

**First Regular Session  
Sixty-third General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 01-0778.01 Dan Cartin

**SENATE BILL 01-167**

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**SENATE SPONSORSHIP**

**Lamborn**

**HOUSE SPONSORSHIP**

**(None)**

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**Senate Committees**

Govt, Veterans & Military Relations, & Trans

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING LOCAL GOVERNMENT ELECTIONS.**

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**Bill Summary**

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

Requires regular special district elections to be held as part of the state general election in even-numbered years. Makes conforming amendments to ensure that all issues or candidates that are presently voted upon at regular special district elections shall be voted upon at general elections.

Requires the appointment of temporary special district directors elected in 1998 and 2000 to accommodate the change in the date of special district elections.

Makes conforming amendments.

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.*

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

2           **SECTION 1.** 1-1-104 (42), 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           (42) "Regular special district election" means:

7           (a) BEFORE THE EFFECTIVE DATE OF THIS ACT, the election on the  
8 Tuesday succeeding the first Monday of May in every even-numbered  
9 year, held for the purpose of electing members to the board of special  
10 districts and for submission of ballot issues, if any;

11           (b) ON AND AFTER THE EFFECTIVE DATE OF THIS ACT, THE ELECTION  
12 HELD CONCURRENTLY WITH THE STATE GENERAL ELECTION IN EVERY  
13 EVEN-NUMBERED YEAR FOR THE PURPOSE OF ELECTING MEMBERS TO THE  
14 BOARD OF SPECIAL DISTRICTS AND FOR SUBMISSION OF BALLOT ISSUES, IF  
15 ANY.

16           **SECTION 2.** 1-6-105 (1) and (1.5), Colorado Revised Statutes,  
17 are amended to read:

18           **1-6-105. Appointment of election judges for elections not**  
19 **coordinated by the county clerk and recorder.** (1) ~~Except as provided~~  
20 ~~for special district elections in subsection (1.5) of this section,~~ No later  
21 than forty-five days before the regular election, the governing body with  
22 authority to call elections shall appoint election judges for the political  
23 subdivision. The term of office of election judges shall be two years from  
24 the date of appointment.

25           (1.5) ~~No later than forty-five days before a regular special district~~  
26 ~~election, the designated election official shall appoint election judges for~~

1 ~~the special district unless otherwise directed by the board of directors of~~  
2 ~~such district.~~

3 **SECTION 3.** 32-1-103 (17), Colorado Revised Statutes, is  
4 amended to read:

5 **32-1-103. Definitions.** As used in this article, unless the context  
6 otherwise requires:

7 (17) "Regular special district election" means the election on the  
8 Tuesday succeeding the first Monday of ~~May~~ NOVEMBER in every  
9 even-numbered year, held for the purpose of electing members to the  
10 boards of special districts and for submission of other public questions, if  
11 any.

12 **SECTION 4.** 32-1-805 (1), Colorado Revised Statutes, is  
13 amended to read:

14 **32-1-805. Time for holding elections.** (1) Regular special district  
15 elections shall be held on the Tuesday succeeding the first Monday of  
16 ~~May~~ NOVEMBER in every even-numbered year.

17 **SECTION 5.** Part 8 of article 1 of title 32, Colorado Revised  
18 Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

19 **32-1-808. Change in date of regular special district election to**  
20 **conform with state general election.** (1) IN ORDER TO IMPLEMENT THE  
21 2001 CHANGE IN THE DATE FOR HOLDING REGULAR SPECIAL DISTRICT  
22 ELECTIONS THAT REQUIRES SUCH ELECTIONS TO BE HELD AS PART OF THE  
23 GENERAL ELECTION ON THE FIRST TUESDAY FOLLOWING THE FIRST  
24 MONDAY OF NOVEMBER OF EVEN-NUMBERED YEARS, THE FOLLOWING  
25 PROVISIONS SHALL APPLY:

26 (a) ANY SPECIAL DISTRICT DIRECTOR ELECTED AT THE REGULAR  
27 SPECIAL DISTRICT ELECTION HELD IN MAY OF 1998 WHOSE TERM EXPIRES

1 IN MAY OF 2002 SHALL BE SUCCEEDED BY A DIRECTOR APPOINTED IN  
2 ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH (c) OF THIS  
3 SUBSECTION (1) WHO SHALL SERVE UNTIL SUCH APPOINTED DIRECTOR IS  
4 SUCCEEDED BY A DIRECTOR ELECTED AT THE GENERAL ELECTION HELD IN  
5 NOVEMBER OF 2002.

6 (b) ANY SPECIAL DISTRICT DIRECTOR ELECTED AT THE REGULAR  
7 SPECIAL DISTRICT ELECTION HELD IN MAY OF 2000 WHOSE TERM EXPIRES  
8 IN MAY OF 2004 SHALL BE SUCCEEDED BY A DIRECTOR APPOINTED IN  
9 ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH (c) OF THIS  
10 SUBSECTION (1) WHO SHALL SERVE UNTIL SUCH APPOINTED DIRECTOR IS  
11 SUCCEEDED BY A DIRECTOR ELECTED AT THE GENERAL ELECTION HELD IN  
12 NOVEMBER OF 2004.

13 (c) THE APPOINTMENT OF SPECIAL DISTRICT DIRECTORS FOR THE  
14 TERMS AS PROVIDED IN PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (1)  
15 SHALL BE MADE BY THE BOARD OF THE SPECIAL DISTRICT; EXCEPT THAT NO  
16 SPECIAL DISTRICT DIRECTOR WHOSE TERM IS EXPIRING AND WHO IS SEEKING  
17 APPOINTMENT TO SUCH TERM SHALL PARTICIPATE IN PROCEEDINGS  
18 CONDUCTED BY THE BOARD CONCERNING THE POSITION HELD BY THAT  
19 DIRECTOR PURSUANT TO THE PROVISIONS OF THIS PARAGRAPH (c). A  
20 DIRECTOR WHOSE TERM IS EXPIRING MAY NOTIFY THE BOARD IN THE TIME  
21 AND MANNER PRESCRIBED BY THE BOARD OF SUCH DIRECTOR'S INTENTION  
22 TO BE CONSIDERED FOR THE APPOINTMENT. IF THE DIRECTOR WHOSE TERM  
23 IS EXPIRING NOTIFIES THE BOARD AND IS OTHERWISE QUALIFIED UNDER THIS  
24 ARTICLE, THE BOARD MAY APPOINT SUCH DIRECTOR. IF THE BOARD IS NOT  
25 NOTIFIED WITHIN THE TIME PROVIDED THAT THE DIRECTOR WHOSE TERM IS  
26 EXPIRING INTENDS TO SEEK THE APPOINTMENT OR SUCH DIRECTOR IS NOT  
27 APPOINTED TO SUCH TERM, THE SECRETARY OF THE BOARD OF THE SPECIAL

1 DISTRICT SHALL CAUSE NOTICE OF THE APPOINTMENT TO BE PUBLISHED FOR  
2 NO LESS THAN TWO CONSECUTIVE WEEKS IN A NEWSPAPER HAVING  
3 GENERAL CIRCULATION IN THE SPECIAL DISTRICT, THE FIRST PUBLICATION  
4 OF SUCH NOTICE TO BE MADE NOT LESS THAN THIRTY DAYS BEFORE THE  
5 EXPIRATION OF THE TERM OF OFFICE OF THE DIRECTOR IN MAY OF 2002 OR  
6 MAY OF 2004, WHICHEVER IS APPLICABLE. ANY PERSON WHO MEETS THE  
7 QUALIFICATIONS OTHERWISE REQUIRED BY THIS ARTICLE FOR THE ELECTION  
8 OF DIRECTORS AND WHO DESIRES TO BE CONSIDERED FOR THE  
9 APPOINTMENT SHALL FILE A WRITTEN NOTICE OF SUCH INTENTION WITH THE  
10 SECRETARY OF THE BOARD OF THE SPECIAL DISTRICT WITHIN THE TIME AND  
11 IN THE MANNER PRESCRIBED BY THE BOARD. THE BOARD SHALL CONSIDER  
12 ALL APPLICANTS AND SHALL MAKE THE APPOINTMENT NO LATER THAN TEN  
13 DAYS FOLLOWING THE EXPIRATION OF THE TERM OF OFFICE OF THE  
14 DIRECTOR IN MAY OF 2002 OR MAY OF 2004, WHICHEVER IS APPLICABLE.  
15 IN THE EVENT THAT THE NUMBER OF QUALIFIED APPLICANTS IS LESS THAN  
16 THE NUMBER OF APPOINTMENTS TO BE MADE, THE BOARD MAY APPOINT  
17 ANY QUALIFIED PERSON TO ANY POSITION FOR WHICH THERE IS NO  
18 QUALIFIED APPLICANT.

19 (d) THEREAFTER, OFFICIALS OF SPECIAL DISTRICTS SHALL BE  
20 ELECTED AT GENERAL ELECTIONS IN EVEN-NUMBERED YEARS AND THEIR  
21 TERMS OF OFFICE SHALL BE AS PROVIDED UNDER LAW.

22 (2) ANY ELECTION CONDUCTED UNDER SUBSECTION (1) OF THIS  
23 SECTION SHALL BE CONDUCTED AND SUPERVISED BY THE DESIGNATED  
24 ELECTION OFFICIAL IN CONFORMITY WITH THE REQUIREMENTS OF SECTION  
25 1-7-116, C.R.S., AND SHALL BE GOVERNED BY THE PROVISIONS OF  
26 ARTICLES 1 TO 13 OF TITLE 1, C.R.S.

27 **SECTION 6.** 32-12-103 (11), Colorado Revised Statutes, is

1 amended to read:

2 **32-12-103. Definitions.** As used in this article, unless the context  
3 otherwise requires:

4 (11) "Regular special district election" means the election held on  
5 the Tuesday succeeding the first Monday of ~~May~~ NOVEMBER in every  
6 even-numbered year, as provided in section 32-1-103 (17), for the purpose  
7 of electing members of the board and for submission of other public  
8 questions, if any.

9 **SECTION 7. Effective date.** This act shall take effect at 12:01  
10 a.m. on the day following the expiration of the ninety-day period after  
11 final adjournment of the general assembly that is allowed for submitting  
12 a referendum petition pursuant to article V, section 1 (3) of the state  
13 constitution; except that, if a referendum petition is filed against this act  
14 or an item, section, or part of this act within such period, then the act,  
15 item, section, or part, if approved by the people, shall take effect on the  
16 date of the official declaration of the vote thereon by proclamation of the  
17 governor.