SECTION 12

ELECTION PROCEDURES FOR THE DISTRICT

1200 GENERAL The purpose of this section is to define, in general terms, the procedures which will be followed for elections within the District. The Special District Act (Title 32, Colorado Revised Statutes) is the basis for the information contained herein and should a conflict arise between the Colorado law and this section of the Rules and Regulations, the Colorado law shall take precedence.

Note: With the passage of House Bill 14-1164, a new Colorado Local Government Election Code was adopted (Article 13.5 of Title 1, C.R.S.) effective February 18, 2014. Certain provisions of the Uniform Election Code of 1992 (Articles 1 to 13 of Title 1, C.R.S.) also apply to special district elections and both the Local Government Election Code and the Uniform Election Code of 1992 should be read in conjunction with Part 8, Article 1 of Title 32, C.R.S. The following is an overview of the election requirements.

A local government may, in lieu of conducting a nonpartisan election under the provisions of the Colorado Local Government Election Code, opt to use the Uniform Election Code of 1992, Article 1 to 13 of Title 1, to conduct the nonpartisan election not coordinated by the County Clerk. *§ 1-13.5-102(1), C.R.S.*

The Legislature amends the election laws regularly. Before conducting an election, check the Election Codes for statutory changes enacted after the adoption of this section of the Rules and Regulations.

1201 DEFINITIONS These Rules and Regulations contain a list of terms which have been defined within the Special District Act. The majority of the terms defined and provided in the Special District Act are applicable to this particular section of the Rules and Regulations.

1202 REGULAR AND SPECIAL ELECTIONS:

1202.1 Regular Elections. Until May 2022, special districts must hold regular elections on the first Tuesday after the first Monday in May in even-numbered years for the purpose of electing Directors to the Board and, as applicable, for the submission of other ballot issues or questions. §1-13.5-111(1), §32-1-103(17), C.R.S. Starting May 2023, such regular elections will be held on the first Tuesday after the first Monday in May of odd-numbered years.

1202.2 Special Elections. Special elections may be held on the first Tuesday after the first Monday of February, May (odd-numbered years through 2022 and even-numbered years after 2023), October, or December; in November of even-numbered years; or on the first Tuesday in November of odd-numbered years. A court having jurisdiction over the District may order a special election to be

conducted on a different election date. §§1- 13.5-111(2) and (3), §32-1-103(21), C.R.S.

1202.3 Coordinated Elections:

A. Applicability. In a coordinated election, when more than one political subdivision with either overlapping boundaries or the same electors hold an election on the same day, the County Clerk and Recorder is the Coordinated Election Official. All November elections in which eligible electors are the same or boundaries overlap shall be coordinated elections unless the election is to be conducted as an independent mail ballot election. §§ 1-1-104(6.5), 1-1-111(3), 1-7-116, C.R.S.
B. Regular elections, special elections, and court-ordered elections conducted other than in November may be conducted as coordinated elections if (i) there is an overlap of electors or boundaries; (ii) the County Clerk and Recorder is the Coordinated Election Official; and (iii) the county, District, and other jurisdictions agree. §§1-1-104(6.5), 1-1-111(3), 1- 7-116, C.R.S.
C. Intergovernmental Agreement**.** At least 70 days prior to the November coordinated election, the District must enter into an intergovernmental agreement with the County Clerk and Recorder for the conduct of the election and/or mailing of the notice required by Article X, Section 20 of the Colorado Constitution ("TABOR Notice").The Agreement shall include, but not be limited to the following:
    1. An allocation of responsibilities between the District and the County Clerk and Recorder; and
    2. A provision for the sharing of expenses based upon "actual cost." §1-7-116(2), C.R.S.

1202.4 TABOR Elections. A TABOR ballot issue election must be conducted as either a coordinated election or as an independent mail ballot election. §1-13.5-111(2), C.R.S. TABOR elections can only be conducted at the regular election date, the general election date, or the first Tuesday in November of odd-numbered years. Article X, Section 20(3)(a), Colo. Const.

1203 INFORMATION ON DIRETOR ELECTIONS The following is designed to provide general information on the election of Directors for the District.

1203.1 Qualifications and Nominations of Candidates for Directors:

A. A resident of the District and shall be a resident within the boundaries of the respective Director's ward which he or she would represent; or
B. The owner (or spouse or civil union partner of the owner) of taxable real or personal property situated in the District.

For the purposed of #B above, a mobile or manufactured home qualifies as "real property," and a person who is under contract to purchase taxable property and

is obligated to pay the taxes prior to closing shall be considered an “owner” §32-1- 103(5), C.R.S. and shall be an owner within the boundaries of the respective Director’s ward, which he or she shall represent.
Director qualifications must be met at the time of the execution of the self-nomination form or letter or at the time of appointment by the Board of Directors, if filling a vacancy. Director qualifications must be maintained in order to remain qualified as a Director.

Property that is owned by a legal entity such as a corporation, LLC, partnership, or trust does not qualify a person as an eligible elector on the basis of property ownership.

A self-nomination and acceptance form signed by the candidate and one other registered voter of the state must be filed with the Designated Election Official no earlier than January 1 and no later than the normal close of business on the 67th day prior to the regular election. §1-13.5-303(1), C.R.S.

An affidavit of intent to be a write-in candidate must be filed with the Designated Election Official no later than 64 days prior to the date of election. §1-13.5-305, C.R.S.

The Designated Election Official shall provide copies of the self-nomination and acceptance forms and any affidavits of intent to be a write-in candidate to the Colorado Secretary of State no later than 60 days before the special district election. Rule 16.1, Secretary of State Rules Concerning Campaign and Political Finance.

1203.2 Cancellation of the Election. If the only matter before the electors is the election of Directors and if at the close of business on the 63rd day prior to the date of the regular election or at any time thereafter, there are not more candidates than offices to be filled, including candidates filing affidavits of intent, the election may be cancelled by the Designated Election Official (DEO) if so, instructed by resolution of the Board. The DEO shall declare the candidates elected to the Board. §1-13.5-513(1) C.R.S. Notice of the cancellation must be published one time prior to the election and posted at each polling place of the District and in the offices of the County Clerk and Recorder for each county in which the District is located, and in the office of the DEO. A copy of the notice shall be filed with the Division of Local Government. The candidates must be notified that the election was cancelled and that they were elected by acclamation. §1-13.5-513(6), C.R.S.

If the only matter before the electors is the consideration of ballot issue(s) or ballot question(s), the Board may cancel the election no later than 25 days prior to a coordinated November election or at any time prior to any other election. Notice of the cancellation must be published and posted as indicated above. §1-13.5-513(6), C.R.S. No election may be cancelled in part. §1-13.5-513(4), C.R.S.

1203.3 Director's Districts (Wards). The District is divided into seven districts or wards. A detailed description of the boundaries for these districts and a map depicting the areas is contained in Appendix 1 to these Rules and Regulations. The Board in its discretion, but no more frequently than every four years, may reestablish the boundaries of Director Districts created pursuant to Colorado law so that such Director Districts have, as nearly as possible, the same number of eligible electors.

1203.4 Vacancies in Director's Office. A Director's office shall be deemed to be vacant if any one of the below described events occur prior to the expiration of the term of office. Any vacancy on the Board shall be filled by appointment by the remaining Directors, the appointee to serve until the next regular election at which time the vacancy shall be filled by election for any remaining unexpired portion of the term. Events which would create a vacancy include:

A. If for any reason a properly qualified person is not elected to a Director's office by the electors as required at a regular election.
B. If a person who was duly elected or appointed fails, neglects, or refuses to subscribe to an Oath of Office or to furnish the bond in accordance with state law.
C. If a person who was duly elected or appointed submits a written resignation to the Board.
D. If the person who was duly elected or appointed ceases to be qualified for the office to which he or she was elected.
E. If a person who was duly elected or appointed is convicted of a felony.
F. If a court of competent jurisdiction voids the election or appointment or removes the person duly elected or appointed for any cause whatsoever, but only after his or her right to appeal has been waived or otherwise exhausted.
G. If the person who was duly elected or appointed fails to attend three consecutive regular meetings of the Board without the Board having entered upon its minutes an approval for an additional absence or absences; except that such additional absence or absences shall be excused for temporary mental or physical disability or illness.
H. If the person who was duly elected or appointed dies during his or her term of office.

Any vacancy shall be filled by appointment by the remaining Directors. If the Board fails to fill the vacancy within 60 days, the Board of County Commissioners may make the appointment. The Director appointed to fill a vacancy shall serve until the next regular election, at which time the vacancy shall be filled by election for the remainder, if any, of the originally vacated term. §32-1-905(2)(a), C.R.S.

Discussions regarding the appointment of a person and his or her qualifications to fill a vacancy on the Board must take place in a public meeting, not in executive session. The appointment must occur by official action of the Board at

a properly convened meeting and must be recorded in the minutes of the Board meeting. A notice of appointment shall be delivered to the person appointed, and the notice along with the mailing address of the person so appointed must be filed with the Division of Local Government. §32-1-905(3), C.R.S.

Typically, there is no legal requirement to post or publish notice of a vacancy prior to the District Board appointing someone to fill it. However, prior to conveying title to taxable property in the name of another or entering into a contract to purchase or sell taxable property for the purpose of qualifying such person as an eligible elector in order to fill a vacancy, notice of such vacancy must be published and ten days must pass after the publication of such notice during which no otherwise qualified eligible elector files a letter of interest in filling such position with the Board. §32-1-808(2)(a)(I), C.R.S

1203.5 Term Limits. Directors are limited to four consecutive terms of office, unless the voters of the District lengthen, shorten, or eliminate that limitation. Art. XVIII, Sect. 11, Colo. Const. The term- limited elected official cannot run again for election to the same body by moving to a new Director District, redistricting, or a change in the at-large or specific District nature of the seat currently occupied. Attorney General Opinion No. 2000-5 (July 10, 2000). Also see Attorney General Opinion No. 2005-4 (August 16, 2005).

Term limits apply only to elected four-year terms. Term limits do not apply to interim terms that arise due to a vacancy or to elected two-year terms that are created due to a vacancy. Attorney General Opinion No. 2000-2 (February 9, 2000).

1203.6 Directors. Subject to Recall. Any Director who has held office for at least six months may be subject to recall. §32-1-906, C.R.S.

In order to recall a Director, a petition signed by the lesser of 300 or 40% of eligible electors must be filed asserting the grounds for recall, and a recall election must be held pursuant to the provision of Part 9 of Article 1, Title 32, C.R.S. C.R.S. §§32-1-906

The election of a successor is held at the same time as the recall election. §32-1-911, C.R.S.

1204 TIMETABLE OF EVENTS/ACTIONS FOR DISTRICT ELECTIONS Directors are responsible for ensuring that mandatory filings are made, and actions are taken. The timetable of events is available on the Colorado Department of Local Affairs website: https://cdola.colorado.gov/special-district-elections or as such website may be updated or amended from time to time by the State of Colorado.

1205 MISCELLANEOUS MATTERS ON ELECTIONS:

1205.1 The Board of Directors, or the County Clerk and Recorder in a November coordinated election, shall govern the conduct of all regular and special elections of the District and shall render all interpretations and make all decisions as to controversies or other matters arising in the conduct of such elections.

1205.2 All powers and authority granted to the Board pursuant to Colorado law for the conduct of regular and special elections may be exercised in the absence of the Board by the Designated Election Official, Secretary or by the Assistant Secretary appointed by the Board.

1205.3 Colorado law provides for the following relative to assisting electors:

A. If any registered elector declares to the election judges that, by reason of disability, inability to read or write, or difficulties with the English language, he or she is unable to prepare the ballot or operate the voting device or electronic voting device without assistance, the elector is entitled, upon making a request, to receive the assistance of any one of the election judges or, at the elector's option, any person selected by the eligible elector requiring assistance.
B. Any person other than an election judge who assists an eligible elector in casting his or her ballot shall first complete the following voter assistance self-affirmation form: "I, ……., certify that I am the individual chosen by the elector to assist the elector in casting a ballot. I further certify that I will not in any way attempt to persuade or induce the elector to vote in a particular manner, nor will I cast the elector's vote other than as directed by the elector I am assisting."

1205.4 In accordance with Colorado law, the statutes governing the conduct of elections shall be liberally construed so that all eligible electors may be permitted to vote and those who are not eligible electors may be kept from voting so that fraud and corruption in Special District elections may be prevented.

~ END OF SECTION 12 ~

These Rules and Regulations were revised, accepted and approved by the Little Thompson Water District Board of Directors on September 5, 1996.

These Rules and Regulations were revised, accepte4d, and approved by the Little Thompson Water District Board of Directors on April 15, 2021.

Section 1203.5 Term Limits was updated from two consecutive terms to four consecutive terms as voted by the District Electors in the May 3, 2022, Ballot Question.