



Special District Association of Colorado

HB 18-1268 – Procedures to Recall Director of a Special District

By Rep. Gray and Sen. Gardner

SDA requests your support

The proposed legislation provides greater clarity for the functions that a special district must perform if a recall is initiated by a member of the public.

The recall of elected officials is occurring at a greater rate in the current political environment. The updates and clarifications of the procedures for the recall process for special district directors will assist the public, special district election officials, managers of special districts, and attorney practitioners.

To eliminate confusion, this legislation relocates recall processes for special district elections from the Municipal Code (Title 31) to the Special District Code (Title 32).

The bill:

Section 1. Uncouples the special district recall process from the process currently designated in the Title 31 (Municipal Code);

Section 2. Removes the requirement that a recall election must proceed if a director does not resign within 5 days after the recall petition has been sustained;

Section 3. Specifies that recall procedures to recall a director of a special district are governed by Part 9 of Title 32 (Special District Code).

This section of the bill sets forth specific requirements for every aspect of recall petitions and the recall election process:

- The legislation contains detailed and specific statutory processes and procedures related to:
 - Petition forms (required information, general statement for recall, warning, etc.);
 - Approval and denial of petition forms;
 - Circulating and gathering signatures;
 - Handling and processing petition forms;

- Verification and sufficiency (or insufficiency) of petition forms;
- Protests of a sufficiency determination, includes hearing;
- Judicial review of a determination of sufficiency;
- Ordering and fixing a date for a recall election;
- Statutory time frames for certain events to occur;
- Cancellation of election upon resignation of the director being recalled;
- Ballot requirements including specific language to be included and statements in support of the recall and in support of the director retention;
- Absentee ballots;
- Effect of the vote;
- Determining a successor if a director is recalled;
- Requests for reimbursement of reasonable expenses if a director is not recalled;
- Limits on second retention election;
- Powers of the Designated Election Official ("DEO");
- Costs of the special election;
- Applicability of the "Uniform Election Code of 1992."

For additional information or if you have any questions, please contact:

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