
ELECTIONS: QUICK REFERENCE GLOSSARY



CO L O R A D O

Department of Local Affairs

Division of Local Government

SPECIAL DISTRICT ASSISTANCE

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- ABSENTEE BALLOT
- BALLOT ISSUES
- BALLOT QUESTIONS
- BOARD OF DIRECTORS
- CALL FOR NOMINATIONS
- CANVASS BOARD
- CANVASS BOARD'S CERTIFICATE
- CONTEST
- COORDINATED ELECTIONS
- DEO
- DIRECTOR
- ELECTION CALENDAR
- ELECTION JUDGES
- ELECTION OFFENSE
- ELIGIBLE ELECTOR
- MAIL BALLOT ELECTION
- MAIL BALLOT PLAN
- NONPARTISAN
- NOTICE OF CANCELLATION
- OATHS AND BONDS
- PERMANENT ABSENTEE VOTER
- POLLING PLACE ELECTION
- PROPERTY OWNERS LIST
- PUBLICATION
- RECOUNT
- REGISTERED VOTERS LIST
- REGULAR ELECTIONS
- SELF-NOMINATION
- SPECIAL DISTRICT
- SPECIAL ELECTIONS
- TABOR NOTICE
- TABOR/BALLOT ISSUE ELECTIONS
- UNOFFICIAL ABSTRACT/CERT.
- UOCAVA
- VACANCIES
- WATCHER
- WRITE-IN AFFIDAVIT

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INTRODUCTION

The Division of Local Government (DLG), at C.R.S. § 1-1-108 is required to “transmit...at least one copy of the election laws...” to each special district by January 15 of every even year, primarily through its webpage:

dola.colorado.gov/sd-elections

Statutory language generally isn’t user-friendly, and many special district elections are conducted by people who have little to no experience. Thus, for the convenience of those local governments, the following is a quick reference guide for key information regarding elections. All citations in parenthesis refer to the Colorado Revised Statutes (C.R.S.).

The following is not legal advice.

GENERAL LEGAL AUTHORITY

Title 32-Article 1 Special District elections are governed primarily by:

- C.R.S. Title 1, Article 13.5;
- C.R.S. Title 32, Article 1-Part 8; and
- Sections of the Uniform Election Code – Articles 1-13 of Title 1 – that do not conflict with Article 13.5 also apply.
- C.R.S. Title 1, Article 45 – Campaign Political Finance

Certain types of elections such as: a mill levy increase (C.R.S. § 29-1-302(3)); an inclusion (C.R.S. § 32-1-401); consolidation (C.R.S. §32-1-601); exclusion within municipalities (C.R.S. § 32-1-502); or dissolution (C.R.S § 32-1-701), are bound by differing or additional requirements detailed in other sections of Title 32, Article 1. Special districts organized under Title 32-Article 1 include the following: ambulance, fire protection, health service, metropolitan, park and recreation, sanitation, water, water and sanitation, and tunnel districts (C.R.S. § 32-1-301(2)(a))

Districts and other local governments not organized under Title 32, Article 1 may have their own statutorily decreed election requirements. These requirements will be outlined in the specific local government’s statutory authorization.

Definitions of words and phrases concerning elections in Title 32-Article 1 districts are found at C.R.S. § 1-13.5-103 and C.R.S. § 32-1-103. Be sure to review the definitions.

GLOSSARY

Use the below chart to ascertain the timing and type of election your District must follow:

February*	May ^{odd years*}	October*	November	December*
Questions? M/P	Questions? EVEN Year • Directors • Issues \$\$\$ M/P	Questions? M/P	Issues \$\$\$ (M or C) - Formation (P) C	Questions? M/P
<p>*Special Election Dates Every year Regular election – even years Special Exceptions Type of election:</p> <ul style="list-style-type: none"> ▪ M = Mail Ballot ▪ P = Polling Place ▪ C = Coordinated Election 				

SPECIAL DISTRICT

Title 32, Article 1, C.R.S., **special districts** include ambulance, fire protection, health service, metropolitan, park and recreation, sanitation, water, water and sanitation, and tunnel districts.

C.R.S. § 32-1-301(2)(a)

NONPARTISAN

Special district elections are **nonpartisan**, meaning political parties are forbidden. Names are never affiliated with Republicans, Democrats, Greens, Libertarians, etc.

C.R.S. § 1-1-104(23.3)

DESIGNATED ELECTION OFFICIAL (DEO)

“**Designated Election Official**” means the person designated by the governing body of a local government or by court order to supervise election duties. Generally, the **board of directors** will both call an election and appoint the DEO by resolution at the same time. Because **self-nomination & acceptance** forms may be submitted to the DEO as early as January 1st, it is recommended that the board appoints a DEO by late fall in odd years preceding a special district election, though there isn’t a specific date required by statute.

C.R.S. § 1-13.5-103(2)

ELECTION CALENDAR

In addition to the chart above, the Division provides an **election calendar** on its website (also above) which lays out election steps in chronological order. The **election calendar** is available for all **regular elections** by late fall preceding the election, and is also generally available for November **special elections**.

REGULAR ELECTIONS

Districts must hold **regular elections** on the first Tuesday after the first Monday of May in even-numbered years.

Candidates for **directors** are considered elected, even if an election is cancelled, so long as properly noticed by the electors.

C.R.S. § 1-13.5-111(1), 1-13.5-513(1)

Regular Elections are for the **purpose of electing directors** to the **board** and for the submission of other **ballot issues** and questions, if any. Terms are for four years.

C.R.S. § 1-1-104(42), 32-1-103(17), 305.5(3)

SPECIAL ELECTIONS

Special elections may be held only on the first Tuesday after the first Monday in February, May, October, or December of any year.

Any special district election ordered pursuant to article 1 of title 32, C.R.S., by the district court having jurisdiction over such existing or proposed special district must be held on the date ordered by the court and conducted in accordance with this article.

C.R.S. § 1-13.5-111(2)&(3)

TABOR/BALLOT ISSUE ELECTIONS

TABOR (issue) elections may be held only on the date of a state general election, biennial local district election, or on the first Tuesday in November of odd-numbered years.

C.R.S. § 1-13.5-111(2)

BALLOT ISSUES

Ballot issues are those which involve fiscal matters (\$\$\$). An example would be a mill levy increase, relief from the revenue and spending restrictions of TABOR, or other provisions of statute.

CO Constitution § Art. X, Section 20, 1-13.5-111(2), *Zaner v. City of Brighton*

BALLOT QUESTIONS

These are ballot questions posed to voters that do not involve fiscal matters. They may be asked by any method of election.

MAIL BALLOT ELECTION

A **mail ballot election** is just that, an election where the only method of voting is via mail ballot. Every **eligible elector** receives a mail ballot.

A district may choose to conduct an independent (not conducted by county) mail ballot election for any election, but if there is a ballot issue (TABOR/\$) being posed to voters, the election must be held by mail ballot, even for a regular election.

Mail ballots are sent 15-22 days prior to the election date.

C.R.S. § 1-13.5-1101 et seq.

POLLING PLACE ELECTION

This is a traditional election with polling places. But districts holding these elections must also send **absentee ballots**, and maintain a list of **permanent absentee voters**. Those voters will automatically receive an absentee ballot.

C.R.S. § 1-13.5-601 et seq.

COORDINATED ELECTIONS

A district may choose to have the county clerk and recorder(s) conduct their November elections for them at the District's expense. Districts still have responsibilities during these elections, but the election itself is conducted by the clerk(s).

C.R.S. § 1-7-116, SOS Rule 4.1.3

ABSENTEE BALLOT

An **eligible elector** (or family member related by blood marriage, civil union, or adoption to the eligible elector) may request an **absentee ballot**, and receive a ballot within 72 hours of the DEO receiving it, so long as they have filed by the Friday preceding the election.

C.R.S. § 1-13.5-1002

PERMANENT ABSENTEE VOTER

In addition to the **absentee ballot**, an **eligible elector** may also apply for **permanent absentee voter** status. The district must maintain a list of permanent absentee voters.

C.R.S. § 1-13.5-1003

CALL FOR NOMINATIONS

For **regular elections**, the DEO will publish the **Call for Nominations** at least once in the District's chosen **publication** between 75 and 100 days prior to the elections. The Call specifies how many seats are available for which terms, where to obtain and the deadline for submitting a **self-nomination** form/letter, and how to obtain an **absentee ballot**.

C.R.S. § 1-13.5-501(1)

PUBLICATION

Printing one time in one newspaper of general circulation in the special district. Where geography dictates this is impossible, at least one **publication** is required in each county having at least 50 **eligible electors**.

C.R.S. §1-13.5-501(2)

SELF-NOMINATION

Eligible electors who wish to be candidates for a special district's **board of directors** must submit a **Self-nomination** and acceptance form/letter to the DEO (there are no petitions) by the 67th day prior to the election. A witness, who must be an eligible elector of Colorado must. Term length must be chosen at the time of submittal, if more than one exists. The earliest candidates may self-nominate is January 1.

C.R.S. § 1-13.5-303

WRITE-IN AFFIDAVIT

Generally, only last minute candidates will use the **write-in affidavit**. The affidavit is due the Monday after the **Self-Nomination** form is due and one day prior to the date a DEO may cancel the election (64th day). Write-in votes only count if they are for the person who has submitted an affidavit.

C.R.S. § 1-13.5-305

NOTICE OF CANCELLATION

If by the 63rd day prior to the election (the day after the deadline for **write-in affidavit** submittal), or thereafter there are not more candidates than offices to be filled, and if instructed by resolution of the **board of directors**, the DEO may cancel the election.

The DEO provides notice by **publication** of the cancellation. A copy of the **notice of cancellation** and the board's resolution – either appointing the DEO or formally cancelling the election – are filed with DLG.

C.R.S. § 1-13.5-513, 1-11-103(3)

MAIL BALLOT PLAN

For independent **mail ballot elections** (not coordinated with county), the DEO complete and have on file a **mail ballot plan** by the 55th day prior to the election date. A template mail ballot plan is available on the DLG election forms webpage.

C.R.S. § 1-13.5-1103

REGISTERED VOTERS LIST

Obtained from the county clerk and recorder(s). For elections held, the DEO orders the list by the 40th day preceding the election. The list is used to verify eligibility of an elector who votes on the basis of being registered to vote in Colorado and residing within the district.

C.R.S. § 1-13.5-203

PROPERTY OWNERS LIST

Obtained from the county assessor(s). For elections held, the DEO orders the list by the 40th day preceding the election. The list is used to verify eligibility of an elector who votes on the basis of being registered to vote in Colorado and owning taxable real or personal property within the district.

C.R.S. § 1-13.5-204

UNIFORM AND OVERSEAS CITIZENS ABSENTEE VOTING ACT (UOCAVA)

See dola.colorado.gov/sd-elections for more information.

C.R.S. § 1-8.3-103(1)(d)

TABOR NOTICE

For districts conducting independent **mail ballot elections**, at 30 days prior to the election date, a notice is required to be sent to “All registered voters”. Specific information about the ballot issue including fiscal information and a summary of pro and con statements filed with the DEO about the ballot issue are included in the TABOR notice.

CO Constitution § Art. X, Section 20(b)

ELECTION JUDGES

DEOs appoint **election judges** no later than 15 days prior to the election. **Election judges** conduct the election itself, and count the ballots. As soon as the votes are tallied, the judges post an unofficial result (abstract) at the polling place, then make an official certificate of the complete results, which then goes to the **Canvass Board**.

C.R.S. § 1-13.5-401, 613, 615

UNOFFICIAL ABSTRACT & CERTIFICATION (ELECTION JUDGES')

Election judges produce the **unofficial abstract** outside their polling place and may remove it within 48 hours. They then produce a **certificate of election returns** for the **Canvass Board**, which the Canvass Board then certifies.

C.R.S. § 1-13.5-613, 615

CANVASS BOARD

The **Canvass Board** consists of one **eligible elector** of the district, one member of the governing body, and the DEO. Together they produce the **Canvass Board's Certificate of Election Results**, which all sign. It is filed with DLG.

C.R.S. § 1-13.5-1305(1)

CANVASS BOARD'S CERTIFICATE OF ELECTION RESULTS

This is the document produced by the **Canvass Board** that is the official document deeming candidates elected and issues or questions passed/defeated. It is completed within 14 days of the election unless there is a **recount**.

C.R.S. § 1-13.5-1305

RECOUNT

DEO orders an automatic **recount** if the difference between the votes of the candidate with the lowest winning vote total and highest losing vote total is less than 0.5%. This is actually extremely rare. For example, if winning candidate 'C' beats losing candidate 'D' by 92 to 90 votes, an automatic recount is not triggered. $92 - 90 = 2$, $2 \div 92 = 2.17\%$, which is greater than 0.5%; no automatic recount is triggered. Candidates may ask for a recount at their own expense.

C.R.S. § 1-13.5-1306(2)

WATCHER

Each candidate for office, or interested party in case of a ballot issue or ballot question, is entitled to appoint an **eligible elector** to act as a **watcher** in every polling place in which he or she is a candidate or in which the issue or question is on the ballot.

The **designated election official** may, by lot, reduce the number of watchers to one for and one against the ballot issue or ballot question for each location to be watched.

C.R.S. § 1-13.5-602(1)

BOARD OF DIRECTORS

Directors for a special district who collectively constitute the governing body.

C.R.S. § 32-1-103(1.5)

DIRECTOR

A member of the **board**. Most special districts have 5, though some have 7. Special District **directors** must be **eligible electors** of the district.

C.R.S. § 32-1-103(3) & (5)

ELIGIBLE ELECTOR

The most basic way a person may be an **eligible elector** of a special district, is to

- A. Be a **person*** who is registered to vote in the State of Colorado and either:
- I. who resides in the district on the election date; **or**
 - II. who, 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, *whether said person resides within the special district or not*. To qualify, the property must be in the person's name, not a trust, LLC., etc.

*Note that there are several other ways for someone to be eligible to vote in a special district election. They are, however, much less common:

- A person who is obligated to pay taxes under a contract to purchase taxable property situated within the boundaries of the special district or the area to be included within the special district shall be considered an owner.
- For all elections and petitions that require ownership of real property or land, a mobile home as defined in section 38-12-201.5 (2) or 5-1-301 (29), C.R.S., or a manufactured home as defined in section 42-1-102 (106) (b), C.R.S., shall be deemed sufficient to qualify as ownership of real property or land for the purpose of voting rights and petitions.

In the event that the **board**, by resolution, ends business personal property taxation by the district pursuant to subsection (8) (b) of section 20 of article X of the state constitution, persons owning such property and spouses or civil union partners of such persons shall not be **eligible electors** of the district on the basis of ownership of such property.

C.R.S. 32-1-103(5)

VACANCIES

Vacancies are filled by appointment by the **board**. An appointment is valid only until the next regular election at which time the remaining unexpired portion of the term must be filled by election. This may result in a two-year (partial) term being up for election at the next regular election.

C.R.S. § 32-1-905(2)

OATHS AND BONDS

Each director, **within thirty days** after his or her election or appointment to fill a vacancy, except for good cause shown, shall appear before an officer authorized to

administer **oaths** and take an oath that he or she will perform the duties of his or her office as required by law and will support the constitution of the United States, the constitution of the state of Colorado, and the laws made pursuant thereto.

When an election is **cancelled** in whole or in part, each director who was declared elected shall take the oath required **within thirty days after** the date of the regular election (note: **not** the cancellation date; oaths taken prior to the election date are invalid), except for good cause shown. The oath may be administered by the county clerk and recorder, by the clerk of the court, by any person authorized to administer oaths in this state, or by the chairman of the **board** and shall be filed with the clerk of the court and the Division of Local Government (DOLA).

At the time of the filing of said oath, there shall also be filed for each director an **individual, schedule, or blanket surety bond** at the expense of the special district, in an amount determined by the **board** of **not less than one thousand dollars each**, conditioned upon the faithful performance of his duties as director.

If any **director fails to take the oath or furnish the requisite bond within the period allowed**, except for good cause shown, his **office shall be deemed vacant**, and the vacancy thus created shall be filled in the same manner as other **vacancies** in the office of director.

C.R.S. § 32-1-901 (1), (2), (3)

CONTEST

Cases shall be tried and decided by the district court for the county in which the **contest** arises. If a district is located in more than one county, the district court of either county has jurisdiction.

C.R.S. § 1-13.5-1402(1)

ELECTION OFFENSE

Any person may file an affidavit with the district attorney stating the name of any person(s) who has **violated any of the election code** and stating the facts that constitute the alleged offense. Upon the filing of such affidavit, the district attorney shall investigate, and, if reasonable grounds appear, he/she shall prosecute the violator. The attorney general also has the prosecutorial powers of the district attorney.

C.R.S. § 1-13.5-1601, 1-13-101