

**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

REREVISED

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

LLS NO. 18-0644.01 Megan Waples x4348

SENATE BILL 18-025

SENATE SPONSORSHIP

Priola,

HOUSE SPONSORSHIP

Coleman,

Senate Committees

State, Veterans, & Military Affairs

House Committees

Local Government

A BILL FOR AN ACT

101 **CONCERNING MODERNIZATION OF ELECTION PROCEDURES FOR THE**
102 **URBAN DRAINAGE AND FLOOD CONTROL DISTRICT TO CONFORM**
103 **WITH THE CURRENT REQUIREMENTS OF STATE LAW.**

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>.)

The election provisions for the urban drainage and flood control district (district) have not been changed since 1992. The bill makes the following changes to provisions relating to district elections:

! **Section 1** of the bill adds definitions of "elector" or "registered elector" and "special election" or "election" to

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.

HOUSE
3rd Reading Unamended
February 21, 2018

HOUSE
2nd Reading Unamended
February 20, 2018

SENATE
3rd Reading Unamended
January 26, 2018

SENATE
Amended 2nd Reading
January 25, 2018

conform the district's laws with the "Uniform Election Code" (code). The bill clarifies the definition of "publication" so that it conforms with the code. The bill amends the definition of "taxpaying elector," eliminating the ability to vote based on a spouse or civil union partner owning taxable property within the district.

! **Section 2** clarifies that district elections may be held independently at a special election in conformance with the "Colorado Local Government Election Code" or in coordination with the county clerk and recorders of counties included in the district. This provision also includes a formula for determining the district's reasonable costs related to a coordinated election.

! **Section 3** deletes an obsolete provision specifying the date in advance of an election that the board of directors of the district must adopt a resolution calling a district election.

! **Section 4** conforms annexation elections to current requirements of the "Colorado Local Government Election Code" and makes ballot questions for district annexation elections similar to the procedures used for special district inclusion elections.

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

2 **SECTION 1.** In Colorado Revised Statutes, 32-11-104, **amend**
3 the introductory portion, (45), and (54)(a); and **add** (20.3) and (20.5) as
4 follows:

5 **32-11-104. Definitions.** As used in this ~~article~~ ARTICLE 11, unless
6 the context otherwise requires:

7 (20.3) "ELECTION" OR "SPECIAL ELECTION" MEANS ANY ELECTION
8 CALLED BY THE BOARD:

9 (a) FOR THE SUBMISSION OF BALLOT ISSUES AS REQUIRED BY AND
10 SET FORTH IN SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, TO
11 BE HELD AT EITHER THE GENERAL ELECTION OR ON THE FIRST TUESDAY IN
12 NOVEMBER OF ODD-NUMBERED YEARS; OR

13 (b) FOR ANY OTHER MATTER PERMITTED OR REQUIRED IN THIS

1 ARTICLE 11, WHICH MAY BE HELD ON ANY TUESDAY.

2 (20.5) "ELECTOR" OR "REGISTERED ELECTOR" HAS THE SAME
3 MEANING AS SPECIFIED IN SECTION 1-1-104 (35).

4 (45) (a) "Publication" or "publish" means ~~three consecutive~~
5 ~~weekly publications in at least one newspaper having general circulation~~
6 ~~in the district~~ PRINTING ONE TIME, IN ONE NEWSPAPER OF GENERAL
7 CIRCULATION IN THE DISTRICT.

8 (b) ~~It is not necessary that an advertisement be made on the same~~
9 ~~day of the week in each of the three weeks, but not less than fourteen~~
10 ~~days, excluding the day of first publication but including the day of the~~
11 ~~last publication, shall intervene between the first publication and the last~~
12 ~~publication, and publication shall be complete on the date of the last~~
13 ~~publication.~~

14 (54) (a) "Taxpaying elector" and "elector" of a district have the
15 meanings, respectively, as specified in section 32-1-103 for "taxpaying
16 elector" and "eligible elector"; MEANS A REGISTERED ELECTOR WHO OWNS
17 TAXABLE REAL OR PERSONAL PROPERTY WITHIN THE DISTRICT; except that
18 to qualify under this article ARTICLE 11 as a taxpaying elector, ~~or as an~~
19 ~~elector of a district~~, a person must also be a resident of the district.

20 **SECTION 2.** In Colorado Revised Statutes, **amend** 32-11-401 as
21 follows:

22 **32-11-401. Elections - definition.** (1) Wherever in this article
23 ARTICLE 11 an election is permitted or required, the election may be held
24 ~~separately~~ INDEPENDENTLY at a special election HELD AND CONDUCTED
25 UNDER ARTICLE 13.5 OF TITLE 1 or may be held ~~jointly or concurrently~~
26 ~~with any primary or general election held under the laws of the state; but~~
27 ~~no election shall be held at the same time as any regular election of any~~

1 ~~city, town, or school district any part of the area of which is located~~
2 ~~within the boundaries of the district. The elections shall be held and~~
3 ~~conducted, and the results determined, in the manner provided by IN~~
4 ~~COORDINATION WITH THE CLERK AND RECORDERS OF COUNTIES INCLUDED~~
5 ~~WITHIN THE DISTRICT UNDER articles 1 to 13 of title 1. C.R.S.~~

6
7 (2) IF AN ELECTION IS HELD IN COORDINATION WITH THE CLERK
8 AND RECORDERS OF COUNTIES INCLUDED WITHIN THE DISTRICT, THE
9 DISTRICT SHALL PAY THE DISTRICT'S COSTS OF CONDUCTING A
10 NONPARTISAN ELECTION IN ACCORDANCE WITH SECTION 1-7-116 (2).

11 **SECTION 3.** In Colorado Revised Statutes, 32-11-402, **amend**
12 (1) as follows:

13 **32-11-402. Election resolution.** (1) The board shall call any
14 election by resolution. ~~adopted at least thirty days prior to the election.~~

15 **SECTION 4.** In Colorado Revised Statutes, 32-11-704, **amend**
16 (1) and (2) as follows:

17 **32-11-704. Annexation election.** (1) If the petition FILED UNDER
18 SECTION 32-11-703 (1) is provisionally granted, the board by resolution
19 shall:

- 20 (a) Make an order to that effect;
- 21 (b) Direct that the question of inclusion of the area within the
22 district be submitted TO THE REGISTERED ELECTORS at an election HELD
23 within the area to be included ~~or annexed~~; and
- 24 (c) Designate ~~the secretary of the board as~~ the designated election
25 official, ~~to~~ WHO SHALL give notice and conduct the election according to
26 ~~the provisions of articles 1 to 13~~ ARTICLE 13.5 of title 1. C.R.S.

27 (2) ~~The annexation election shall be held within the area sought~~

1 ~~to be annexed, and only registered electors of the district shall vote on the~~
2 ~~question~~ DESIGNATED ELECTION OFFICIAL SHALL PREPARE THE BALLOT
3 FOR ANY ELECTION UNDER THIS PART 7. THE BALLOT MUST CONTAIN
4 SUBSTANTIALLY THE FOLLOWING WORDS:

5 "SHALL THE FOLLOWING DESCRIBED AREA BECOME A PART OF THE
6 URBAN DRAINAGE AND FLOOD CONTROL DISTRICT UPON THE FOLLOWING
7 CONDITIONS, IF ANY?

8 (INSERT DESCRIPTION OF AREA)

9 (INSERT DESCRIPTION OF CONDITIONS)

10 FOR INCLUSION _____

11 AGAINST INCLUSION _____."

12 **SECTION 5. Applicability.** This act applies to elections
13 conducted under article 11 of title 32, Colorado Revised Statutes, on or
14 after the effective date of this act.

15 **SECTION 6. Safety clause.** The general assembly hereby finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, and safety.