

# **SPECIAL DISTRICT ASSOCIATION OF COLORADO**

## **2017 ANNUAL CONFERENCE**

# **PREPARE YOURSELF FOR THE MAY 2018 ELECTION**

**Presented by  
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## **I. GETTING STARTED.**

### **A. ELECTION RESOLUTION**

- i. Election conducted pursuant to the **Colorado Local Government Election Code (Title 1, Article 13.5, C.R.S.)**. NOT the Uniform Election Code of 1992 (Title 1, Articles 1 to 13, C.R.S.).
- ii. Mail Ballot vs. Polling Place Election?
- iii. Any ballot issues (TABOR) or ballot questions (non-TABOR)?
- iv. Appoint competent Designated Election Official (“DEO”) to conduct election.
- v. Authorize DEO to cancel election if no more candidates than positions to fill; and no ballot issues or ballot questions.
- vi. Timing of adoption.

**B. CALL FOR NOMINATION**

- i. Publish one time between 100 to 75 days prior to the Election.
- ii. Board of Directors should appoint DEO before publication.
  - (a) If the DEO has not yet been designated, the Call for Nomination should reflect that the Self Nomination and Acceptance form is filed with the presiding officer or the secretary of the special district.
  - (b) Appointment of the DEO does not need to be accomplished through adoption of the Election Resolution, if Board not ready to adopt the Election Resolution.

**C. SELF NOMINATION AND ACCEPTANCE FORMS**

- i. Cannot file earlier than January 1<sup>st</sup>. Deadline is “normal close of business” on the 67<sup>th</sup> day before the Election.
- ii. Board members who are term limited cannot file a Self Nomination and Acceptance form. Make sure you are aware of the term history of each Board member.
- iii. Candidate must be an eligible elector of the special district at the time of signing the Self Nomination and Acceptance form.

**D. WAIVER OF DIRECTOR TERM LIMITS**

- i. Not too late to conduct special election to request electors to waive term limits.
- ii. Can still conduct a special election on December 5, 2017 or February 6, 2018.
- iii. Can be conducted as a polling place election, since not asking a TABOR question.

**II. GETTING READY...PLAN AHEAD!**

**A. MAIL BALLOT ELECTION**

- i. Follow the procedures of **§§1-13.5-1101, et seq., C.R.S.**, NOT §§1-7.5-101, et seq., C.R.S.
- ii. Mail Ballot Plan is required, but is NOT filed with the Secretary of State. Must only be on file at the principal office of the special district or DEO.
- iii. Mail Ballot Plan must include location(s) for delivery of the voted ballots and where a new or replacement ballot can be obtained. Not required to be located within the special district boundaries. Should be convenient to the eligible electors.
- iv. Ballots must be mailed to each eligible elector of the special district that resides within the special district, who is an “active” registered elector, and who is designated as a “covered voter” under the Uniformed and Overseas Citizens Absentee Voting Act (“UOCAVA”), Title 1, Article 8.3., C.R.S.
  - (a) Request list of those UOCAVA voters from the County Clerk of each county in which your special district is located.
  - (b) Ballots must be mailed/transmitted no later than 45 days prior to the Election.
  - (c) Follow the requested ballot delivery method for each UOCAVA voter (mailed vs. electronic transmission).
  - (b) Elector affirmation on return envelope different than regular mail or absentee voter return envelope. Electronic transmission also requires special elector affidavit and instructions.
- v. Carefully determine who your non-resident property owner eligible electors are.
- vi. Order of ballot and ballot content:
  - (a) Name of each candidate for each different office.

- (b) Any ballot issue(s)/ballot question(s) shall follow the list of candidates in the following order, as applicable:
  - 1. Ballot issues to increase tax;
  - 2. Ballot issues to increase debt; and then
  - 3. Any other ballot issue/ballot question (de-TABOR, elimination of term limits, etc.)
- (c) The ballot issue/ballot question must be identified by the name of the special district followed by a letter.

**B. POLLING PLACE ELECTION**

- i. Designate enough polling place locations, as necessary, for the convenience of the electors.
  - (a) DEOs of special districts with overlapping boundaries must meet, confer and, if practical, hold the Elections in a manner that permits an elector in the overlapping area to vote in all Elections at one polling place.
  - (b) Each polling place location shall be ADA compliant. No barrier shall impede the path of electors with disabilities to the voting booth.
  - (c) Emergency polling place locations are exempt from ADA compliance.
  - (d) Post sign at each polling place in conspicuous location at least 20 days prior to the Election.

- ii. “Coordinating” or “Working Together”.
  - (a) Sharing polling place locations or sharing Election Judges or Counting Judges is not a “coordinated election”.
    - 1. Convenience to electors.
    - 2. Cost sharing. IGA may be required.
    - 3. Separate ballots (different color paper optional), but same ballot box. Same ballot only if special districts conducting Elections have exact same boundaries (exact same eligible electors).
    - 4. Share all Election Judges or just Counting Judges.
  - (b) A “coordinated election” is one conducted by the County Clerk for the special districts with the same or overlapping boundaries and conducting the election on the same day. While the definition refers to elections conducted in November, some (actually very few) County Clerks are willing to assist in the May elections. Consult your County Clerk if you require assistance.
- iii. Ballots must be mailed/transmitted to each UOCAVA voter, as is required for Mail Ballot Elections.
- iv. Permanent Absentee Voters (“PAV”).
  - (a) Ensure your PAV list is up-to-date. Who has applied since 2014 to be a PAV for your special district?
  - (b) The Application for Absentee Voter Ballot form should include the option of applying to be a PAV for your special district.
  - (c) Each eligible elector must apply directly with the special district, not with the County Clerk and Recorder.

- (d) The DEO for the special district shall maintain such PAV list. Those eligible electors on the PAV list shall be mailed an absentee voter's ballot for each polling place election conducted by the special district, or as otherwise requested by the elector.
- (e) An elector's name shall be deleted from the PAV list if:
  - 1. The eligible elector notified the DEO that (s)he no longer wishes to vote by absentee voter's ballot;  
or
  - 2. The absentee voter's ballot sent to the eligible elector is returned to the DEO as undeliverable;  
or
  - 3. The eligible elector has been deemed "inactive";  
or
  - 4. The person is no longer eligible to vote in the special district.
- (f) Mail absentee voter's ballot to each person on the PAV list not more than 72 hours after the ballots have been printed and received by DEO.

**C. TABOR ELECTION**

- i. Must be conducted as a mail ballot election.
- ii. Candidate names must still be on the ballot, even if there are enough candidates to fill the vacancies. Cannot cancel the election in part.
- iii. Contact overlapping special districts to determine if conducting TABOR election.

- (a) Prepare and mail TABOR Notices as a package to overlapping area.
- (b) Overlapping special districts enter into IGA regarding the preparation and mailing of the coordinated TABOR Notice.

iv. Pro and Con Statements.

- (a) For a comment to be qualified to be summarized and included in the TABOR Notice, it must be:
  - 1. Submitted by an eligible elector of the special district;
  - 2. Address the specific ballot issue, not just a general pro or con statement;
  - 3. Shall include the signature of the elector submitting the comment, and the address where the signor is registered to vote; and
  - 4. It must be filed with the special district's DEO by the end of business day on the Friday before the 45<sup>th</sup> day before the Election.
- (b) Each pro or con summary shall be no more than 500 words for each ballot issue on the ballot.
- (c) If no pro or con comments were received, the TABOR Notice shall include a statement where the summary would be printed "No comments were filed by the constitutional deadline".
- (d) Special districts are not required to solicit pro or con comments.

- v. TABOR Notice mailed to each household with an “active” eligible elector of the special district, including non-resident property owner electors.
  - (a) Order property owners list and voter registration list from the County Clerk of each county the special district is located.
  - (b) TABOR Notice must be mailed at least 30 days prior to the Election, so order lists early to be ready.

### **III. FINISHING UP!**

#### **A. CERTIFY ELECTION RESULTS**

- i. Canvass Board must certify the official abstract of votes no later than the 14<sup>th</sup> day after the Election.
- ii. But wait! Voted UOCAVA ballots can be received up to the close of business on the 8<sup>th</sup> day after the Election. In order for the UOCAVA ballot to be counted, it must be postmarked or electronically transmitted by 7:00 p.m. on the day of the Election.
- iii. File copy of Canvass Board’s Certificate of Election Results with:
  - (a) Division of Local Government.
  - (b) For debt authorization elections only, within 45 days after the Election, mail results by certified mail to the Division of Securities and Board of County Commissioners of each county in which the special district is located or to the governing body of the municipality that adopted a resolution of approval of the special district’s service plan.
  - (c) Post the election results on the website reflected in the special district’s Transparency Notice, if any.

- iv. Make and transmit to each person declared elected a certificate of such person's election.

**B. ELECTED PERSONS TAKE OFFICE**

- i. If election cancelled, term of office commences at the next meeting of the Board of Directors of the special district following the May 8, 2018, election date, but no later than 30 days following the election date, and upon signing of an Oath and posting of a Bond.
- ii. If election is conducted, term of office commences at the next meeting of the Board of Directors of the special district following the Election, but no later than 30 days following the date the election results were certified, and upon signing of an Oath and posting of a Bond.

**C. FILING OATHS OF OFFICE AND BOND**

- i. The Oaths and Bond shall be filed with the District Court in the special district's organizational Court file.
- iii. Copies of the Oaths and Bond shall also be filed with the Division of Local Government. Copies of the Oaths only need to be filed with the County Clerk of each county the special district is located.

**D. PRESERVATION OF ELECTION RECORDS**

- i. Sealed voted ballots shall be retained for 25 months after the Election, or until the time has expired for any contest proceedings, whichever is later.
- ii. All other election records and forms shall be preserved for at least six (6) months following the Election.

**E. UPDATE DISTRICT INFORMATION**

- i. Update the special district's Transparency Notice with the name(s) and contact information of any new Board member(s).

- ii. Distribute updated Transparency Notice as previously done, including filing with the Division of Local Government, Board of County Commissioners, County Assessor, County Treasurer and County Clerk and Recorder for each county in which the special district is located.

**F. OTHER HOUSEKEEPING ISSUES**

- i. At first Board meeting after the Election, elect Board officers. Note the name of the Board Chair/President in the updated Transparency Notice.
- ii. Determine if any new Board member has a conflict of interest and, if so, file the appropriate disclosure statement with the Secretary of State and Board of Directors of the special district.
- iii. If the special district has a website, update Board member information.