Second Regular Session
Sixty-third General Assembly
STATE OF COLORADO

2nd ENGROSSED

This Version Includes All Amendments Adopted on Second Reading in the House of Introduction

LLS NO. 02-0257.01 Bob Lackner **HOUSE BILL** 02-1123

HOUSE SPONSORSHIP

Swenson, Crane, Johnson, King, Webster, and Witwer

SENATE SPONSORSHIP

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House Committees
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A BILL FOR AN ACT

CONCERNING PROCEDURES FOR ELECTING MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS BY DISTRICT IN COUNTIES WHERE THE MEMBERSHIP OF THE BOARD OF COUNTY COMMISSIONERS IS THREE.

Bill Summary

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

Provides that, in any county having a population of 70,000 or more where the membership of the board of county commissioners is 3, the board may be elected by district. Specifies that, in such circumstances, each member of the board shall be resident in one of the 3 districts, and such member shall be elected only by the voters resident within the

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.

HOUSE
2nd Amended 2nd Reading
February 14, 2002

district from which the board member runs for election instead of by the voters of the whole county. Requires each county that has chosen to elect members of the board by district to be divided into 3 districts. Specifies factors to be used in dividing the county into districts. Imposes restrictions on the frequency within which such district boundaries may be altered.

Provides that the board of county commissioners covered by the act may pass a resolution electing its membership by district. Upon the completion of specified procedures, requires such resolution to be referred to the registered electors of the county at the next general election. Alternatively, provides that a petition signed by a specified percentage of the qualified electors of a county shall be sufficient to place on the ballot at a general election the question of whether to elect the board of county commissioners by district.

Provides that, if a majority of the votes cast at a general election are in favor of electing the membership of the board by district, the board of county commissioners shall take such action as necessary to provide for the division of the county into districts.

Specifies that where the voters of a county have approved a change in the method of electing the board of county commissioners by district, the term of office of all members serving on the board shall expire at the time the next duly elected board takes the oath of office following the first general election after the voters' approval of the change in the method of election, at which time 3 new commissioners shall be elected. In connection with such election, provides that 2 seats, as determined by lot, shall be elected for 4-year terms and the remaining seat shall be elected for a 2-year term of office and that, thereafter, each seat on the board shall be elected for a 4-year term. Specifies procedures governing the determination by lot.

Makes conforming amendments.

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

SECTION 1. 30-10-306 (1), Colorado Revised Statutes, is amended to read:

30-10-306. Commissioners' districts - vacancies. (1) EXCEPT AS OTHERWISE PROVIDED IN SECTION 30-10-306.3, each county shall be divided into three compact districts by the board of county commissioners. Each district shall be as nearly equal in population as possible, shall be numbered consecutively, and shall not be subject to

alteration more often than once every two years. One commissioner shall be elected from each of such districts by the voters of the whole county. If any commissioner, during his OR HER term of office, moves from the district in which he OR SHE resided when elected, his OR HER office shall thereupon become vacant. All proceedings by the board of county commissioners in formation of such districts not inconsistent with this section are confirmed and validated.

SECTION 2. Part 3 of article 10 of title 30, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

30-10-306.3. Procedure for electing three county commissioners by district. (1) IN ANY COUNTY HAVING A POPULATION OF SEVENTY THOUSAND OR MORE WHERE THE MEMBERSHIP OF THE BOARD OF COUNTY COMMISSIONERS OF SAID COUNTY IS THREE, THE BOARD MAY BE ELECTED BY DISTRICT IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION. IN SUCH CASE, EACH MEMBER OF THE BOARD SHALL BE RESIDENT IN ONE OF THREE DISTRICTS, AND EACH SUCH MEMBER SHALL BE ELECTED ONLY BY THE VOTERS RESIDENT WITHIN THE DISTRICT FROM WHICH THE BOARD MEMBER RUNS FOR ELECTION INSTEAD OF BY THE VOTERS OF THE WHOLE COUNTY AS REQUIRED UNDER SECTION 30-10-306 (1).

(2) (a) IN ORDER TO EFFECT A CHANGE IN THE METHOD OF ELECTING THE MEMBERSHIP OF THE COUNTY COMMISSIONERS BY DISTRICT IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION, THE QUESTION OF WHETHER TO ELECT THE MEMBERSHIP OF THE THREE COUNTY COMMISSIONERS BY DISTRICT SHALL BE PLACED ON THE BALLOT BEFORE THE REGISTERED ELECTORS OF THE COUNTY. THE METHOD FOR PLACING

SAID QUESTION ON THE BALLOT MAY BE BY:

(I) REFERRAL IN ACCORDANCE WITH THE REQUIREMENTS OF PARAGRAPH (b) OF THIS SUBSECTION (2); OR

(II) PETITION IN ACCORDANCE WITH THE REQUIREMENTS OF PARAGRAPH (c) OF THIS SUBSECTION (2).

(b) SUBJECT TO REFERRAL AS PROVIDED IN THIS SUBSECTION (2), THE BOARD OF COUNTY COMMISSIONERS OF ANY COUNTY DESCRIBED IN SUBSECTION (1) OF THIS SECTION MAY PASS A RESOLUTION ELECTING ITS MEMBERSHIP OF SUCH BOARD IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION. PRIOR TO THE **ONE HUNDRED FIFTIETH** DAY BEFORE THE NEXT GENERAL ELECTION, THE BOARD SHALL REQUEST THAT THE COUNTY CLERK AND RECORDER PLACE THE RESOLUTION ON THE BALLOT FOR REFERRAL TO THE REGISTERED ELECTORS OF THE COUNTY AT THE NEXT GENERAL ELECTION.

(c) IN THE ABSENCE OF A REFERENDUM AS PROVIDED IN PARAGRAPH (a) OF THIS SUBSECTION (2) OR SECTION 30-10-306.5 (2), OR AN INITIATIVE AS PROVIDED IN SECTION 30-10-306.5 (3), A PETITION SIGNED BY AT LEAST EIGHT PERCENT OF THE TOTAL NUMBER OF QUALIFIED ELECTORS OF A COUNTY VOTING FOR ALL CANDIDATES FOR THE OFFICE OF SECRETARY OF STATE AT THE LAST PRECEDING GENERAL ELECTION SHALL BE SUFFICIENT TO PLACE ON THE BALLOT AT THE NEXT GENERAL ELECTION THE QUESTION OF WHETHER TO ELECT THE MEMBERSHIP OF THE THREE COUNTY COMMISSIONERS BY DISTRICT IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION. THE PETITION SHALL BE DELIVERED TO THE COUNTY CLERK AND RECORDER PRIOR TO THE NINETIETH DAY BEFORE THE NEXT GENERAL ELECTION WITH A REQUEST THAT THE QUESTION BE PLACED ON THE BALLOT FOR REFERRAL TO THE REGISTERED ELECTORS OF

THE COUNTY AT THE NEXT GENERAL ELECTION.

(d) IF A MAJORITY OF THE VOTES CAST ON THE QUESTION ARE IN FAVOR OF ELECTING THE MEMBERSHIP OF THE BOARD OF COUNTY COMMISSIONERS BY DISTRICT, THE BOARD SHALL TAKE SUCH ACTION AS NECESSARY TO PROVIDE FOR THE DIVISION OF THE COUNTY INTO THREE DISTRICTS IN CONFORMITY WITH THE REQUIREMENTS SPECIFIED IN SUBSECTION (3) OF THIS SECTION. ALL OTHER PROVISIONS OF SECTIONS 1-4-205 (3) (a), C.R.S., AND 30-10-306 (3) AND (4) RELATING TO THE METHOD OF ELECTING MEMBERS OF THE BOARD, AS SPECIFIED IN THIS PARAGRAPH (d), SHALL BE APPLICABLE; EXCEPT THAT, WHEN NEW DISTRICTS ARE CREATED, SUCH CHANGES SHALL BE COMPLETED BY JULY 1 OF THE ODD-NUMBERED YEAR IMMEDIATELY PRECEDING THE GENERAL ELECTION.

(3) (a) UPON VOTER APPROVAL TO ELECT THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS BY DISTRICT PURSUANT TO PARAGRAPH (d) OF SUBSECTION (2) OF THIS SECTION, THE BOARD SHALL DIVIDE THE COUNTY INTO THREE DISTRICTS. IN UNDERTAKING SUCH DIVISION, THE BOARD SHALL, TO THE GREATEST EXTENT PRACTICABLE, DIVIDE THE COUNTY SUCH THAT THE THREE DISTRICTS:

(I) ARE AS NEAR EQUAL IN POPULATION AS POSSIBLE;

(II) ARE NUMBERED CONSECUTIVELY;

(III) ARE AS COMPACT IN AREA AS POSSIBLE WITH THE AGGREGATE LINEAR DISTANCE OF ALL DISTRICT BOUNDARIES AS SHORT AS POSSIBLE;

(IV) CONSIST OF CONTIGUOUS WHOLE GENERAL ELECTION PRECINCTS; AND

(V) PRESERVE COMMUNITIES OF INTEREST ALONG ETHNIC, CULTURAL, ECONOMIC, TRADE AREA, GEOGRAPHIC, MUNICIPALITY, AND

DEMOGRAPHIC FACTORS.

(b) ONCE THE COUNTY HAS BEEN DIVIDED INTO DISTRICTS IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION, THE THREE DISTRICTS SHALL NOT BE SUBJECT TO ALTERATION MORE OFTEN THAN ONCE EVERY **TWO** YEARS. COMMISSIONERS SHALL BE ELECTED FROM DISTRICTS ACCORDING TO THE METHOD OF ELECTION DESCRIBED IN SUBSECTION (4) OF THIS SECTION. IF ANY COMMISSIONER MOVES DURING HIS OR HER TERM OF OFFICE FROM THE DISTRICT IN WHICH HE OR SHE RESIDED WHEN ELECTED, HIS OR HER OFFICE SHALL THEREUPON BECOME VACANT. ALL PROCEEDINGS BY THE BOARD OF COUNTY COMMISSIONERS IN FORMATION OF SUCH DISTRICTS NOT INCONSISTENT WITH THIS SECTION ARE CONFIRMED AND VALIDATED.

(4) COMMENCING WITH THE NEXT GENERAL ELECTION AFTER THE VOTERS' APPROVAL OF A CHANGE IN ELECTING THE BOARD OF COUNTY COMMISSIONERS PURSUANT TO THIS SECTION, ANY ELECTION CONDUCTED TO FILL ANY SEAT ON THE BOARD THAT IS OPEN AT THAT ELECTION, AND AT ANY SUBSEQUENT ELECTION, SHALL BE CONDUCTED BY DISTRICT IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION AND SECTION 1-4-205 (2), C.R.S. THE PROVISION OF THIS SECTION SHALL NOT BE CONSTRUED TO SHORTEN OR OTHERWISE AFFECT THE TERM OF ANY PERSON WHO IS A MEMBER OF THE BOARD AT THE TIME THE QUESTION OF THE METHOD OF ELECTION IS SUBMITTED TO THE VOTERS PURSUANT TO SUBSECTION (2) OF THIS SECTION.

SECTION 3. 1-4-205 (1) (a) and (3) (b), Colorado Revised Statutes, are amended, and the said 1-4-205 (3) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

1-4-205. County commissioners. (1) (a) EXCEPT AS OTHERWISE PROVIDED IN SECTIONS 30-10-306.3 (4) AND 30-10-306.7 (2) (b), C.R.S., members of the board of county commissioners shall be elected in each county, excluding a city and county, for a term of four years.

(3) (b) If the board OF COUNTY COMMISSIONERS consists of three commissioners, they shall be elected as provided in subsection (2) of this section and as provided in ~~section~~ SECTION 30-10-306.3 OR 30-10-306.7 (5), C.R.S., AS APPLICABLE.

(d) IN ANY COUNTY HAVING A POPULATION OF SEVENTY THOUSAND OR MORE, WHERE THE BOARD OF COUNTY COMMISSIONERS CONSISTS OF THREE COMMISSIONERS, THE METHOD OF ELECTING THE MEMBERSHIP OF THE BOARD MAY BE BY DISTRICT PURSUANT TO SECTION 30-10-306.3, C.R.S.

SECTION 4. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.