

Second Regular Session
Sixty-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 02-0548.01 Nicole Hoffman

SENATE BILL 02-096

SENATE SPONSORSHIP

Andrews

HOUSE SPONSORSHIP

(None)

Senate Committees

Education

House Committees

A BILL FOR AN ACT

101 CONCERNING SCHOOL ELECTIONS, AND, IN CONNECTION THEREWITH,
102 MAKING SCHOOL ELECTIONS PARTISAN ELECTIONS AND
103 HOLDING SCHOOL ELECTIONS AT THE EVEN-NUMBERED YEAR
104 GENERAL ELECTION.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Makes school director elections partisan. Requires a regular school election to be held as part of a general election in November of even-numbered years so that partisan candidates for the office of school director can be nominated and elected in conjunction with, and through similar procedures as, other partisan officers. Sets forth signature

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

requirements for nomination petitions for school director candidates. Makes the county clerk and recorder the chief designated election official for all regular school elections.

Requires temporary appointment of school directors to succeed those directors whose terms expire to accommodate the change in the date of regular school elections.

Requires that any vacancy in a school director office be filled by a vacancy committee rather than by the board of education of the school district in which the vacancy occurs.

Makes conforming amendments to ensure that all issues or candidates that are presently voted upon at regular odd-year school elections will be voted upon at general elections.

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

2 **SECTION 1.** 1-1-104 (39), Colorado Revised Statutes, is
3 amended to read:

4 **1-1-104. Definitions.** As used in this code, unless the context
5 otherwise requires:

6 (39) "Regular biennial school election" means:

7 (a) BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION (39), AS
8 AMENDED, the election held on the first Tuesday in November of each
9 odd-numbered year;

10 (b) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (39),
11 AS AMENDED, THE ELECTION HELD CONCURRENTLY WITH THE STATE
12 GENERAL ELECTION IN EVERY EVEN-NUMBERED YEAR.

13 **SECTION 2.** 1-1-201, Colorado Revised Statutes, is amended to
14 read:

15 **1-1-201. Commencement of terms - state, congressional**
16 **district, and county officers, and school directors.** The regular terms
17 of office of all state, congressional district, and county officers, AND ALL
18 SCHOOL DISTRICT DIRECTORS shall commence on the second Tuesday of
19 January next after their election, except as otherwise provided by law.

1 **SECTION 3.** 1-3-103 (1) (d), Colorado Revised Statutes, is
2 amended to read:

3 **1-3-103. Party committees.** (1) (d) Except as provided in
4 paragraph (d) of subsection (4), paragraph (b) of subsection (5), and
5 paragraph (b) of subsection (6) of this section, all other central
6 committees shall meet on a date which falls between February 15 and
7 April 1 of the odd-numbered years to organize by electing a chairperson,
8 a vice-chairperson, and a secretary and shall select a vacancy committee
9 authorized to fill vacancies in the central committees, and in THE district
10 and state offices, AND IN THE SCHOOL DISTRICT OFFICES held by members
11 of the political party.

12 **SECTION 4.** 1-4-101 (3), Colorado Revised Statutes, is amended
13 to read:

14 **1-4-101. Primary election nominations made.** (3) All
15 nominations by major political parties for candidates for United States
16 senator, representative in congress, all elective state, district, and county
17 officers, SCHOOL DISTRICT DIRECTORS, and members of the general
18 assembly shall be made by primary elections; except that, for general
19 elections occurring after January 1, 2001, nominations by major political
20 parties for candidates for lieutenant governor shall not be made by
21 primary elections and shall be made pursuant to section 1-4-502 (3).
22 Neither the secretary of state nor any county clerk and recorder shall
23 place on the official general election ballot the name of any person as a
24 candidate of any major political party who has not been nominated in
25 accordance with the provisions of this article, or who has not been
26 affiliated with the major political party for at least twelve months unless
27 otherwise provided by law, or who does not meet residency requirements

1 for the office, if any. The information found on the voter registration
2 record of the person seeking to be placed on the ballot is admissible as
3 prima facie evidence of compliance with this article.

4 **SECTION 5.** 1-4-204, Colorado Revised Statutes, is amended to
5 read:

6 **1-4-204. State and district officers.** At the general election in
7 1982 and every fourth year thereafter, the following state officers shall
8 be elected: One governor, one lieutenant governor, one secretary of state,
9 one state treasurer, and one attorney general. The lieutenant governor
10 shall be elected jointly with the governor. At every general election, the
11 number of members of the state house of representatives to which each
12 representative district is entitled shall be elected in that district.
13 Candidates for the offices of regents of the university of Colorado, state
14 senators, members of the state board of education, SCHOOL DISTRICT
15 DIRECTORS, and district attorneys shall be voted on at the general election
16 immediately prior to the expiration of the regular terms for those offices.

17 **SECTION 6.** 1-4-502 (1), Colorado Revised Statutes, is amended
18 to read:

19 **1-4-502. Methods of nomination for partisan candidates.**

20 (1) Except as otherwise provided in paragraphs (b) and (c) of subsection
21 (3) of this section, nominations for United States senator, representative
22 in congress, governor, lieutenant governor, secretary of state, state
23 treasurer, attorney general, member of the state board of education, regent
24 of the university of Colorado, member of the general assembly, district
25 attorney, SCHOOL DISTRICT DIRECTOR, and all county officers to be
26 elected at the general election may be made by primary election by major
27 political parties, by petition for nomination of an unaffiliated candidate

1 as provided in section 1-4-802, or by a minor political party as provided
2 in section 1-4-1304 (2).

3 **SECTION 7.** 1-4-801 (2) (a), Colorado Revised Statutes, is
4 amended to read:

5 **1-4-801. Designation of party candidates by petition.** (2) The
6 signature requirements for the petition are as follows:

7 (a) (I) Every petition in the case of a candidate for any county
8 office shall be signed by electors eligible to vote within the county
9 commissioner district or political subdivision for which the officer is to
10 be elected. The petition shall require signers equal in number to twenty
11 percent of the votes cast in the political subdivision at the contested or
12 uncontested primary election for the political party's candidate for the
13 office for which the petition is being circulated or, if there was no
14 primary election, at the last preceding general election for which there
15 was a candidate for the office.

16 (II) EVERY PETITION IN THE CASE OF A CANDIDATE FOR SCHOOL
17 DIRECTOR SHALL BE SIGNED BY ELECTORS ELIGIBLE TO VOTE WITHIN THE
18 SCHOOL DISTRICT. DIRECTORS SHALL BE ELECTED AS FOLLOWS:

19 (A) FOR DIRECTORS TO BE ELECTED AT THE 2004 GENERAL
20 ELECTION IN A SCHOOL DISTRICT THAT HAS AN AT-LARGE PLAN OF
21 REPRESENTATION, THE PETITION SHALL REQUIRE SIGNERS EQUAL IN
22 NUMBER TO TEN PERCENT OF THE VOTES CAST IN THE SCHOOL DISTRICT
23 FOR THE CANDIDATE THAT RECEIVED THE HIGHEST NUMBER OF VOTES CAST
24 FOR SCHOOL DIRECTOR AT THE MOST RECENT REGULAR BIENNIAL SCHOOL
25 ELECTION.

26 (B) FOR DIRECTORS TO BE ELECTED AT THE 2006 GENERAL
27 ELECTION AND EVERY GENERAL ELECTION THEREAFTER IN A SCHOOL

1 DISTRICT THAT HAS AN AT-LARGE PLAN OF REPRESENTATION, THE PETITION
2 SHALL REQUIRE SIGNERS EQUAL IN NUMBER TO TEN PERCENT OF THE VOTES
3 CAST IN THE SCHOOL DISTRICT FOR THE CANDIDATE THAT RECEIVED THE
4 HIGHEST NUMBER OF VOTES CAST FOR SCHOOL DIRECTOR AT THE MOST
5 RECENT PRIMARY FOR A SCHOOL ELECTION.

6 (C) FOR DIRECTORS TO BE ELECTED AT THE 2004 GENERAL
7 ELECTION IN A SCHOOL DISTRICT THAT HAS A DIRECTOR DISTRICT PLAN OF
8 REPRESENTATION, THE PETITION SHALL REQUIRE SIGNERS EQUAL IN
9 NUMBER TO TEN PERCENT OF THE VOTES CAST IN THE SCHOOL DISTRICT
10 FOR THE CANDIDATE THAT RECEIVED THE HIGHEST NUMBER OF VOTES CAST
11 FOR SCHOOL DIRECTOR IN THE APPLICABLE DIRECTOR DISTRICT AT THE
12 MOST RECENT REGULAR BIENNIAL SCHOOL ELECTION AT WHICH SUCH SEAT
13 WAS VOTED UPON.

14 (D) FOR DIRECTORS TO BE ELECTED AT THE 2006 GENERAL
15 ELECTION AND EVERY GENERAL ELECTION THEREAFTER IN A SCHOOL
16 DISTRICT THAT HAS A DIRECTOR DISTRICT PLAN OF REPRESENTATION, THE
17 PETITION SHALL REQUIRE SIGNERS EQUAL IN NUMBER TO TEN PERCENT OF
18 THE VOTES CAST IN THE SCHOOL DISTRICT FOR THE CANDIDATE THAT
19 RECEIVED THE HIGHEST NUMBER OF VOTES CAST FOR SCHOOL DIRECTOR IN
20 THE APPLICABLE DIRECTOR DISTRICT AT THE MOST RECENT PRIMARY FOR
21 A SCHOOL ELECTION AT WHICH SUCH SEAT WAS VOTED UPON.

22 **SECTION 8.** The introductory portion to 1-4-802 (1) (c) and
23 1-4-802 (1) (e), Colorado Revised Statutes, are amended, and the said
24 1-4-802 (1) (c) is further amended BY THE ADDITION OF A NEW
25 SUBPARAGRAPH, to read:

26 **1-4-802. Petitions for nominating unaffiliated candidates for a**
27 **partisan office.** (1) Candidates for partisan public offices to be filled at

1 a general or congressional vacancy election who do not wish to affiliate
2 with a political party may be nominated, other than by a primary election
3 or a convention, in the following manner:

4 (c) Every petition for the office of president and vice president,
5 for statewide office, for congressional district office, for the office of
6 member of the general assembly, for district attorney, ~~and~~ for county
7 office, AND FOR SCHOOL DISTRICT DIRECTOR shall be signed by eligible
8 electors residing within the district, ~~or~~ political subdivision, OR DIRECTOR
9 DISTRICT in which the officer is to be elected. The number of signatures
10 of eligible electors on a petition shall be as follows:

11 (VIII) (A) FOR CANDIDATES FOR SCHOOL DIRECTOR TO BE ELECTED
12 AT THE 2004 GENERAL ELECTION FOR A SCHOOL DISTRICT THAT HAS AN
13 AT-LARGE PLAN OF REPRESENTATION, THE LESSER OF FIVE HUNDRED OR
14 TWO PERCENT OF THE VOTES CAST IN THE SCHOOL DISTRICT IN THE MOST
15 RECENT BIENNIAL SCHOOL ELECTION, OR, FOR DIRECTORS TO BE ELECTED
16 AT THE 2006 GENERAL ELECTION AND AT ALL GENERAL ELECTIONS
17 THEREAFTER, THE LESSER OF FIVE HUNDRED OR TWO PERCENT OF THE
18 VOTES CAST IN THE SCHOOL DISTRICT IN THE MOST RECENT GENERAL
19 ELECTION, FOR ALL CANDIDATES FOR THE OFFICE OF SCHOOL DIRECTOR
20 DIVIDED BY THE NUMBER OF DIRECTOR SEATS THAT WERE VOTED UPON AT
21 SUCH ELECTION; AND

22 (B) FOR CANDIDATES FOR SCHOOL DIRECTOR TO BE ELECTED AT THE
23 2004 GENERAL ELECTION FOR A SCHOOL DISTRICT THAT HAS A DIRECTOR
24 DISTRICT PLAN OF REPRESENTATION, THE LESSER OF FIVE HUNDRED OR TWO
25 PERCENT OF THE VOTES CAST IN THE SCHOOL DISTRICT IN THE MOST RECENT
26 BIENNIAL SCHOOL ELECTION, OR, FOR DIRECTORS TO BE ELECTED AT THE
27 2006 GENERAL ELECTION AND AT ALL GENERAL ELECTIONS THEREAFTER,

1 THE LESSER OF FIVE HUNDRED OR TWO PERCENT OF THE VOTES CAST IN THE
2 SCHOOL DISTRICT IN THE MOST RECENT GENERAL ELECTION, FOR ALL
3 CANDIDATES FOR THE OFFICE OF SCHOOL DIRECTOR OF THE APPLICABLE
4 DIRECTOR DISTRICT.

5 (e) The petition may designate or appoint upon its face one or
6 more unaffiliated registered electors as a committee to fill vacancies in
7 accordance with section 1-4-1002 (4) and (5). However, in the case of a
8 petition for the office of state senator, ~~or~~ state representative, OR SCHOOL
9 DIRECTOR the petition shall designate or appoint upon its face three or
10 more unaffiliated registered electors as a committee to fill vacancies in
11 accordance with section 1-4-1002 (4) and (5) and section 1-12-203.

12 **SECTION 9. Repeal.** 1-4-803, Colorado Revised Statutes, is
13 repealed as follows:

14 **1-4-803. Petitions for nominating school district directors.**

15 ~~(1) Any person who desires to be a candidate for the office of school~~
16 ~~director in a school district in which fewer than one thousand students are~~
17 ~~enrolled shall file a nomination petition signed by at least twenty-five~~
18 ~~eligible electors from throughout the school district, regardless of the~~
19 ~~school district's plan of representation. Any person who desires to be a~~
20 ~~candidate for the office of school director in a school district in which one~~
21 ~~thousand students or more are enrolled shall file a nomination petition~~
22 ~~signed by at least fifty eligible electors from throughout the school district,~~
23 ~~regardless of the school district's plan of representation. An eligible~~
24 ~~elector may sign as many petitions as candidates for whom that elector~~
25 ~~may vote.~~

26 ~~(2) The nomination petition must be filed no later than sixty-seven~~
27 ~~days before the election date.~~

1 ~~(3) If a school district has an at-large method of representation and~~
2 ~~if terms of different lengths are to be filled at a district election, candidates~~
3 ~~must designate on the nomination petition the term for which they are~~
4 ~~running.~~

5 ~~(4) A candidate for the office of school director shall not run as a~~
6 ~~candidate of any political party for that school directorship.~~

7 ~~(5) The candidate for the office of school director shall have been~~
8 ~~an eligible elector and resident of the school district, as shown on the~~
9 ~~books of the county clerk and recorder, for at least twelve consecutive~~
10 ~~months prior to the date of the election.~~

11 **SECTION 10.** 1-11-212, Colorado Revised Statutes, is amended
12 to read:

13 **1-11-212. Contests for county, certain partisan officers, and**
14 **nonpartisan officers - ballot issues and ballot questions.** Contested
15 election cases of county OFFICERS, PARTISAN OFFICERS NOT OTHERWISE
16 PROVIDED FOR IN THIS PART 2 OR BY LAW, and nonpartisan officers, and
17 ballot issues and ballot questions shall be tried and decided by the district
18 court for the county in which the contest arises. If a political subdivision
19 is located in more than one county, the district court of either county may
20 take jurisdiction.

21 **SECTION 11.** 1-11-218, Colorado Revised Statutes, is amended
22 to read:

23 **1-11-218. Violations by the governing body.** If the results of any
24 county, PARTISAN, or nonpartisan election are disallowed as the result of
25 a proceeding held pursuant to sections 1-11-211 and 1-11-212, the elector
26 who instituted the proceedings may commence a civil action to recover
27 costs ~~and~~ OR reasonable attorney fees from the governing body.

1 **SECTION 12.** 1-12-105, Colorado Revised Statutes, is amended
2 to read:

3 **1-12-105. Signatures required for school district officers.** A
4 petition to recall a school district officer shall be signed by eligible
5 electors of the school district equal in number to at least forty percent of
6 those electors who voted in such district in the last preceding election at
7 which the director to be recalled was elected as indicated by the pollbook
8 or abstract for such election. If no such election was held, such petition
9 shall be signed by eligible electors of the school district equal in number
10 to at least ten percent of those electors residing within the school district
11 on the date that the form of the petition is approved under section
12 1-12-108 (4). In no case shall the number required for recall be less than
13 ten percent of eligible electors OF THE SCHOOL DISTRICT qualified to vote
14 in the most recent ~~biennial school~~ GENERAL election; except that no more
15 than fifteen thousand signatures shall be required.

16 **SECTION 13.** 1-12-106, Colorado Revised Statutes, is amended
17 to read:

18 **1-12-106. Signatures required for certain partisan and**
19 **nonpartisan officers.** A petition to recall any other PARTISAN OFFICER NOT
20 SPECIFIED IN SECTION 1-12-104 OR FOR WHICH NO PROCEDURE IS PROVIDED
21 BY LAW OR nonpartisan officer shall be signed by three hundred eligible
22 electors of the political subdivision who are entitled to vote for a successor
23 to the incumbent sought to be recalled or forty percent of the eligible
24 electors of the political subdivision at the time the form of the petition is
25 approved under section 1-12-108 (4), whichever number is less.

26 **SECTION 14.** 22-30-122 (1) (a), (1) (b), and (2), Colorado
27 Revised Statutes, are amended to read:

1 **22-30-122. Election of school directors in new school districts.**

2 (1) When a new school district is formed under the provisions of this part
3 1, the chair of the committee shall call for a special election in such new
4 school district for the selection of a board of education for the school
5 district, to be held on the day specified in the final approved plan of
6 organization. At such election, five or seven school directors, the number
7 having been established in the final approved plan of organization
8 pursuant to the provisions of section 22-30-114 (1) (h), shall be elected for
9 four-year terms as follows:

10 (a) When five school directors are to be elected at such election,
11 two school directors shall be elected to serve until the next ~~regular biennial~~
12 ~~school~~ GENERAL election and three school directors shall be elected to
13 serve until the second ~~regular biennial school~~ GENERAL election. As the
14 term of office of each school director expires, a successor shall be elected
15 for a four-year term of office.

16 (b) When seven directors are to be elected at such election, three
17 school directors shall be elected to serve until the next ~~regular biennial~~
18 ~~school~~ GENERAL election and four school directors shall be elected to serve
19 until the second ~~regular biennial school~~ GENERAL election. As the term of
20 office of each school director expires, a successor shall be elected for a
21 four-year term of office.

22 (2) Within ten days after the first election of members of the board
23 of education, the members so elected for such new school district shall
24 meet and shall elect officers as provided by law and thereupon enter upon
25 and perform all the duties and exercise all the powers of a board of
26 education. Such officers shall be selected to serve until the next ~~regular~~
27 ~~biennial school~~ GENERAL election.

1 **SECTION 15.** 22-30.5-205 (1) (a), Colorado Revised Statutes, is
2 amended to read:

3 **22-30.5-205. Charter school district application - requirements**
4 **- repeal.** (1) (a) Before a local board of education applies for a charter
5 to the state board, such board shall submit the issue of whether to operate
6 the school district as a charter school district to the eligible electors of the
7 school district at any ~~regular biennial school~~ GENERAL election or at a
8 special election called for said purpose. Any election called pursuant to
9 this subsection (1) shall be conducted pursuant to articles 1 to 13 of title
10 1, C.R.S. The local board of education shall name a designated election
11 official who shall be responsible for calling and conducting the special
12 election.

13 **SECTION 16.** 22-31-101 (5) and (7), Colorado Revised Statutes,
14 are amended to read:

15 **22-31-101. Definitions.** As used in this article, unless the context
16 otherwise requires:

17 (5) ~~"Regular biennial school election" means the election in a~~
18 ~~school district held at the time specified in section 22-31-104.~~

19 (7) "Special school election" means any school election provided
20 for by law and held at a time other than AT the ~~regular biennial school~~
21 GENERAL election.

22 **SECTION 17.** 22-31-103, Colorado Revised Statutes, is amended
23 to read:

24 **22-31-103. Duties of board of education and county clerk and**
25 **recorder in conducting school elections.** (1) A REGULAR SCHOOL
26 ELECTION CONDUCTED AS PART OF A GENERAL ELECTION SHALL BE
27 CONDUCTED BY THE COUNTY CLERK AND RECORDER IN CONFORMITY WITH

1 THE REQUIREMENTS OF SECTION 1-7-116, C.R.S. Except as otherwise
2 provided in this article, the board of education of each school district shall
3 govern the conduct of all SPECIAL school elections in the district, shall
4 designate an election official who shall be responsible for conducting the
5 SPECIAL SCHOOL election, and shall render all interpretations and make all
6 initial decisions as to controversies or other matters arising in the conduct
7 of such SPECIAL SCHOOL elections. THE BOARD OF EDUCATION OF ANY
8 SCHOOL DISTRICT MAY CONTRACT WITH THE COUNTY CLERK AND
9 RECORDER FOR THE ADMINISTRATION OF ANY OF THE DUTIES OF THE
10 BOARD, ITS SECRETARY, OR THE DESIGNATED ELECTION OFFICIAL RELATING
11 TO THE CONDUCT OF ANY SPECIAL SCHOOL ELECTION. All elections
12 authorized in this article shall be conducted pursuant to the provisions of
13 articles 1 to 13 of title 1, C.R.S.

14 ~~(2) The board of education of any school district may contract with~~
15 ~~the county clerk and recorder for the administration of any of the duties of~~
16 ~~the board, its secretary, or the designated election official relating to the~~
17 ~~conduct of any school election. The election shall be conducted by the~~
18 ~~county clerk and recorder if the county clerk and recorder is conducting~~
19 ~~a coordinated election pursuant to section 1-7-116, C.R.S.~~

20 **SECTION 18.** 22-31-104 (1), (2) (a), (2) (b) (I), and (3), Colorado
21 Revised Statutes, are amended to read:

22 **22-31-104. Regular school election.** (1) ~~Except as provided in~~
23 ~~section 22-31-131, pertaining to districts whose boundaries are~~
24 ~~coterminous with a city and county, The regular biennial school election~~
25 in each school district shall be held AS PART OF THE GENERAL ELECTION ON
26 the first Tuesday FOLLOWING THE FIRST MONDAY in November of each
27 ~~odd-numbered~~ EVEN-NUMBERED year.

1 (2) (a) In order to implement the change in the date for holding
2 regular ~~biennial~~ school elections, the following provisions shall apply:

3 (I) ~~Any school district director elected at the regular biennial~~
4 ~~election held in May of 1991 whose term would otherwise expire in May~~
5 ~~of 1995 shall serve for a term of four years and six months and shall serve~~
6 ~~until such director is succeeded by a director elected at the regular biennial~~
7 ~~school election held in November of 1995.~~

8 (II) ~~Any school district director elected at the regular biennial~~
9 ~~election held in May of 1991 and whose term would otherwise expire in~~
10 ~~May of 1997 shall serve for a term of six years and six months and shall~~
11 ~~serve until such director is succeeded by a director elected at the regular~~
12 ~~biennial school election held in November of 1997.~~

13 (III) Any school district director whose term expires in ~~May of~~
14 ~~1993~~ NOVEMBER OF 2003 shall be succeeded by a director appointed in
15 accordance with the provisions of paragraph (b) of this subsection (2) who
16 shall serve until such appointed director is succeeded by a director elected
17 at the ~~regular biennial school~~ GENERAL election held in ~~November of 1993~~
18 NOVEMBER OF 2004.

19 (IV) Any school district director whose term expires in ~~May of~~
20 ~~1995~~ NOVEMBER OF 2005 shall be succeeded by a director appointed in
21 accordance with the provisions of paragraph (b) of this subsection (2) who
22 shall serve until such appointed director is succeeded by a director elected
23 at the ~~regular biennial school~~ GENERAL election held in ~~November of 1995~~
24 NOVEMBER OF 2006.

25 (b) (I) The appointment of school district directors for ~~six-month~~
26 terms as provided in paragraph (a) of this subsection (2) shall be made by
27 the board of education of the school district; except that no school district

1 director whose term is expiring and who is seeking appointment to a
2 ~~six-month~~ term shall participate in proceedings conducted by the board
3 concerning the position held by that director pursuant to the provisions of
4 this paragraph (b). A director whose term is expiring may notify the board
5 in the time and manner prescribed by the board of such director's intention
6 to be considered for the appointment. If the director whose term is
7 expiring notifies the board and is otherwise qualified under this article, the
8 board may appoint such director. If the board is not notified within the
9 time provided that the director whose term is expiring intends to seek the
10 appointment or such director is not appointed to the ~~six-month~~ term, the
11 secretary of the board of education shall cause notice of the appointment
12 to be published for no less than two consecutive weeks in some newspaper
13 having general circulation in the school district, the first publication of
14 such notice to be made not less than thirty days before the expiration of
15 the term of office of the director in ~~May of 1993~~ NOVEMBER OF 2003 or
16 ~~May of 1995~~ NOVEMBER OF 2005, whichever is applicable. Any person
17 who meets the qualifications otherwise required by this article for the
18 election of directors and who desires to be considered for the appointment
19 shall file a written notice of such intention with the secretary of the board
20 of education within the time and in the manner prescribed by the board.
21 The board shall consider all applicants and shall make the appointment no
22 later than ten days following the expiration of the term of office of the
23 director in ~~May of 1993~~ NOVEMBER OF 2003 or ~~May of 1995~~ NOVEMBER
24 OF 2005, whichever is applicable. In the event that the number of
25 qualified applicants is less than the number of appointments to be made,
26 the board may appoint any qualified person to any position for which there
27 is no qualified applicant.

1 (3) Beginning with the regular biennial school election held in
2 November of 1993, school district directors elected shall serve until their
3 successors are elected and qualified. ~~In order for the directors to take~~
4 ~~office within such time period, the county clerk and recorder shall~~
5 ~~complete the survey of votes no later than seven days following the~~
6 ~~election. The director shall take office upon completion of the survey of~~
7 ~~votes but no later than fifteen days following the survey.~~

8 **SECTION 19.** 22-31-105 (1), (3) (a), (3) (b), (3) (d), (3) (e), (4),
9 (5), (6) (a), (6) (b), (6) (e), (6) (f), and (7) (b), Colorado Revised Statutes,
10 are amended to read:

11 **22-31-105. School directors - number - election - term - plan of**
12 **representation.** (1) (a) Except as otherwise provided in paragraph (b) of
13 this subsection (1), in each school district, regardless of when the school
14 district was organized, five, six, or seven school directors shall be elected,
15 the number having been established as required by law. The school
16 directors shall be elected at regular biennial school elections; EXCEPT
17 THAT, ON OR AFTER JANUARY 1, 2003, THE SCHOOL DIRECTORS SHALL BE
18 ELECTED AT GENERAL ELECTIONS, each for a term of four years and until
19 a successor has been elected and qualified; except that any school district
20 that elects directors for terms of six years as of July 1, 1999, may continue
21 electing directors for terms of six years until such time as the term length
22 may be changed as provided in subsection (3) of this section.

23 (b) In each school district coterminous with a city and county,
24 there shall be elected a seven-member board of education with one eligible
25 elector elected from each of five director districts and two eligible electors
26 elected from the district at large. School directors shall be elected at the
27 respective regular biennial school elections; EXCEPT THAT, ON OR AFTER

1 JANUARY 1, 2003, THE SCHOOL DIRECTORS SHALL BE ELECTED AT GENERAL
2 ELECTIONS, each for a term of four years and until a successor has been
3 elected and qualified. Elections shall be held in accordance with the
4 procedures established in section 22-31-131.

5 (3) (a) The board of education of any school district in which the
6 directors serve six-year terms may, by resolution passed by a majority of
7 the whole board, submit to the eligible electors of the school district, at the
8 next ~~regular biennial school~~ GENERAL election, a proposal to change the
9 terms of office of the directors of the district from six years to four years.
10 The proposed plan shall be adopted by resolution of the board at least one
11 hundred ten days prior to the election.

12 (b) Upon receipt of a written petition that meets the requirements
13 specified in this paragraph (b), the board of education of any school
14 district in which the directors serve six-year terms shall submit to the
15 eligible electors of the school district, at the next ~~regular biennial school~~
16 GENERAL election, a proposal to change the terms of office of the directors
17 of the district from six years to four years. The petition shall be signed by
18 at least five percent of the eligible electors of the district, and the proposed
19 plan, specifying terms of office and establishing the procedure for making
20 the transitions, shall be attached thereto. The petition, together with the
21 proposed plan, shall be submitted to the secretary of the board of
22 education at least one hundred ten days prior to the election.

23 (d) The secretary of the board of education shall cause notice to be
24 given pursuant to section 1-5-205, C.R.S., that at the next ~~biennial~~
25 GENERAL election for school directors a plan revising the terms of office
26 of school directors will be submitted to the eligible electors of the district.
27 The notice shall state that the plan is on file in the administration offices

1 of the school district for public inspection during reasonable business
2 hours; and the notice may be combined with the notice otherwise required
3 for the election of school directors at the ~~regular biennial school~~ GENERAL
4 election.

5 (e) The ballot shall contain the words "For a four-year term of
6 office for school directors" and "Against a four-year term of office for
7 school directors". Otherwise, the ballots and election procedures shall be
8 the same as prescribed for the ~~regular biennial school~~ GENERAL election.

9 (4) (a) The board of education of a school district may, by
10 resolution passed by a majority of the whole board, submit to the eligible
11 electors of the school district, at the next ~~regular biennial school~~ GENERAL
12 election, a proposal to change the number of directors; except that the
13 school district shall not elect fewer than five nor more than seven
14 directors. The proposal shall be adopted by resolution of the board at least
15 one hundred ten days prior to the election. As provided in subsection (7)
16 of this section, the board of education may simultaneously adopt a
17 resolution to submit a proposal to change the school district plan of
18 representation; except that, if the existing school directors are elected
19 pursuant to a director district plan of representation, the board of
20 education shall simultaneously adopt a resolution to submit a proposal to
21 either change the boundaries of the director districts to reflect the change
22 in the number of directors or change the school district plan of
23 representation to adopt an at-large plan of representation or a combined
24 director district and at-large plan of representation.

25 (b) Upon receipt of a written petition that meets the requirements
26 specified in this paragraph (b), the board of education of a school district
27 shall submit to the eligible electors of the school district, at the next

1 ~~regular biennial school~~ GENERAL election, a proposal to change the
2 number of directors; except that the school district shall not elect fewer
3 than five nor more than seven directors. As provided in subsection (7) of
4 this section, the persons submitting the petition may simultaneously
5 submit a petition to change the school district plan of representation. If
6 the existing school directors are elected pursuant to a director district plan
7 of representation and no change to the school district plan of
8 representation is submitted by petition, the board of education shall adopt
9 a resolution to submit a proposal to either change the boundaries of the
10 director districts to reflect the change in the number of directors or change
11 the school district plan of representation to adopt an at-large plan of
12 representation or a combined director district and at-large plan of
13 representation. Any petition submitted pursuant to this paragraph (b) shall
14 be signed by at least five percent of the eligible electors of the district and
15 shall be submitted to the secretary of the board of education at least one
16 hundred ten days prior to the election.

17 (c) ~~The secretary of the board of education~~ COUNTY CLERK AND
18 RECORDER OF ANY COUNTY THAT CONTAINS ALL OR PART OF A SCHOOL
19 DISTRICT IN WHICH A PROPOSAL TO INCREASE THE NUMBER OF DIRECTORS
20 FROM FIVE TO SEVEN IS TO BE SUBMITTED TO THE ELIGIBLE ELECTORS OF
21 SUCH DISTRICT shall cause notice to be given pursuant to section 1-5-205,
22 C.R.S., that at the next ~~regular biennial~~ GENERAL election ~~for school~~
23 ~~directors~~ a proposal to change the number of directors and the school
24 district plan of representation, if submitted or adopted pursuant to
25 paragraph (a) or (b) of this subsection (4), will be submitted to the eligible
26 electors of the district.

27 (d) The ballot shall contain the words "For changing the number

1 of school directors from ___ to ___ (and for the proposed change to the
2 director district plan of representation)" and "Against changing the number
3 of school directors from ___ to ___ (and against the proposed change to
4 the director district plan of representation)". Otherwise the ballots and
5 election procedures shall be the same as prescribed for the ~~regular biennial~~
6 ~~school~~ GENERAL election.

7 (e) If a majority of the votes cast on the question are "For changing
8 the number of school directors from ___ to ___ (and for the proposed
9 change to the director district plan of representation)", the plan shall
10 become effective for the election of school directors at subsequent ~~regular~~
11 ~~biennial school~~ GENERAL elections. If a majority of the votes cast are
12 "Against changing the number of school directors from ___ to ___ (and
13 against the proposed change to the director district plan of
14 representation)", there shall continue to be the same number of school
15 directors operating under the same plan of representation in such district
16 as existed prior to the election.

17 (5) (a) In any school district in which the terms of office of the
18 directors expire on a schedule that does not create as close to the same
19 number of offices to be filled at each ~~regular biennial school~~ GENERAL
20 election as possible, the board of education may, by resolution passed by
21 a majority of all members of the board of education, extend or reduce for
22 two years one or more terms of directors to be elected at the next ~~regular~~
23 ~~biennial school~~ GENERAL election as necessary to achieve thereafter as
24 close to the same number of offices to be filled at each ~~regular biennial~~
25 ~~school~~ GENERAL election as possible. The extension or reduction of terms
26 of office shall occur only once; thereafter, all terms of the members of the
27 board of directors shall be equal.

1 (b) In determining which term or terms to extend or reduce, the
2 board of education shall select, first, the term or terms for which an early
3 election is scheduled at the next ~~regular biennial school~~ GENERAL election
4 due to the occurrence of a vacancy in the office of school director and,
5 second, the term or terms regularly expiring at the next succeeding ~~regular~~
6 ~~biennial school~~ GENERAL election. In the event it is necessary for the
7 board of education to select between two or more terms of equal priority
8 for extension or reduction under this subsection (5), the determination
9 shall be by lot.

10 (c) The resolution extending or reducing the terms of office shall
11 be adopted not less than one hundred ten days prior to the next ~~regular~~
12 ~~biennial school~~ GENERAL election. A candidate shall run for and, if
13 elected, shall serve the term as is appropriate for the director district in
14 which the candidate resides; however, if the school district has an at-large
15 plan of representation or a combined director district and at-large plan of
16 representation, each candidate shall run for and, if elected, shall serve for
17 the designated term. ~~as provided for in section 1-4-803 (3), C.R.S.~~

18 (6) (a) The board of education of any school district that desires to
19 propose a change in its plan of representation may submit a plan to
20 implement such change to the eligible electors of the school district at any
21 ~~regular biennial school~~ GENERAL election or at a special school election
22 called by the board for that purpose. A change in the plan of
23 representation may consist of the adoption of a director district plan of
24 representation, the elimination of a director district plan of representation
25 and replacement with an at-large plan of representation, or the adoption
26 of a plan of representation that combines director districts with an at-large
27 plan of representation. The plan shall be adopted by the board of

1 education at least one hundred ten days prior to the election.

2 (b) The eligible electors of any school district who desire to
3 propose the adoption of any change to the school district plan of
4 representation specified in paragraph (a) of this subsection (6) may
5 petition the board of education of the school district to submit a plan to
6 implement the change to the eligible electors of the district at any ~~regular~~
7 ~~biennial school~~ GENERAL election. The petition shall be signed by at least
8 five percent of the eligible electors of the school district, and the proposed
9 plan of representation shall be attached thereto. The petition, together
10 with the proposed plan, shall be submitted to the secretary of the board of
11 education of the school district at least one hundred ten days prior to the
12 election. If the plan meets statutory requirements, the board of education
13 shall submit the plan to the eligible electors of the school district at the
14 next ~~regular biennial school~~ GENERAL election.

15 (e) The ballot shall contain the words "For the proposed director
16 district plan of representation" and "Against the proposed director district
17 plan of representation", or "For the proposed at-large plan of
18 representation" and "Against the proposed at-large plan of representation",
19 or "For the proposed combined director district and at-large plan of
20 representation" and "Against the proposed combined director district and
21 at-large plan of representation", as the case may be. Otherwise, the ballots
22 and election procedures shall be, as nearly as practicable, as prescribed for
23 a ~~regular biennial school~~ GENERAL election.

24 (f) If a majority of the votes cast at the election are for the
25 proposed plan of representation, the plan shall become effective upon the
26 survey of election returns; but no plan of representation shall terminate the
27 office of any school director elected at or prior to the election at which the

1 plan is submitted. The plan shall be effective after the election for
2 subsequent vacancies and the election of school directors at any
3 subsequent ~~regular biennial school~~ GENERAL election. In the event that,
4 as a result of the adoption of a plan of representation, two or more
5 members of the board of education reside in the same new director district
6 and the office of any one of the members thereafter becomes vacant, the
7 vacancy shall be filled by the appointment of an eligible elector residing
8 in a director district that does not then have a representative on the board
9 of education. If the majority of the votes cast at the election are against
10 the proposed plan of representation, the school directors of the district
11 shall continue to be elected or appointed as provided under the existing
12 plan of representation, except as otherwise provided in section 22-31-110.

13 (7) (b) Any plan to change the number of director districts adopted
14 pursuant to this section shall provide, if necessary, that the term of office
15 of one or more directors to be elected at a subsequent ~~regular biennial~~
16 ~~school~~ GENERAL election may be less than otherwise prescribed by law, in
17 order to preserve the election of approximately the same number of
18 directors at each ~~regular biennial school~~ GENERAL election.

19 **SECTION 20.** 22-31-106 (1), Colorado Revised Statutes, is
20 amended to read:

21 **22-31-106. Persons entitled to vote at general elections and**
22 **special school elections - registration required.** (1) No person shall be
23 permitted to vote at any ~~regular biennial school~~ GENERAL election or
24 special school election without first having been registered in the manner
25 required by the provisions of article 2 of title 1, C.R.S.

26 **SECTION 21. Repeal.** 22-31-107 (2), Colorado Revised Statutes,
27 is repealed as follows:

1 **22-31-107. Qualification and nomination of candidates for**
2 **school director.** (2) ~~Any person who desires to be a candidate for the~~
3 ~~office of school director shall file a written notice of intention with the~~
4 ~~secretary of the board of education of the school district in which the~~
5 ~~person resides prior to sixty-six days before the election date, together~~
6 ~~with a nomination petition according to the provisions of section 1-4-803~~
7 ~~and part 9 of article 4 of title 1, C.R.S.~~

8 **SECTION 22.** 22-31-110 (2), Colorado Revised Statutes, is
9 amended to read:

10 **22-31-110. Changes in director districts.** (2) The revision of
11 director district boundaries and redesignation of the director districts shall
12 become effective immediately upon adoption of the resolution by the
13 board of education, but the revision and redesignation shall not operate to
14 terminate the office of any school director holding office at the time of
15 adoption of the resolution. The revision and redesignation shall be,
16 thereafter, effective for filling of vacancies and the election of any school
17 directors at any subsequent ~~regular biennial school~~ GENERAL election. In
18 the event that, as a result of a revision and redesignation, two or more
19 members of the board of education reside in the same new director district,
20 and the office of any one of the members thereafter becomes vacant, the
21 vacancy shall be filled by the appointment of an eligible elector residing
22 in a director district which does not then have a representative on the
23 board of education.

24 **SECTION 23.** 22-31-129 (1) (a), (2), (3), and (4), Colorado
25 Revised Statutes, are amended to read:

26 **22-31-129. Vacancies.** (1) A school director office shall be
27 deemed to be vacant upon the occurrence of any one of the following

1 events prior to the expiration of the term of office:

2 (a) If for any reason a school director is not elected to a school
3 director office by the eligible electors as may be required at a regular
4 biennial school GENERAL election;

5 (2) ~~At the next board of education meeting immediately following~~
6 ~~the occurrence of any condition specified in subsection (1) of this section,~~
7 ~~the board of education of the district shall adopt a resolution declaring a~~
8 ~~vacancy in the school director office, and the board of education of the~~
9 ~~school district in which the vacancy occurs shall appoint a person to fill~~
10 ~~the vacancy within sixty days after the vacancy has occurred. If the~~
11 ~~appointment is not made by the board within the sixty-day period, the~~
12 ~~president of the board shall forthwith appoint a person to fill the vacancy.~~
13 ~~The appointment shall be evidenced by an appropriate entry in the minutes~~
14 ~~of the meeting and the board shall cause a certificate of appointment to be~~
15 ~~delivered to the person so appointed. A duplicate of each certificate of~~
16 ~~appointment shall be forwarded to the department of education.~~

17 (3) ~~If the vacancy occurs more than ninety days prior to the next~~
18 ~~regular biennial school election and the unexpired term is for more than~~
19 ~~two years, an appointee to the office of school director shall serve until the~~
20 ~~next regular biennial school election when the successor for the remainder~~
21 ~~of the term is elected and has qualified. If the vacancy occurs within the~~
22 ~~ninety-day period prior to a regular biennial school election and the~~
23 ~~unexpired term is for more than two years, an appointee to the office of~~
24 ~~school director shall serve until the next succeeding regular biennial~~
25 ~~school election when a successor for the remainder of the term is elected~~
26 ~~and has qualified. Except as otherwise provided in this subsection (3), an~~
27 ~~appointee to the office of school director shall serve for the remainder of~~

1 ~~the unexpired term.~~

2 ~~(4) Whenever the filling of a vacancy, as provided in subsection~~
3 ~~(3) of this section, causes terms of different duration to be open at the time~~
4 ~~of the regular election in a school district which has an at-large plan of~~
5 ~~representation or a combined director district and at-large plan of~~
6 ~~representation, candidates running at large shall designate the term for~~
7 ~~which they are running. in accordance with section 1-4-803 (3), C.R.S.~~

8 **SECTION 24.** Article 31 of title 22, Colorado Revised Statutes,
9 is amended BY THE ADDITION OF A NEW SECTION to read:

10 **22-31-129.5. Vacancies filled by party committee.** (1) IN CASE
11 OF A VACANCY OCCURRING IN THE OFFICE OF SCHOOL DIRECTOR, THE
12 APPROPRIATE SCHOOL DISTRICT OFFICE VACANCY COMMITTEE CREATED
13 PURSUANT TO SECTION 1-3-103 (1) (d), C.R.S., SHALL, BY A MAJORITY VOTE
14 OF THE QUORUM PRESENT, FILL THE VACANCY BY APPOINTMENT WITHIN TEN
15 DAYS AFTER THE OCCURRENCE OF THE VACANCY. IF THE VACANCY
16 COMMITTEE FAILS TO FILL THE VACANCY WITHIN TEN DAYS, THE PRESIDENT
17 OF THE BOARD OF EDUCATION SHALL FILL IT BY APPOINTMENT WITHIN
18 FIFTEEN DAYS.

19 (2) IF THE VACATING SCHOOL DIRECTOR IS UNAFFILIATED, A
20 REGISTERED UNAFFILIATED SUCCESSOR SHALL BE APPOINTED BY THE
21 PRESIDENT OF THE BOARD OF EDUCATION, ACTING AS A VACANCY
22 COMMITTEE, WITHIN TEN DAYS AFTER THE VACANCY.

23 (3) IF THE VACATING SCHOOL DIRECTOR IS AFFILIATED WITH A
24 MINOR POLITICAL PARTY, THEN A REGISTERED ELECTOR AFFILIATED WITH
25 THE SAME MINOR POLITICAL PARTY SHALL BE APPOINTED AS THE
26 SUCCESSOR PURSUANT TO THE CONSTITUTION OR BYLAWS OF THE MINOR
27 POLITICAL PARTY.

1 (4) ANY PERSON APPOINTED TO A VACANCY IN THE OFFICE OF
2 SCHOOL DIRECTOR UNDER THIS SECTION SHALL BE A RESIDENT OF THE
3 COUNTY IN WHICH THE SCHOOL DISTRICT IS LOCATED AND RESIDE WITHIN
4 THE DIRECTOR DISTRICT, IF ANY, IN WHICH THE VACANCY EXISTS AND
5 SHALL BE A MEMBER OF THE SAME POLITICAL PARTY OR MINOR POLITICAL
6 PARTY, IF ANY, SHOWN ON THE REGISTRATION BOOKS OF THE COUNTY
7 CLERK AND RECORDER AS THE VACATING SCHOOL DIRECTOR. ANY PERSON
8 APPOINTED PURSUANT TO THIS SECTION SHALL HOLD THE OFFICE UNTIL THE
9 NEXT GENERAL ELECTION OR UNTIL THE VACANCY IS FILLED BY ELECTION
10 ACCORDING TO LAW.

11 **SECTION 25.** 22-31-131 (1) and the introductory portion to
12 22-31-131 (1.7) (a), Colorado Revised Statutes, are amended, and the said
13 22-31-131 is further amended BY THE ADDITION OF A NEW
14 SUBSECTION, to read:

15 **22-31-131. Election procedures in districts composed of a city**
16 **and county.** (1) The regular biennial school election in each school
17 district coterminous with a city and county shall be held on the third
18 Tuesday in May of each odd-numbered year, shall be conducted and
19 supervised by the election commission of the city and county, and shall be
20 governed by the provisions of articles 1 to 13 of title 1, C.R.S.; but,
21 beginning in 1995, the election shall be held on the first Tuesday after the
22 first Monday in May of each odd-numbered year, shall be conducted and
23 supervised by the election commission of the city and county, and shall be
24 governed by the provisions of articles 1 to 13 of title 1, C.R.S.; but,
25 beginning in 1997, the election shall be held on the first Tuesday in
26 November of each odd-numbered year, shall be conducted and supervised
27 by the election commission of the city and county, and shall be governed

1 by the provisions of articles 1 to 13 of title 1, C.R.S.; BUT, BEGINNING IN
2 2004, THE ELECTION SHALL BE HELD ON THE TUESDAY SUCCEEDING THE
3 FIRST MONDAY OF NOVEMBER IN EACH EVEN-NUMBERED YEAR, SHALL BE
4 CONDUCTED AND SUPERVISED BY THE ELECTION COMMISSION OR
5 DESIGNATED ELECTION OFFICIAL OF THE CITY AND COUNTY, AND SHALL BE
6 GOVERNED BY THE PROVISIONS OF ARTICLES 1 TO 13 OF TITLE 1, C.R.S.

7 (1.7) (a) In order to implement ~~the~~ THE 1994 change in the date for
8 holding regular biennial school elections, the following provisions shall
9 apply:

10 (1.8) IN ORDER TO IMPLEMENT THE 2002 CHANGE IN THE DATE FOR
11 HOLDING REGULAR BIENNIAL SCHOOL ELECTIONS THAT REQUIRES SUCH
12 ELECTIONS TO BE HELD AS PART OF THE GENERAL ELECTION ON THE FIRST
13 TUESDAY FOLLOWING THE FIRST MONDAY OF NOVEMBER OF
14 EVEN-NUMBERED YEARS, THE FOLLOWING PROVISIONS SHALL APPLY:

15 (a) ANY SCHOOL DISTRICT DIRECTOR ELECTED AT THE REGULAR
16 BIENNIAL ELECTION HELD IN MAY OF 1999, WHOSE TERM EXPIRES IN MAY
17 OF 2003, SHALL BE SUCCEEDED BY A DIRECTOR APPOINTED IN ACCORDANCE
18 WITH THE PROVISIONS OF PARAGRAPH (c) OF THIS SUBSECTION (1.8) WHO
19 SHALL SERVE UNTIL SUCH APPOINTED DIRECTOR IS SUCCEEDED BY A
20 DIRECTOR ELECTED AT THE GENERAL ELECTION HELD IN NOVEMBER OF
21 2004.

22 (b) ANY SCHOOL DISTRICT DIRECTOR ELECTED AT THE REGULAR
23 BIENNIAL ELECTION HELD IN MAY OF 2001, WHOSE TERM EXPIRES IN MAY
24 OF 2005, SHALL BE SUCCEEDED BY A DIRECTOR APPOINTED IN ACCORDANCE
25 WITH THE PROVISIONS OF PARAGRAPH (c) OF THIS SUBSECTION (1.8) WHO
26 SHALL SERVE UNTIL SUCH APPOINTED DIRECTOR IS SUCCEEDED BY A
27 DIRECTOR ELECTED AT THE GENERAL ELECTION HELD IN NOVEMBER OF

1 2006.

2 (c) THE APPOINTMENT OF SCHOOL DISTRICT DIRECTORS AS
3 PROVIDED IN PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (1.8) SHALL BE
4 MADE BY THE BOARD OF EDUCATION OF THE SCHOOL DISTRICT; EXCEPT
5 THAT NO SCHOOL DISTRICT DIRECTOR WHOSE TERM IS EXPIRING AND WHO
6 IS SEEKING APPOINTMENT TO A TERM SHALL PARTICIPATE IN PROCEEDINGS
7 CONDUCTED BY THE BOARD CONCERNING THE POSITION HELD BY THAT
8 DIRECTOR PURSUANT TO THE PROVISIONS OF THIS PARAGRAPH (c). A
9 DIRECTOR WHOSE TERM IS EXPIRING MAY NOTIFY THE BOARD IN THE TIME
10 AND MANNER PRESCRIBED BY THE BOARD OF SUCH DIRECTOR'S INTENTION
11 TO BE CONSIDERED FOR THE APPOINTMENT. IF THE DIRECTOR WHOSE TERM
12 IS EXPIRING NOTIFIES THE BOARD AND IS OTHERWISE QUALIFIED UNDER THIS
13 ARTICLE, THE BOARD MAY APPOINT SUCH DIRECTOR. IF THE BOARD IS NOT
14 NOTIFIED WITHIN THE TIME PROVIDED THAT THE DIRECTOR WHOSE TERM IS
15 EXPIRING INTENDS TO SEEK THE APPOINTMENT OR SUCH DIRECTOR IS NOT
16 APPOINTED TO THE ONE-YEAR TERM, THE SECRETARY OF THE BOARD OF
17 EDUCATION SHALL CAUSE NOTICE OF THE APPOINTMENT TO BE PUBLISHED
18 FOR NO LESS THAN TWO CONSECUTIVE WEEKS IN A NEWSPAPER HAVING
19 GENERAL CIRCULATION IN THE SCHOOL DISTRICT, THE FIRST PUBLICATION
20 OF SUCH NOTICE TO BE MADE NO LESS THAN THIRTY DAYS BEFORE THE
21 EXPIRATION OF THE TERM OF OFFICE OF THE DIRECTOR IN MAY OF 2003 OR
22 MAY OF 2005, WHICHEVER IS APPLICABLE. ANY PERSON WHO MEETS THE
23 QUALIFICATIONS OTHERWISE REQUIRED BY THIS ARTICLE FOR THE ELECTION
24 OF DIRECTORS AND WHO DESIRES TO BE CONSIDERED FOR THE
25 APPOINTMENT SHALL FILE A WRITTEN NOTICE OF SUCH INTENTION WITH THE
26 SECRETARY OF THE BOARD OF EDUCATION WITHIN THE TIME AND IN THE
27 MANNER PRESCRIBED BY THE BOARD. THE BOARD SHALL CONSIDER ALL

1 APPLICANTS AND SHALL MAKE THE APPOINTMENT NO LATER THAN TEN
2 DAYS FOLLOWING THE EXPIRATION OF THE TERM OF OFFICE OF THE
3 DIRECTOR IN MAY OF 2003 OR MAY OF 2005, WHICHEVER IS APPLICABLE.
4 IN THE EVENT THAT THE NUMBER OF QUALIFIED APPLICANTS IS LESS THAN
5 THE NUMBER OF APPOINTMENTS TO BE MADE, THE BOARD MAY APPOINT
6 ANY QUALIFIED PERSON TO ANY POSITION FOR WHICH THERE IS NO
7 QUALIFIED APPLICANT.

8 **SECTION 26. Repeal.** 22-31-132, Colorado Revised Statutes, is
9 repealed as follows:

10 **22-31-132. Article not applicable to junior colleges.** ~~This article~~
11 ~~shall not apply to junior college districts, unless the junior college board~~
12 ~~of trustees elects to participate in the regular biennial school election, as~~
13 ~~provided in section 23-71-110 (5) and (7), C.R.S.~~

14 **SECTION 27.** 22-32-104 (1), Colorado Revised Statutes, is
15 amended to read:

16 **22-32-104. Organization of board of education.** (1) Within
17 fifteen days after THE SECOND TUESDAY OF JANUARY AFTER each ~~regular~~
18 ~~biennial school district~~ GENERAL election, the incumbent secretary of the
19 school district shall call a special meeting of the board of education of the
20 district for the purpose of selecting officers of the board. At the meeting
21 the incumbent president of the board shall preside until a successor shall
22 have been elected and qualified.

23 **SECTION 28.** 22-32-127 (2), Colorado Revised Statutes, is
24 amended to read:

25 **22-32-127. Leases or installment purchases for periods**
26 **exceeding one year.** (2) No board of education shall enter into an
27 installment purchase agreement of the type which constitutes an

1 indebtedness unless such agreement shall be first approved as provided in
2 this section by a majority of the registered electors of the district voting
3 at an election held pursuant to this section. The board of education may
4 submit to the registered electors of the district the question of entering into
5 such an agreement at any general election ~~regular biennial school election~~
6 or special election called for the purpose. The secretary of the board of
7 education shall give notice of an election to be held pursuant to this
8 section in essentially the same manner and for the same length of time as
9 is required by law for a notice of election of school directors. Such notice
10 shall contain, to the extent applicable, the information required for a
11 notice of election of school directors and in addition shall contain a
12 statement of the maximum term of the proposed agreement, the maximum
13 and periodic amounts of payments for which the district would be
14 obligated, and the purpose of the agreement.

15 **SECTION 29.** The introductory portion to 22-42-102 (2) (a),
16 Colorado Revised Statutes, is amended to read:

17 **22-42-102. Bonded indebtedness - elections.** (2) (a) The board
18 of education of any school district, at any ~~regular biennial school~~
19 GENERAL election or at a special election called for the purpose, shall
20 submit to the eligible electors of the district the question of contracting a
21 bonded indebtedness for one or more of the following purposes:

22 **SECTION 30.** 22-43-103 (2), Colorado Revised Statutes, is
23 amended to read:

24 **22-43-103. Question of issuing refunding bonds.** (2) If any
25 district proposes to issue refunding bonds, on which issue the net interest
26 cost or net effective interest rate exceeds the net interest cost or net
27 effective interest rate of the outstanding bonds to be refunded, the board

1 shall submit the question of issuing such refunding bonds and the
2 maximum net interest cost and maximum net effective interest rate at
3 which such refunding bonds may be issued at the ~~regular biennial school~~
4 GENERAL election or at a special election called for that purpose. Any
5 such election shall be called and held as nearly as may be in the manner
6 provided by law for elections on the question of the issuance of other
7 school bonds of the issuing district.

8 **SECTION 31.** 22-45-103 (1) (c) (II.5), Colorado Revised
9 Statutes, is amended to read:

10 **22-45-103. Funds.** (1) The following funds are created for each
11 school district for purposes specified in this article:

12 (c) **Capital reserve fund.** (II.5) A board of education may enter
13 into an installment purchase agreement or lease agreement with option to
14 purchase for a period exceeding one year and not to exceed twenty years
15 for expenditures from the fund if the agreement is first approved by a
16 majority of the eligible electors of the district voting on the question at an
17 election held pursuant to this subparagraph (II.5). The board of education
18 may submit to the eligible electors of the district the question of whether
19 to enter into such an agreement at any general election ~~regular biennial~~
20 ~~school election~~ or special election called for such purpose. The secretary
21 of the board of education shall be the designated election official and shall
22 conduct the election pursuant to articles 1 to 13 of title 1, C.R.S. Any
23 special election called pursuant to this subparagraph (II.5) shall be held
24 on the first Tuesday after the first Monday in February, May, October,
25 November, or December. The question of whether to enter into an
26 installment agreement or lease agreement with option to purchase may be
27 submitted or resubmitted after the same, or after any other such question,

1 has previously been rejected at an election held pursuant to this
2 subparagraph (II.5), but no such question shall be submitted or
3 resubmitted at any election held less than one hundred twenty days after
4 a previous submission of such question, and the board of education of any
5 school district shall not submit any question of entering into such an
6 agreement at more than two elections within any twelve-month period.
7 The board of education of a school district may enter into an installment
8 purchase agreement or lease agreement with option to purchase for a term
9 not to exceed twenty years for the purposes provided for in
10 sub-subparagraph (F) of subparagraph (I) of this paragraph (c). When
11 authorized by the election as provided in this subparagraph (II.5), the
12 agreement shall be valid, binding, and enforceable between the parties to
13 the agreement. The provisions of this subparagraph (II.5) shall have no
14 application to any installment purchase agreement or lease agreement with
15 option to purchase, even though the term thereof may be greater than one
16 year, if the district's obligation to make payments thereunder is expressly
17 subject to the making of annual appropriations therefor in accordance with
18 law. This subparagraph (II.5) shall have no application to any lease
19 agreement with option to purchase for a period of one year or less,
20 including lease agreements consisting of a series of one-year terms
21 renewable at the option of the district.

22 **SECTION 32.** 24-90-112 (1) (b) (I) (B), Colorado Revised
23 Statutes, is amended to read:

24 **24-90-112. Tax support - elections.** (1) (b) (I) (B) The board of
25 education of a school district shall submit, after notice, the question of any
26 amount of tax levy not previously established by resolution for the
27 operation and maintenance of school district supported public libraries to

1 a vote of the registered electors residing in the school district at the next
2 general election OR on the first Tuesday in November of odd-numbered
3 years. ~~or on the school district's biennial election date.~~ For purposes of
4 this subsection (1), "school district supported public library" means any
5 library solely established and maintained by a school district for which
6 such school district began levying a tax before the enactment of the
7 "Colorado Library Law" on July 1, 1979.

8 **SECTION 33.** 29-7-102 (2) (b), Colorado Revised Statutes, is
9 amended to read:

10 **29-7-102. School district may own and operate.** (2) (b) The
11 board of education of a school district that is also a special district, as
12 defined in section 29-21-101 (1) (g), shall submit, after notice, the
13 question of either an imposition of a new tax after August 4, 1999, or any
14 increase in the existing tax levy after said date for the operation and
15 maintenance of a system of public recreation and playgrounds not
16 previously established by resolution or ordinance, nor previously
17 approved by a vote of the registered electors residing in the school district,
18 to a vote of said registered electors at the next general election or the first
19 Tuesday in November of odd-numbered years. ~~or on the school district's~~
20 ~~biennial election date.~~

21 **SECTION 34. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, and safety.