

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 18-1181

BY REPRESENTATIVE(S) Liston, McKean, Wilson, Coleman, Kraft-Tharp, Melton, Reyher, Winkler, Herod;
also SENATOR(S) Tate, Baumgardner, Cooke, Crowder, Gardner, Lambert, Lundberg, Marble, Martinez Humenik, Neville T., Priola, Scott, Smallwood, Sonnenberg, Grantham.

CONCERNING MEASURES TO EXPAND THE ABILITY OF NONRESIDENT ELECTORS TO PARTICIPATE IN THE GOVERNANCE OF SPECIAL DISTRICTS, AND, IN CONNECTION THEREWITH, ALLOWING NONRESIDENT ELECTORS WHO OWN TAXABLE PROPERTY WITHIN THE SPECIAL DISTRICT TO VOTE IN SPECIAL DISTRICT ELECTIONS AND ALLOWING SUCH ELECTORS TO SERVE ON SPECIAL DISTRICT BOARDS IN A NONVOTING CAPACITY.

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

SECTION 1. In Colorado Revised Statutes, 32-1-103, **amend** the introductory portion; and **add** (5)(f) as follows:

32-1-103. Definitions. As used in this ~~article~~ ARTICLE 1, unless the context otherwise requires:

(5) (f) "ELIGIBLE ELECTOR" ALSO MEANS A NATURAL PERSON WHO

OWNS, OR WHOSE SPOUSE OR CIVIL UNION PARTNER OWNS, TAXABLE REAL OR PERSONAL PROPERTY SITUATED WITHIN THE BOUNDARIES OF THE SPECIAL DISTRICT OR THE AREA TO BE INCLUDED IN THE SPECIAL DISTRICT AND WHO HAS SATISFIED ALL REQUIREMENTS PROVIDED BY LAW FOR REGISTERING TO VOTE IN AN ELECTION OF A SPECIAL DISTRICT IN ACCORDANCE WITH SECTIONS 32-1-806 AND 32-1-806.5, BUT WHO IS NOT A RESIDENT OF THE STATE.

SECTION 2. In Colorado Revised Statutes, 32-1-806, **amend** (1) and (4); **repeal** (3); and **add** (2.5) as follows:

32-1-806. Persons entitled to vote at special district elections.

(1) No person shall be permitted to vote in any election unless that person is an eligible elector as defined in section 32-1-103 (5)(a) OR (5)(f).

(2.5) (a) ANY NATURAL PERSON DESIRING TO VOTE AT ANY ELECTION AS AN ELIGIBLE ELECTOR PURSUANT TO SECTIONS 32-1-103 (5)(f) AND 32-1-806.5 SHALL SIGN A SELF-AFFIRMATION THAT THE PERSON IS AN ELECTOR OF THE SPECIAL DISTRICT. THE SELF-AFFIRMING OATH OR AFFIRMATION MUST BE ON A FORM THAT CONTAINS IN SUBSTANCE THE FOLLOWING:

"I, (PRINTED NAME), WHO RESIDES AT (ADDRESS), AM AN ELECTOR OF THIS (NAME OF SPECIAL DISTRICT) DISTRICT AND DESIRE TO VOTE AT THIS ELECTION. I AM NOT A RESIDENT OF THE STATE OF COLORADO BUT I AM A RESIDENT OF THE STATE OF _____, COUNTY OF _____, AND AM ELIGIBLE TO VOTE IN THE STATE OF _____. I DO SOLEMNLY SWEAR (OR AFFIRM) THAT I AM QUALIFIED TO VOTE IN THIS SPECIAL DISTRICT ELECTION AS:

_____ THE OWNER OF TAXABLE REAL OR PERSONAL PROPERTY SITUATED WITHIN THE BOUNDARIES OF THE SPECIAL DISTRICT OR AREA TO BE INCLUDED WITHIN THE SPECIAL DISTRICT; OR

_____ A PERSON WHO IS OBLIGATED TO PAY TAXES UNDER A CONTRACT TO PURCHASE TAXABLE PROPERTY IN THE SPECIAL DISTRICT OR THE AREA TO BE INCLUDED WITHIN THE SPECIAL DISTRICT; OR

_____ THE SPOUSE OR CIVIL UNION PARTNER OF (NAME OF SPOUSE OR CIVIL UNION PARTNER) WHO IS THE OWNER OF TAXABLE REAL OR PERSONAL PROPERTY SITUATED WITHIN THE BOUNDARIES OF THE SPECIAL DISTRICT OR AREA TO BE INCLUDED WITHIN THE SPECIAL DISTRICT.

I HAVE NOT VOTED PREVIOUSLY AT THIS ELECTION.

DATE _____
SIGNATURE OF ELECTOR _____."

(b) IN ORDER TO VOTE IN A SPECIAL DISTRICT ELECTION IN ACCORDANCE WITH SECTION 32-1-806.5, THE SELF-AFFIRMING OATH OR AFFIRMATION REQUIRED BY SUBSECTION (2.5)(a) OF THIS SECTION MUST BE NOTARIZED BY THE ELECTOR.

~~(3) For electors who vote at any election by mail ballot, the affidavit on the envelope of the ballot as required by title 1, C.R.S., may be substituted for the self-affirming oath or affirmation required by subsection (2) of this section.~~

(4) A person who completes the self-affirming oath or affirmation required by subsection (2) OR (2.5) of this section ~~shall be~~ IS permitted to vote, unless such person's right to vote is challenged.

SECTION 3. In Colorado Revised Statutes, **add** 32-1-806.5 as follows:

32-1-806.5. Registration for specified electors in special district election - option for special district to allow owners of taxable property within special district who are not state residents to vote for district board members. (1) ANY SPECIAL DISTRICT ORGANIZED UNDER THE LAWS OF THE STATE MAY, UPON PASSAGE OF A RESOLUTION BY THE BOARD OF THE DISTRICT AT A PUBLIC HEARING, ALLOW AN ELECTOR WHOSE ELIGIBILITY TO VOTE IN A SPECIAL DISTRICT ELECTION IS ESTABLISHED BY SECTION 32-1-806 (2.5) TO VOTE FOR CANDIDATES FOR THE BOARD OF DIRECTORS OF THE SPECIAL DISTRICT IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION. SUBJECT TO THE REQUIREMENTS OF THIS SECTION, NO PERSON WHO IS DESIGNATED AS AN ELIGIBLE ELECTOR IN ACCORDANCE WITH SECTION 32-1-103 (5)(f) SHALL BE PERMITTED TO CAST A BALLOT AT ANY SPECIAL DISTRICT ELECTION WITHOUT FIRST HAVING BEEN REGISTERED WITHIN THE TIME AND IN THE MANNER REQUIRED BY THE PROVISIONS OF THIS SECTION. NO CHARGE SHALL BE MADE FOR REGISTRATION. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THIS SECTION ONLY APPLIES TO A SPECIAL DISTRICT WHOSE BOARD OF DIRECTORS, BY RESOLUTION AT A PUBLIC HEARING, PERMITS AN ELIGIBLE ELECTOR WHO IS NOT A RESIDENT OF THE STATE TO VOTE IN ELECTIONS OF THE SPECIAL DISTRICT IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

(2) EACH ELECTOR REGISTERING SHALL SIGN HIS OR HER NAME ON THE REGISTRATION RECORD OR, IF UNABLE TO WRITE, SHALL MAKE A PERSONAL MARK OR BE PROVIDED ASSISTANCE TO MAKE SUCH A MARK BY THE DESIGNATED ELECTION OFFICIAL OR ANY OTHER PERSON AUTHORIZED BY SUCH OFFICIAL OR THE ELECTOR. THE ELECTOR SHALL ANSWER THE QUESTIONS REQUIRED BY SUBSECTION (7) OF THIS SECTION AND SHALL COMPLETE THE SELF-AFFIRMATION REQUIRED BY SUBSECTION (13) OF THIS SECTION. THE DESIGNATED ELECTION OFFICIAL SHALL NOT REGISTER AN ELECTOR WHO FAILS TO COMPLY WITH THIS SUBSECTION (2).

(3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW:

(a) AN ELECTOR IS PERMITTED TO VOTE IN ANY SPECIAL DISTRICT ELECTION IF HE OR SHE TIMELY REGISTERS TO VOTE BEFORE OR ON THE DATE OF SUCH ELECTION; AND

(b) A PERSON WHO IS DESIGNATED AS AN ELIGIBLE ELECTOR IN ACCORDANCE WITH SECTION 32-1-103 (5)(f) IS ONLY PERMITTED TO VOTE IN AN ELECTION OF THE SPECIAL DISTRICT WITH WHICH THE PERSON HAS REGISTERED UNDER THIS SECTION AND IS NOT PERMITTED TO VOTE IN ANY ELECTION OTHER THAN AN ELECTION CONDUCTED BY THE SPECIAL DISTRICT OR TO VOTE FOR ANY CANDIDATE FOR THE BOARD OF DIRECTORS OF THE SPECIAL DISTRICT UNLESS THE CANDIDATE IS ON THE BALLOT OF THE SPECIAL DISTRICT WITH WHICH THE ELECTOR IS REGISTERED. A PERSON WHO IS DESIGNATED AS AN ELIGIBLE ELECTOR IN ACCORDANCE WITH SECTION 32-1-103 (5)(f) IS ONLY PERMITTED TO VOTE FOR CANDIDATES FOR THE BOARD OF DIRECTORS OF THE SPECIAL DISTRICT WITH WHICH THE ELECTOR IS REGISTERED AND IS NOT AUTHORIZED TO VOTE FOR ANY OTHER CANDIDATES OR BALLOT ISSUES OR BALLOT QUESTIONS THAT MAY APPEAR ON THE REGULAR BALLOT OF THE SPECIAL DISTRICT.

(4) AN ELECTOR MAY TIMELY REGISTER TO VOTE BY:

(a) SUBMITTING AN APPLICATION THROUGH THE MAIL TO THE DESIGNATED ELECTION OFFICIAL OF THE SPECIAL DISTRICT THROUGH THE EIGHTH DAY PRIOR TO AN ELECTION; EXCEPT THAT, IF THE EIGHTH DAY BEFORE AN ELECTION IS A SATURDAY, SUNDAY, OR LEGAL HOLIDAY, THE ELECTOR IS PERMITTED TO REGISTER ON THE NEXT DAY THAT IS NOT A SATURDAY, SUNDAY, OR LEGAL HOLIDAY; OR

(b) APPEARING IN-PERSON AT THE OFFICE OF THE DESIGNATED ELECTION OFFICIAL OF THE SPECIAL DISTRICT AT ANY TIME DURING WHICH REGISTRATION IS PERMITTED AT THE OFFICE.

(5) TO RECEIVE A BALLOT BY MAIL FOR A SPECIAL DISTRICT ELECTION, AN ELECTOR MUST SUBMIT HIS OR HER VOTER REGISTRATION APPLICATION ON OR BEFORE THE EIGHTH DAY BEFORE THE ELECTION.

(6) AN ELECTOR WHO SUBMITS A VOTER REGISTRATION FORM AND HAS NOT PREVIOUSLY VOTED IN THE STATE SHALL:

(a) SUBMIT WITH THE VOTER REGISTRATION FORM A COPY OF IDENTIFICATION AS DEFINED IN SECTION 1-1-104 (19.5), THE ELECTOR'S DRIVER'S LICENSE NUMBER, OR THE LAST FOUR DIGITS OF THE ELECTOR'S SOCIAL SECURITY NUMBER; OR

(b) SUBMIT A COPY OF IDENTIFICATION AS DEFINED IN SECTION 1-1-104 (19.5) WITH THE ELECTOR'S MAIL BALLOT IN ACCORDANCE WITH SECTION 1-7.5-107 (3.5); AND

(c) SUBMIT A COPY OF THE NOTARIZED SELF-AFFIRMING OATH OR AFFIRMATION THE ELECTOR HAS EXECUTED PURSUANT TO SECTION 32-1-806 (2.5).

(7) IN ADDITION TO SUBMITTING THE INFORMATION REQUIRED BY SUBSECTION (6) OF THIS SECTION, EACH ELECTOR SHALL CORRECTLY ANSWER THE FOLLOWING:

(a) THE ELECTOR'S NAME IN FULL;

(b) THE ELECTOR'S ADDRESS OF RECORD OR DELIVERABLE MAILING ADDRESS IF DIFFERENT FROM THE ADDRESS OF RECORD. A POST OFFICE BOX NUMBER SHALL NOT BE USED AS A DELIVERABLE MAILING ADDRESS FOR THE PURPOSES OF THIS SUBSECTION (7)(b).

(c) WHETHER THE ELECTOR IS A CITIZEN OF THE UNITED STATES;

(d) THE ELECTOR'S STATE AND COUNTY OF RESIDENCE AND WHETHER THE ELECTOR IS ELIGIBLE TO VOTE IN THE STATE IDENTIFIED.

(e) THE ELECTOR'S GENDER IDENTITY, IF THE ELECTOR WISHES TO STATE IT;

(f) THE ELECTOR'S DATE OF BIRTH;

(g) THE ELECTOR'S DELIVERABLE MAILING ADDRESS IF DIFFERENT FROM THE ELECTOR'S ADDRESS OF RECORD;

(h) THE LAST FOUR DIGITS OF THE ELECTOR'S SOCIAL SECURITY NUMBER. IF THE ELECTOR DOES NOT HAVE A SOCIAL SECURITY NUMBER, THE ELECTOR SHALL ANSWER THAT HE OR SHE DOES NOT HAVE A SOCIAL SECURITY NUMBER.

(i) WHETHER ANY COMMUNICATION BY MAIL FROM THE DESIGNATED ELECTION OFFICIAL TO SUCH ELIGIBLE ELECTOR SHOULD BE SENT TO THE ELECTOR'S DELIVERABLE MAILING ADDRESS; AND

(j) THE QUESTION "DO YOU AFFIRM THAT YOU MEET THE VOTER REGISTRATION QUALIFICATIONS AND THAT THE INFORMATION YOU HAVE PROVIDED IN THIS APPLICATION IS TRUE TO THE BEST OF YOUR KNOWLEDGE AND BELIEF?"

(8) IF AN APPLICANT FOR VOTER REGISTRATION HAS NOT BEEN ISSUED A SOCIAL SECURITY NUMBER, THE DESIGNATED ELECTION OFFICIAL SHALL ASSIGN THE APPLICANT A NUMBER THAT WILL SERVE TO IDENTIFY THE APPLICANT FOR VOTER REGISTRATION PURPOSES.

(9) THE FORM USED FOR REGISTRATION OF ELIGIBLE ELECTORS MUST CONTAIN A STATEMENT THAT THE APPLICANT SHALL COMPLY WITH THE REQUIREMENTS OF SUBSECTION (7)(h) OF THIS SECTION, THAT AN APPLICANT WHO SATISFIES THE REQUIREMENTS OF 32-1-103 (5)(f) BUT DOES NOT HAVE A SOCIAL SECURITY NUMBER MAY STILL REGISTER TO VOTE, AND THAT THE DESIGNATED ELECTION OFFICIAL WILL ASSIGN AN IDENTIFYING NUMBER TO SUCH AN APPLICANT FOR VOTER REGISTRATION PURPOSES.

(10) IF THE DESIGNATED ELECTION OFFICIAL HAS REASONABLE CAUSE TO BELIEVE THAT AN APPLICANT HAS FALSIFIED ANY ANSWERS TO THE QUESTIONS SET FORTH IN THIS SECTION, THE DESIGNATED ELECTION OFFICIAL SHALL CERTIFY THE SAME TO THE DISTRICT ATTORNEY FOR INVESTIGATION AND APPROPRIATE ACTION.

(11) (a) IF THE REGISTRATION RECORD OF A REGISTERED ELECTOR DOES NOT CONTAIN THE LAST FOUR DIGITS OF THE ELECTOR'S SOCIAL SECURITY NUMBER, THE DESIGNATED ELECTION OFFICIAL SHALL REQUEST THE ELECTOR TO PROVIDE THE LAST FOUR DIGITS OF THE ELECTOR'S SOCIAL SECURITY NUMBER. THE REQUEST MAY BE MADE OF THE REGISTERED ELECTOR BY THE DESIGNATED ELECTION OFFICIAL:

(I) IN ANY WRITTEN COMMUNICATION BY MAIL FROM THE DESIGNATED ELECTION OFFICIAL TO THE REGISTERED ELECTOR;

(II) IN MATERIALS TO BE RETURNED BY THE REGISTERED ELECTOR WITH A MAIL BALLOT.

(b) NO REGISTERED ELECTOR SHALL BE PROHIBITED FROM VOTING AT ANY ELECTION FOR FAILURE TO PROVIDE THE LAST FOUR DIGITS OF THE ELECTOR'S SOCIAL SECURITY NUMBER OR THE ELECTOR'S FULL SOCIAL SECURITY NUMBER.

(c) ANY SOCIAL SECURITY NUMBER OR THE LAST FOUR DIGITS OF A SOCIAL SECURITY NUMBER OF AN ELECTOR THAT IS OBTAINED BY THE DESIGNATED ELECTION OFFICIAL FROM SUCH ELECTOR PURSUANT TO THIS SECTION SHALL BE HELD CONFIDENTIAL AND SHALL NOT BE PUBLISHED OR BE OPEN TO OR AVAILABLE FOR PUBLIC INSPECTION. THE DESIGNATED ELECTION OFFICIAL SHALL DEVELOP APPROPRIATE SECURITY MEASURES TO ENSURE THE CONFIDENTIALITY OF SUCH NUMBERS.

(d) THE LAST FOUR DIGITS OF A SOCIAL SECURITY NUMBER DESCRIBED IN THIS SECTION SHALL NOT BE CONSIDERED A SOCIAL SECURITY NUMBER FOR PURPOSES OF SECTION 7 OF THE FEDERAL "PRIVACY ACT OF 1974", PUB.L. 93-579.

(12) THIS SECTION DOES NOT APPLY TO A COVERED VOTER, AS DEFINED IN SECTION 1-8.3-102, WHO IS REGISTERING TO VOTE PURSUANT TO SECTION 1-8.3-107.

(13) (a) THE REGISTRATION RECORD TO BE SIGNED BY AN ELECTOR REGISTERED TO VOTE IN ACCORDANCE WITH THIS SECTION MUST BEAR THE FOLLOWING STATEMENT:

WARNING:
IT IS A CLASS 1 MISDEMEANOR:

TO SWEAR OR AFFIRM FALSELY AS TO YOUR
QUALIFICATIONS TO REGISTER TO VOTE.

(b) EACH ELECTOR MAKING APPLICATION FOR REGISTRATION PURSUANT TO THIS SECTION ONLY SHALL MAKE THE FOLLOWING SELF-AFFIRMATION: "I,, AFFIRM THAT I AM A CITIZEN OF THE UNITED STATES AND I AM AT LEAST SIXTEEN YEARS OLD AND UNDERSTAND THAT I MUST BE EIGHTEEN YEARS OLD TO BE ELIGIBLE TO VOTE. I CERTIFY UNDER PENALTY OF PERJURY THAT I MEET THE REGISTRATION QUALIFICATIONS; THAT THE INFORMATION I HAVE PROVIDED ON THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF; AND THAT I HAVE NOT, NOR WILL I, CAST MORE THAN ONE BALLOT IN ANY ELECTION."

(c) THE ELECTOR SHALL SIGN THE REGISTRATION RECORD AS EVIDENCE OF THE AFFIRMATION MADE BY THE ELECTOR.

(14) THE FORM USED TO REGISTER AN ELIGIBLE ELECTOR UNDER THIS SECTION MUST CONTAIN A QUESTION ASKING THE ELECTOR TO CONFIRM THAT HE OR SHE DESIRES TO RECEIVE A BALLOT FROM THE SPECIAL DISTRICT. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, UNLESS THE ELECTOR HAS EXECUTED THE FORM TO INDICATE THAT HE OR SHE DESIRES TO RECEIVE A BALLOT FROM THE SPECIAL DISTRICT, THE DESIGNATED ELECTION OFFICIAL IS NOT REQUIRED TO SEND A BALLOT TO THE ELECTOR.

(15) THE SPECIAL DISTRICT IS SOLELY RESPONSIBLE FOR MAINTAINING THE LIST OF NONRESIDENT OWNERS OF PROPERTY WITHIN THE SPECIAL DISTRICT WHO ARE ELIGIBLE TO VOTE IN AN ELECTION OF THE SPECIAL DISTRICT IN ACCORDANCE WITH THIS SECTION. THE SPECIAL DISTRICT SHALL UPDATE THE LIST ON AN ANNUAL BASIS.

(16) THE SECRETARY OF STATE SHALL PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24 AS MAY BE NECESSARY TO FACILITATE THE EFFECTIVE ADMINISTRATION OF THIS SECTION.

SECTION 4. In Colorado Revised Statutes, 32-1-902, **add** (1.5) as follows:

32-1-902. Organization of board - compensation - disclosure.
(1.5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EACH BOARD MAY SELECT, IN AN EXERCISE OF ITS OWN DISCRETION AND BY MAJORITY VOTE OF

THE BOARD'S VOTING MEMBERS, ONE OR MORE ADDITIONAL BOARD MEMBERS IN ACCORDANCE WITH THIS SUBSECTION (1.5), EACH OF WHOM SHALL SERVE AS A NONVOTING MEMBER OF THE BOARD. A MEMBER OF THE BOARD APPOINTED IN ACCORDANCE WITH THIS SECTION MUST BE A PERSON WHO IS A NONRESIDENT OF THE STATE BUT IS OTHERWISE ELIGIBLE TO CAST A BALLOT IN ELECTIONS OF THE SPECIAL DISTRICT IN ACCORDANCE WITH SECTION 32-1-103 (5)(f). A BOARD WITH THREE MEMBERS MAY APPOINT NO MORE THAN ONE NONVOTING MEMBER OF THE BOARD IN ACCORDANCE WITH THIS SUBSECTION (1.5). A BOARD WITH FIVE MEMBERS MAY APPOINT NO MORE THAN TWO NONVOTING MEMBERS OF THE BOARD IN ACCORDANCE WITH THIS SUBSECTION (1.5). THE TERM OF A BOARD MEMBER APPOINTED PURSUANT TO THIS SUBSECTION (1.5) IS FOUR YEARS SUBJECT TO RENEWAL FOR ONE OR MORE ADDITIONAL FOUR-YEAR TERMS IN THE DISCRETION OF A MAJORITY OF THE VOTING MEMBERS OF THE BOARD. ANY BOARD MEMBER APPOINTED PURSUANT TO THIS SUBSECTION (1.5) MAY BE REMOVED FOR CAUSE AT ANY TIME BY A MAJORITY OF THE VOTING MEMBERS OF THE BOARD.

SECTION 5. Act subject to petition - effective date. This act takes effect September 1, 2018; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be

held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Crisanta Duran
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Kevin J. Grantham
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Effie Ameen
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO