

CHAPTER 221

GOVERNMENT - COUNTY

HOUSE BILL 94-1311

BY REPRESENTATIVE Clark;
also SENATORS Tebedo, Feeley, and Ruddick.

AN ACT

CONCERNING ELECTIONS TO INCREASE THE MEMBERSHIP OF A BOARD OF COUNTY COMMISSIONERS FROM THREE TO FIVE MEMBERS.

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

SECTION 1. 30-10-306.5 (2), (3), and (4), Colorado Revised Statutes, 1986 Repl. Vol., are amended to read:

30-10-306.5. Procedure to increase number of county commissioners.

(2) Subject to referral as provided in this subsection (2), a board of county commissioners may pass a resolution increasing its membership to five members and ~~employing one~~ DESIGNATING NOT FEWER THAN TWO of the methods of election set forth in subsection (5) or (6) of this section. The resolution shall be referred to the registered electors of the county ~~at a special election held not later than six months prior to any general election or~~ at a general election. If a majority of votes cast are in favor of the referred resolution, the board of county commissioners shall take such action as is necessary to assure that the increased number of county commissioners are elected at the next general election according to the procedure for election contained in the referred resolution WHICH RECEIVED THE LARGEST NUMBER OF VOTES CAST.

(3) (a) In the alternative, a petition signed by at least eight percent of the total number of qualified electors of a county voting for all candidates for the office of secretary of state at the last preceding general election shall be sufficient to place on the ballot ~~at a special election held not less than six months prior to any general election or~~ at a general election, the question of whether to increase the membership to five members and, ~~if such increase is to be made, whether to elect the five members according to~~ WITH A DESIGNATION OF NOT FEWER THAN TWO OF THE METHODS OF

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

ELECTION SET FORTH IN subsection (5) or (6) of this section. ~~If a board of county commissioners receives the petition more than nine months before a general election, the board shall order that a special election be held not less than sixty days nor more than ninety days after receipt of the petition. If the board receives the petition nine months or less before a general election, the question shall be placed on the ballot at such general election.~~

(b) If a majority of the votes cast on ~~the~~ A question PLACED ON THE BALLOT PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) are in favor of increasing the membership, the board of county commissioners shall pass a resolution increasing the membership TO FIVE MEMBERS and providing for the election of the increased number of county commissioners at the next general election according to the procedure for election SPECIFIED IN SUCH QUESTION which received the largest number of votes cast.

~~(4) Any county special election at which the registered electors vote on a referred resolution pursuant to subsection (2) of this section or on an initiated question pursuant to subsection (3) of this section shall be held no later than six months prior to a general election and shall be conducted pursuant to the provisions of article 12 of title 1, C.R.S., relating to congressional vacancy elections. If a board of county commissioners receives a petition for formation of a charter commission pursuant to section 30-11-502 at any time prior to or within sixty days after the board's passage of a resolution increasing the number of county commissioners or the board's receipt of a petition for increasing the number of county commissioners, the ballot for any special election held on the question of increasing the number of county commissioners shall also include the question of formation of a charter commission.~~

SECTION 2. 30-10-306.5 (5), Colorado Revised Statutes, 1986 Repl. Vol., is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

30-10-306.5. Procedure to increase number of county commissioners.

(5) (d) PRIOR TO MARCH 1 OF THE ELECTION YEAR, THE BOARD OF COUNTY COMMISSIONERS SHALL DESIGNATE THE AT-LARGE POSITION FROM WHICH A COMMISSIONER IS TO BE ELECTED TO A TWO-YEAR TERM TO FILL A VACANCY DESCRIBED IN PARAGRAPH (b) OR (c) OF THIS SUBSECTION (5).

SECTION 3. 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 22, 1994