

SPECIAL DISTRICT ELECTIONS

Election Requirements.

Special districts (Title 32) are required to conduct regular elections on the Tuesday following the first Monday of May in every even-numbered year for the purpose of electing Board members. Ballot issues required under TABOR and ballot questions, such as term limit waiver, can also be included on the ballot at such regular election.

Special elections can also be called by the Board for submission of ballot questions on the first Tuesday following the first Monday in February, May, October or December, and in November of even-numbered years or on the first Tuesday in November of odd-numbered years. Court-ordered inclusion or organizational elections may also be conducted on any Tuesday.

TABOR ballot issues can only be submitted to the electors at the special district's regular election conducted in May of even-numbered years or at a November election. Such TABOR elections *must* be either conducted as a mail ballot election or coordinated with the County Clerk of the county or counties in which the special district is located.

Polling place elections can only be conducted if there are no TABOR ballot issues included on the ballot for such election.

Special districts are required to conduct elections pursuant to Articles 1 through 13 of Title 1, C.R.S. Prior to 1992, special districts conducted elections pursuant to Part 8 of Article 1 of Title 32, which provisions were very similar to the current Colorado Municipal Election Code (Article 10 of Title 31, C.R.S.).

All special district elections are non-partisan.

Eligible Elector.

An eligible elector for a special district election is a person who is registered to vote in the State of Colorado *and is either:*

- A resident within the special district boundaries at least thirty (30) days prior to the election; *or*
- The owner of taxable real or personal property situated within the special district boundaries. A person who is obligated to pay taxes under a contract to purchase taxable property situated within the boundaries of the special district is considered an owner. The owner must be a natural person, not a corporation, trust, partnership, etc.; *or*
- The spouse of the owner of taxable real or personal property situated within the special district boundaries.

Mail Ballot Elections.

As in all mail ballot elections, ballots are to be mailed to all active registered electors of the special district. Title 1 defines a “registered elector” as a person “who has complied with the registration provisions of this code and. . . *is eligible to vote in the jurisdiction of the political subdivision calling the election.*” Thus, ballots must be mailed to each property owner who may be eligible to vote. There is not just one list of the names and addresses of the eligible electors to which a special district must mail ballots. Special district electors do not need to be registered in the county in which the special district is located.

Confirmation of property owner electors includes obtaining a list of all property owners within the special district from the County Assessor of the county or counties in which the special district is located. Then checking the voter registration for each property owner with a Colorado address, whose name does not appear on the special district’s voter registration list received from the County Clerk and Recorder of each county or counties in which the special district is located.

This is not a perfect procedure when the property owner name or address do not perfectly match that provided on the statewide voter registration list. This can easily disenfranchise an otherwise eligible elector because their voter eligibility could not be confirmed because of a different address or if the property owner’s name has changed since the property was purchased. Also, one elector may receive more than one ballot because possibly the person’s name may be different on each list (i.e. Bob vs. Robert; or middle name vs. no middle name). If the voter registration and property owners lists are large or the special district is in multiple counties and several lists are being reviewed, these duplicates can easily be missed. Determining property owner voter eligibility is a very time consuming, tedious effort.

Most special districts do not have staff to run elections, so consultants and vendors are hired to handle all aspects of the election, including confirmation of property owner voter eligibility, and packaging and mailing the ballots, all of which substantially increase the cost of the election.

Special districts do not have the resources to do signature verification if the election is not conducted by the County Clerk.

Since a mail ballot election is mandatory for a TABOR election (Section 32-1-805[2], C.R.S.), if not being conducted by the County Clerk, many special districts are foregoing submitting TABOR ballot issues to their electorate because they cannot afford the expense.

Polling Place Elections.

For special districts, the option to conduct a polling place election is only allowed if no TABOR issue will be included on the ballot. Simply, elections conducted to elect Board members and for the submission of ballot questions, such as term limit waivers, or Court-ordered inclusion or organization elections, can be conducted as a polling place election.

Absolute confirmation of property owner electors are not required when voting at a polling place, since each elector must sign an affidavit before being allowed to vote (Section 1-7-103[4], C.R.S.).

No voting equipment is required, only optional. All paper ballots can be used, which only includes one "ballot style". In smaller elections, the ballots and other paper supplies can be printed by the special district, which decreases the added costs of election supplies. Election supplies are not required to be printed for 100% of the eligible electors, as is required for a mail ballot election.

There is no early voting in special district elections not conducted by the County Clerk. All eligible electors still have the option of obtaining a mail-in ballot. Since special districts do not have precincts, there are fewer polling place locations (most times only one). Permanent mail-in ballots are required to be mailed in elections conducted by metropolitan districts.

Election Costs.

As a result of the mandatory requirement for special districts to conduct mail ballot elections for submission of TABOR issues, several special districts were required to conduct mail ballot elections for their May 4, 2010 regular Board of Director election. In comparing the costs of such mail ballot election to their previous polling place election conducted in May, 2008, these special districts experienced an increase in election costs between 700% to over a 1000% in one particular large multi-county special district.

The costs of polling place elections for metropolitan districts have also substantially increased as a result of the mandatory requirement to mail ballots to those resident electors who requested permanent mail-in ballot status.

If mail ballot elections are mandated for all special district elections, including regular elections to only elect Board members, many small budget special districts will simply not have the revenue to pay such election expenses.

Summary of Special District Elections.

According to the Division of Local Government, there are currently 1,874 active special districts statewide. In 2008, there were 226 special district elections conducted. In 2009, there were 84. The number of elections conducted in 2010 is not yet available.