



**Legislative Council Staff**  
*Nonpartisan Services for Colorado's Legislature*

**Memorandum**

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**TO:** Interested Persons  
**FROM:** Julia Jackson, Senior Research Analyst, 303-866-4788  
**SUBJECT:** Special District Elections

**Summary**

This memorandum provides information about special district elections in Colorado. Specifically, it provides an overview of special district elections and the times at which special district elections are conducted. Also included are an overview of special districts generally and a table of all election dates in Colorado law.

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**Special Districts in Colorado**

Special districts are local governments that provide services or infrastructure to promote the health, safety, prosperity, security, and general welfare of the inhabitants of the district. The Special District Act, Article 1 of Title 32, C.R.S., is the enabling law for many different types of special districts and specifies the services that may be provided. It also specifies the procedures to form a district, district funding sources, and the composition of special district governing bodies. According to the Department of Local Affairs (DOLA), there are currently over 2,700 Title 32, Article 1 special districts in Colorado, though the number regularly fluctuates as districts are created and dissolved.

About 1,000 other special districts, such as water conservancy districts and cemetery districts, are created outside of Title 32, Article 1. Each of these types of districts has its own enabling law.

There are several reasons why special districts are created. Typically, special districts serve to divide the costs of services evenly among all property owners and residents within the district. Special districts also provide the ability to finance large infrastructure and public facility projects, and the costs are repaid over time as development occurs and property values increase. Lastly, special

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districts provide more autonomy than local improvement districts that are directly created by a county or municipality, generally to address shorter-term issues.

Initially, voters decide whether a special district should be formed and who will serve on the board of directors. Once a special district is created, the district's board may levy taxes, charge fees, and own property — consistent with the provisions of the Taxpayer's Bill of Rights (TABOR).<sup>1</sup>

## Special District Elections

Special districts conduct elections for their board members, for TABOR issues such as tax and bond questions, and for general non-TABOR issues, pursuant to their enabling laws. Non-Title 32, Article 1 special districts may not conduct elections at all, as many of their boards are appointed. This section focuses on Title 32, Article 1 special districts.

Elections in Colorado are governed by three separate election codes. Special districts can choose to conduct their elections pursuant to either the Uniform Election Code of 1992,<sup>2</sup> which governs coordinated elections, or the Colorado Local Government Election Code,<sup>3</sup> which applies to nonpartisan elections not coordinated by county clerks. If a special district election falls on the same date as a municipal election with overlapping boundaries, the district may choose to hold its election jointly with the municipality under the Colorado Municipal Election Code of 1965.<sup>4</sup> If a special district election is coordinated with a county or held jointly with a municipality, the special district questions appear on the same ballot as those elections.

Under the Colorado Local Government Election Code, adopted in 2014, special districts conducting independent elections are exempt from several of the features of Colorado's statewide election laws. Notably, for their regular elections, special districts are not required to send a mail ballot to all voters, although they can choose to do so, or to offer provisional ballots to voters who are not on the district's eligible voter list.

A special district choosing to conduct a polling place election under the Colorado Local Government Election Code must offer absentee ballots and maintain a permanent absentee voter list. Special district TABOR elections must be conducted by mail ballot.

Provisions of the Colorado Local Government Election Code concerning recounts, recall elections, watchers, and challenges mirror those found in the Colorado Municipal Election Code.

**Participation in special district elections.** An eligible elector in a special district election is a person who is registered to vote in Colorado, and:

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<sup>1</sup>Colo. Const. art. X, section 20.

<sup>2</sup>Articles 1 through 13 of Title 1, C.R.S.

<sup>3</sup>Article 13.5 of Title 1, C.R.S.

<sup>4</sup>Article 10 of Title 31, C.R.S.

- who is a resident of the special district or the area to be included in the special district; or
- who, or whose spouse or civil union partner, owns taxable real or personal property situated within the boundaries of the special district or the area to be included in the special district, whether said person resides within the district or not.<sup>5</sup>

A person who is obligated to pay taxes under a contract to purchase taxable property situated within the boundaries of the special district or the area to be included within the special district is considered an owner, as is an owner of a mobile home or manufactured home. However, a partnership, corporation, or trust is not a "person," and therefore a person owning property through such a legal entity is not eligible to vote.

Special districts are responsible for obtaining from the county clerks a list of eligible electors residing in their districts, and from the county assessors a list of property owners within the district boundaries. These lists together comprise the eligible voter list for a special district election.

**Regular and special election dates.** Under the Colorado Local Government Election Code, regular elections are those where district directors are elected. These have been held on the Tuesday following the first Monday of May in even-numbered years, but beginning in 2023, they will be held in odd-numbered years. The transition to odd-numbered years was a result of House Bill 18-1039 and means that some districts will hold regular elections in May of both 2022 and 2023.

Ballot issue elections concerning bonds (TABOR questions) must be held either at regular elections, in coordinated elections in November of even-numbered years, or in TABOR elections in November of odd-numbered years. Special elections, called by a special district board for non-TABOR questions, can be held in February, May (of even-numbered years), October, or December. See Table 1 on page 5 for additional information about election dates specified in Colorado law.

**Designated election officials.** The Local Government Election Code defines a designated election official as the person designated by the governing body of a special district or by court order to supervise election duties for the district. The designated election official has a number of powers and duties under the law, all of which may also be exercised by a deputy designated election official if one has been appointed. The law does not specify who can be appointed as a designated election official, but it is usually an attorney or paralegal at a law firm with experience in special district elections. The Department of Local Affairs, in its elections trainings, discourages districts from appointing a sitting special district director as a designated election official. The law specifies that to the fullest extent possible, no member of a district's canvass board nor his or her spouse or civil union partner should have a direct interest in the election,<sup>6</sup> and the designated election official serves on the canvass board.

**Call for nominations.** Senate Bill 21-262 changed the way special districts must provide notice in advance of their scheduled elections. The call for nominations states the director positions up for election and provides information about how eligible electors can nominate themselves for these positions. Calls for nominations must be made 75 to 100 days before the election by two different methods. For metro districts organized after January 1, 2000, one method must be to email all

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<sup>5</sup>Section 32-1-103 (5)(a), C.R.S.

<sup>6</sup>Section 1-13.5-1301 (2), C.R.S.

registered electors in the district, or mail notice to any registered elector for whom an email address is not available. For all other Title 32, Article 1 special districts, one method must be publication in a newspaper of general circulation in the special district. The second method of providing a call for nominations can be:

- mailing to all registered electors (for older districts not already required to email);
- including the notice prominently in an informational mailing, such as a newsletter;
- posting on an official website; or
- in the case of small, rural districts, posting the notice in three places within district boundaries and the county clerk and recorder's office.

## **Federal Law Applicable to Special District Elections**

Special districts must follow federal law regarding language accommodations, polling place accommodations for people with disabilities, and military and overseas voters.

**Language minority provisions of the Voting Rights Act.** Special districts in covered areas must provide election materials in languages other than English under federal law.<sup>7</sup> These coverage requirements are updated every five years, most recently in 2021. Currently, in Adams, Alamosa, Conejos, Costilla, Denver, and Saguache counties, election materials must be provided in Spanish. La Plata and Montezuma counties must provide Ute language assistance for elections. House Bill 21-1011 also set state standards for multilingual ballot access, which the Secretary of State has found to apply to Spanish language in 14 additional counties in 2022. However, this law only applies to statewide general and odd-year elections, so it would only apply to special districts when they are participating in a coordinated election run by their county clerk.

**Americans with Disabilities Act.** If a special district conducts a polling place election, polling places must be accessible pursuant to federal law.<sup>8</sup> Polling places and ballot drop-offs should be in public places wherever possible, but they do not necessarily have to be located within the special district.

**Uniform and Overseas Citizens Absentee Voting Act (UOCAVA).** UOCAVA voters are registered electors who are in the military and stationed overseas or citizens otherwise living abroad.<sup>9</sup> Special districts are among the local governments that must send ballots to UOCAVA voters at least 45 days prior to the election. The voters can choose to have their ballots delivered and returned by mail, fax, or email. The voted ballots must be postmarked or sent by 7:00 PM on election day.

## **Additional Guidance for Special Districts**

The Department of Local Affairs maintains a website on special district elections here:

<https://cdola.colorado.gov/special-district-elections>

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<sup>7</sup>52 U.S.C. § 10503.

<sup>8</sup>52 U.S.C. § 20102.

<sup>9</sup>52 U.S.C. § 20310 and Section 1-8.3-102 (2), C.R.S.

**Table 1  
Election Dates in Colorado Law**

	General Elections (federal, state, counties)	School District Elections	Municipal Elections*		Special District Elections
			Statutory Cities	Statutory Towns	
<b>Regular Elections (officers)</b>	1st Tuesday after the 1st Monday in November of even-numbered years.	1st Tuesday in November of odd-numbered years.	1st Tuesday in November of odd-numbered years.**	1st Tuesday in April of even-numbered years.**	1st Tuesday after the 1st Monday in May of odd-numbered years.***
<i>Citation</i>	§ 1-1-104 (17), C.R.S.	§ 22-31-104 (1), C.R.S.	§ 31-1-101 (10), C.R.S.		§ 1-13.5-111 (1), C.R.S.
<b>Primary Elections</b>	Last Tuesday in June of even-numbered years.	Nonpartisan races do not have primary elections.			
<i>Citation</i>	§ 1-1-104 (32), C.R.S.	n/a			
<b>Presidential Primary Election</b>	A Tuesday designated by the Governor in a presidential election year.	n/a			
<i>Citation</i>	§ 1-1-1203, C.R.S.	n/a			
<b>Special Elections (non-TABOR questions)</b>	As designated by the governing board.	Any Tuesday designated by the governing body, except not within the 90 days preceding the municipality's regular election, and not within the 32 days before or after a primary, general, or congressional vacancy election. Can also be coordinated with another scheduled election.		1st Tuesday after the 1st Monday in February, May, October, or December.	
<i>Citation</i>	§ 1-1-104 (46), C.R.S.	§ 31-10-108, C.R.S.		§ 1-13.5-111 (2), C.R.S.	
<b>Recall Elections</b>	Not less than 30 nor more than 60 days after a recall petition has been adjudicated sufficient, unless a general election is to be held within 90 days, in which case the recall must be held as part of that election.	Not less than 30 nor more than 90 days after a recall petition has been determined sufficient and submitted to the governing body by the municipal clerk, unless a general election is to be held within 180 days, in which case the recall must be held as part of that election.			
<i>Citation</i>	§ 1-12-111, C.R.S.	§ 31-4-503 (4), C.R.S.			
<b>TABOR Questions</b>	Regular elections, or the 1st Tuesday in November of odd-numbered years.				
<i>Citation</i>	Colo. Const. art. X, § 20 (3)(a).				

Source: Legislative Council Staff.

\*Home rule municipalities set their own election procedures in their charters.

\*\*A municipality can put its regular election date to a vote, and with the support of the voters, move the date to the first Tuesday after the first Monday in November of even- or odd-numbered years.

\*\*\*Regular special district elections are currently held in even-numbered years, but will move to odd-numbered years effective July 1, 2022.