

**Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO**

**REVISED**

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

LLS NO. 16-0574.01 Duane Gall x4335

**SENATE BILL 16-055**

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**SENATE SPONSORSHIP**

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Agriculture, Natural Resources, & Energy

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**A BILL FOR AN ACT**

101 **CONCERNING THE CONDUCT OF ELECTIONS TO CHOOSE THE BOARD OF**  
102 **DIRECTORS OF A COOPERATIVE ELECTRIC ASSOCIATION.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

Under current law, a cooperative electric association may hire an independent third party, such as an accounting firm, to collect and count the ballots for executive board elections. Candidates have the right to observe the counting process, and mailed ballots must include an inner envelope to preserve secrecy.

The bill specifies that a mailed ballot that is received without an

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 Reading Unamended  
March 7, 2016

SENATE  
3rd Reading Unamended  
February 10, 2016

SENATE  
2nd Reading Unamended  
February 9, 2016

inner envelope or secrecy sleeve is not invalid for that reason, and that if the association contracts with an independent third party that will count ballots, the ballots must be made available to the candidates for inspection after the election.

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

2 **SECTION 1.** In Colorado Revised Statutes, 40-9.5-110, **amend**  
3 (2) (a) and (2) (c) as follows:

4 **40-9.5-110. Board of directors of cooperative electric**  
5 **associations - nomination - elections.** (2) (a) (I) Each member of the  
6 association ~~shall be~~ IS entitled to vote in the election of directors on the  
7 board of directors either at a meeting held for such purpose or by mail,  
8 but not both. A member who has voted by mail ~~shall~~ IS not be entitled to  
9 vote at the meeting.

10 (II) Mail voting ~~shall~~ MUST be in writing on ballots provided by  
11 the association. The mail ballot shall be voted by the member, placed in  
12 a special SECRECY SLEEVE OR INNER envelope provided for the purpose  
13 so as to conceal the marking on the ballot, deposited in a return envelope,  
14 which must be signed by the voting member, and mailed back to the  
15 association OR TO AN INDEPENDENT THIRD PARTY WITH WHOM THE  
16 ASSOCIATION HAS CONTRACTED FOR THE STORAGE AND COUNTING OF  
17 BALLOTS IN ACCORDANCE WITH PARAGRAPH (c) OF THIS SUBSECTION (2).

18 (III) A MAIL BALLOT RECEIVED IN A SIGNED RETURN ENVELOPE  
19 BUT WITHOUT A SECRECY SLEEVE OR INNER ENVELOPE IS NONETHELESS  
20 VALID AND SHALL BE COUNTED.

21 (c) The board of directors shall, when practicable, arrange for an  
22 independent third party to oversee the storage and counting of ballots. If  
23 this is not practicable, then ballots shall be collected and stored in a

1 manner that protects the privacy of their content. All candidates for the  
2 board of directors shall be given the opportunity to be present to observe  
3 ~~their tabulation~~ THE COUNTING OF THE BALLOTS; EXCEPT THAT, IF THE  
4 ASSOCIATION HAS CONTRACTED WITH AN INDEPENDENT THIRD PARTY TO  
5 COLLECT AND COUNT BALLOTS, THE BALLOTS MUST BE DELIVERED TO THE  
6 ASSOCIATION UNDER SEAL PROMPTLY AFTER THE COUNT AND, UPON THE  
7 REQUEST OF ANY CANDIDATE, MADE AVAILABLE TO THE CANDIDATE FOR  
8 INSPECTION.

9           **SECTION 2. Act subject to petition - effective date -**  
10 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
11 the expiration of the ninety-day period after final adjournment of the  
12 general assembly (August 10, 2016, if adjournment sine die is on May 11,  
13 2016); except that, if a referendum petition is filed pursuant to section 1  
14 (3) of article V of the state constitution against this act or an item, section,  
15 or part of this act within such period, then the act, item, section, or part  
16 will not take effect unless approved by the people at the general election  
17 to be held in November 2016 and, in such case, will take effect on the  
18 date of the official declaration of the vote thereon by the governor.

19           (2) This act applies to board elections conducted on or after the  
20 applicable effective date of this act.