANTIALLY THE FOLLOWING IN THE BALLOT ISSUE NOTICE WHERE THE SUMMARY OR SUMMARIES WOULD APPEAR: "NO COMMENTS WERE FILED BY THE CONSTITUTIONAL DEADLINE."

1-7-904. Transmittal of notices. NOTWITHSTANDING THE PROVISION FOR

INDEPENDENT MAIL BALLOT ELECTIONS IN SECTION 1-7-116 (1), THE DESIGNATED ELECTION OFFICIAL OR THE OFFICIAL'S DESIGNEE FOR THE STATE OR A POLITICAL SUBDIVISION CONDUCTING AN ELECTION IN NOVEMBER, SHALL PREPARE AND TRANSMIT TO THE COUNTY CLERK AND RECORDER FOR THE COUNTY OR COUNTIES IN WHICH THE POLITICAL SUBDIVISION IS LOCATED AT LEAST TWENTY-FIVE DAYS BEFORE THE ELECTION THE FULL TEXT OF ANY REQUIRED BALLOT ISSUE NOTICES.

1-7-905. Preparation of notices. FOR NOVEMBER ELECTIONS, THE COUNTY CLERK AND RECORDER SHALL BE RESPONSIBLE FOR PLACING THE BALLOT ISSUE NOTICES RECEIVED FROM THE VARIOUS POLITICAL SUBDIVISIONS PARTICIPATING IN THE ELECTION IN THE PROPER ORDER IN THE BALLOT ISSUE NOTICE PACKET. AS NEARLY AS PRACTICABLE, THE NOTICE SHALL BE IN THE ORDER THE BALLOT ISSUES WILL APPEAR ON THE BALLOT. THE BALLOT ISSUE NOTICE SHALL END WITH A CERTIFICATION BY THE COUNTY CLERK AND RECORDER THAT THE BALLOT ISSUE NOTICES ARE COMPLETE AS SUBMITTED BY THE POLITICAL SUBDIVISIONS. NO ADDITIONAL INFORMATION SHALL BE INCLUDED AS PART OF THE BALLOT ISSUE NOTICE EXCEPT AS MAY BE REQUIRED BY LAW. A GENERAL DISCLAIMER MAY PRECEDE OR FOLLOW THE BALLOT ISSUE NOTICE WHICH MAY STATE: "THE INFORMATION CONTAINED IN THIS NOTICE WAS PREPARED BY PERSONS REQUIRED BY LAW TO PROVIDE SUMMARIES OF BALLOT ISSUES AND FISCAL INFORMATION."

1-7-906. Mailing of notices. (1) FOR NOVEMBER ELECTIONS, THE COUNTY CLERK AND RECORDER AS COORDINATED ELECTION OFFICIAL SHALL MAIL THE BALLOT ISSUE NOTICE PACKET TO EACH ADDRESS OF ONE OR MORE ACTIVE REGISTERED ELECTORS WHO RESIDE IN THE COUNTY.

(2) THE DESIGNATED ELECTION OFFICIAL FOR THE VARIOUS POLITICAL SUBDIVISIONS SHALL BE RESPONSIBLE FOR MAILING THE REQUIRED NOTICE TO EACH ADDRESS OF ONE OR MORE ACTIVE REGISTERED ELECTORS WHO DO NOT RESIDE WITHIN THE COUNTY OR COUNTIES WHERE THE POLITICAL SUBDIVISION IS LOCATED.

SECTION 38. 1-7.5-103 (4), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-7.5-103. Definitions. As used in this article, unless the context otherwise requires:

(4) "Mail ballot election" means an election for which eligible electors may cast ballots BY MAIL AND IN ACCORDANCE WITH THIS ARTICLE in an election that involves only nonpartisan candidates or BALLOT QUESTIONS OR ballot issues. ~~by mail and in accordance with this article.~~

SECTION 39. 1-7.5-104 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-7.5-104. Mail ballot elections - optional. (1) ~~Effective July 1, 1990,~~ If the governing board of any political subdivision determines that an election shall be by mail ballot, the designated election official for ~~a~~ THE political subdivision shall conduct any election for ~~such~~ THE political subdivision by mail ballot under the supervision of the secretary of state and shall be subject to rules which shall be promulgated by the secretary of state. ~~on or before January 1, 1991.~~

SECTION 40. 1-7.5-105 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-7.5-105. Preelection process. (1) The designated election official responsible for conducting an election that is to be by mail ballot pursuant to section 1-7.5-104 (1) shall notify the secretary of state no later than ~~seventy-five~~ SIXTY days prior to the election. The notification shall include a proposed plan for conducting the mail ballot election, which may be based on the standard plan adopted by the secretary of state.

SECTION 41. 1-7.5-107 (2) (a), (3) (c), (3) (d), and (4) (b), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

1-7.5-107. Procedures for conducting mail ballot election. (2) (a) EXCEPT FOR COORDINATED ELECTIONS CONDUCTED AS A MAIL BALLOT ELECTION WHERE THE COUNTY CLERK AND RECORDER IS THE COORDINATED ELECTION OFFICIAL, no later than thirty days prior to election day, the county clerk and recorder shall submit to the designated election official of the political subdivision conducting the mail ballot election a full and complete preliminary list of registered electors. For special district mail ballot elections, the county clerk and recorder and county assessor of each county in which a special district is located shall certify and submit to the DESIGNATED election official a ~~property owner's list~~ LIST OF PROPERTY OWNERS and a list of registered electors residing within the affected district.

(3) (c) No sooner than twenty-five days PRIOR TO ELECTION DAY, nor later than ~~4 p.m.~~ 7 P.M. on election day, mail ballots shall be made available at the designated election official's office, OR THE OFFICE DESIGNATED IN THE MAIL BALLOT PLAN FILED WITH THE SECRETARY OF STATE, for eligible electors ~~but who are not otherwise~~ listed on the county voter registration records or, for special district mail ballot elections, on the ~~property owners' list~~ LIST OF PROPERTY OWNERS or the registration list ~~if otherwise~~ BUT WHO ARE authorized to vote pursuant to section 32-1-806, C.R.S., or other applicable law.

(d) (I) An eligible elector may obtain a replacement ballot if the ballot was destroyed, spoiled, lost, or for some other reason not received by the eligible elector. In order to obtain a replacement ballot, the eligible elector must sign a sworn statement specifying the reason for requesting the replacement ballot. The statement shall be presented to the designated election official no later than ~~4 p.m.~~ 7 P.M. on election day. The designated election official shall keep a record of each replacement ballot issued in accordance with this section together with a list of each ballot obtained pursuant to paragraph (c) of this subsection (3).

(II) A designated election official shall not transmit a mail ballot package under this section unless the application for the replacement ballot is received on or before election day. A replacement ballot may be transmitted directly to the applicant at the designated election official's office OR THE OFFICE DESIGNATED IN THE MAIL BALLOT PLAN FILED WITH THE SECRETARY OF STATE or may be mailed to the eligible elector at the address provided in the application. Replacement ballots may be cast no later than ~~5 p.m.~~ 7 P.M. on election day.

(4) (b) The eligible elector may return the marked ballot to the designated election official by United States mail or by depositing the ballot at the office of the official

or any place designated by the official. The ballot must be returned in the return-verification envelope. If an eligible elector returns the ballot by mail, the elector must provide postage. The ballot shall be received at the office of the designated election official or ~~the~~ A designated depository, WHICH SHALL REMAIN OPEN UNTIL ~~no later than~~ 7 p.m. on election day.

SECTION 42. 1-7.5-112, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is repealed as follows:

1-7.5-112. Repeal of article. ~~This article is repealed, effective July 1, 1994.~~

SECTION 43. 1-8-103, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

1-8-103. Application for absentee ballot - repeal of subsection. (1.5) (a) IN ANY ELECTION CONDUCTED BY THE COUNTY CLERK AND RECORDER, THE APPLICATION FORM FOR AN ABSENTEE BALLOT SHALL INCLUDE A SPACE WHERE THE APPLICANT MAY GIVE THE APPLICANT'S DRIVER'S LICENSE NUMBER, IF THE APPLICANT HAS A DRIVER'S LICENSE, AND THE FORM SHALL CLEARLY INDICATE THAT PROVIDING SUCH INFORMATION IS OPTIONAL. NO APPLICATION FOR AN ABSENTEE BALLOT SHALL BE REJECTED BECAUSE IT DOES NOT INCLUDE A DRIVER'S LICENSE NUMBER.

(b) THIS SUBSECTION (1.5) IS REPEALED, EFFECTIVE JANUARY 1, 1999.

SECTION 44. 1-8-113 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-8-113. Procedures and personnel for early voters' polling place. (1) The early voters' polling place shall be opened no ~~later~~ EARLIER than twenty-four days preceding any election IN NOVEMBER.

SECTION 45. 1-8-114, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

1-8-114. Manner of absentee and early voting - repeal of subsection. (3.5) (a) IN ANY ELECTION CONDUCTED BY THE COUNTY CLERK AND RECORDER, AN ELIGIBLE ELECTOR WHO APPEARS IN PERSON IN THE OFFICE OF THE COUNTY CLERK AND RECORDER TO CAST AN EARLY VOTERS' BALLOT SHALL BE REQUESTED TO WRITE ON THE SIGNATURE CARD THE ELECTOR'S DRIVER'S LICENSE NUMBER OR THE NUMBER PRINTED ON THE ELECTOR INFORMATION CARD OR VOTER INFORMATION CARD OR LETTER MAILED TO THE ELECTOR PURSUANT TO SECTION 1-2-224 OR 1-5-206, IF A NUMBER IS PRINTED ON SUCH CARD OR LETTER, OR TO PRESENT SUCH ELECTOR INFORMATION CARD OR VOTER INFORMATION CARD OR LETTER WHEN THE SIGNATURE CARD IS GIVEN TO THE ELECTION JUDGE. SIGNATURE CARDS SHALL INCLUDE A LABELED SPACE FOR THE DRIVER'S LICENSE NUMBER AND THE NUMBER OF THE ELECTOR INFORMATION CARD OR VOTER INFORMATION CARD OR LETTER AND SHALL CLEARLY INDICATE THAT PROVIDING SUCH INFORMATION IS OPTIONAL. NO PERSON SHALL BE PROHIBITED FROM VOTING FOR FAILURE TO PROVIDE SUCH INFORMATION. IF THE ELECTOR PRESENTS AN ELECTOR INFORMATION CARD OR VOTER INFORMATION CARD OR LETTER INSTEAD OF PROVIDING THE DRIVER'S LICENSE NUMBER OR THE NUMBER OF THE ELECTOR INFORMATION CARD OR VOTER INFORMATION CARD OR

LETTER, THE ELECTION JUDGE RECEIVING THE SIGNATURE CARD SHALL ENTER A NOTATION TO THAT EFFECT ON THE SIGNATURE CARD.

(b) THIS SUBSECTION (3.5) IS REPEALED, EFFECTIVE JANUARY 1, 1999.

SECTION 46. Part 2 of article 9 of title 1, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

1-9-207. Challenges of ballots cast by mail. THE BALLOT OF ANY VOTER WHICH HAS BEEN CAST BY MAIL MAY BE CHALLENGED BY WRITTEN OATH OR AFFIRMATION SIGNED BY THE CHALLENGER UNDER PENALTY OF PERJURY SETTING FORTH THE NAME OF THE PERSON CHALLENGED AND THE BASIS FOR THE CHALLENGE. CHALLENGED BALLOTS, EXCEPT THOSE REJECTED FOR AN INCOMPLETE OR INCORRECT AFFIDAVIT, DEATH OF THE ELIGIBLE ELECTOR, OR SUBMISSION OF MULTIPLE BALLOTS, SHALL BE COUNTED. THE ELECTION JUDGES SHALL DELIVER ALL CHALLENGES AND OATHS OR AFFIRMATIONS, TOGETHER WITH THE AFFIDAVITS OF THE ELIGIBLE ELECTORS CHALLENGED, TO THE DESIGNATED ELECTION OFFICIAL AT THE TIME THE REGISTRATION LIST IS RETURNED. THE DESIGNATED ELECTION OFFICIAL SHALL IMMEDIATELY DELIVER ALL CHALLENGES AND ALL OATHS OR AFFIRMATIONS TO THE DISTRICT ATTORNEY FOR INVESTIGATION AND ACTION.

SECTION 47. 1-10-102 (1) and (3), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

1-10-102. Official abstract from the counties. (1) No later than the tenth day after the primary election or the general or congressional vacancy election, the county board of canvassers shall make AN official ~~abstracts~~ ABSTRACT of the votes cast for national AND state OFFICES and district offices OF STATE CONCERN. The county clerk and recorder, immediately after the official ~~abstracts~~ ABSTRACT of votes ~~have~~ HAS been prepared, shall make a copy of ~~each~~ THE official abstract and shall deliver or transmit it ~~by certified mail~~ to the office of the secretary of state, who shall file and record ~~the original official abstracts~~ A COPY OF THE ABSTRACT in a book to be kept for that purpose. The county clerk and recorder shall certify the official ~~abstracts~~ ABSTRACT and copies and affix to them the county seal.

(3) If a recount of a national OR state OFFICE or district office OF STATE CONCERN is held and changes in the vote result, an amended copy of the official abstract of votes shall be filed with the secretary of state showing the recount results as the official abstract of votes for that county.

SECTION 48. 1-10-103 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-10-103. Survey of returns by secretary of state. (1) On the sixteenth day after any primary election, the secretary of state shall survey the returns of votes cast for candidates for United States senator, for representatives in congress, and for all state OFFICES and district offices OF STATE CONCERN.

SECTION 49. 1-10-105 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-10-105. Certified statement of results. (1) The secretary of state shall make a certified statement of results for each of the offices listed in section 1-10-103. The statement shall show the names of the candidates and, for each candidate, the total number of votes received, with subtotals for each district OF STATE CONCERN or county in which the candidate was on the ballot.

SECTION 50. 1-10-201, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-10-201. Canvassers for nonpartisan elections. (1) EXCEPT AS PROVIDED IN SECTION 1-10-202, at least fifteen days before any nonpartisan election, the governing body which called the election shall appoint ~~a~~ ATLEAST ONE member of the governing body and AT LEAST one eligible elector of the political subdivision WHO IS NOT A MEMBER OF THE GOVERNING BODY to assist the designated election official in the survey of returns. THE PERSONS SO APPOINTED AND THE DESIGNATED ELECTION OFFICIAL CONSTITUTE THE BOARD OF CANVASSERS FOR THE ELECTION.

(2) No member of the board of canvassers WHO IS A MEMBER OF THE GOVERNING BODY or the member's spouse shall have a direct interest in the election unless all of the ~~eligible electors~~ MEMBERS OF THE GOVERNING BODY have a direct interest in the election, EXCEPT THE DESIGNATED ELECTION OFFICIAL. NO MEMBER OF THE BOARD OF CANVASSERS WHO IS NOT A MEMBER OF THE GOVERNING BODY OR A MEMBER'S SPOUSE SHALL HAVE A DIRECT INTEREST IN THE ELECTION UNLESS ALL OF THE ELIGIBLE ELECTORS HAVE A DIRECT INTEREST IN THE ELECTION.

(3) If for any reason any person appointed as a member of the board of canvassers refuses, fails, or is unable to serve, that appointed person shall notify the designated election official, who shall appoint another person WITH THE SAME QUALIFICATIONS, IF AVAILABLE, to the board of canvassers.

(4) EACH MEMBER OF THE BOARD OF CANVASSERS, EXCEPT MEMBERS OF THE GOVERNING BODY, SHALL RECEIVE A MINIMUM FEE OF FIFTEEN DOLLARS FOR EACH DAY ON WHICH THE MEMBER IS ACTUALLY ENGAGED IN OPENING ELECTION RETURNS AND MAKING ABSTRACTS OF THE VOTES CAST. THE FEE SHALL BE SET BY THE DESIGNATED ELECTION OFFICIAL AND SHALL BE PAID BY THE POLITICAL SUBDIVISION FOR WHICH THE SERVICE IS PERFORMED.

(5) BEFORE BEGINNING THEIR DUTIES AS MEMBERS OF THE BOARD OF CANVASSERS, THE MEMBERS OF THE BOARD OF CANVASSERS SHALL TAKE AN OATH IN THE FOLLOWING FORM: "I, _____, DO SOLEMNLY SWEAR (OR AFFIRM) THAT I AM REGISTERED TO VOTE IN THE STATE OF COLORADO AND THAT I WILL FAITHFULLY PERFORM THE DUTIES REQUIRED OF A MEMBER OF THE BOARD OF CANVASSERS." IN THE EVENT THAT THE COUNTY BOARD OF CANVASSERS SERVES AS THE BOARD OF CANVASSERS FOR A POLITICAL SUBDIVISION, NO OATH OTHER THAN THE OATH TAKEN PURSUANT TO SECTION 1-10-101 SHALL BE REQUIRED.

SECTION 51. 1-10-203, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-10-203. Survey of returns. (1) The returns of all nonpartisan, ballot issue, and ballot question elections shall be made BY THE BOARD OF CANVASSERS to the

designated election official. No later than seven days after the election, the canvassers shall meet, survey the returns, issue a certified statement of results, and make out abstracts of votes for each office.

(2) If the election is canceled pursuant to section 1-5-208, THE DESIGNATED ELECTION OFFICIAL SHALL NOTIFY THE BOARD OF CANVASSERS, AND the canvassers shall note the cancellation on the certified statement of results and shall indicate which candidates were elected by acclamation.

SECTION 52. 1-10-204, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-10-204. Imperfect returns. If the canvassers find that the method of making or certifying returns from any precinct does not strictly conform to the requirements of law, the returns of the votes cast in that precinct shall nevertheless be surveyed if the returns are sufficiently explicit to enable the canvassers to determine how many votes were cast for each candidate, BALLOT QUESTION, or ballot issue.

SECTION 53. 1-10-301 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-10-301. Recounts for congressional, state, and district offices - expenses of recount. (1) If, on or before the twentieth day after the general or congressional vacancy election or on or before the tenth day after the primary election, all the official abstracts of votes have been received in the office of the secretary of state, and it appears, as evidenced by the official abstracts of votes, that a candidate for United States senator, representative in congress, or any state OFFICE or district office OF STATE CONCERN has failed to be nominated in a primary election by two percent or less of the highest vote cast for a candidate of the same party for that office or failed to be elected in a general or congressional vacancy election by one percent or less of the highest vote cast for a candidate for the same office, the secretary of state shall order a complete recount of all the votes cast for that office.

SECTION 54. 1-10-304, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-10-304. Request by candidate supporters. If it appears, as evidenced by the survey of returns, that any candidate failed to be nominated or elected ~~or any ballot issue or ballot question failed to pass~~ by more than the number of required votes provided in section 1-10-301, 1-10-302, or 1-10-303, the losing candidate ~~or the supporters of a losing issue or question~~ may submit a certified written request for a recount at the expense of the person or group making the request. This request shall be filed within thirty days after the general or congressional vacancy election, within fifteen days after the primary election, or within ten days after any other election. Before conducting the recount, the designated election official shall notify the other candidate or candidates ~~or the opponents of the ballot issue or ballot question~~ and shall determine the cost and notify the requesting candidate. ~~or group~~. If the recount is for an office greater than a county office, the cost shall be determined by the secretary of state who shall notify the candidate. The candidate shall pay on demand the cost of the recount to the county treasurer or the manager of revenue for a recount of a county office, to the state treasurer for a recount of a congressional, state, or

district office, or to the governing body for a nonpartisan election. The funds shall be placed in escrow for payment of all expenses incurred in the recount. If after the recount the candidate who requested the recount is declared the winner of the election, regardless of the margin of victory, or if the winning candidate failed to be nominated or elected by more than the number of required votes provided in section 1-10-301, 1-10-302, or 1-10-303, the payment for expenses shall be refunded to the person or group who paid them, and the expenses shall be paid as provided in section 1-10-309. The recount provided for in this section shall be in addition to any other recounts provided by law.

SECTION 55. Part 3 of article 10 of title 1, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

1-10-304.5. Request by ballot issue or ballot question supporters or opponents. IF IT APPEARS, AS EVIDENCED BY THE SURVEY OF RETURNS, THAT ANY BALLOT ISSUE OR BALLOT QUESTION PASSED OR FAILED TO PASS BY MORE THAN THE NUMBER OF REQUIRED VOTES PROVIDED IN SECTION 1-10-301, 1-10-302, OR 1-10-303, THE OPONENTS OF A PASSED BALLOT ISSUE OR BALLOT QUESTION OR THE SUPPORTERS OF A LOSING BALLOT ISSUE OR BALLOT QUESTION, AS THE CASE MAY BE, MAY SUBMIT A CERTIFIED WRITTEN REQUEST FOR A RECOUNT AT THE EXPENSE OF THE PERSON OR GROUP MAKING THE REQUEST. THIS REQUEST SHALL BE FILED WITHIN TEN DAYS AFTER THE ELECTION. BEFORE CONDUCTING THE RECOUNT, THE DESIGNATED ELECTION OFFICIAL SHALL NOTIFY THE GOVERNING BODY OF THE POLITICAL SUBDIVISION AND THE SUPPORTERS OR PETITION REPRESENTATIVES OF THE BALLOT ISSUE OR BALLOT QUESTION, IN THE CASE OF A REQUEST SUBMITTED BY THE OPONENTS, OR THE OPONENTS, IN THE CASE OF A REQUEST SUBMITTED BY THE SUPPORTERS OR PETITION REPRESENTATIVES, AND SHALL DETERMINE THE COST AND NOTIFY THE REQUESTING PERSON OR GROUP. THE PERSON OR GROUP REQUESTING THE RECOUNT SHALL PAY ON DEMAND THE COST OF THE RECOUNT TO THE COUNTY TREASURER OR THE MANAGER OF REVENUE FOR A RECOUNT OF A COUNTY BALLOT ISSUE OR BALLOT QUESTION, TO THE STATE TREASURER FOR A RECOUNT OF A BALLOT ISSUE OR BALLOT QUESTION FOR A DISTRICT GREATER THAN A COUNTY, OR, FOR A NONPARTISAN ELECTION, TO THE GOVERNING BODY OF THE POLITICAL SUBDIVISION CALLING THE ELECTION. THE FUNDS SHALL BE PLACED IN ESCROW FOR PAYMENT OF ALL EXPENSES INCURRED IN THE RECOUNT. IF AFTER THE RECOUNT THE BALLOT ISSUE OR BALLOT QUESTION IS DECLARED TO HAVE FAILED, REGARDLESS OF THE MARGIN OF LOSS, THE PAYMENT FOR EXPENSES SHALL BE REFUNDED TO THE PERSON OR GROUP WHO PAID THEM, AND THE EXPENSES SHALL BE PAID AS PROVIDED IN SECTION 1-10-309. THE RECOUNT PROVIDED FOR IN THIS SECTION SHALL BE IN ADDITION TO ANY OTHER RECOUNTS PROVIDED BY LAW.

SECTION 56. 1-10-305, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-10-305. Board of canvassers to conduct recount. (1) Any county clerk and recorder or governing body required to conduct a recount shall arrange to have the recount made by the board of canvassers who officiated in making the official abstract of votes OR CERTIFIED STATEMENT OF RESULTS. If any member of the board OF CANVASSERS cannot participate in the recount, another person shall be appointed in the manner provided by law for appointment of the members of the original board.

(2) Any board of canvassers making a recount under the provisions of this section may employ assistants and clerks as necessary for the conduct of the recount.

(3) The board of canvassers may require the production of any documentary evidence regarding the legality of any vote cast or counted and may correct the survey of returns in accordance with its findings based on the evidence presented.

(4) AT THE CONCLUSION OF THE RECOUNT, THE BOARD OF CANVASSERS SHALL MAKE THE RETURNS OF ALL PARTISAN, NONPARTISAN, BALLOT ISSUE, AND BALLOT QUESTION ELECTIONS TO THE DESIGNATED ELECTION OFFICIAL AND PROVIDE A COPY TO THE PERSONS OR GROUPS REQUESTING THE RECOUNT OR NOTIFIED OF THE RECOUNT PURSUANT TO SECTIONS 1-10-304 AND 1-10-304.5. THE CANVASSERS SHALL MEET AND ISSUE A REVISED CERTIFIED STATEMENT OF RESULTS, AND MAKE OUT REVISED ABSTRACTS OF VOTES FOR THE OFFICE, BALLOT ISSUE, OR BALLOT QUESTION THAT IS THE SUBJECT OF THE RECOUNT AND DELIVER THEM TO THE DESIGNATED ELECTION OFFICIAL.

(5) THE DESIGNATED ELECTION OFFICIAL SHALL NOTIFY THE GOVERNING BODY OF THE RESULTS OF THE RECOUNT.

SECTION 57. 1-10-307, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-10-307. Challenge of recount. (1) (a) Any candidate for a county, state, or national OR DISTRICT office OF STATE CONCERN who is a party to a recount OR THE SUPPORTERS OF ANY STATEWIDE BALLOT ISSUE OR BALLOT QUESTION WHO REQUESTED A RECOUNT and who has reasonable grounds to believe that the recount is not being conducted in a fair, impartial, and uniform manner may apply to the district court of the city and county of Denver for an order requiring the county clerk and recorder to stop the recount and to give the secretary of state access to all pertinent election records used in conducting the recount, and requiring the secretary of state to conduct the recount. The county clerk and recorder shall be an official observer during any recount conducted by the secretary of state.

(b) Any candidate for a local office who is a party to a recount OR THE SUPPORTERS OF ANY LOCAL BALLOT ISSUE OR BALLOT QUESTION WHO REQUESTED A RECOUNT and WHO has reasonable grounds to believe that the designated election official is not conducting the recount in a fair, impartial, and uniform manner may apply to the district court FOR in the candidate's political subdivision for an order requiring the designated election official to stop the recount and to give the appropriate official who will take over conducting the recount access to all pertinent election records, and requiring the appropriate official to conduct the recount. If the county clerk and recorder is not the designated election official, then the county clerk and recorder is the appropriate official to conduct the recount. If the county clerk and recorder is the designated election official, then the secretary of state is the appropriate official to conduct the recount. The designated election official shall be an official observer during any recount conducted pursuant to this subsection (1).

(2) All expenses incurred by the secretary of state in conducting a recount pursuant to subsection (1) of this section shall be paid from the state general fund. Expenses incurred prior to a court order requiring the secretary of state to conduct the recount

shall be paid by the county OR POLITICAL SUBDIVISION CONDUCTING THE RECOUNT.

SECTION 58. 1-10-309, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-10-309. Expenses of the recount. All expenses incurred in conducting a recount in any political subdivision shall be paid by the political subdivision unless otherwise provided in ~~section 1-10-304~~ SECTIONS 1-10-304 AND 1-10-304.5. Members of a board of canvassers who assist in any recount shall receive the same fees authorized for counting judges in section 1-6-115.

SECTION 59. 1-11-103, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-11-103. Certificates of election for nonpartisan, ballot issue, or ballot question elections. (1) Except in the case of offices for which a recount is required as provided in section 1-10-303, immediately after the abstract of votes for each office has been prepared, THE DESIGNATED ELECTION OFFICIAL SHALL NOTIFY THE CANDIDATES OF THEIR ELECTION TO OFFICE. ~~and~~ After any required bond and oath is filed, the designated election official shall make a FORMAL certificate of election for each of the persons who were elected and shall deliver the FORMAL certificates to those persons. ~~and~~

(2) EXCEPT IN THE CASE OF BALLOT ISSUES OR BALLOT QUESTIONS FOR WHICH A RECOUNT IS REQUIRED AS PROVIDED IN SECTION 1-10-303, IMMEDIATELY AFTER THE SURVEY OF RETURNS FOR EACH BALLOT ISSUE OR BALLOT QUESTION HAS BEEN PREPARED, THE DESIGNATED ELECTION OFFICIAL SHALL NOTIFY THE GOVERNING BODY OF THE POLITICAL SUBDIVISION CONDUCTING THE ELECTION AND THE PETITION REPRESENTATIVES OF A BALLOT ISSUE OR BALLOT QUESTION OF THE ELECTION RESULT AND SHALL MAKE a certificate of the votes cast for and against each ballot issue and for and against each ballot question AVAILABLE FOR PUBLIC INSPECTION IN THE OFFICE OF THE DESIGNATED ELECTION OFFICIAL FOR NO LESS THAN TEN DAYS FOLLOWING THE COMPLETION OF THE SURVEY OF RETURNS BY THE BOARD OF CANVASSERS.

(3) THE RESULTS OF A SPECIAL DISTRICT ELECTION SHALL BE CERTIFIED TO THE DIVISION OF LOCAL GOVERNMENT WITHIN FORTY-FIVE DAYS AFTER THE ELECTION AS PROVIDED IN SECTION 32-1-104 (1), C.R.S. IF AN ELECTION IS CANCELLED, THE NOTICE AND A COPY OF THE RESOLUTION OF CANCELLATION SHALL BE FILED WITH THE DIVISION OF LOCAL GOVERNMENT.

SECTION 60. 1-11-105, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-11-105. Certificates of election for national, state, and district officers. The secretary of state shall make and transmit a certificate of election, certified under the secretary of state's seal of office, to each of the persons declared to be elected TO NATIONAL, STATE, AND DISTRICT OFFICES OF STATE CONCERN and shall record in a book to be kept for that purpose each such certification.

SECTION 61. 1-11-108 (1) (a), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-11-108. Official abstract. (1) Following each general election, the secretary of state shall publish an official abstract which contains the following information:

(a) The names of the candidates for whom votes were cast and the total number of votes, including district OFFICES OF STATE CONCERN or county subtotals, which were cast for each candidate in both the primary and the general elections;

SECTION 62. 1-11-201, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

1-11-201. Causes of contest. (3) THE RESULT OF ANY ELECTION TO DETERMINE A BALLOT ISSUE OR BALLOT QUESTION MAY BE CONTESTED ON ANY OF THE FOLLOWING GROUNDS:

(a) THAT ILLEGAL VOTES WERE RECEIVED OR LEGAL VOTES WERE REJECTED AT THE POLLS IN SUFFICIENT NUMBERS TO CHANGE THE RESULT OF THE ELECTION;

(b) THAT AN ELECTION JUDGE OR BOARD OF CANVASSERS HAS MADE AN ERROR IN COUNTING OR DECLARING THE RESULT OF AN ELECTION THAT CHANGED THE RESULT OF THE ELECTION; OR

(c) THAT AN ELECTION JUDGE, BOARD OF CANVASSERS, OR MEMBER OF A BOARD OF CANVASSERS HAS COMMITTED MISCONDUCT, FRAUD, OR CORRUPTION THAT CHANGED THE RESULT OF THE ELECTION.

SECTION 63. 1-11-202, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-11-202. Who may contest election. The election of any candidate or the results of an election on any ballot issue OR BALLOT QUESTION may be contested by any eligible elector of the political subdivision.

SECTION 64. Part 2 of article 11 of title 1, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

1-11-203.5. Contests concerning ballot order or ballot title - ballot issue or ballot question elections. (1) EXCEPT FOR PETITIONS FOR REHEARING PURSUANT TO SECTION 1-40-107, ALL ELECTION CONTESTS ARISING OUT OF A BALLOT ISSUE OR BALLOT QUESTION ELECTION CONCERNING THE ORDER ON THE BALLOT OR THE FORM OR CONTENT OF ANY BALLOT TITLE SHALL BE SUMMARILY ADJUDICATED BY THE DISTRICT COURT SITTING FOR THE POLITICAL SUBDIVISION WITHIN WHICH THE CONTEST ARISES PRIOR TO THE ELECTION. EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE STYLE AND FORM OF PROCESS, THE MANNER OF SERVICE OF PROCESS AND PAPERS, THE FEES OF OFFICERS, AND JUDGMENT FOR COSTS SHALL BE ACCORDING TO THE RULES AND PRACTICE OF THE DISTRICT COURT. THE COURT THAT FIRST ACQUIRES JURISDICTION OF ANY CONTEST SHALL HAVE EXCLUSIVE JURISDICTION. BEFORE THE DISTRICT COURT IS REQUIRED TO TAKE JURISDICTION OF THE CONTEST, THE CONTESTOR SHALL FILE WITH THE CLERK OF THE COURT A BOND, WITH SURETIES, RUNNING TO THE CONTESTEE AND CONDITIONED TO PAY ALL COSTS, INCLUDING ATTORNEYS FEES, IN CASE OF FAILURE TO MAINTAIN THE CONTEST. THE JUDGE SHALL

DETERMINE THE SUFFICIENCY OF THE BOND AND, IF SUFFICIENT, APPROVE IT.

(2) EVERY SUCH CONTEST SHALL BE COMMENCED BY VERIFIED PETITION FILED BY THE CONTESTOR TO THE PROPER COURT, SETTING FORTH THE GROUNDS FOR THE CONTEST AND A PROPOSED ALTERNATIVE ORDER FOR THE BALLOT OR ALTERNATIVE FORM OR CONTENT FOR THE CONTESTED BALLOT TITLE. THE CONTESTEE SHALL BE THE STATE IN THE CASE OF A STATEWIDE BALLOT ISSUE OR STATEWIDE BALLOT QUESTION OR THE POLITICAL SUBDIVISION THAT PROPOSED TO PLACE THE CONTESTED BALLOT ISSUE OR BALLOT QUESTION ON THE BALLOT, AS APPLICABLE, AND THE PETITION REPRESENTATIVE OF AN INITIATED MEASURE. THE PETITION SHALL BE FILED AND A COPY SERVED ON THE CONTESTEE WITHIN FIVE DAYS AFTER THE TITLE OF THE BALLOT ISSUE OR BALLOT QUESTION IS SET BY THE STATE OR POLITICAL SUBDIVISION AND FOR CONTESTS CONCERNING THE ORDER OF A BALLOT, WITHIN FIVE DAYS AFTER THE BALLOT ORDER IS SET BY THE COUNTY CLERK AND RECORDER AND NOT THEREAFTER. THE DESIGNATED ELECTION OFFICIAL OR OTHER AUTHORIZED OFFICIAL, ON BEHALF OF THE CONTESTEE AND THE PROPONENT OF AN INITIATED MEASURE, SHALL ANSWER UNDER OATH WITHIN FIVE DAYS AFTER SERVICE. UPON THE EXPIRATION OF THE TIME FOR THE ANSWER, AND FOLLOWING AT LEAST TWENTY-FOUR HOURS ADVANCE NOTICE OF THE DATE, TIME, AND PLACE OF THE ADJUDICATION GIVEN BY THE CLERK OF THE COURT BY LETTER, TELEPHONE, OR FAX TO THE CONTESTOR AND CONTESTEE, THE COURT HAVING JURISDICTION OF THE CONTEST SHALL IMMEDIATELY SET THE MATTER FOR TRIAL ON THE MERITS AND SHALL ADJUDICATE IT WITHIN TEN DAYS OF THE DATE OF FILING OF THE ANSWER BY THE CONTESTEE OR EXPIRATION OF THE TIME FOR THE ANSWER.

(3) IF THE COURT FINDS THAT THE ORDER OF THE BALLOT OR THE FORM OR CONTENT OF THE BALLOT TITLE DOES NOT CONFORM TO THE REQUIREMENTS OF THE STATE CONSTITUTION AND STATUTES, THE COURT SHALL PROVIDE IN ITS ORDER THE TEXT OF THE CORRECTED BALLOT TITLE OR THE CORRECTED ORDER OF THE MEASURES TO BE PLACED UPON THE BALLOT AND SHALL AWARD COSTS AND REASONABLE ATTORNEYS FEES TO THE CONTESTOR. IF THE COURT FINDS THAT THE ORDER OF THE BALLOT AND THE FORM AND CONTENT OF THE BALLOT TITLE CONFORM TO THE REQUIREMENTS OF THE STATE CONSTITUTION AND STATUTES AND FURTHER FINDS THAT THE SUIT WAS FRIVOLOUS AS PROVIDED IN ARTICLE 17 OF TITLE 13, C.R.S., THE COURT SHALL PROVIDE IN ITS ORDER AN AWARD OF COSTS AND REASONABLE ATTORNEYS FEES TO THE CONTESTEE STATE OR POLITICAL SUBDIVISION AND TO THE PROPONENT OF AN INITIATED MEASURE.

(4) FOLLOWING ENTRY OF THE ORDER OF THE DISTRICT COURT PURSUANT TO THIS SECTION, THE BALLOT TITLE SHALL BE CERTIFIED BY THE STATE OR POLITICAL SUBDIVISION TO THE COUNTY CLERK AND RECORDER, TO BE VOTED UPON AT THE ELECTION AS SO CERTIFIED UNLESS THE ELECTION ON THE BALLOT ISSUE OR BALLOT QUESTION IS CANCELED IN THE MANNER PROVIDED BY LAW. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY APPEAL FROM AN ORDER OF THE DISTRICT COURT ENTERED PURSUANT TO THIS SECTION SHALL BE TAKEN DIRECTLY TO THE SUPREME COURT, WHICH SHALL DECIDE THE APPEAL AS EXPEDITIOUSLY AS PRACTICABLE.

(5) THE PROCEDURE PROVIDED IN THIS SECTION SHALL BE THE EXCLUSIVE PROCEDURE TO CONTEST OR OTHERWISE CHALLENGE THE ORDER OF THE BALLOT OR THE FORM OR CONTENT OF THE BALLOT TITLE.

(6) THIS SECTION SHALL NOT APPLY TO A BALLOT TITLE FOR A STATEWIDE BALLOT ISSUE OR STATEWIDE BALLOT QUESTION THAT IS SET BY A TITLE SETTING BOARD OR COURT AS PROVIDED BY LAW.

SECTION 65. 1-11-212, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-11-212. Contests for county and nonpartisan officers - ballot issues and ballot questions. Contested election cases of county and nonpartisan officers and ballot issues AND BALLOT QUESTIONS shall be tried and decided by the district court for the county in which the contest arises. If a political subdivision is located in more than one county, the district court of either county may take jurisdiction.

SECTION 66. 1-11-213 (4) and (5), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

1-11-213. Rules for conducting contests in district court. (4) The contestor, within ten days after the ~~completion of the~~ official survey of returns HAS BEEN FILED WITH THE DESIGNATED ELECTION OFFICIAL, shall file in the office of the clerk of the district court a written statement of the intention to contest the election, setting forth the name of the contestor, that the contestor is an eligible elector of the political subdivision, the name of the contestee, the office OR BALLOT ISSUE OR BALLOT QUESTION being contested, the time of the election, and the particular grounds for the contest. The statement shall be verified upon information and belief by the affidavit of the contestor or of an eligible elector of the political subdivision. IF THE CONTEST IS BASED UPON A BALLOT ISSUE OR BALLOT QUESTION, THE POLITICAL SUBDIVISION OR SUBDIVISIONS FOR WHICH THE BALLOT ISSUE OR BALLOT QUESTION WAS DECIDED SHALL BE NAMED AS A CONTESTEE. IF A WRITTEN STATEMENT OF INTENT TO CONTEST THE ELECTION IS FILED MORE THAN TEN DAYS AFTER THE COMPLETION OF THE OFFICIAL SURVEY OF RETURNS, NO COURT SHALL HAVE JURISDICTION OVER THE CONTEST.

(5) The clerk of the district court shall then issue a summons in the ordinary form, in which the contestor shall be named as plaintiff and the contestee as defendant, stating the court to which the action is being brought, the political subdivision for which the contest is filed, and a brief statement of the grounds for contest as set forth in the contestor's statement. The summons shall be served upon the contestee AND POLITICAL SUBDIVISION in the same manner as other district court summonses are served in this state, within ten days after the statement of intention is filed.

SECTION 67. 1-11-215, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-11-215. Recount in contests for county and nonpartisan elections. If, at trial of any election contest ~~for any county office~~ as provided in sections 1-11-214 and this section, the statement or counterstatement alleges an error in the survey of returns sufficient to change the result, the district judge has the power to order a recount of the ballots cast or the votes tabulated in the precincts in which the alleged error was made. The court may also require the production before it of witnesses, documents, records, and other evidence as may have or contain information regarding the legality of any vote cast or counted for either of the contesting candidates or a ballot issue OR

BALLOT QUESTION, or concerning the correct number of votes cast for a candidate or a ballot issue OR BALLOT QUESTION. The court may order the returns corrected in accordance with the evidence presented and the court's findings.

SECTION 68. 1-11-216, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-11-216. Judgment in contests for county and nonpartisan elections. The district court shall pronounce judgment on whether the contestee or any other person was legally elected to the contested office or on whether the ballot issue OR BALLOT QUESTION was enacted. The court's judgment declaring a person elected entitles that person to take office when the term of office begins, upon proper qualification. If the judgment is against a contestee who has received a certificate, the judgment annuls the certificate. If the court finds that no person was legally elected, the judgment shall set aside the election and declare a vacancy in the office contested.

SECTION 69. 1-11-217, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-11-217. Costs of election contest. (1) A judgment against the contestor pursuant to the provisions of sections 1-11-211 and 1-11-212, CONCERNING ELECTION OF A CANDIDATE OR DETERMINATION OF A BALLOT QUESTION, shall provide that the contestor is liable for all fees incurred in the contested election BY ALL CONTESTEES, including reasonable costs and attorney fees.

(2) A JUDGMENT AGAINST THE CONTESTOR PURSUANT TO THE PROVISIONS OF SECTIONS 1-11-211 AND 1-11-212, CONCERNING THE DETERMINATION OF A BALLOT ISSUE, SHALL PROVIDE THAT THE CONTESTOR IS LIABLE FOR ALL FEES INCURRED IN THE CONTESTED ELECTION BY ALL CONTESTEES, INCLUDING REASONABLE COSTS AND ATTORNEYS FEES, BUT A JUDGEMENT FOR COSTS AND FEES SHALL BE AWARDED IN FAVOR OF THE STATE OR A POLITICAL SUBDIVISION ONLY IF THE SUIT IS RULED FRIVOLOUS, AS PROVIDED IN ARTICLE 17 OF TITLE 13, C.R.S.

SECTION 70. 1-11-218, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-11-218. Violations by the governing body. If the results of any county or nonpartisan election are disallowed ~~and a new election is ordered~~ as the result of a proceeding held pursuant to sections 1-11-211 and 1-11-212, the elector who instituted the proceedings may commence a civil action to recover ~~reasonable~~ costs and REASONABLE attorney fees from the governing body.

SECTION 71. 1-12-117, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-12-117. Nomination of successor. A candidate to succeed the officer sought to be recalled SHALL MEET THE QUALIFICATIONS OF A PARTY CANDIDATE OR INDEPENDENT CANDIDATE AS PROVIDED IN PART 8 OF ARTICLE 4 OF THIS TITLE AND shall be nominated by a political party petition or an independent petition as provided in part 9 of article 4 of this title. IN THE CASE OF A CANDIDATE FOR THE OFFICE OF COUNTY COMMISSIONER WHO IS TO BE ELECTED BY THE VOTERS WITHIN A DISTRICT,

EVERY PETITION SHALL BE SIGNED BY AT LEAST ONE HUNDRED REGISTERED ELECTORS WITHIN THE DISTRICT. IN THE CASE OF A CANDIDATE FOR THE OFFICE OF COUNTY COMMISSIONER WHO IS TO BE ELECTED BY THE VOTERS OF THE ENTIRE COUNTY AND FOR ANY OTHER COUNTY OFFICE, EVERY PETITION SHALL BE SIGNED BY AT LEAST ONE HUNDRED REGISTERED ELECTORS WITHIN THE COUNTY. IN THE CASE OF A CANDIDATE FOR A NONPARTISAN OFFICE, EVERY PETITION SHALL BE SIGNED BY THE NUMBER OF REGISTERED ELECTORS REQUIRED FOR THE OFFICE IN PART 8 OF ARTICLE 4 OF THIS TITLE. The name of the officer who was sought to be recalled or recalled shall not be eligible as a candidate in the election to fill any vacancy resulting from the recall election.

SECTION 72. 1-13-714, Colorado Revised Statutes, 1980 Repl. Vol., is amended to read:

1-13-714. Electioneering - removing and return of ballot. No person shall do any electioneering on the day of any election within any polling place or in any public street or room or in any public manner within one hundred feet of any polling place, as publicly posted by the ~~county clerk and recorder~~ DESIGNATED ELECTION OFFICIAL. AS USED IN THIS SECTION, THE TERM "ELECTIONEERING" INCLUDES CAMPAIGNING FOR OR AGAINST ANY CANDIDATE WHO IS ON THE BALLOT OR ANY BALLOT ISSUE OR BALLOT QUESTION WHICH IS ON THE BALLOT. "ELECTIONEERING" ALSO INCLUDES SOLICITING SIGNATURES FOR A CANDIDATE PETITION, A RECALL PETITION, OR A PETITION TO PLACE A BALLOT ISSUE OR BALLOT QUESTION ON A SUBSEQUENT BALLOT. No person shall remove any official ballot from the polling place before the closing of the polls. Any person who violates any provision of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

SECTION 73. 1-40-109 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-40-109. Signatures required. (2) ~~Except as provided in sections 1-40-127 and 1-40-128, and~~ Unless otherwise provided by statute, charter, ordinance, or resolution, a petition to submit a local ballot issue at the next election shall be signed by ~~the constitutionally-specified percentage~~ EIGHT PERCENT of the registered electors of the local government registered on the date the form of the petition is approved by the designated election official, and the petition shall be filed with the designated election official at least ninety days prior to the date of the election.

SECTION 74. 1-40-115 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-40-115. Ballot - voting - publication. (1) Measures shall appear upon the official ballot by ballot title only. ~~Measures submitted by the general assembly or referred by any political subdivision shall be listed first by letters, consecutively, and all measures submitted by the people shall be listed thereafter by numbers, consecutively, in the order in which they were published or printed. All measures submitted by the general assembly shall follow all statewide initiatives, which shall then be followed by local ballot issues and then measures referred by political subdivisions and local ballot issues.~~ THE MEASURES SHALL BE PLACED ON THE BALLOT IN THE ORDER IN WHICH THEY WERE CERTIFIED TO THE BALLOT AND AS

PROVIDED IN SECTION 1-5-407 (5).

SECTION 75. 22-31-103 (2), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

22-31-103. Board of education to govern conduct of school elections - contract with county clerk and recorder. (2) The board of education of any school district may contract with the county clerk and recorder for the administration of any of the duties of the board, its secretary, or the designated election official relating to the conduct of any school election. ~~THE ELECTION SHALL BE CONDUCTED BY THE COUNTY CLERK AND RECORDER IF THE COUNTY CLERK AND RECORDER IS CONDUCTING A COORDINATED ELECTION PURSUANT TO SECTION 1-7-116, C.R.S.~~

SECTION 76. 22-31-104 (1) and (3), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

22-31-104. Regular biennial school election. (1) Except as provided in section 22-31-131, pertaining to districts whose boundaries are coterminous with a city and county, the regular biennial school election in each school district shall be held ~~on the first Tuesday after the first Monday in May of each odd-numbered year, but, beginning in 1993, the election shall be held on the first Tuesday after the first Monday in November of each odd-numbered year. and shall be conducted by the county clerk and recorder.~~

(3) Beginning with the regular biennial school election held in November of 1993, school district directors elected shall serve until their successors are elected and qualified. In order for ~~such~~ THE directors to take office within such time period, the county clerk and recorder shall complete the survey of votes no later than ~~ten~~ SEVEN days following the election. ~~Such~~ THE director shall take office upon completion of the survey of votes, but no later than fifteen days following ~~such surveying~~ THE SURVEY.

SECTION 77. 22-31-107 (2), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

22-31-107. Qualification and nomination of candidates for school director. (2) Any person who desires to be a candidate for the office of school director shall file a written notice of intention with the secretary of the board of education of the school district in which the person resides prior to ~~sixty~~ SIXTY-SIX days before the election date, together with a nomination petition according to the provisions of section 1-4-803 and part 9 of article 4 of title 1, C.R.S.

SECTION 78. 22-31-125, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

22-31-125. Oath of directors. Each director shall, ~~within ten days after delivery of the certificate of election~~ NO LATER THAN FIFTEEN DAYS FOLLOWING THE SURVEY OF VOTES, appear before some officer authorized to administer oaths or before the president of the board of education and take an oath that the director will faithfully perform the duties of the office as required by law and will support the constitution of the United States, the constitution of the state of Colorado, and the laws made

pursuant thereto. The oath shall be filed with the ~~county clerk and recorder of the county in which the headquarters of the school district is located~~ DESIGNATED ELECTION OFFICIAL FOR THE SCHOOL DISTRICT. In case a director fails to take the oath within the period, the office shall be deemed vacant, and the vacancy thus created shall be filled in the same manner as other vacancies in the office of director.

SECTION 79. 22-31-131 (1), (1.5) (c) (I) (A), (1.5) (c) (I) (C), (1.5) (c) (I) (D), and (1.5) (c) (I) (E), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended, and the said 22-31-131 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

22-31-131. Election procedures in districts composed of a city and county.

(1) The regular biennial school election in each school district coterminous with a city and county shall be held on the third Tuesday in May of each odd-numbered year, shall be conducted and supervised by the election commission of the city and county, and shall be governed by the provisions of articles 1 to 13 of title 1, C.R.S.; BUT, BEGINNING IN 1995, THE ELECTION SHALL BE HELD ON THE FIRST TUESDAY AFTER THE FIRST MONDAY IN MAY OF EACH ODD-NUMBERED YEAR, SHALL BE CONDUCTED AND SUPERVISED BY THE ELECTION COMMISSION OF THE CITY AND COUNTY, AND SHALL BE GOVERNED BY THE PROVISIONS OF ARTICLES 1 TO 13 OF TITLE 1, C.R.S.; BUT, BEGINNING IN 1997, THE ELECTION SHALL BE HELD ON THE FIRST TUESDAY IN NOVEMBER OF EACH ODD-NUMBERED YEAR, SHALL BE CONDUCTED AND SUPERVISED BY THE ELECTION COMMISSION OF THE CITY AND COUNTY, AND SHALL BE GOVERNED BY THE PROVISIONS OF ARTICLES 1 TO 13 OF TITLE 1, C.R.S.

(1.5) (c) (I) In order to implement the director district plan of representation, the district shall be divided into five director districts as follows:

(A) Director district 1 shall include the territory within the following established boundaries: Beginning at the intersection of Alameda avenue and Logan street and proceeding south on Logan street to the intersection of Logan street and Virginia avenue, then proceeding west on Virginia avenue to the intersection of Virginia avenue and Grant street, then proceeding south on Grant street to the intersection of Grant street and Exposition avenue, then proceeding west on Exposition avenue to the intersection of Exposition avenue and Broadway, then proceeding south on Broadway to the intersection of Broadway and Interstate 25, then proceeding south along Interstate 25 to the intersection of Interstate 25 and Logan street, then proceeding south on Logan street to the intersection of Logan street and Arkansas avenue, then proceeding west on Arkansas avenue to the intersection of Arkansas avenue and Lincoln street, then proceeding south on Lincoln street to the intersection of Lincoln street and Florida avenue, then proceeding west on Florida avenue to the intersection of Florida avenue and Santa Fe drive, then proceeding south on Santa Fe drive to the intersection of Santa Fe drive and Iowa avenue, then proceeding east on Iowa avenue to the intersection of Iowa avenue and Broadway, then proceeding south on Broadway to the intersection of Broadway and the county line, ~~then proceeding east and north following the county line to the intersection of the county line and Cherry Creek drive, then proceeding north and west on Cherry Creek drive to the intersection of Cherry Creek drive and Mississippi avenue~~ THEN PROCEEDING EAST AND NORTH FOLLOWING THE COUNTY LINE TO THE INTERSECTION OF THE COUNTY LINE AND CHERRY CREEK, THEN PROCEEDING NORTH AND WEST ON CHERRY CREEK TO THE INTERSECTION OF CHERRY CREEK AND HOLLY STREET, THEN PROCEEDING

SOUTH ON HOLLY STREET TO THE INTERSECTION OF HOLLY STREET AND CHERRY CREEK SOUTH DRIVE, THEN PROCEEDING WEST ON CHERRY CREEK SOUTH DRIVE TO THE INTERSECTION OF CHERRY CREEK SOUTH DRIVE AND MISSISSIPPI AVENUE, then proceeding west on Mississippi avenue to the intersection of Mississippi avenue and Birch street, then proceeding south on Birch street to the intersection of Birch street and Arizona avenue, THEN PROCEEDING WEST ON ARIZONA AVENUE TO THE COUNTY LINE, THEN PROCEEDING NORTH AND WEST TO THE INTERSECTION OF THE COUNTY LINE AND ARIZONA AVENUE, then proceeding west on Arizona avenue to the intersection of Arizona avenue and Colorado boulevard, then proceeding north on Colorado boulevard to the intersection of Colorado boulevard and Mississippi avenue, then proceeding west on Mississippi avenue to the intersection of Mississippi avenue and Clayton street, then proceeding north on Clayton street to the intersection of Clayton street and Tennessee avenue, then proceeding west on Tennessee avenue to the intersection of Tennessee avenue and University boulevard THEN PROCEEDING WEST ON MISSISSIPPI AVENUE TO THE INTERSECTION OF MISSISSIPPI AVENUE AND UNIVERSITY BOULEVARD, then proceeding north on University boulevard to the intersection of University boulevard and Center avenue, then proceeding west on Center avenue to the intersection of Center avenue and Franklin street, then proceeding north on Franklin street to the intersection of Franklin street and Virginia avenue, then proceeding west on Virginia avenue to the intersection of Virginia avenue and the precinct boundary between Marion parkway and Downing street, then proceeding north on the precinct boundary between Marion parkway and Downing street to the intersection of the precinct boundary between Marion parkway and Downing street and Dakota avenue, then proceeding west on Dakota avenue to the intersection of Dakota avenue and Downing street, then proceeding north on Downing street to the intersection of Downing street and Alameda avenue THEN PROCEEDING WEST ON VIRGINIA AVENUE TO THE INTERSECTION OF VIRGINIA AVENUE AND DOWNING STREET, THEN PROCEEDING NORTH ON DOWNING STREET TO THE INTERSECTION OF DOWNING STREET AND CEDAR AVENUE, THEN PROCEEDING WEST ON CEDAR AVENUE TO THE INTERSECTION OF CEDAR AVENUE AND EMERSON STREET, THEN PROCEEDING SOUTH ON EMERSON STREET TO THE INTERSECTION OF EMERSON STREET AND ALAMEDA AVENUE, and then proceeding west on Alameda avenue to the intersection of Alameda avenue and Logan street.

(C) Director district 3 shall include the territory within the following established boundaries: ~~Beginning at the intersection of Broadway and Thirteenth avenue and proceeding south on Broadway to the intersection of Broadway and Alameda avenue; then proceeding east on Alameda avenue to the intersection of Alameda avenue and Downing street, then proceeding south on Downing street to the intersection of Downing street and Dakota avenue, then proceeding east on Dakota avenue to the intersection of Dakota avenue and the precinct boundary between Downing street and Marion parkway, then proceeding south on the precinct boundary between Downing street and Marion parkway to the intersection of the precinct boundary between Downing street and Marion parkway and Virginia avenue~~ BEGINNING AT THE INTERSECTION OF BROADWAY AND COLFAX AVENUE AND PROCEEDING WEST ON COLFAX AVENUE TO THE INTERSECTION OF COLFAX AVENUE AND CHERRY CREEK, THEN PROCEEDING SOUTH AND EAST ON CHERRY CREEK TO THE INTERSECTION OF CHERRY CREEK AND BROADWAY, THEN PROCEEDING SOUTH ON BROADWAY TO THE INTERSECTION OF BROADWAY AND ALAMEDA AVENUE, THEN PROCEEDING EAST ON ALAMEDA AVENUE TO THE INTERSECTION OF ALAMEDA AVENUE AND EMERSON STREET, THEN PROCEEDING NORTH ON EMERSON STREET TO THE INTERSECTION OF

EMERSON STREET AND CEDAR AVENUE, THEN PROCEEDING EAST ON CEDAR AVENUE TO THE INTERSECTION OF CEDAR AVENUE AND DOWNING STREET, THEN PROCEEDING SOUTH ON DOWNING STREET TO THE INTERSECTION OF DOWNING STREET AND VIRGINIA AVENUE, then proceeding east on Virginia avenue to the intersection of Virginia avenue and Franklin street, then proceeding south on Franklin street to the intersection of Franklin street and Center avenue, then proceeding east on Center avenue to the intersection of Center avenue and University boulevard, ~~then proceeding south on University boulevard to the intersection of University boulevard and Tennessee avenue, then proceeding east on Tennessee avenue to the intersection of Tennessee avenue and Clayton street, then proceeding south on Clayton street to the intersection of Clayton street and Mississippi avenue~~ THEN PROCEEDING SOUTH ON UNIVERSITY BOULEVARD TO THE INTERSECTION OF UNIVERSITY BOULEVARD AND MISSISSIPPI AVENUE, then proceeding east on Mississippi avenue to the intersection of Mississippi avenue and Colorado boulevard, then proceeding south on Colorado boulevard to the intersection of Colorado boulevard and Arizona avenue, THEN PROCEEDING EAST ON ARIZONA AVENUE TO THE COUNTY LINE, THEN PROCEEDING NORTH AND EAST TO THE INTERSECTION OF THE COUNTY LINE AND ARIZONA AVENUE, then proceeding east on Arizona avenue to the intersection of Arizona avenue and Birch street, then proceeding north on Birch street to the intersection of Birch street and Mississippi avenue, ~~then proceeding east on Mississippi avenue to the intersection of Mississippi avenue and Cherry Creek drive, then proceeding south and east on Cherry Creek drive to the intersection of Cherry Creek drive and the county line~~ THEN PROCEEDING EAST ON MISSISSIPPI AVENUE TO THE INTERSECTION OF MISSISSIPPI AVENUE AND CHERRY CREEK SOUTH DRIVE, THEN PROCEEDING SOUTH AND EAST ON CHERRY CREEK SOUTH DRIVE TO THE INTERSECTION OF CHERRY CREEK SOUTH DRIVE AND HOLLY STREET, THEN PROCEEDING NORTH ON HOLLY STREET TO THE INTERSECTION OF HOLLY STREET AND CHERRY CREEK, THEN PROCEEDING SOUTH AND EAST ON CHERRY CREEK TO THE COUNTY LINE, then proceeding north following the county line to the intersection of the county line and Eleventh avenue, then proceeding west on Eleventh avenue to the intersection of Eleventh avenue and Quebec street, then proceeding north on Quebec street to the intersection of Quebec street and Colfax avenue, then proceeding west on Colfax avenue to the intersection of Colfax avenue and Adams street, then proceeding south on Adams street to the intersection of Adams street and Thirteenth avenue, ~~and~~ then proceeding west on Thirteenth avenue to the intersection of Thirteenth avenue and Broadway, AND THEN PROCEEDING NORTH ON BROADWAY TO THE INTERSECTION OF BROADWAY AND COLFAX AVENUE.

(D) Director district 4 shall include the territory within the following established boundaries: Beginning at the intersection of the county line and Colorado boulevard, ~~then proceeding south on Colorado boulevard to the intersection of Colorado boulevard and Interstate 70, then proceeding west along Interstate 70 to the intersection of Interstate 70 and Steele street, then proceeding south on Steele street to the intersection of Steele street and Fortieth avenue, then proceeding west on Fortieth avenue to the intersection of Fortieth avenue and Blake street~~ THEN PROCEEDING SOUTH ON COLORADO BOULEVARD TO THE INTERSECTION OF COLORADO BOULEVARD AND FORTIETH AVENUE, THEN PROCEEDING WEST ON FORTIETH AVENUE TO THE INTERSECTION OF FORTIETH AVENUE AND BLAKE STREET AND THE PRECINCT BOUNDARY DIVIDING PRECINCTS 506 AND 518, THEN PROCEEDING NORTH AND WEST FROM THIS INTERSECTION ON THE PRECINCT BOUNDARY DIVIDING PRECINCTS 506 AND 518 TO THE INTERSECTION OF THIS PRECINCT BOUNDARY AND THE UNION PACIFIC

RAILROAD, THEN PROCEEDING SOUTH ALONG THE UNION PACIFIC RAILROAD TO THE INTERSECTION OF THE UNION PACIFIC RAILROAD AND THIRTY-EIGHTH STREET THEN PROCEEDING EAST ON THIRTY-EIGHTH STREET TO THE INTERSECTION OF THIRTY-EIGHTH STREET AND BLAKE STREET, then proceeding south on Blake street to the intersection of Blake street and Broadway, then proceeding south on Broadway to the intersection of Broadway and Twentieth avenue, then proceeding east on Twentieth avenue to the intersection of Twentieth avenue and Logan street, then proceeding south on Logan street to the intersection of Logan street and Colfax avenue, then proceeding west on Colfax avenue to the intersection of Colfax avenue and Broadway, then proceeding south on Broadway to the intersection of Broadway and Thirteenth avenue, then proceeding east on Thirteenth avenue to the intersection of Thirteenth avenue and Adams street, then proceeding north on Adams street to the intersection of Adams street and Colfax avenue, then proceeding east on Colfax avenue to the intersection of Colfax avenue and Quebec street, then proceeding south on Quebec street to the intersection of Quebec street and Eleventh avenue, then proceeding east on Eleventh avenue to the intersection of Eleventh avenue and the county line, and then proceeding north and west following the county line to the intersection of the county line and Colorado boulevard.

(E) Director district 5 shall include the territory within the following established boundaries: Beginning at the intersection of Forty-eighth avenue and Sheridan boulevard and proceeding south along the county line to the intersection of Sheridan boulevard and Bayaud street, then proceeding east on Bayaud street to the intersection of Bayaud street and the precinct boundary between Raleigh street and Utica street, then proceeding north on the precinct boundary between Raleigh street and Utica street to the intersection of the precinct boundary between Raleigh street and Utica street and Ellsworth avenue, then proceeding west on Ellsworth avenue to the intersection of Ellsworth avenue and Stuart street, then proceeding north on Stuart street to the intersection of Stuart street and Third avenue, then proceeding west on Third avenue to the intersection of Third avenue and Tennyson street, then proceeding north on Tennyson street to the intersection of Tennyson street and Fourth avenue, then proceeding east on Fourth avenue to the intersection of Fourth avenue and Meade street, then proceeding south on Meade street to the intersection of Meade street and First avenue, then proceeding east on First avenue to the intersection of First avenue and Federal boulevard, then proceeding north on Federal boulevard to the intersection of Federal boulevard and Sixth avenue, then proceeding east on Sixth avenue to the intersection of Sixth avenue and Broadway, ~~then proceeding north on Broadway to the intersection of Broadway and Colfax avenue~~ THEN PROCEEDING NORTH ON BROADWAY TO THE INTERSECTION OF BROADWAY AND CHERRY CREEK, THEN PROCEEDING NORTH AND WEST ON CHERRY CREEK TO THE INTERSECTION OF CHERRY CREEK AND COLFAX AVENUE, then proceeding east on Colfax avenue to the intersection of Colfax avenue and Logan street, then proceeding north on Logan street to the intersection of Logan street and Twentieth avenue, then proceeding west on Twentieth avenue to the intersection of Twentieth avenue and Broadway, then proceeding north on Broadway to the intersection of Broadway and Blake street, ~~then proceeding north on Blake street to the intersection of Blake street and Fortieth avenue, then proceeding east on Fortieth avenue to the intersection of Fortieth avenue and Steele street, then proceeding north on Steele street to the intersection of Steele street and Interstate 70, then proceeding east along Interstate 70 to the intersection of Interstate 70 and Colorado boulevard~~ THEN PROCEEDING NORTH ON BLAKE STREET TO THE INTERSECTION OF BLAKE STREET AND THIRTY-EIGHTH STREET, THEN

PROCEEDING WEST ON THIRTY-EIGHTH STREET TO THE INTERSECTION OF THIRTY-EIGHTH STREET AND UNION PACIFIC RAILROAD, THEN PROCEEDING NORTH ALONG THE UNION PACIFIC RAILROAD TO THE INTERSECTION OF THE UNION PACIFIC RAILROAD AND THE PRECINCT BOUNDARY DIVIDING 1994 PRECINCTS 506 AND 518, THEN PROCEEDING SOUTH AND EAST ON THE PRECINCT BOUNDARY TO THE INTERSECTION OF THIS BOUNDARY AND FORTIETH AVENUE AND BLAKE STREET, THEN PROCEEDING EAST ON FORTIETH AVENUE TO THE INTERSECTION OF FORTIETH AVENUE AND COLORADO BOULEVARD, then proceeding north on Colorado boulevard to the intersection of Colorado boulevard and the county line, and then proceeding along the county line to the intersection of Forty-eighth avenue and Sheridan boulevard

(1.7) (a) IN ORDER TO IMPLEMENT THE CHANGE IN THE DATE FOR HOLDING REGULAR BIENNIAL SCHOOL ELECTIONS, THE FOLLOWING PROVISIONS SHALL APPLY:

(I) ANY SCHOOL DISTRICT DIRECTOR ELECTED AT THE REGULAR BIENNIAL ELECTION HELD IN MAY OF 1991, WHOSE TERM EXPIRES IN MAY OF 1997, SHALL BE SUCCEEDED BY A DIRECTOR APPOINTED IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH (b) OF THIS SUBSECTION (1.7) WHO SHALL SERVE UNTIL SUCH APPOINTED DIRECTOR IS SUCCEEDED BY A DIRECTOR ELECTED AT THE REGULAR BIENNIAL SCHOOL ELECTION HELD IN NOVEMBER OF 1997.

(II) ANY SCHOOL DISTRICT DIRECTOR ELECTED AT THE REGULAR BIENNIAL ELECTION HELD IN MAY OF 1993, WHOSE TERM EXPIRES IN MAY OF 1997, SHALL BE SUCCEEDED BY A DIRECTOR APPOINTED IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH (b) OF THIS SUBSECTION (1.7) WHO SHALL SERVE UNTIL SUCH APPOINTED DIRECTOR IS SUCCEEDED BY A DIRECTOR ELECTED AT THE REGULAR BIENNIAL SCHOOL ELECTION HELD IN NOVEMBER OF 1997.

(III) ANY SCHOOL DISTRICT DIRECTOR ELECTED AT THE REGULAR BIENNIAL ELECTION HELD IN MAY OF 1995, WHOSE TERM WOULD OTHERWISE EXPIRE IN MAY OF 1999, SHALL SERVE FOR A TERM OF FOUR YEARS AND SIX MONTHS AND SHALL SERVE UNTIL SUCH DIRECTOR IS SUCCEEDED BY A DIRECTOR ELECTED AT THE REGULAR BIENNIAL SCHOOL ELECTION HELD IN NOVEMBER OF 1999.

(b) (I) THE APPOINTMENT OF SCHOOL DISTRICT DIRECTORS FOR SIX-MONTH TERMS AS PROVIDED IN PARAGRAPH (a) OF THIS SUBSECTION (1.7) SHALL BE MADE BY THE BOARD OF EDUCATION OF THE SCHOOL DISTRICT; EXCEPT THAT NO SCHOOL DISTRICT DIRECTOR WHOSE TERM IS EXPIRING AND WHO IS SEEKING APPOINTMENT TO A SIX-MONTH TERM SHALL PARTICIPATE IN PROCEEDINGS CONDUCTED BY THE BOARD CONCERNING THE POSITION HELD BY THAT DIRECTOR PURSUANT TO THE PROVISIONS OF THIS PARAGRAPH (b). A DIRECTOR WHOSE TERM IS EXPIRING MAY NOTIFY THE BOARD IN THE TIME AND MANNER PRESCRIBED BY THE BOARD OF SUCH DIRECTOR'S INTENTION TO BE CONSIDERED FOR THE APPOINTMENT. IF THE DIRECTOR WHOSE TERM IS EXPIRING NOTIFIES THE BOARD AND IS OTHERWISE QUALIFIED UNDER THIS ARTICLE, THE BOARD MAY APPOINT SUCH DIRECTOR. IF THE BOARD IS NOT NOTIFIED WITHIN THE TIME PROVIDED THAT THE DIRECTOR WHOSE TERM IS EXPIRING INTENDS TO SEEK THE APPOINTMENT OR SUCH DIRECTOR IS NOT APPOINTED TO THE SIX-MONTH TERM, THE SECRETARY OF THE BOARD OF EDUCATION SHALL CAUSE NOTICE OF THE APPOINTMENT TO BE PUBLISHED FOR NO LESS THAN TWO CONSECUTIVE WEEKS IN SOME NEWSPAPER HAVING GENERAL CIRCULATION IN THE SCHOOL DISTRICT, THE FIRST PUBLICATION OF SUCH NOTICE TO BE MADE NOT LESS THAN THIRTY DAYS

BEFORE THE EXPIRATION OF THE TERM OF OFFICE OF THE DIRECTOR IN MAY OF 1997. ANY PERSON WHO MEETS THE QUALIFICATIONS OTHERWISE REQUIRED BY THIS ARTICLE FOR THE ELECTION OF DIRECTORS AND WHO DESIRES TO BE CONSIDERED FOR THE APPOINTMENT SHALL FILE A WRITTEN NOTICE OF SUCH INTENTION WITH THE SECRETARY OF THE BOARD OF EDUCATION WITHIN THE TIME AND IN THE MANNER PRESCRIBED BY THE BOARD. THE BOARD SHALL CONSIDER ALL APPLICANTS AND SHALL MAKE THE APPOINTMENT NO LATER THAN TEN DAYS FOLLOWING THE EXPIRATION OF THE TERM OF OFFICE OF THE DIRECTOR IN MAY OF 1997. IN THE EVENT THAT THE NUMBER OF QUALIFIED APPLICANTS IS LESS THAN THE NUMBER OF APPOINTMENTS TO BE MADE, THE BOARD MAY APPOINT ANY QUALIFIED PERSON TO ANY POSITION FOR WHICH THERE IS NO QUALIFIED APPLICANT.

(II) AN APPOINTMENT MADE PURSUANT TO THIS PARAGRAPH (b) SHALL BE EVIDENCED BY AN APPROPRIATE ENTRY IN THE MINUTES OF THE MEETING OF THE BOARD OF EDUCATION AND THE DELIVERY OF THE CERTIFICATE OF APPOINTMENT TO THE PERSON SO APPOINTED WITH A COPY OF SUCH CERTIFICATE FORWARDED TO THE DEPARTMENT OF EDUCATION.

SECTION 80. 22-32-104 (1), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

22-32-104. Organization of board of education. (1) Within ~~ten~~ FIFTEEN days after each regular biennial school district election, the incumbent secretary of ~~such~~ THE school district shall call a special meeting of the board of education of ~~such~~ THE district for the purpose of selecting officers of the board. At ~~such~~ THE meeting the incumbent president of the board shall preside until a successor shall have been elected and qualified.

SECTION 81. 22-42-102 (2) (c), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

22-42-102. Bonded indebtedness - elections. (2) (c) Any special election called pursuant to this section shall be held on the ~~first Tuesday after the first Monday in February, May, October, November, or December~~ GENERAL ELECTION DAY IN EACH EVEN-NUMBERED YEAR OR ON THE FIRST TUESDAY IN NOVEMBER OF EACH ODD-NUMBERED YEAR and shall be conducted pursuant to the provisions of articles 1 to 13 of title 1, C.R.S.

SECTION 82. 29-1-302 (3), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

29-1-302. Increased levy - submitted to people at election. (3) Due notice of submission of the question of whether to grant the increased levy shall be given ~~by the appropriate official designated by law starting at least thirty days in advance of the date set for the general or special election by publication in a newspaper published within the taxing entity, and, if there is no newspaper published within the taxing entity, then by publication in a newspaper published within the county which has general circulation within the taxing entity. The notice required by this subsection (3) shall appear at least three times in such newspaper, shall not be less than ten column inches in size, and shall be placed once in that portion of the newspaper in which legal notices and classified advertisements appear and twice in~~

~~that portion of the newspaper in which legal notices and classified advertisements do not appear but shall otherwise be subject to the rates established in section 24-70-107, C.R.S.~~ AS REQUIRED BY ARTICLES 1 TO 13 OF TITLE 1, C.R.S. If a majority of the votes cast at any such election is in favor of the increased levy, ~~as named in said election notice~~ then the officers charged with levying taxes may make such increased levy for the year OR YEARS voted upon.

SECTION 83. 29-8-129 (1), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended, and the said 29-8-129 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

29-8-129. Issuance of bonds. (1) After the expiration of thirty days from the effective date of the resolution levying the assessments, the governing body may borrow money and issue negotiable interest-bearing bonds in a principal amount not exceeding the unpaid balance of the assessments levied. ~~Said~~ THE bonds shall be authorized by resolution of the governing body. ~~without the necessity of submitting the question of their issuance to the registered electors of the district, or at all. Said~~ THE resolution shall prescribe the form of said bonds, the manner of their execution, which may be effected by the use of the facsimile signatures of the officers of the governing body in accordance with the laws of the state in effect at the time of their execution, shall provide for the terms thereof, including the maximum net effective interest rate for the issue of bonds, and may direct that ~~said~~ THE bonds shall be sold at public or private sale at or below par. ~~Such~~ THE bonds shall not be sold at a price such that the net effective interest rate of the issue of bonds exceeds the maximum net effective interest rate authorized.

(5) IN CONNECTION WITH THE ISSUANCE OF BONDS PAYABLE SOLELY FROM SPECIAL ASSESSMENTS, THE GOVERNING BODY MAY PROVIDE FOR THE SUBMISSION OF THE QUESTION OF ISSUING SUCH BONDS TO THE REGISTERED ELECTORS ELIGIBLE TO VOTE ON THE QUESTION. FOR LOCAL IMPROVEMENT DISTRICTS CREATED BY THE GOVERNING BODY OF ANY COUNTY PURSUANT TO THIS ARTICLE, THE GOVERNING BODY MAY PROVIDE THAT ALL REGISTERED ELECTORS OF THE COUNTY SHALL BE ELIGIBLE TO VOTE ON THE QUESTIONS OR THAT ONLY REGISTERED ELECTORS WHO ARE OWNERS OF PROPERTY WITHIN OR RESIDENTS OF THE DISTRICT SHALL BE ELIGIBLE TO VOTE. FOR LOCAL IMPROVEMENT DISTRICTS CREATED BY THE GOVERNING BODY OF ANY CITY OR TOWN PURSUANT TO THIS ARTICLE, THE GOVERNING BODY MAY PROVIDE THAT ALL REGISTERED ELECTORS OF THE CITY OR TOWN SHALL BE ELIGIBLE TO VOTE ON THE QUESTION OR THAT ONLY REGISTERED ELECTORS WHO ARE OWNERS OF PROPERTY WITHIN OR RESIDENTS OF THE DISTRICT SHALL BE ELIGIBLE TO VOTE.

(6) IN CONNECTION WITH THE ISSUANCE OF BONDS PAYABLE FROM SPECIAL ASSESSMENTS WHICH ARE ADDITIONALLY SECURED BY A PLEDGE OF ANY OTHER FUNDS OF THE COUNTY, CITY, OR TOWN, THE GOVERNING BODY MAY PROVIDE FOR THE SUBMISSION OF THE QUESTION OF ISSUING THE BONDS TO ALL REGISTERED ELECTORS OF THE COUNTY, CITY, OR TOWN.

SECTION 84. 30-11-406.5, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

30-11-406.5. Procedure for levying property tax - public disclosure - county assessor's duties. (1) No later than September 15 of each year, each county assessor

shall certify to each authority within his county the total valuation for assessment of all taxable property located within the territorial limits of the authority and the mill levy which when applied to such valuation for assessment, exclusive of the increased valuation for assessment attributable to annexation or inclusion of additional land, the improvements thereon, and personal property connected therewith within the authority for the preceding year, or attributable to new construction and personal property connected therewith within the authority for the preceding year, or attributable to increased volume of production for the preceding year by a producing mine if said mine is wholly or partially within the authority and if such increase in volume of production causes an increase in the level of services provided by the authority, or attributable to previously legally exempt federal property which becomes taxable if such property causes an increase in the level of services provided by the authority, will raise the same property tax revenue as was raised the previous year. ~~For the purposes of this section, such mill levy shall be known as the "certified mill levy".~~

(2) Any authority which proposes to impose a mill levy in excess of the certified mill levy ~~computed pursuant to subsection (1) of this section~~ FOR THE PREVIOUS YEAR shall SUBMIT SUCH PROPOSAL AT AN ELECTION IN ACCORDANCE WITH SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION AND TITLE 1, C.R.S. ~~hold a public hearing on such increased mill levy prior to imposing such increased mill levy. No local government may impose a mill levy which is in excess of such certified mill levy until a resolution has been approved, at a public hearing, by the governing board of the authority, which resolution shall be approved by such board according to the procedure set forth in this section.~~

(3) ~~The governing board of the authority shall advertise the intent of the authority to exceed the certified mill levy in the two newspapers having the largest circulation in the county. Such advertisement shall appear twice, and the second such appearance shall not be more than four days prior to the date upon which the public hearing is to be held. The advertisement shall be no less than one-quarter page in size, shall be in a type of no smaller than eighteen point, and shall not be placed in that portion of the newspaper in which legal notices and classified advertisements appear. Such advertisement shall state that such board will hold a public hearing, at a time and place fixed in the advertisement, for the purpose of considering an increased mill levy and explaining the reasons for such increase and shall apprise the general public of its right to attend the hearing and make comments regarding the proposed increase. The advertisement shall set forth the amount of the budget and the amount of the property tax revenue for the prior budget year, the current budget year, and the proposed budget year and, in addition, shall set forth the percentage increases between such budget years.~~

(4) ~~The public hearing held pursuant to this section shall be open to the general public. An opportunity shall be provided for all persons to present oral testimony within such reasonable time limits as shall be set by the board conducting the hearing.~~

(5) ~~Prior to the conclusion of the public hearing or at a subsequent public hearing after advertising such hearing as provided in subsection (3) of this section, the governing board of the authority shall determine the mill levy to be imposed and publicly announce the percent, if any, by which the adopted mill levy exceeds the certified mill levy computed pursuant to subsection (1) of this section. Prior to the conclusion of the hearing at which such determination and announcement are made,~~

~~such board shall adopt a resolution setting such mill levy. The mill levy set in the resolution shall be the mill levy which is certified pursuant to section 39-5-128, C.R.S.~~

~~(6) If, after the adoption of the resolution pursuant to subsection (5) of this section, changes occur in the valuation for assessment, the governing board of the authority shall make such adjustment in the mill levy set in such resolution as is necessary in order to raise the approved amount of revenue.~~

SECTION 85. 30-20-619, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

30-20-619. Issuing bonds - property specially benefited. (5) IN CONNECTION WITH THE ISSUANCE OF BONDS PAYABLE SOLELY FROM SPECIAL ASSESSMENTS AS PROVIDED IN SUBSECTION (1) OF THIS SECTION, THE BOARD MAY PROVIDE BY RESOLUTION FOR THE SUBMISSION OF THE QUESTION OF ISSUING SUCH BONDS TO THE REGISTERED ELECTORS ELIGIBLE TO VOTE ON THE QUESTION. IN THAT CASE, THE BOARD MAY PROVIDE BY RESOLUTION THAT ALL REGISTERED ELECTORS OF THE COUNTY SHALL BE ELIGIBLE TO VOTE ON THE QUESTION OR THAT ONLY REGISTERED ELECTORS WHO ARE OWNERS OF PROPERTY WITHIN OR RESIDENTS OF THE DISTRICT SHALL BE ELIGIBLE TO VOTE ON THE QUESTION.

(6) IN CONNECTION WITH THE ISSUANCE OF BONDS PAYABLE FROM SPECIAL ASSESSMENTS WHICH ARE ADDITIONALLY SECURED AS PROVIDED IN SUBSECTION (2), (3), OR (4) OF THIS SECTION, THE BOARD MAY PROVIDE BY RESOLUTION FOR THE SUBMISSION OF THE QUESTION OF ISSUING THE BONDS TO ALL REGISTERED ELECTORS OF THE COUNTY.

SECTION 86. 31-2-101, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

31-2-101. Petition to district court. (1.5) THE PETITION MAY INCLUDE A REQUEST FOR SUBMISSION TO THE ELECTORS OF THE PROPOSED MUNICIPALITY AT THE INCORPORATION ELECTION OF ANY MATTER PERMITTED TO BE SUBMITTED AT THE ELECTION PURSUANT TO SECTION 31-2-102 (1.5).

SECTION 87. 31-2-102, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

31-2-102. Incorporation election. (1.5) AT ANY ELECTION FOR THE INCORPORATION OF A NEW MUNICIPALITY, THE COMMISSIONERS SHALL ALSO PLACE UPON THE BALLOT ANY LOCAL GOVERNMENT MATTERS ARISING UNDER SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, AS DEFINED IN SECTION 1-41-103 (4), C.R.S., AS APPLIED TO THE NEW MUNICIPALITY, IF THE PETITION FILED PURSUANT TO SECTION 31-2-101 REQUESTS THAT SUCH MATTERS BE SUBMITTED AT THE INCORPORATION ELECTION. NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (5) OF THIS SECTION, ANY INCORPORATION ELECTION AT WHICH A LOCAL GOVERNMENT MATTER ARISING UNDER SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION IS SUBMITTED SHALL BE CONDUCTED AT THE TIME AND IN THE MANNER REQUIRED BY SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

SECTION 88. 31-2-202, Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

31-2-202. Legislative declaration. The general assembly declares that the policies and procedures contained in this part 2 are enacted to implement section 9 of article XX of the state constitution, adopted at the 1970 general election, by providing statutory procedures to facilitate adoption and amendment of municipal home rule charters, and to this end this part 2 shall be liberally construed. THE PROVISIONS OF THIS PART 2 SHALL SUPERSEDE THE REQUIREMENTS OF ARTICLE XX OF THE STATE CONSTITUTION, AS THEY RELATE TO PROCEDURES FOR THE INITIAL ADOPTION OF HOME RULE CHARTERS AND FOR THE AMENDMENT OF EXISTING HOME RULE CHARTERS, AS PROVIDED IN SECTION 9 (3) OF ARTICLE XX OF THE STATE CONSTITUTION.

SECTION 89. 31-2-206 (1), Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

31-2-206. Charter commission. (1) The charter commission shall be comprised as follows:

- (a) In municipalities having a population of less than two thousand, nine members;
- (b) In municipalities having a population of at least two thousand, ~~but less than five thousand,~~ nine members unless the initiating ordinance or petition establishes a higher odd-number of members not to exceed twenty-one members.
- (c) ~~In municipalities having a population of five thousand or more, twenty-one members.~~

SECTION 90. 31-4-105, Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

31-4-105. Election of officers - terms. The registered electors of each city shall elect, at the regular election, a mayor, a clerk, and a city treasurer from the city at large. At the same election the registered electors of each ward of ~~such~~ THE city shall elect two members of the city council. ~~Such~~ THE election shall be conducted in accordance with the provisions of the "Colorado Municipal Election Code of 1965". ~~Such~~ THE officers shall hold their respective offices for a term of two years, commencing AT THE FIRST MEETING OF THE GOVERNING BODY FOLLOWING THE SURVEY OF ELECTION RETURNS, UNLESS THE GOVERNING BODY PROVIDES BY ORDINANCE OR RESOLUTION THAT TERMS SHALL COMMENCE on the first Monday after the first Tuesday in January following their election.

SECTION 91. 31-4-107 (1) and (2) (a), Colorado Revised Statutes, 1986 Repl. Vol., are amended to read:

31-4-107. Appointment of officers - terms. (1) The members of the city council elected for each city, ~~on the first Monday after the first Tuesday of January following their election,~~ AT THE MEETING AT WHICH THEIR TERMS COMMENCE, AS PROVIDED IN SECTION 31-4-105, shall ~~meet and~~ organize the city council. A majority of the total number of members is necessary to constitute a quorum for the transaction of

business. They shall be judges of the election returns and qualification of their own members, and they shall determine the rules of their own proceedings. The city clerk shall keep a record of the proceedings, in such form as determined by the city council, which shall be open to the inspection and examination of any citizen. The councilmen may compel the attendance of absent members in such manner and under such penalties as they think fit to prescribe and shall elect from their own body a temporary president.

(2) (a) Upon taking office, OR AT SUCH OTHER TIME AS MAY BE PROVIDED BY ORDINANCE OR RESOLUTION, the city council shall appoint a city attorney and shall appoint or provide for the appointment of such other officers as may be required by statute or ordinance and may appoint such other officers, including a city administrator, as may be necessary or desirable. One or more municipal judges shall be appointed in accordance with section 13-10-105 (1), C.R.S.

SECTION 92. 31-4-207 (1), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

31-4-207. Mayor - selection. (1) If the mayor is to be elected by and from among the members of the city council, then at the meeting of the city council ~~on the first Monday after the first Tuesday of January following the regular election,~~ AT WHICH THEIR TERMS COMMENCE, AS PROVIDED IN SECTION 31-4-105, the city council shall choose, by a majority vote, for a term of two years, one of its members as ~~chairman~~ CHAIRPERSON, who shall have the title of mayor, and shall also choose, by a majority vote, for a term of two years, one of its members as ~~vice-chairman~~ VICE-CHAIRPERSON, who shall act as mayor pro tem. In case of a vacancy in the office of the mayor, the city council shall choose ~~his~~ A successor for the unexpired term.

SECTION 93. Part 5 of article 10 of title 31, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

31-10-501.5. Ballot issue notice. ANY BALLOT ISSUE NOTICE, AS DEFINED IN SECTION 1-1-104 (2.5), C.R.S., RELATING TO A MUNICIPAL BALLOT ISSUE, AS DEFINED IN SECTION 1-1-104 (2.3), C.R.S., SHALL BE PREPARED AND DISTRIBUTED IN A MANNER CONSISTENT WITH PART 9 OF ARTICLE 7 OF TITLE 1, C.R.S.

SECTION 94. 31-10-1308, Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

31-10-1308. Ballot questions - how contested. (1) The results of an election on any ballot question may be contested in the manner provided by this part 13. The grounds for such contest shall be those grounds set forth in section 31-10-1301 (1) (b), (1) (c), and (1) (d). The contestee shall be the appropriate election official. In addition to other matters required to be set forth by this part 13, the statement of intention to contest the election shall set forth the question contested.

(2) ANY CONTEST ARISING OUT OF A BALLOT ISSUE OR BALLOT QUESTION, AS DEFINED IN SECTION 1-1-104 (2.3) AND (2.7), C.R.S., CONCERNING THE ORDER ON THE BALLOT OR THE FORM OR CONTENT OF ANY BALLOT TITLE, SHALL BE CONDUCTED

AS PROVIDED IN SECTION 1-11-203.5, C.R.S.

SECTION 95. 31-25-534, Colorado Revised Statutes, 1986 Repl. Vol., is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

31-25-534. Issuing bonds - property specially benefited. (3) IN CONNECTION WITH THE ISSUANCE OF BONDS PAYABLE SOLELY FROM SPECIAL ASSESSMENTS, THE GOVERNING BODY OF THE MUNICIPALITY MAY PROVIDE BY ORDINANCE OR RESOLUTION FOR THE SUBMISSION OF THE QUESTION OF ISSUING SUCH BONDS TO THE REGISTERED ELECTORS ELIGIBLE TO VOTE ON THE QUESTION. THE GOVERNING BODY OF THE MUNICIPALITY MAY PROVIDE BY ORDINANCE OR RESOLUTION THAT ALL REGISTERED ELECTORS OF THE MUNICIPALITY SHALL BE ELIGIBLE TO VOTE ON THE QUESTION OR THAT ONLY REGISTERED ELECTORS WHO ARE OWNERS OF PROPERTY WITHIN OR RESIDENTS OF THE DISTRICT SHALL BE ELIGIBLE TO VOTE ON THE QUESTION.

(4) IN CONNECTION WITH THE ISSUANCE OF BONDS PAYABLE FROM SPECIAL ASSESSMENTS WHICH ARE ADDITIONALLY SECURED BY A PLEDGE OF ANY OTHER FUNDS OF THE MUNICIPALITY, INCLUDING THE SURPLUS AND DEFICIENCY FUND, THE GOVERNING BODY OF THE MUNICIPALITY MAY PROVIDE BY ORDINANCE OR RESOLUTION FOR THE SUBMISSION OF THE QUESTION OF ISSUING THE BONDS TO ALL REGISTERED ELECTORS OF THE MUNICIPALITY.

SECTION 96. 31-25-804 (1), Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

31-25-804. Organizational procedure - election. (1) When the governing body of a municipality determines it is necessary to establish a downtown development authority for the public health, safety, prosperity, security, and welfare and to carry out the purposes of an authority as stated in section 31-25-801, it shall by ordinance submit, at the next regular election or at a special election called for that purpose, the question of the establishment of a downtown development authority. In the ordinance submitting said question, the governing body shall state the boundaries of the downtown development district within which the authority shall exercise its powers and MAY PROVIDE FOR SUBMISSION TO THE VOTERS OF ANY LOCAL GOVERNMENT MATTERS ARISING UNDER SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, AS DEFINED IN SECTION 1-41-103 (4), C.R.S. IF ANY SUCH MATTERS ARE TO BE SUBMITTED TO THE VOTERS, THE ELECTION SHALL BE CONDUCTED AT THE TIME AND IN THE MANNER REQUIRED BY SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION. ~~that an ad valorem tax or sales tax, or both, to finance the operations of the authority shall be assessed, levied, and collected by the governing body for the use and benefit of the authority.~~ If a majority of the qualified electors voting ~~on said question~~ at ~~such~~ THE election vote for the establishment of a downtown development authority, ~~such~~ THE authority shall be established pursuant to the provisions of this part 8.

SECTION 97. 32-1-103 (14.5) and (15), Colorado Revised Statutes, as amended, are amended to read:

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

(14.5) "Property owners' list" means the list of property owners within the special district furnished at cost by the county assessor at least ten days before the A special district election at the expense of the district, SHOWING EACH PROPERTY OWNER WITHIN THE DISTRICT, AS SHOWN ON A DEED OR CONTRACT OF RECORD.

(15) "Publication" means printing ~~once a week for three consecutive weeks, by three publications~~ ONE TIME, in one newspaper of general circulation in the special district or proposed special district if there is such a newspaper, and, if not, then in a newspaper in the county in which the special district or proposed special district is located. ~~It is not necessary that publication be made on the same day of the week in each of the three weeks, but not less than twelve days, excluding the day of the first publication but including the day of the last publication, shall intervene between the first publication and the last publication, and publication shall be complete on the date of the last publication.~~ FOR A SPECIAL DISTRICT WITH TERRITORY WITHIN MORE THAN ONE COUNTY, IF PUBLICATION CANNOT BE MADE IN ONE NEWSPAPER OF GENERAL CIRCULATION IN THE SPECIAL DISTRICT, THEN ONE PUBLICATION IS REQUIRED IN A NEWSPAPER IN EACH COUNTY IN WHICH THE SPECIAL DISTRICT IS LOCATED AND IN WHICH THE SPECIAL DISTRICT ALSO HAS FIFTY OR MORE ELIGIBLE ELECTORS.

SECTION 98. 32-1-104 (1), Colorado Revised Statutes, as amended, is amended to read:

32-1-104. Establishment of a special districts file. (1) The division shall promptly establish and maintain on a current basis, as a public record, a file listing by name all special districts, listing the names and addresses of all the members of the boards of the special districts, and recording all changes in the boundaries of the special districts. The file shall also list the names of the officers of each special district and a business address, a telephone number, and the name of a contact person for each district. Annually, the division shall compile and maintain a current and revised list of special districts for public inspection. Each special district shall register its business address, its telephone number, and the name of a contact person with the division when certifying the results of a district election pursuant to ~~section 1-10-203~~ ~~(1)~~ SECTION 1-11-103, C.R.S.

SECTION 99. 32-1-106, Colorado Revised Statutes, as amended, is amended to read:

32-1-106. Repetitioning of elections - time limits. (1) If, after any election for the organization or dissolution of any special district or for the inclusion of territory into a special district pursuant to section 32-1-401 (2) or for the exclusion of property within a municipality from a special district pursuant to section 32-1-502, it appears that the proposal was defeated, no new petition for the organization or dissolution, as the case may be, of such a special district embracing the same or substantially the same area and no new petition for inclusion or exclusion, as the case may be, of territory pursuant to ~~said~~ sections 32-1-401 (2) and 32-1-502 shall be submitted again until the expiration of ~~twelve~~ EIGHT months after the date of the election at which the proposal was defeated.

(2) If, after any election submitting to the electors of any special district the proposition of creating any indebtedness of the special district, it appears that the proposition was defeated, no new proposition for creating such indebtedness of the

special district shall be submitted until the expiration of ~~one hundred twenty days~~ FIVE MONTHS after the date of the election at which the proposal was defeated.

SECTION 100. 32-1-805 (2), Colorado Revised Statutes, as amended, is amended to read:

32-1-805. Time for holding elections. (2) Special elections may be held on the first Tuesday after the first Monday in February, May, October, or December; EXCEPT FOR BALLOT ISSUE ELECTIONS, WHICH MAY BE HELD ONLY IN A STATE GENERAL ELECTION OR ON THE FIRST TUESDAY IN NOVEMBER OF ODD-NUMBERED YEARS.

SECTION 101. 32-1-806 (2), Colorado Revised Statutes, as amended, is amended to read:

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

elections. (2) Any person desiring to vote at any election as an eligible elector pursuant to section 32-1-103 (5) (a) (II) shall sign an affidavit that the person is an elector of the special district. The affidavit shall be on a form that contains in substance the following:

"I, (printed name), who resides at (address), am an elector of this (name of special district) district and desire to vote at this _____ election. I am registered to vote in the state of Colorado and qualified to vote in this special district election as:

- A RESIDENT OF THE DISTRICT OR AREA TO BE INCLUDED IN THE DISTRICT FOR NOT LESS THAN TWENTY-FIVE DAYS; OR
- The owner of taxable real or personal property situated within the boundaries of the special district or area to be included within the special district; or
- A person who is obligated to pay taxes under a contract to purchase taxable property in the special district or the area to be included within the special district; or
- The spouse of (NAME OF SPOUSE) who is the owner of taxable real or personal property situated within the boundaries of the special district or area to be included within the special district.

I have not voted previously at this election.

Date _

Signature of elector _."

SECTION 102. 32-1-1101 (2), Colorado Revised Statutes, as amended, is amended to read:

32-1-1101. Common financial powers. (2) Whenever the board determines, by resolution, that the interest of the special district and the public interest or necessity demand the acquisition, construction, installation, or completion of any works or other improvements or facilities or the making of any contract with the United States or other persons or corporations to carry out the objects or purposes of such district, requiring the creation of a general obligation indebtedness exceeding one and one-half percent of the valuation for assessment of the taxable property in the special district, the board shall order the submission of the proposition of issuing general obligation bonds or creating other general obligation indebtedness, except the issuing of revenue bonds, at an election held for that purpose. The resolution shall also fix the date upon which the election will be held. The election shall be held and conducted as provided in articles 1 to 13 of title 1, C.R.S. ~~Prior to such election, the secretary shall send a letter or postcard notification of the election to each eligible elector and property owner in the special district as listed on the records of the county clerk and recorder and the county assessor. Such letter or postcard notification shall state the date the election will be held and the times during which the polls will be open and the purpose and amount of the debt. The mailing of the letter or postcard notification to all addresses within the special district, except post office box addresses, shall constitute a good faith effort to comply with the notification requirements.~~ Any election may be held separately or may be held jointly or concurrently with any other election authorized by this article. If the issuance of general obligation bonds is approved at an election held pursuant to this subsection (2), the board shall be authorized to issue such bonds for a period not to exceed the later of five years following the date of the election or, subject to the provisions of section 32-1-1101.5, for a period not to exceed twenty years following the date of the election if the issuance of such bonds is in material compliance with the financial plan set forth in the service plan, as that plan is amended from time to time, or in material compliance with the statement of purposes of the special district. After the specified period has expired, the board shall not be authorized to issue bonds which were authorized but not issued after the initial election unless the issuance is approved at a subsequent election; except that nothing in this subsection (2) shall be construed as limiting the board's power to issue refunding bonds in accordance with statutory requirements.

SECTION 103. 39-1-121 (1) (a), Colorado Revised Statutes, 1982 Repl. Vol., as amended, is amended to read:

39-1-121. Expression of rate of property taxation in dollars per thousand dollars of valuation for assessment. (1) As used in this section, unless the context otherwise requires:

(a) "Communication" ~~includes, but is not limited to,~~ MEANS any tax statement pursuant to section 39-10-103. ~~or any public notice of increased levy pursuant to section 22-40-102 or 29-1-302, C.R.S.~~

SECTION 104. Effective date. This act shall take effect July 1, 1994.

SECTION 105. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 19, 1994