

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 18-0470.01 Bob Lackner x4350

HOUSE BILL 18-1181

HOUSE SPONSORSHIP

Liston, McKean, Wilson, Coleman

SENATE SPONSORSHIP

Tate,

House Committees

State, Veterans, & Military Affairs

Senate Committees

State, Veterans, & Military Affairs

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
April 23, 2018

HOUSE
3rd Reading Unamended
April 11, 2018

HOUSE
Amended 2nd Reading
April 10, 2018

Section 1 of the bill expands the definition of "eligible elector", as used in reference of persons voting in special district elections, to include a 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 other requirements in the bill for registering to vote in an election of a special district but who is not a resident of the state.

Section 2 prohibits a person from voting in a special district election unless that person is an eligible elector as defined by the bill. The section also requires any person desiring to vote at any election as an eligible elector to sign a self-affirmation that the person is an elector of the special district. The bill specifies the form the affirmation must take.

Section 3 specifies procedures by which the eligible elector becomes registered to be able to vote in the special district election. This section also contains an affirmation to be executed by the voter upon completing his or her application for registration.

A person who is designated as an eligible elector in accordance with the bill is only permitted to vote in an election of the special district with which the person has registered and for a candidate for the board of directors of the special district (board) who is listed 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 the bill is only permitted to vote for candidates for the board 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.

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. 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. 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.

Section 4 authorizes each special district board to select, in an exercise of its own discretion and by majority vote of the board's voting members, one or more additional board members, each of whom shall serve as a nonvoting member of the board. A member of the board appointed for this purpose must be a person who is a nonresident of the state of Colorado but is otherwise eligible to cast a ballot in elections of the special district in accordance with the bill. A board with 3 members may appoint no more than one nonvoting member of the board. A board with 5 members may appoint no more than 2 nonvoting members of the board. The term of such board members is 4 years subject to renewal of one or more additional 4-year terms in the discretion of a majority of the voting members of the board. Any board member appointed for this

purpose may be removed for cause at any time by a majority of the voting members of the board.

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

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

4 **32-1-103. Definitions.** As used in this ~~article~~ ARTICLE 1, unless
5 the context otherwise requires:

6 (5) (f) "ELIGIBLE ELECTOR" ALSO MEANS A NATURAL PERSON WHO
7 OWNS, OR WHOSE SPOUSE OR CIVIL UNION PARTNER OWNS, TAXABLE REAL
8 OR PERSONAL PROPERTY SITUATED WITHIN THE BOUNDARIES OF THE
9 SPECIAL DISTRICT OR THE AREA TO BE INCLUDED IN THE SPECIAL DISTRICT
10 AND WHO HAS SATISFIED ALL REQUIREMENTS PROVIDED BY LAW FOR
11 REGISTERING TO VOTE IN AN ELECTION OF A SPECIAL DISTRICT IN
12 ACCORDANCE WITH SECTIONS 32-1-806 AND 32-1-806.5, BUT WHO IS NOT
13 A RESIDENT OF THE STATE.

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

16 **32-1-806. Persons entitled to vote at special district elections.**

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

20 (2.5) (a) ANY NATURAL PERSON DESIRING TO VOTE AT ANY
21 ELECTION AS AN ELIGIBLE ELECTOR PURSUANT TO SECTIONS 32-1-103
22 (5)(f) AND 32-1-806.5 SHALL SIGN A SELF-AFFIRMATION THAT THE PERSON
23 IS AN ELECTOR OF THE SPECIAL DISTRICT. THE SELF-AFFIRMING OATH OR
24 AFFIRMATION MUST BE ON A FORM THAT CONTAINS IN SUBSTANCE THE
25 FOLLOWING:

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

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

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

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

18 I HAVE NOT VOTED PREVIOUSLY AT THIS ELECTION.

19 DATE _____

20 SIGNATURE OF ELECTOR _____."

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

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

1 subsection (2) of this section.

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

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

7 **32-1-806.5. Registration for specified electors in special**
8 **district election - option for special district to allow owners of taxable**
9 **property within special district who are not state residents to vote for**
10 **district board members. (1) ANY SPECIAL DISTRICT ORGANIZED UNDER**
11 **THE LAWS OF THE STATE MAY, UPON PASSAGE OF A RESOLUTION BY THE**
12 **BOARD OF THE DISTRICT AT A PUBLIC HEARING, ALLOW AN ELECTOR**
13 **WHOSE ELIGIBILITY TO VOTE IN A SPECIAL DISTRICT ELECTION IS**
14 **ESTABLISHED BY SECTION 32-1-806 (2.5) TO VOTE FOR CANDIDATES FOR**
15 **THE BOARD OF DIRECTORS OF THE SPECIAL DISTRICT IN ACCORDANCE WITH**
16 **THE REQUIREMENTS OF THIS SECTION. SUBJECT TO THE REQUIREMENTS OF**
17 **THIS SECTION, NO PERSON WHO IS DESIGNATED AS AN ELIGIBLE ELECTOR**
18 **IN ACCORDANCE WITH SECTION 32-1-103 (5)(f) SHALL BE PERMITTED TO**
19 **CAST A BALLOT AT ANY SPECIAL DISTRICT ELECTION WITHOUT FIRST**
20 **HAVING BEEN REGISTERED WITHIN THE TIME AND IN THE MANNER**
21 **REQUIRED BY THE PROVISIONS OF THIS SECTION. NO CHARGE SHALL BE**
22 **MADE FOR REGISTRATION. NOTWITHSTANDING ANY OTHER PROVISION OF**
23 **THIS SECTION, THIS SECTION ONLY APPLIES TO A SPECIAL DISTRICT WHOSE**
24 **BOARD OF DIRECTORS, BY RESOLUTION AT A PUBLIC HEARING, PERMITS AN**
25 **ELIGIBLE ELECTOR WHO IS NOT A RESIDENT OF THE STATE TO VOTE IN**
26 **ELECTIONS OF THE SPECIAL DISTRICT IN ACCORDANCE WITH THE**
27 **REQUIREMENTS OF THIS SECTION.**

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

10 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW:

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

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

1 DISTRICT.

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

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

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

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

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

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

21 (b) SUBMIT A COPY OF IDENTIFICATION AS DEFINED IN SECTION
22 1-1-104 (19.5) WITH THE ELECTOR'S MAIL BALLOT IN ACCORDANCE WITH
23 SECTION 1-7.5-107 (3.5); AND

24 (c) SUBMIT A COPY OF THE NOTARIZED SELF-AFFIRMING OATH OR
25 AFFIRMATION THE ELECTOR HAS EXECUTED PURSUANT TO SECTION
26 32-1-806 (2.5).

27 (7) IN ADDITION TO SUBMITTING THE INFORMATION REQUIRED BY

1 SUBSECTION (6) OF THIS SECTION, EACH ELECTOR SHALL CORRECTLY
2 ANSWER THE FOLLOWING:

3 (a) THE ELECTOR'S NAME IN FULL;

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

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

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

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

13 (f) THE ELECTOR'S DATE OF BIRTH;

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

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

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

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

27 (8) IF AN APPLICANT FOR VOTER REGISTRATION HAS NOT BEEN

1 ISSUED A SOCIAL SECURITY NUMBER, THE DESIGNATED ELECTION OFFICIAL
2 SHALL ASSIGN THE APPLICANT A NUMBER THAT WILL SERVE TO IDENTIFY
3 THE APPLICANT FOR VOTER REGISTRATION PURPOSES.

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

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

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

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

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

27 (b) NO REGISTERED ELECTOR SHALL BE PROHIBITED FROM VOTING

1 AT ANY ELECTION FOR FAILURE TO PROVIDE THE LAST FOUR DIGITS OF THE
2 ELECTOR'S SOCIAL SECURITY NUMBER OR THE ELECTOR'S FULL SOCIAL
3 SECURITY NUMBER.

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

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

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

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

21 WARNING:

22 IT IS A CLASS 1 MISDEMEANOR:

23 TO SWEAR OR AFFIRM FALSELY AS TO YOUR

24 QUALIFICATIONS TO REGISTER TO VOTE.

25 (b) EACH ELECTOR MAKING APPLICATION FOR REGISTRATION
26 PURSUANT TO THIS SECTION ONLY SHALL MAKE THE FOLLOWING
27 SELF-AFFIRMATION: "I, ..., AFFIRM THAT I AM A CITIZEN OF THE UNITED

1 STATES AND I AM AT LEAST SIXTEEN YEARS OLD AND UNDERSTAND THAT
2 I MUST BE EIGHTEEN YEARS OLD TO BE ELIGIBLE TO VOTE. I CERTIFY
3 UNDER PENALTY OF PERJURY THAT I MEET THE REGISTRATION
4 QUALIFICATIONS; THAT THE INFORMATION I HAVE PROVIDED ON THIS
5 APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF; AND
6 THAT I HAVE NOT, NOR WILL I, CAST MORE THAN ONE BALLOT IN ANY
7 ELECTION."

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

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

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

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

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

1 **32-1-902. Organization of board - compensation - disclosure.**

2 (1.5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EACH BOARD
3 MAY SELECT, IN AN EXERCISE OF ITS OWN DISCRETION AND BY MAJORITY
4 VOTE OF THE BOARD'S VOTING MEMBERS, ONE OR MORE ADDITIONAL
5 BOARD MEMBERS IN ACCORDANCE WITH THIS SUBSECTION (1.5), EACH OF
6 WHOM SHALL SERVE AS A NONVOTING MEMBER OF THE BOARD. A MEMBER
7 OF THE BOARD APPOINTED IN ACCORDANCE WITH THIS SECTION MUST BE
8 A PERSON WHO IS A NONRESIDENT OF THE STATE BUT IS OTHERWISE
9 ELIGIBLE TO CAST A BALLOT IN ELECTIONS OF THE SPECIAL DISTRICT IN
10 ACCORDANCE WITH SECTION 32-1-103 (5)(f). A BOARD WITH THREE
11 MEMBERS MAY APPOINT NO MORE THAN ONE NONVOTING MEMBER OF THE
12 BOARD IN ACCORDANCE WITH THIS SUBSECTION (1.5). A BOARD WITH FIVE
13 MEMBERS MAY APPOINT NO MORE THAN TWO NONVOTING MEMBERS OF
14 THE BOARD IN ACCORDANCE WITH THIS SUBSECTION (1.5). THE TERM OF
15 A BOARD MEMBER APPOINTED PURSUANT TO THIS SUBSECTION (1.5) IS
16 FOUR YEARS SUBJECT TO RENEWAL FOR ONE OR MORE ADDITIONAL
17 FOUR-YEAR TERMS IN THE DISCRETION OF A MAJORITY OF THE VOTING
18 MEMBERS OF THE BOARD. ANY BOARD MEMBER APPOINTED PURSUANT TO
19 THIS SUBSECTION (1.5) MAY BE REMOVED FOR CAUSE AT ANY TIME BY A
20 MAJORITY OF THE VOTING MEMBERS OF THE BOARD.

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

1 general election to be held in November 2018 and, in such case, will take
2 effect on the date of the official declaration of the vote thereon by the
3 governor.