



HB19-1108

SHORT TITLE: Nonresident Electors and Special Districts

LONG TITLE: 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.

SPONSORS: Reps. Liston and Hooton/Sen. Tate

COMMITTEES: House State, Veterans, & Military Affairs Committee

PURPOSE OF THE BILL: To establish a process that allows persons living outside Colorado but owning real property within a special district in Colorado to vote for members of the Board of Directors of such district.

PROPOSERS OF THE BILL: Two members of Cuchara Water & Sanitation district who spoke to fact that 2/3 of the property owners in that district live out of state or are only part-time residents. Supported by a property owner who was previously a full time resident then moved out of state.

POTENTIAL STAKEHOLDERS: Special districts, , county clerks

BACKGRUOND: This bill was passed by both chambers last year but was vetoed by Gov. Hickenlooper on the basis that it offered only limited voting rights for board members and not on other matters.

Is this bill necessary this year? No

How does the bill change current law? Currently in order to vote in a special district board election a person must own property within the district and live in the state of Colorado. This bill would allow out of state property owners to vote for board members upon resolution of the board of the special district after the elector submits a notarized affidavit that the necessary qualifications are met. The bill also allows a special district board to appoint non-resident eligible electors to serve as non-voting members of the board. A board with three members may appoint no more than one nonvoting member; a board with five members may appoint no more than two non-voting members. Terms of non-voting board members are four years subject to renewal. Nonvoting members may be removed for cause at any time by a majority of the voting members.

Does the bill affect the prior appropriations system? No

How is the bill implemented? Special districts must opt in, by passing a resolution to accept out of state requests. A person owning property or whose spouse, civil partner, etc. owns property within a special district and lives out of state may submit a request for a ballot to the special district board along with a notarized affidavit concerning qualifications. If the special district has passed a resolution approving the out of state electors and the board election is not part of a general, primary or coordinated election those individuals may vote.

Practical considerations: Issues were raised as to the ability of the special districts to verify identify of persons requesting ballots. Will out of state property owners have sufficient knowledge of board candidates to make informed choices?

Fiscal Impact: None identified by the state.

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