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# SPECIAL DISTRICT ASSOCIATION OF COLORADO

2019 ANNUAL CONFERENCE

## 2020 VISION FOR TRANSITIONING FROM THE REGULAR ELECTIONS TO IRREGULAR ELECTIONS IN 2023 AND OTHER SUPER IMPORTANT STUFF.

Presented by  
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**I. TIME TO TRANSITION TO ODD-YEAR REGULAR ELECTIONS.**

**A. MAY 5, 2020 REGULAR ELECTION.**

- i. All terms of office that would be four (4) year terms will be three (3) year terms expiring at the May 2023 regular election. These terms will be considered a full term for purposes of determining term limits.
- ii. Any term of office that will be a two (2) year term, because such term became vacant sometime during mid-term, will still be a two (2) year term expiring at the May 2022 regular election.
- iii. There will be NO four (4) year terms.

**B. MAY 3, 2022 REGULAR ELECTION.**

- i. All terms of office that would be four (4) year terms will be three (3) year terms expiring at the May 2025 regular election. These terms will be considered a full term for purposes of determining term limits.
- ii. For any term of office that will expire at the May 2023 regular election and became vacant sometime during mid-term, will be a one (1) year term expiring at the May 2023 regular election.
- iii. There will be NO four (4) year terms.
- iv. This is the last even year regular election.

**C. MAY 2, 2023 REGULAR ELECTION.**

- i. We are back on track.
- ii. All terms of office expiring at the May 2023 regular election will be four (4) year terms expiring at the May 2027 regular election
- iii. For any term of office that will expire at the May 2025 regular election and became vacant sometime during mid-term, will be a two (2) year term expiring at the May 2025 regular election.

**D. NO MAY 2024 REGULAR ELECTION.**

All regular elections will now be conducted on the first Tuesday following the first Monday in May of odd-numbered years.

## II. GETTING READY FOR MAY 5, 2020.

### A. WAIVER OF DIRECTOR TERM LIMITS.

- i. Not too late to conduct a special election to request electors to waive term limits.
- ii. Voter approval must be accomplished before deadline for filing the Self Nomination and Acceptance form, which is February 28, 2020.
- iii. Can conduct a special election on December 3, 2019 or February 4, 2020.
- iv. Can be conducted as a polling place election, since not asking a TABOR question.

### B. ADOPT ELECTION RESOLUTION.

- i. Mail Ballot vs. Polling Place Election?
- ii. Any ballot issues (TABOR) or ballot questions (non-TABOR)?
- iii. Appoint competent Designated Election Official (“DEO”) to conduct election.
- iv. Authorize DEO to cancel election if no more candidates than positions to be filled and no ballot issues or ballot questions.
- v. If election is cancelled, must file Resolution with the Division of Local Government.

### C. MAIL BALLOT ELECTION.

- i. 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.
- ii. 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.
- iii. 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.

- iv. Carefully determine who your non-resident property owner eligible electors are.
- v. 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.
  - (c) The ballot issue/ballot question must be identified by the name of the special district followed by a letter.

**D. 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.
    - 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. Can share all Election Judges or just Counting Judges or don't share.
  - (b) Each polling place location shall be ADA compliant. No barrier shall impede the path of electors with disabilities to the voting booth.
- ii. Ballots must be mailed/transmitted to each UOCAVA voter, as is required for Mail Ballot Elections. For polling place elections, will

need to determine if any of the non-resident property owners are UOCAVA voters.

- iii. Permanent Absentee Voters (“PAV”).
  - (a) The Application for Absentee Voter Ballot form should include the option of applying to be a PAV for your special district.
  - (c) 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.
  - (c) 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.
  - (d) 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.

#### **E. 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:
    1. Be submitted by an eligible elector of the special district;
    2. Address the specific ballot issue, not just a general pro or con statement;
    3. Include the signature of the elector submitting the comment, and the address where the signor is registered to vote; and
    4. Be filed with the special district’s DEO by **NOON** 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 resides, including non-resident property owner electors.

**III. SOME (NOT ALL) SUPER IMPORTANT ELECTION DEADLINES.**

DATE	ACTION	AUTHORITY
	Board adopts Election Resolution.	
1-1-20	Earliest day Self-Nomination and Acceptance forms can be filed.	1-13.5-303(1)

1-26-20	First day to be able to publish call for nominations.	1-13.5-501(1)
2-20-20	Last day to publish call for nominations.	1-13.5-501(1)
2-28-20	Last day Self-Nomination and Acceptance forms must be filed.	1-13.5-303(1)
3-2-20	Last day to file Affidavits of Intent to be a Write-in Candidate.	1-13.5-305
3-3-20	Cancel election if there are no more candidates, including write-in candidates, than positions to be filled, and there are no ballot issues or ballot questions, and declare the candidates elected.	1-13.5-513(1) 1-13.5-513(3)
3-6-20	Certify ballot content.  <b>POLLING PLACE ELECTION.</b> DEOs of special districts with overlapping boundaries confer and, if practical, designate polling place locations that will permit the eligible electors in the overlapping area to vote in all of such elections at one polling place.  File with the Secretary of State a copy of such candidate's Self-Nomination and Acceptance forms or Affidavits of Intent to be a Write-In Candidate. This is not required if cancelling the election.	1-13.5-511  1-13.5-504(3)  Secretary of State Rule 16.1 of the Rules Concerning Campaign and Political Finance
3-11-20	<b>MAIL BALLOT ELECTION.</b> Have on file the Mail Ballot Plan.	1-13.5-1104(1)
3-20-20	<b>MAIL BALLOT ELECTION.</b> Deadline to file pro or con comments to be included in the TABOR Notice.	1-13.5-503(1) 1-7-901(4)
3-20-20	Mail absentee ballots to UOCAVA electors.	1-13.5-618 1-8.3-103(1)(d) 1-8.3-110(1)
3-21-20	Earliest date to hold Election Judge Training.	1-13.5-408
3-26-20	Last day to order the voter registration and property owners lists.  <b>MAIL BALLOT ELECTIONS.</b> DEOs of overlapping special district conducting an election shall confer	1-13.5-203(1) 1-13.5-204(1)  1-13.5-503(1)

	concerning the preparation of the notice required by TABOR (“TABOR Notice”).	1-7-905(2)
4-3-20	Designated Election Official shall have available printed ballots.  <b>MAIL BALLOT ELECTIONS.</b> Mail TABOR Notice to each household where an active registered elector of the District resides.	1-13.5-902(1)(a)  Article X, Section 20(3)(b), Colorado Constitution
4-6-20	<b>POLLING PLACE ELECTIONS.</b> Mail absentee voter’s ballot to the eligible electors on the PAV list (not more than 72 hours after the blank ballots have been received).	1-13.5-1002(2)(b)
4-13-20	<b>MAIL BALLOT ELECTIONS.</b> Begin mailing to each eligible elector, who is an active registered elector, a mail ballot package, including non-resident property owner electors.	1-13.5-1105(4)(a)
4-15-20	Last day to publish and post Notice of the election.  <b>POLLING PLACE ELECTIONS.</b> Post Notice of Polling Place at each polling place.  DEBT OR OTHER FINANCIAL OBLIGATION election. Post notice of additional financial information on District's website, or if no website, in the chief administrative office of the District.	1-13.5-502(1) 1-13.5-502(2) 1-13.5-502(3)  1-13.5-503(2) 1-7-908(1)(a)
4-20-20	Last day to appoint election judges.  Last day to appoint Canvass Board.  <b>MAIL BALLOT ELECTIONS.</b> Last day to mail the ballot packages.	1-13.5-401(1)  1-13.5-1301(1)  1-13.5-1105(4)(a)
4-28-20	<b>POLLING PLACE ELECTIONS.</b> Last day to request an absentee ballot.	1-13.5-1002(1)(b)
5-5-20	<b>ELECTION DAY.</b> 7:00 A.M. to 7:00 P.M.	



5-13-20	Last day to receive voted absentee ballot from UOCAVA eligible elector.	1-8.3-111 1-8.3-113(2)
5-19-20	Canvass Board shall certify the official abstract of votes cast at the election.	1-13.5-1305(1)

#### IV. 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. 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 5, 2020 election date, but no later than 30 days following the May 5, 2020 election date, and upon signing ***and filing*** 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 and filing of an Oath and posting of a Bond.

#### C. NEW OATH OF OFFICE FORM AND FILING REQUIREMENTS.

- i. The law has changed to standardize the form of the Oath of Office to be administered and filed by all public officials, including special district Directors. DO NOT use the same Oath of Office form used immediately following the May 2018 regular election.
- ii. When a person is taking an oath, such person may now either (1) swear, (2) affirm or (3) swear by the Everliving God. If choosing to “swear,” the person swearing must do so with an uplifted hand. This is not required if the person is “affirming”.
- iii. The law also changed concerning who may administer oaths or affirmations. In addition to those previously authorized, including a notary public, now any officer of the special district Board or a person designated by the special district Board may administer the oath or affirmation.
- iv. The executed oath or affirmation must be filed with the County Clerk and Recorder of each county in which the special district is located before the person can enter the public office. For special districts, the executed oath or affirmation and bond are still required to be filed with the District Court and Division of Local Government.
- v. This will be an issue for those newly elected Directors that are sworn in at the first Board meeting following the election. If this is an issue, we recommend arranging to email the oath or affirmation to the County Clerk(s) immediately after the oath or affirmation is administered so the newly elected Directors are fully seated at such Board meeting.

#### D. 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, which must be filed between November 16<sup>th</sup> and January 15<sup>th</sup>.

- 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.

**V. NO MORE 72-HOUR MEETING NOTICE POSTINGS!**

**A. ONLY 24-HOUR MEETING NOTICE.**

- i. Special districts have the following options of posting a Notice, with agenda items, of any meeting of a quorum of the Board (regular, special, work/study session, etc.) no less than 24 hours prior to the meeting:
  - (a) At the physical public location(s) designated by the Board annually at the first regular meeting of each year; or
  - (b) On the special district's website.
- ii. No longer required to post meeting Notices in three (3) public locations within special district boundaries and at the office of the County Clerk and Recorder at least 72 hours prior to the meeting.

**B. POSTING ON WEBSITE.**

- i. If posting 24-hour meeting Notice on special district's website, the Notice must be:
  - (a) Accessible at no charge to the public; and
  - (b) Searchable, to the extent feasible, by type, date and time of meeting, agenda contents and any other category deemed appropriate by the Board.
- ii. The special district must provide a link to the website to the Division of Local Government.
- iii. The special district Board must still designate physical public location(s) annually at which it must post the 24-hour meeting Notice if it is unable to post the Notice on the website.



- iv. The Board should consider linking the Notice to any appropriate social media accounts of the special district.
- v. Posting on the website is not mandatory, only optional.

THE END