

## CHAPTER 44

---

**GOVERNMENT - LOCAL**

---

SENATE BILL 06-095

BY SENATOR(S) Taylor;  
also REPRESENTATIVE(S) Hodge, McGihon, and Merrifield.**AN ACT****CONCERNING LIMITATIONS ON THE TRANSFER OF PROPERTY RIGHTS AS A MEANS OF QUALIFYING ELECTORS IN SPECIAL DISTRICT ELECTIONS.***Be it enacted by the General Assembly of the State of Colorado:***SECTION 1.** Part 8 of article 1 of title 32, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:**32-1-808. Transfer of property title to qualify electors - limitations.**

(1)(a) NO PERSON SHALL KNOWINGLY TAKE OR PLACE TITLE TO TAXABLE PROPERTY IN THE NAME OF ANOTHER OR ENTER INTO A CONTRACT TO PURCHASE OR SELL TAXABLE PROPERTY FOR THE PURPOSE OF ATTEMPTING TO QUALIFY SUCH PERSON AS AN ELIGIBLE ELECTOR AT ANY SPECIAL DISTRICT ELECTION. ANY BALLOT CAST IN VIOLATION OF THIS SUBSECTION (1) AS DETERMINED IN AN ELECTION CONTEST CONDUCTED PURSUANT TO PART 2 OF ARTICLE 11 OF TITLE 1, C.R.S., SHALL BE VOID.

(b) NO PERSON SHALL AID OR ASSIST ANY PERSON IN DOING ANY OF THE ACTS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1).

(2)(a) A PERSON MAY TAKE OR PLACE TITLE TO TAXABLE PROPERTY IN THE NAME OF ANOTHER OR ENTER INTO A CONTRACT TO PURCHASE OR SELL TAXABLE PROPERTY FOR THE PURPOSE OF ATTEMPTING TO QUALIFY SUCH PERSON AS AN ELIGIBLE ELECTOR FOR ANY SPECIAL DISTRICT ELECTION UNDER THE FOLLOWING CIRCUMSTANCES:

(I) A VACANCY EXISTS ON THE BOARD OF THE SPECIAL DISTRICT AND, WITHIN TEN DAYS OF THE PUBLICATION OF NOTICE OF SUCH VACANCY, NO OTHERWISE QUALIFIED ELIGIBLE ELECTOR FILES A LETTER OF INTEREST IN FILLING SUCH POSITION WITH THE BOARD;

---

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

(II) IN ANY ORGANIZATIONAL ELECTION AT WHICH THERE ARE MORE THAN TEN ELIGIBLE ELECTORS, ON OR AFTER THE SECOND DAY BEFORE THE FILING DEADLINE FOR SELF-NOMINATION AND ACCEPTANCE FORMS OR LETTERS PURSUANT TO SECTION 32-1-305.5 (4), THE NUMBER OF OTHERWISE QUALIFIED ELIGIBLE ELECTORS WHO HAVE FILED SUCH SELF-NOMINATION AND ACCEPTANCE FORMS OR LETTERS IS LESS THAN THE NUMBER OF SPECIAL DISTRICT DIRECTOR OFFICES TO BE VOTED UPON AT SUCH ELECTION;

(III) THERE ARE LESS THAN ELEVEN ELIGIBLE ELECTORS AS OF ANY DATE BEFORE AN ORGANIZATIONAL ELECTION; OR

(IV) ON OR AFTER THE DAY AFTER THE FILING DEADLINE FOR SELF-NOMINATION AND ACCEPTANCE FORMS OR LETTERS PURSUANT TO SECTION 32-1-804.3, BEFORE ANY REGULAR SPECIAL DISTRICT ELECTION, THE NUMBER OF OTHERWISE QUALIFIED ELIGIBLE ELECTORS WHO HAVE FILED SELF-NOMINATION AND ACCEPTANCE FORMS OR LETTERS PURSUANT TO SECTION 32-1-804.3 IS LESS THAN THE NUMBER OF SPECIAL DISTRICT DIRECTOR OFFICES TO BE VOTED UPON AT THE ELECTION.

(b) (I) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO PERSON SHALL PLACE TITLE TO TAXABLE PROPERTY IN THE NAME OF ANOTHER OR ENTER INTO A CONTRACT TO SELL TAXABLE PROPERTY FOR THE PURPOSE OF ATTEMPTING TO QUALIFY MORE THAN THE NUMBER OF PERSONS WHO ARE NECESSARY TO BE ELIGIBLE ELECTORS IN ORDER TO:

(A) FILL A VACANCY ON A BOARD EXCEPT AS PERMITTED BY THE PROVISIONS OF SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (2); OR

(B) BECOME A CANDIDATE FOR DIRECTOR IN A SPECIAL DISTRICT ELECTION EXCEPT AS PERMITTED BY THE PROVISIONS OF SUBPARAGRAPHS (II), (III), AND (IV) OF PARAGRAPH (a) OF THIS SUBSECTION (2).

(II) THE INCIDENTAL QUALIFICATION OF THE SPOUSE OF A PERSON AS AN ELIGIBLE ELECTOR PURSUANT TO SECTION 32-1-103 (5) (a) (II) SHALL NOT CONSTITUTE A QUALIFICATION OF MORE THAN THE NUMBER OF PERSONS NECESSARY TO BE ELIGIBLE ELECTORS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH (b).

(3) IT SHALL NOT CONSTITUTE A VIOLATION OF SUBSECTION (1) OF THIS SECTION FOR A PERSON TO TAKE OR PLACE TITLE TO TAXABLE PROPERTY IN THE NAME OF ANOTHER OR TO ENTER INTO A CONTRACT TO PURCHASE OR SELL TAXABLE PROPERTY IN SUBSTITUTION OF PROPERTY ACQUIRED IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION.

(4) ANY PERSON WHO IS AN ELIGIBLE ELECTOR AS OF JULY 1, 2006, OR WHO HAS BEEN QUALIFIED AS AN ELIGIBLE ELECTOR UNDER THIS SECTION SHALL REMAIN QUALIFIED AS AN ELIGIBLE ELECTOR UNTIL SUCH TIME AS SUCH PERSON CEASES TO MEET THE QUALIFICATIONS SET FORTH IN SECTION 32-1-103 (5).

(5) ANY PERSON ELECTED TO A BOARD WHOSE QUALIFICATION AS AN ELIGIBLE ELECTOR IS NOT CHALLENGED AND OVERTURNED IN ACCORDANCE WITH THE REQUIREMENTS SPECIFIED IN PART 2 OF ARTICLE 11 OF TITLE 1, C.R.S., SHALL NOT

BE SUBJECT TO FURTHER CHALLENGE BASED UPON QUALIFICATION AS A PROPERTY OWNER UNDER THIS SECTION FOR THE REMAINDER OF THE DIRECTOR'S TERM IN OFFICE.

**SECTION 2. Applicability.** This act shall apply to elections held on or after the effective date of this act.

**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: March 29, 2006