



Legislative Council Staff

Research Note

Version: Final

Date: 11/7/2016

Bill Number

Senate Bill 16-211

Sponsors

***Senators Cadman & Scheffel
Representatives Hullinghorst &
Duran***

Short Title

***Limit Certain Contests Past
Special Dist Elections***

Research Analyst

David Beaujon (x4781)

Status

This research note reflects the final version of the bill. The bill took effect on May 18, 2016, when it was signed by the Governor.

Summary

For special district elections conducted prior to April 21, 2016, and conducted on May 3, 2016, this bill prohibits contesting the results of the election on the grounds that any person voting at the election was not eligible to vote, except in limited circumstances. The bill affirms that the qualification of any person elected or appointed to a special district is validated and may not be contested.

Background

Under current law, election results may be contested on the grounds that the candidate elected is not eligible to hold the office for which he or she were elected, or illegal votes were received or legal votes rejected at the polls in sufficient numbers to change the outcome of the election. Elections may also be contested if an election judge or canvass board made an error in counting or declaring the result of an election or committed misconduct, fraud, or corruption that changed the election result and another candidate was elected to the office.

To contest an election under current law, within 10 days after the official survey of returns has been filed with the designated election official, the contestor must file a written statement of intention to contest the election in district court. This statement must contain the name of the contestor, a statement that the contestor is an eligible voter in the political subdivision of the

This research note was prepared by Legislative Council Staff, the nonpartisan research staff for the Colorado General Assembly. The research note is provided for informational purposes only and should not be relied upon as an official record of action by the General Assembly. Legislative Council Staff are not attorneys, and the research note is not a legal opinion. If you have legal questions about the bill, including questions about the meaning of the bill language or amendments, please contact the drafter.

contest, the name of the contestee, the office being contested, the date of the election being contested, and the grounds for the contest.

Senate Action

Senate Local Government Committee (April 12, 2016). At the hearing, a representative of the Landmark Homeowners Association spoke in support of the bill and discussed problems experienced by the association related to debt issued prior to the development of the Landmark condominium project. Representatives of the Colorado Municipal League, Colorado Counties, Inc., the Special District Association of Colorado, the Colorado Bankers Association, and the Redleaf Metropolitan District spoke in support of the bill. The committee adopted Amendment L.002, which clarifies that the bill does not affect challenges to the continuing service of board members who may no longer be eligible to serve on the board. The committee referred the bill, as amended, to the Senate Committee of the Whole with a recommendation that it be placed on the consent calendar.

Senate second reading (April 14, 2016). The Senate adopted the Senate Local Government Committee report and passed the bill on second reading, as amended.

Senate third reading (April 15, 2016). The Senate passed the bill on third reading with no amendments.

House Action

House Local Government Committee (May 5, 2016). At the hearing, representatives of the Colorado Municipal League, the Colorado Bankers Association, the Redleaf Metropolitan District, the Landmark Homeowners Association, and several law firms spoke in support of the bill. The committee referred the bill with no amendments to the House Committee of the Whole.

House second reading (May 5, 2016). The House passed the bill on second reading with no amendments.

House third reading (May 12, 2016). This House passed the bill on third reading with no amendments.