

CHAPTER 242

**GOVERNMENT - MUNICIPAL**

**HOUSE BILL 04-1072**

BY REPRESENTATIVE(S) May M., Brophy, Butcher, Harvey, Hefley, Lee, McFadyen, Rippy, Schultheis, and Weddig;  
also SENATOR(S) Evans.

**AN ACT**

**CONCERNING THE AUTHORITY OF THE GOVERNING BODY OF A MUNICIPALITY TO SUBMIT TO THE REGISTERED ELECTORS OF THE MUNICIPALITY THE QUESTION OF CHANGING THE REGULAR ELECTION DATE OF THE MUNICIPALITY.**

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

**SECTION 1.** 31-1-101 (10), Colorado Revised Statutes, is amended to read:

**31-1-101. Definitions.** As used in this title, except where specifically defined, unless the context otherwise requires:

(10) "Regular election" means:

(a) BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION (10), AS AMENDED, the election held in towns on the first Tuesday of April in each even-numbered year; the election held in cities on the Tuesday succeeding the first Monday of November in each odd-numbered year; and the election held in any other municipality at which the regular election of officers takes place;

(b) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (10), AS AMENDED, THE ELECTION HELD IN ANY MUNICIPALITY IN ACCORDANCE WITH PARAGRAPH (a) OF THIS SUBSECTION (10) UNLESS A MAJORITY OF THE REGISTERED ELECTORS OF THE MUNICIPALITY VOTING ON THE QUESTION HAVE VOTED TO HOLD THE REGULAR ELECTION ON A DATE DIFFERENT THAN SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (10) PURSUANT TO SECTION 31-10-109 (1), IN WHICH CASE "REGULAR ELECTION" MEANS, FOR ANY PARTICULAR MUNICIPALITY, THE DATE ON WHICH THE REGULAR ELECTION OF OFFICERS TAKES PLACE AS DETERMINED BY THE REGISTERED ELECTORS OF THE MUNICIPALITY.

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

**SECTION 2.** 31-1-204 (7), Colorado Revised Statutes, is amended to read:

**31-1-204. Change of classification - towns - notice - effect on officeholders - options prior to reorganization - terms of office - election dates.**

(7) ~~Notwithstanding~~ IN CONFORMITY WITH the provisions of section 31-1-101 (10), the regular election date for towns reorganizing into cities shall remain, after reorganization, the first Tuesday of April in each even-numbered year ~~However~~ UNLESS A MAJORITY OF THE REGISTERED ELECTORS OF THE CITY VOTING ON THE QUESTION HAVE VOTED TO HOLD THE REGULAR ELECTION OF THE CITY ON A DIFFERENT DATE PURSUANT TO SECTION 31-10-109 (1), IN WHICH CASE THE REGULAR ELECTION DATE OF THE CITY SHALL MEAN, FOR SUCH CITY, THE DATE ON WHICH THE REGULAR ELECTION OF OFFICERS TAKES PLACE AS DETERMINED BY THE REGISTERED ELECTORS OF THE CITY. NOTWITHSTANDING THE PROVISIONS OF SECTION 31-10-109 (1), after reorganization, the governing body of the city may by ordinance establish its regular election date on the Tuesday succeeding the first Monday of November in each odd-numbered year, and may include in such ordinance any alteration in the term of office of officials subsequently elected which may be necessary to accomplish the change in election dates in an orderly manner. In no event shall such ordinance shorten the term of any elected official in office at the time of its adoption.

**SECTION 3.** 31-1-206 (4), Colorado Revised Statutes, is amended to read:

**31-1-206. Change in classification - cities - notice - effect on officeholders - terms of office - election dates.**

(4) ~~Notwithstanding~~ IN CONFORMITY WITH the provisions of section 31-1-101 (10), the regular election date for cities reorganizing into towns shall remain, after reorganization as a town, the Tuesday succeeding the first Monday of November in each odd-numbered year ~~However, the governing body of the town may by ordinance establish its regular election date on the first Tuesday of April in each even-numbered year and may include in such ordinance any alteration in the terms of office of officials subsequently elected which may be necessary to accomplish the change in election dates in an orderly manner. In no event shall such ordinance shorten the term of any elected official in office at the time of its adoption.~~ UNLESS A MAJORITY OF THE REGISTERED ELECTORS OF THE TOWN VOTING ON THE QUESTION HAVE VOTED TO HOLD THE REGULAR ELECTION OF THE TOWN ON A DIFFERENT DATE PURSUANT TO SECTION 31-10-109 (1), IN WHICH CASE THE REGULAR ELECTION DATE OF THE CITY SHALL MEAN, FOR ANY PARTICULAR MUNICIPALITY, THE DATE ON WHICH THE REGULAR ELECTION OF OFFICERS TAKES PLACE AS DETERMINED BY THE REGISTERED ELECTORS OF THE MUNICIPALITY.

**SECTION 4.** Part 1 of article 10 of title 31, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**31-10-109. Submission of question on regular election date for municipalities.**

(1) (a) PURSUANT TO SECTION 31-11-111 (2), THE GOVERNING BODY OF EACH MUNICIPALITY, IN CONSULTATION WITH THE CLERK AND RECORDER OF THE COUNTY IN WHICH THE MUNICIPALITY IS LOCATED, MAY SUBMIT TO A VOTE OF THE REGISTERED ELECTORS OF THE MUNICIPALITY FOR PLACEMENT ON THE BALLOT THE QUESTION OF WHETHER THE REGULAR ELECTION DATE OF SUCH MUNICIPALITY SHALL BE CHANGED TO EITHER THE TUESDAY SUCCEEDING THE FIRST MONDAY OF NOVEMBER IN EACH ODD-NUMBERED YEAR OR THE TUESDAY SUCCEEDING THE FIRST MONDAY OF NOVEMBER IN EACH EVEN-NUMBERED YEAR.

(b) WHERE A MAJORITY OF THE REGISTERED ELECTORS VOTING ON THE QUESTION SUBMITTED IN ACCORDANCE WITH THE REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION (1) APPROVE A CHANGE IN THE REGULAR ELECTION DATE OF THE MUNICIPALITY, THE GOVERNING BODY OF THE MUNICIPALITY SHALL BY ORDINANCE ESTABLISH ITS NEW REGULAR ELECTION DATE IN ACCORDANCE WITH THE VOTE OF THE REGISTERED ELECTORS AND MAY INCLUDE IN THE ORDINANCE ANY ALTERATION IN THE TERMS OF OFFICE OF OFFICIALS THAT MAY BE NECESSARY TO ACCOMPLISH THE CHANGE IN ELECTION DATES IN AN ORDERLY MANNER. IN NO EVENT SHALL THE ORDINANCE SHORTEN THE TERM OF ANY ELECTED OFFICIAL IN OFFICE AT THE TIME OF ITS ADOPTION.

(2) PROCEDURES FOR SUBMITTING THE QUESTION DESCRIBED IN PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION TO THE REGISTERED ELECTORS OF THE MUNICIPALITY SHALL FOLLOW THE PROCEDURES SET FORTH IN ARTICLE 11 OF THIS TITLE PERTAINING TO MUNICIPAL INITIATIVES.

(3) ANY MUNICIPALITY THAT HAS CHANGED ITS REGULAR ELECTION DATE IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION MAY CHANGE ITS REGULAR ELECTION DATE PURSUANT TO THE PROCEDURES SPECIFIED IN SUBSECTION (1) OF THIS SECTION FOR THE SOLE PURPOSE OF MAKING THE REGULAR ELECTION DATE OF THE MUNICIPALITY THE REGULAR ELECTION DATE IN EFFECT PRIOR TO THE CHANGE IN SUCH DATE COMMENCED UNDER THIS SECTION.

**SECTION 5. Effective date.** This act shall take effect July 1, 2004.

**SECTION 6. 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 21, 2004