

CHAPTER 153

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 99-1171

BY REPRESENTATIVE Decker;
also SENATOR Teck.**AN ACT**

CONCERNING ELECTION OF SCHOOL DISTRICT DIRECTORS.

*Be it enacted by the General Assembly of the State of Colorado:***SECTION 1.** 1-4-803 (1), Colorado Revised Statutes, 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 IN A SCHOOL DISTRICT IN WHICH FEWER THAN ONE THOUSAND STUDENTS ARE ENROLLED SHALL FILE A NOMINATION PETITION SIGNED BY AT LEAST TWENTY-FIVE ELIGIBLE ELECTORS FROM THROUGHOUT THE SCHOOL DISTRICT, REGARDLESS OF THE SCHOOL DISTRICT'S PLAN OF REPRESENTATION. Any person who desires to be a candidate for the office of school director IN A SCHOOL DISTRICT IN WHICH ONE THOUSAND STUDENTS OR MORE ARE ENROLLED shall file a nomination petition signed by ~~a number of eligible electors, equal to the lesser of fifty signers or fifteen percent of the eligible number of 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 signers or fifteen percent of the number of eligible electors resident in the director district in which the person is a candidate~~ AT LEAST FIFTY ELIGIBLE ELECTORS FROM THROUGHOUT THE SCHOOL DISTRICT, REGARDLESS OF THE SCHOOL DISTRICT'S PLAN OF REPRESENTATION. An eligible elector may sign as many petitions as candidates for whom that elector may vote.

SECTION 2. 22-31-105, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

22-31-105. School directors - number - election - term - plan of representation. (1) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (1), IN EACH SCHOOL DISTRICT, REGARDLESS OF WHEN THE SCHOOL

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

DISTRICT WAS ORGANIZED, FIVE, SIX, OR SEVEN SCHOOL DIRECTORS SHALL BE ELECTED, THE NUMBER HAVING BEEN ESTABLISHED AS REQUIRED BY LAW. THE SCHOOL DIRECTORS SHALL BE ELECTED AT REGULAR BIENNIAL SCHOOL ELECTIONS, EACH FOR A TERM OF FOUR YEARS AND UNTIL A SUCCESSOR HAS BEEN ELECTED AND QUALIFIED; EXCEPT THAT ANY SCHOOL DISTRICT THAT ELECTS DIRECTORS FOR TERMS OF SIX YEARS AS OF JULY 1, 1999, MAY CONTINUE ELECTING DIRECTORS FOR TERMS OF SIX YEARS UNTIL SUCH TIME AS THE TERM LENGTH MAY BE CHANGED AS PROVIDED IN SUBSECTION (3) OF THIS SECTION.

(b) IN EACH SCHOOL DISTRICT COTERMINOUS WITH A CITY AND COUNTY, THERE SHALL BE ELECTED A SEVEN-MEMBER BOARD OF EDUCATION WITH ONE ELIGIBLE ELECTOR ELECTED FROM EACH OF FIVE DIRECTOR DISTRICTS AND TWO ELIGIBLE ELECTORS ELECTED FROM THE DISTRICT AT LARGE. SCHOOL DIRECTORS SHALL BE ELECTED AT THE RESPECTIVE REGULAR BIENNIAL SCHOOL ELECTIONS, EACH FOR A TERM OF FOUR YEARS AND UNTIL A SUCCESSOR HAS BEEN ELECTED AND QUALIFIED. ELECTIONS SHALL BE HELD IN ACCORDANCE WITH THE PROCEDURES ESTABLISHED IN SECTION 22-31-131.

(2) EXCEPT AS OTHERWISE PROVIDED IN SECTION 22-31-131 (1.5) (b) (I), ALL SCHOOL DIRECTORS SHALL BE VOTED ON AT LARGE BY THE ELIGIBLE ELECTORS OF THE ENTIRE SCHOOL DISTRICT, REGARDLESS OF THE SCHOOL DISTRICT'S PLAN OF REPRESENTATION.

(3) (a) THE BOARD OF EDUCATION OF ANY SCHOOL DISTRICT IN WHICH THE DIRECTORS SERVE SIX-YEAR TERMS MAY, BY RESOLUTION PASSED BY A MAJORITY OF THE WHOLE BOARD, SUBMIT TO THE ELIGIBLE ELECTORS OF THE SCHOOL DISTRICT, AT THE NEXT REGULAR BIENNIAL SCHOOL ELECTION, A PROPOSAL TO CHANGE THE TERMS OF OFFICE OF THE DIRECTORS OF THE DISTRICT FROM SIX YEARS TO FOUR YEARS. THE PROPOSED PLAN SHALL BE ADOPTED BY RESOLUTION OF THE BOARD AT LEAST ONE HUNDRED TEN DAYS PRIOR TO THE ELECTION.

(b) UPON RECEIPT OF A WRITTEN PETITION THAT MEETS THE REQUIREMENTS SPECIFIED IN THIS PARAGRAPH (b), THE BOARD OF EDUCATION OF ANY SCHOOL DISTRICT IN WHICH THE DIRECTORS SERVE SIX-YEAR TERMS SHALL SUBMIT TO THE ELIGIBLE ELECTORS OF THE SCHOOL DISTRICT, AT THE NEXT REGULAR BIENNIAL SCHOOL ELECTION, A PROPOSAL TO CHANGE THE TERMS OF OFFICE OF THE DIRECTORS OF THE DISTRICT FROM SIX YEARS TO FOUR YEARS. THE PETITION SHALL BE SIGNED BY AT LEAST FIVE PERCENT OF THE ELIGIBLE ELECTORS OF THE DISTRICT, AND THE PROPOSED PLAN, SPECIFYING TERMS OF OFFICE AND ESTABLISHING THE PROCEDURE FOR MAKING THE TRANSITIONS, SHALL BE ATTACHED THERETO. THE PETITION, TOGETHER WITH THE PROPOSED PLAN, SHALL BE SUBMITTED TO THE SECRETARY OF THE BOARD OF EDUCATION AT LEAST ONE HUNDRED TEN DAYS PRIOR TO THE ELECTION.

(c) NO PROPOSAL TO CHANGE THE TERMS OF OFFICE OF THE DIRECTORS OF THE DISTRICT SHALL BE SUBMITTED WITHIN FOUR YEARS AFTER A PREVIOUS PROPOSAL TO CHANGE THE TERMS OF OFFICE HAS BEEN SUBMITTED TO THE ELIGIBLE ELECTORS OF THE DISTRICT.

(d) THE SECRETARY OF THE BOARD OF EDUCATION SHALL CAUSE NOTICE TO BE GIVEN PURSUANT TO SECTION 1-5-205, C.R.S., THAT AT THE NEXT BIENNIAL ELECTION

FOR SCHOOL DIRECTORS A PLAN REVISING THE TERMS OF OFFICE OF SCHOOL DIRECTORS WILL BE SUBMITTED TO THE ELIGIBLE ELECTORS OF THE DISTRICT. THE NOTICE SHALL STATE THAT THE PLAN IS ON FILE IN THE ADMINISTRATION OFFICES OF THE SCHOOL DISTRICT FOR PUBLIC INSPECTION DURING REASONABLE BUSINESS HOURS; AND THE NOTICE MAY BE COMBINED WITH THE NOTICE OTHERWISE REQUIRED FOR THE ELECTION OF SCHOOL DIRECTORS AT THE REGULAR BIENNIAL SCHOOL ELECTION.

(e) THE BALLOT SHALL CONTAIN THE WORDS "FOR A FOUR-YEAR TERM OF OFFICE FOR SCHOOL DIRECTORS" AND "AGAINST A FOUR-YEAR TERM OF OFFICE FOR SCHOOL DIRECTORS". OTHERWISE, THE BALLOTS AND ELECTION PROCEDURES SHALL BE THE SAME AS PRESCRIBED FOR THE REGULAR BIENNIAL SCHOOL ELECTION.

(f) IF A MAJORITY OF THE VOTES CAST AT THE ELECTION ARE "FOR A FOUR-YEAR TERM OF OFFICE FOR SCHOOL DIRECTORS", THE PLAN SHALL BECOME EFFECTIVE UPON THE SURVEY OF ELECTION RETURNS. IF A MAJORITY OF THE VOTES CAST ARE "AGAINST A FOUR-YEAR TERM OF OFFICE FOR SCHOOL DIRECTORS", THE SCHOOL DIRECTORS OF THE DISTRICT SHALL CONTINUE TO BE ELECTED OR APPOINTED AS PRESCRIBED IN THIS SECTION.

(4) (a) THE BOARD OF EDUCATION OF A SCHOOL DISTRICT MAY, BY RESOLUTION PASSED BY A MAJORITY OF THE WHOLE BOARD, SUBMIT TO THE ELIGIBLE ELECTORS OF THE SCHOOL DISTRICT, AT THE NEXT REGULAR BIENNIAL SCHOOL ELECTION, A PROPOSAL TO CHANGE THE NUMBER OF DIRECTORS; EXCEPT THAT THE SCHOOL DISTRICT SHALL NOT ELECT FEWER THAN FIVE NOR MORE THAN SEVEN DIRECTORS. THE PROPOSAL SHALL BE ADOPTED BY RESOLUTION OF THE BOARD AT LEAST ONE HUNDRED TEN DAYS PRIOR TO THE ELECTION. AS PROVIDED IN SUBSECTION (7) OF THIS SECTION, THE BOARD OF EDUCATION MAY SIMULTANEOUSLY ADOPT A RESOLUTION TO SUBMIT A PROPOSAL TO CHANGE THE SCHOOL DISTRICT PLAN OF REPRESENTATION; EXCEPT THAT, IF THE EXISTING SCHOOL DIRECTORS ARE ELECTED PURSUANT TO A DIRECTOR DISTRICT PLAN OF REPRESENTATION, THE BOARD OF EDUCATION SHALL SIMULTANEOUSLY ADOPT A RESOLUTION TO SUBMIT A PROPOSAL TO EITHER CHANGE THE BOUNDARIES OF THE DIRECTOR DISTRICTS TO REFLECT THE CHANGE IN THE NUMBER OF DIRECTORS OR CHANGE THE SCHOOL DISTRICT PLAN OF REPRESENTATION TO ADOPT AN AT-LARGE PLAN OF REPRESENTATION OR A COMBINED DIRECTOR DISTRICT AND AT-LARGE PLAN OF REPRESENTATION.

(b) UPON RECEIPT OF A WRITTEN PETITION THAT MEETS THE REQUIREMENTS SPECIFIED IN THIS PARAGRAPH (b), THE BOARD OF EDUCATION OF A SCHOOL DISTRICT SHALL SUBMIT TO THE ELIGIBLE ELECTORS OF THE SCHOOL DISTRICT, AT THE NEXT REGULAR BIENNIAL SCHOOL ELECTION, A PROPOSAL TO CHANGE THE NUMBER OF DIRECTORS; EXCEPT THAT THE SCHOOL DISTRICT SHALL NOT ELECT FEWER THAN FIVE NOR MORE THAN SEVEN DIRECTORS. AS PROVIDED IN SUBSECTION (7) OF THIS SECTION, THE PERSONS SUBMITTING THE PETITION MAY SIMULTANEOUSLY SUBMIT A PETITION TO CHANGE THE SCHOOL DISTRICT PLAN OF REPRESENTATION. IF THE EXISTING SCHOOL DIRECTORS ARE ELECTED PURSUANT TO A DIRECTOR DISTRICT PLAN OF REPRESENTATION AND NO CHANGE TO THE SCHOOL DISTRICT PLAN OF REPRESENTATION IS SUBMITTED BY PETITION, THE BOARD OF EDUCATION SHALL ADOPT A RESOLUTION TO SUBMIT A PROPOSAL TO EITHER CHANGE THE BOUNDARIES OF THE DIRECTOR DISTRICTS TO REFLECT THE CHANGE IN THE NUMBER OF DIRECTORS OR CHANGE THE SCHOOL DISTRICT PLAN OF REPRESENTATION TO ADOPT AN AT-LARGE PLAN OF REPRESENTATION OR A COMBINED DIRECTOR DISTRICT AND AT-LARGE PLAN

OF REPRESENTATION. ANY PETITION SUBMITTED PURSUANT TO THIS PARAGRAPH (b) SHALL BE SIGNED BY AT LEAST FIVE PERCENT OF THE ELIGIBLE ELECTORS OF THE DISTRICT AND SHALL BE SUBMITTED TO THE SECRETARY OF THE BOARD OF EDUCATION AT LEAST ONE HUNDRED TEN DAYS PRIOR TO THE ELECTION.

(c) THE SECRETARY OF THE BOARD OF EDUCATION SHALL CAUSE NOTICE TO BE GIVEN PURSUANT TO SECTION 1-5-205, C.R.S., THAT AT THE NEXT REGULAR BIENNIAL ELECTION FOR SCHOOL DIRECTORS A PROPOSAL TO CHANGE THE NUMBER OF DIRECTORS AND THE SCHOOL DISTRICT PLAN OF REPRESENTATION, IF SUBMITTED OR ADOPTED PURSUANT TO PARAGRAPH (a) OR (b) OF THIS SUBSECTION (4), WILL BE SUBMITTED TO THE ELIGIBLE ELECTORS OF THE DISTRICT.

(d) THE BALLOT SHALL CONTAIN THE WORDS "FOR CHANGING THE NUMBER OF SCHOOL DIRECTORS FROM ___ TO ___ (AND FOR THE PROPOSED CHANGE TO THE DIRECTOR DISTRICT PLAN OF REPRESENTATION)" AND "AGAINST CHANGING THE NUMBER OF SCHOOL DIRECTORS FROM ___ TO ___ (AND AGAINST THE PROPOSED CHANGE TO THE DIRECTOR DISTRICT PLAN OF REPRESENTATION)". OTHERWISE THE BALLOTS AND ELECTION PROCEDURES SHALL BE THE SAME AS PRESCRIBED FOR THE REGULAR BIENNIAL SCHOOL ELECTION.

(e) IF A MAJORITY OF THE VOTES CAST ON THE QUESTION ARE "FOR CHANGING THE NUMBER OF SCHOOL DIRECTORS FROM ___ TO ___ (AND FOR THE PROPOSED CHANGE TO THE DIRECTOR DISTRICT PLAN OF REPRESENTATION)", THE PLAN SHALL BECOME EFFECTIVE FOR THE ELECTION OF SCHOOL DIRECTORS AT SUBSEQUENT REGULAR BIENNIAL SCHOOL ELECTIONS. IF A MAJORITY OF THE VOTES CAST ARE "AGAINST CHANGING THE NUMBER OF SCHOOL DIRECTORS FROM ___ TO ___ (AND AGAINST THE PROPOSED CHANGE TO THE DIRECTOR DISTRICT PLAN OF REPRESENTATION)", THERE SHALL CONTINUE TO BE THE SAME NUMBER OF SCHOOL DIRECTORS OPERATING UNDER THE SAME PLAN OF REPRESENTATION IN SUCH DISTRICT AS EXISTED PRIOR TO THE ELECTION.

(5)(a) IN ANY SCHOOL DISTRICT IN WHICH THE TERMS OF OFFICE OF THE DIRECTORS EXPIRE ON A SCHEDULE THAT DOES NOT CREATE AS CLOSE TO THE SAME NUMBER OF OFFICES TO BE FILLED AT EACH REGULAR BIENNIAL SCHOOL ELECTION AS POSSIBLE, THE BOARD OF EDUCATION MAY, BY RESOLUTION PASSED BY A MAJORITY OF ALL MEMBERS OF THE BOARD OF EDUCATION, EXTEND OR REDUCE FOR TWO YEARS ONE OR MORE TERMS OF DIRECTORS TO BE ELECTED AT THE NEXT REGULAR BIENNIAL SCHOOL ELECTION AS NECESSARY TO ACHIEVE THEREAFTER AS CLOSE TO THE SAME NUMBER OF OFFICES TO BE FILLED AT EACH REGULAR BIENNIAL SCHOOL ELECTION AS POSSIBLE. THE EXTENSION OR REDUCTION OF TERMS OF OFFICE SHALL OCCUR ONLY ONCE; THEREAFTER, ALL TERMS OF THE MEMBERS OF THE BOARD OF DIRECTORS SHALL BE EQUAL.

(b) IN DETERMINING WHICH TERM OR TERMS TO EXTEND OR REDUCE, THE BOARD OF EDUCATION SHALL SELECT, FIRST, THE TERM OR TERMS FOR WHICH AN EARLY ELECTION IS SCHEDULED AT THE NEXT REGULAR BIENNIAL SCHOOL ELECTION DUE TO THE OCCURRENCE OF A VACANCY IN THE OFFICE OF SCHOOL DIRECTOR AND, SECOND, THE TERM OR TERMS REGULARLY EXPIRING AT THE NEXT SUCCEEDING REGULAR BIENNIAL SCHOOL ELECTION. IN THE EVENT IT IS NECESSARY FOR THE BOARD OF EDUCATION TO SELECT BETWEEN TWO OR MORE TERMS OF EQUAL PRIORITY FOR EXTENSION OR REDUCTION UNDER THIS SUBSECTION (5), THE DETERMINATION SHALL

BE BY LOT.

(c) THE RESOLUTION EXTENDING OR REDUCING THE TERMS OF OFFICE SHALL BE ADOPTED NOT LESS THAN ONE HUNDRED TEN DAYS PRIOR TO THE NEXT REGULAR BIENNIAL SCHOOL ELECTION. A CANDIDATE SHALL RUN FOR AND, IF ELECTED, SHALL SERVE THE TERM AS IS APPROPRIATE FOR THE DIRECTOR DISTRICT IN WHICH THE CANDIDATE RESIDES; HOWEVER, IF THE SCHOOL DISTRICT HAS AN AT-LARGE PLAN OF REPRESENTATION OR A COMBINED DIRECTOR DISTRICT AND AT-LARGE PLAN OF REPRESENTATION, EACH CANDIDATE SHALL RUN FOR AND, IF ELECTED, SHALL SERVE FOR THE DESIGNATED TERM AS PROVIDED FOR IN SECTION 1-4-803 (3), C.R.S.

(6) (a) THE BOARD OF EDUCATION OF ANY SCHOOL DISTRICT THAT DESIRES TO PROPOSE A CHANGE IN ITS PLAN OF REPRESENTATION MAY SUBMIT A PLAN TO IMPLEMENT SUCH CHANGE TO THE ELIGIBLE ELECTORS OF THE SCHOOL DISTRICT AT ANY REGULAR BIENNIAL SCHOOL ELECTION OR AT A SPECIAL SCHOOL ELECTION CALLED BY THE BOARD FOR THAT PURPOSE. A CHANGE IN THE PLAN OF REPRESENTATION MAY CONSIST OF THE ADOPTION OF A DIRECTOR DISTRICT PLAN OF REPRESENTATION, THE ELIMINATION OF A DIRECTOR DISTRICT PLAN OF REPRESENTATION AND REPLACEMENT WITH AN AT-LARGE PLAN OF REPRESENTATION, OR THE ADOPTION OF A PLAN OF REPRESENTATION THAT COMBINES DIRECTOR DISTRICTS WITH AN AT-LARGE PLAN OF REPRESENTATION. THE PLAN SHALL BE ADOPTED BY THE BOARD OF EDUCATION AT LEAST ONE HUNDRED TEN DAYS PRIOR TO THE ELECTION.

(b) THE ELIGIBLE ELECTORS OF ANY SCHOOL DISTRICT WHO DESIRE TO PROPOSE THE ADOPTION OF ANY CHANGE TO THE SCHOOL DISTRICT PLAN OF REPRESENTATION SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (6) MAY PETITION THE BOARD OF EDUCATION OF THE SCHOOL DISTRICT TO SUBMIT A PLAN TO IMPLEMENT THE CHANGE TO THE ELIGIBLE ELECTORS OF THE DISTRICT AT ANY REGULAR BIENNIAL SCHOOL ELECTION. THE PETITION SHALL BE SIGNED BY AT LEAST FIVE PERCENT OF THE ELIGIBLE ELECTORS OF THE SCHOOL DISTRICT, AND THE PROPOSED PLAN OF REPRESENTATION SHALL BE ATTACHED THERETO. THE PETITION, TOGETHER WITH THE PROPOSED PLAN, SHALL BE SUBMITTED TO THE SECRETARY OF THE BOARD OF EDUCATION OF THE SCHOOL DISTRICT AT LEAST ONE HUNDRED TEN DAYS PRIOR TO THE ELECTION. IF THE PLAN MEETS STATUTORY REQUIREMENTS, THE BOARD OF EDUCATION SHALL SUBMIT THE PLAN TO THE ELIGIBLE ELECTORS OF THE SCHOOL DISTRICT AT THE NEXT REGULAR BIENNIAL SCHOOL ELECTION.

(c) A DIRECTOR DISTRICT PLAN OF REPRESENTATION DEVELOPED PURSUANT TO PARAGRAPH (a) OR (b) OF THIS SUBSECTION (6) SHALL BE SUBJECT TO THE SPECIFICATIONS PRESCRIBED IN SECTION 22-31-109.

(d) THE SECRETARY OF THE BOARD OF EDUCATION SHALL CAUSE NOTICE TO BE GIVEN ON THE QUESTION OF WHETHER THE EXISTING PLAN OF REPRESENTATION SHALL BE REPLACED BY THE PLAN OF REPRESENTATION PROPOSED IN THE MANNER PROVIDED IN PARAGRAPH (a) OR (b) OF THIS SUBSECTION (6), PURSUANT TO SECTION 1-5-205, C.R.S., WHICH SHALL INCLUDE THAT THE PLAN OF REPRESENTATION IS AVAILABLE AT THE ADMINISTRATION OFFICES OF THE SCHOOL DISTRICT FOR PUBLIC INSPECTION DURING REASONABLE BUSINESS HOURS.

(e) THE BALLOT SHALL CONTAIN THE WORDS "FOR THE PROPOSED DIRECTOR

DISTRICT PLAN OF REPRESENTATION" AND "AGAINST THE PROPOSED DIRECTOR DISTRICT PLAN OF REPRESENTATION", OR "FOR THE PROPOSED AT-LARGE PLAN OF REPRESENTATION" AND "AGAINST THE PROPOSED AT-LARGE PLAN OF REPRESENTATION", OR "FOR THE PROPOSED COMBINED DIRECTOR DISTRICT AND AT-LARGE PLAN OF REPRESENTATION" AND "AGAINST THE PROPOSED COMBINED DIRECTOR DISTRICT AND AT-LARGE PLAN OF REPRESENTATION", AS THE CASE MAY BE. OTHERWISE, THE BALLOTS AND ELECTION PROCEDURES SHALL BE, AS NEARLY AS PRACTICABLE, AS PRESCRIBED FOR A REGULAR BIENNIAL SCHOOL ELECTION.

(f) IF A MAJORITY OF THE VOTES CAST AT THE ELECTION ARE FOR THE PROPOSED PLAN OF REPRESENTATION, THE PLAN SHALL BECOME EFFECTIVE UPON THE SURVEY OF ELECTION RETURNS; BUT NO PLAN OF REPRESENTATION SHALL TERMINATE THE OFFICE OF ANY SCHOOL DIRECTOR ELECTED AT OR PRIOR TO THE ELECTION AT WHICH THE PLAN IS SUBMITTED. THE PLAN SHALL BE EFFECTIVE AFTER THE ELECTION FOR SUBSEQUENT VACANCIES AND THE ELECTION OF SCHOOL DIRECTORS AT ANY SUBSEQUENT REGULAR BIENNIAL SCHOOL ELECTION. IN THE EVENT THAT, AS A RESULT OF THE ADOPTION OF A PLAN OF REPRESENTATION, TWO OR MORE MEMBERS OF THE BOARD OF EDUCATION RESIDE IN THE SAME NEW DIRECTOR DISTRICT AND THE OFFICE OF ANY ONE OF THE MEMBERS THEREAFTER BECOMES VACANT, THE VACANCY SHALL BE FILLED BY THE APPOINTMENT OF AN ELIGIBLE ELECTOR RESIDING IN A DIRECTOR DISTRICT THAT DOES NOT THEN HAVE A REPRESENTATIVE ON THE BOARD OF EDUCATION. IF THE MAJORITY OF THE VOTES CAST AT THE ELECTION ARE AGAINST THE PROPOSED PLAN OF REPRESENTATION, THE SCHOOL DIRECTORS OF THE DISTRICT SHALL CONTINUE TO BE ELECTED OR APPOINTED AS PROVIDED UNDER THE EXISTING PLAN OF REPRESENTATION, EXCEPT AS OTHERWISE PROVIDED IN SECTION 22-31-110.

(7) (a) A RESOLUTION BY A BOARD OF EDUCATION OF A SCHOOL DISTRICT OR A PETITION OF THE ELIGIBLE ELECTORS OF A SCHOOL DISTRICT MAY PROPOSE ANY OF THE ISSUES SPECIFIED IN SUBSECTIONS (3) TO (6) OF THIS SECTION FOR CONSIDERATION IN ONE ELECTION.

(b) ANY PLAN TO CHANGE THE NUMBER OF DIRECTOR DISTRICTS ADOPTED PURSUANT TO THIS SECTION SHALL PROVIDE, IF NECESSARY, THAT THE TERM OF OFFICE OF ONE OR MORE DIRECTORS TO BE ELECTED AT A SUBSEQUENT REGULAR BIENNIAL SCHOOL ELECTION MAY BE LESS THAN OTHERWISE PRESCRIBED BY LAW, IN ORDER TO PRESERVE THE ELECTION OF APPROXIMATELY THE SAME NUMBER OF DIRECTORS AT EACH REGULAR BIENNIAL SCHOOL ELECTION.

SECTION 3. 22-31-107 (1), Colorado Revised Statutes, is amended to read:

22-31-107. Qualification and nomination of candidates for school director.

(1) Any candidate for the office of school director of a school district shall be an eligible elector of the district and shall have been a resident of the district for at least twelve consecutive months prior to the election. If the school district has a director district plan of representation OR A COMBINED DIRECTOR DISTRICT AND AT-LARGE PLAN OF REPRESENTATION, the candidate shall be a resident of the director district that will be represented, unless the candidate WILL SERVE AS AN AT-LARGE DIRECTOR OR has been elected at the time of or prior to the adoption of a director district plan of representation OR A COMBINED DIRECTOR DISTRICT AND AT-LARGE PLAN OF REPRESENTATION by the eligible electors of the district.

SECTION 4. Repeal. 22-31-108, Colorado Revised Statutes, is repealed.

SECTION 5. 22-31-109, Colorado Revised Statutes, is amended to read:

22-31-109. Specifications for director districts. In school districts having a director district plan of representation ~~the board of education of the school district shall be comprised of one eligible elector from each of the director districts~~ OR A COMBINED DIRECTOR DISTRICT AND AT-LARGE PLAN OF REPRESENTATION, AT LEAST ONE MEMBER OF THE BOARD OF EDUCATION OF THE SCHOOL DISTRICT SHALL BE ELECTED FROM EACH OF THE DIRECTOR DISTRICTS. Director districts shall be contiguous, compact, and as nearly equal in population as possible. The director districts shall be not less than five nor more than seven in number.

SECTION 6. 22-31-110 (1), Colorado Revised Statutes, is amended to read:

22-31-110. Changes in director districts. (1) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (1), not later than December 31, 1972, and not later than December 31 of every fourth year thereafter, the board of education of each school district having a director district plan of representation OR A COMBINED DIRECTOR DISTRICT AND AT-LARGE PLAN OF REPRESENTATION shall determine the population in each of the director districts and, if each director district does not contain substantially the same number of persons as each of the other director districts, it shall be the duty of the board, by resolution, to revise the director district boundaries and redesignate the director districts to comply with the specifications prescribed in section 22-31-109 without changing the number of director districts.

(b) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO ANY SCHOOL DISTRICT COTERMINOUS WITH A CITY AND COUNTY. THE DIRECTOR DISTRICTS FOR ANY SUCH SCHOOL DISTRICT SHALL BE ESTABLISHED AS PROVIDED IN SECTION 22-31-131.

SECTION 7. 22-31-129 (1) (d) and (4), Colorado Revised Statutes, are amended to read:

22-31-129. Vacancies. (1) A school director office shall be deemed to be vacant upon the occurrence of any one of the following events prior to the expiration of the term of office:

(d) If the person who was duly elected or appointed is or becomes during the term of office a nonresident of the school district in which the person was elected or, in the event the district has a director district plan of representation OR A COMBINED DIRECTOR DISTRICT AND AT-LARGE PLAN OF REPRESENTATION, if the director is or becomes during the term of office a nonresident of the director district which the director represents unless the director has been elected at the time of or prior to the adoption of a director district plan of representation OR A COMBINED DIRECTOR DISTRICT AND AT-LARGE PLAN OF REPRESENTATION by the electors or prior to a revision and redesignation of director district boundaries;

(4) Whenever the filling of a vacancy, as provided in subsection (3) of this section, causes terms of different duration to be open at the time of the regular election in a school district which has an at-large ~~method~~ PLAN of representation OR A COMBINED

DIRECTOR DISTRICT AND AT-LARGE PLAN OF REPRESENTATION, candidates RUNNING AT LARGE shall designate the term for which they are running in accordance with section 1-4-803 (3), C.R.S.

SECTION 8. 22-31-131 (1.5) (c) (II), Colorado Revised Statutes, is 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 - repeal. (1.5) (c) (II) ~~The general assembly~~ BOARD OF EDUCATION FOR SCHOOL DISTRICT NUMBER 1 shall provide for the revision of the director district boundaries established by this paragraph (c) following the federal census in 2000 and each federal census thereafter.

(12) (a) WITHIN ONE HUNDRED TWENTY DAYS AFTER PUBLICATION OF THE 2000 DECENNIAL CENSUS PREPARED BY THE UNITED STATES BUREAU OF THE CENSUS, THE BOARD OF EDUCATION OF SCHOOL DISTRICT NUMBER 1 SHALL REAPPORTION AND REDRAW THE BOUNDARIES FOR THE DIRECTOR DISTRICTS OF THE SCHOOL DISTRICT TO MAINTAIN FIVE DIRECTOR DISTRICTS. IN ADDITION, TWO DIRECTORS SHALL CONTINUE TO BE ELECTED FROM THE DISTRICT AT LARGE. UPON COMPLETION OF SUCH REAPPORTIONMENT AND REDRAWING OF BOUNDARIES, THE BOARD OF EDUCATION OF SCHOOL DISTRICT NUMBER 1 SHALL SUBMIT TO THE REVISOR OF STATUTES THE NEW BOUNDARIES FOR THE DIRECTOR DISTRICTS.

(b) AT THE ELECTION HELD ON THE FIRST TUESDAY IN NOVEMBER 2001, NEW DIRECTORS SHALL BE ELECTED FROM DISTRICTS 2, 3, AND 4, AS SAID DISTRICTS MAY BE REAPPORTIONED AND REDRAWN PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (12). THE DIRECTORS ELECTED IN NOVEMBER 1999 FROM DISTRICTS 1 AND 5, AS SAID DISTRICTS EXISTED AS OF SAID DATE, SHALL SERVE THE REMAINDER OF THEIR TERMS AND SHALL BE DEEMED TO REPRESENT DISTRICTS 1 AND 5, RESPECTIVELY, AS SAID DISTRICTS MAY BE REAPPORTIONED AND REDRAWN PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (12), EVEN THOUGH SAID DIRECTORS MAY NO LONGER RESIDE IN THEIR RESPECTIVE DISTRICTS. AT THE ELECTION HELD ON THE FIRST TUESDAY IN NOVEMBER 2003, DIRECTORS SHALL BE ELECTED WHO RESIDE WITHIN THE BOUNDARIES OF DISTRICTS 1 AND 5, RESPECTIVELY, AS SAID DISTRICTS MAY BE REAPPORTIONED AND REDRAWN PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (12).

(c) SUBPARAGRAPH (I) OF PARAGRAPH (c) OF SUBSECTION (1.5) OF THIS SECTION IS REPEALED UPON RECEIPT BY THE REVISOR OF STATUTES OF THE NEW BOUNDARIES FOR DIRECTOR DISTRICTS PREPARED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (12).

SECTION 9. 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: April 30, 1999