



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Memorandum

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TO: Interested Persons

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SUBJECT: Special District Elections

Summary

This memorandum provides information about special district elections in Colorado. Specifically, it provides an overview of special district elections and the times at which special district elections are conducted. Also included are an overview of special districts generally and information about all election dates in Colorado law. The Department of Local Affairs (DOLA) also has a number of resources available on its [special district elections website](#).

Special Districts in Colorado

Special districts are local governments that provide services or infrastructure to promote the health, safety, prosperity, security, and general welfare of the inhabitants of the district. The Special District Act, Article 1 of Title 32, C.R.S., is the enabling law for many different types of special districts and specifies the services that may be provided. It also specifies the procedures to form a district, district funding sources, and the composition of special district governing bodies. According to DOLA, there are currently 3,196 Title 32, Article 1 special districts in Colorado, though the number regularly fluctuates as districts are created and dissolved.

About 1,000 other districts, such as water conservancy districts and cemetery districts, are created outside of Title 32, Article 1. Each of these types of districts has its own enabling law.

There are several reasons why special districts are created. Typically, special districts serve to divide the costs of services evenly among all property owners and residents within the district. Special districts also provide the ability to finance large infrastructure and public facility projects, and the costs are repaid over time as development occurs and property values increase. Lastly, special districts provide more autonomy than local improvement districts that are directly created by a county or municipality, generally to address shorter-term issues.



Initially, voters decide whether a special district should be formed and who will serve on the board of directors. Once a special district is created, the district's board may levy taxes, charge fees, and own property — consistent with the provisions of the Taxpayer's Bill of Rights (TABOR).¹

Special District Elections

Special districts conduct elections for their board members, for TABOR issues such as tax and bond questions, and for general non-TABOR issues, pursuant to their enabling laws. Other districts with separate enabling laws may not conduct elections at all, as many of their boards are appointed. This section focuses on Title 32, Article 1 special districts.

Elections in Colorado are governed by three separate election codes. Special districts can choose to conduct their elections pursuant to either the Uniform Election Code of 1992,² which governs coordinated elections, or the Colorado Local Government Election Code,³ which applies to nonpartisan elections not coordinated by county clerks. If a special district election falls on the same date as a municipal election with overlapping boundaries, the district may choose to hold its election jointly with the municipality under the Colorado Municipal Elections Code of 1965.⁴ If a special district election is coordinated with a county or held jointly with a municipality, the special district questions appear on the same ballot as those elections.

Under the Colorado Local Government Election Code, adopted in 2014, special districts conducting independent elections are exempt from several of the features of Colorado's statewide election laws. Notably, for their regular elections, special districts are not required to send a mail ballot to all voters, although they can choose to do so, or to offer provisional ballots to voters who are not on the district's eligible voter list.

A special district choosing to conduct a polling place election under the Colorado Local Government Election Code must offer absentee ballots and maintain a permanent absentee voter list. Special district TABOR elections must be conducted by mail ballot.

Provisions of the Colorado Local Government Election Code concerning recounts, recall elections, watchers, and challenges mirror those found in the Colorado Municipal Election Code.

¹ Colo. Const. art. X, section 20

² Articles 1 through 13 of Title 1, C.R.S.

³ Article 13.5 of Title 1, C.R.S.

⁴ Article 10 of Title 31, C.R.S.



Participation in Special District Elections

An eligible elector in a special district election is a person who is registered to vote in Colorado, and:

- who is a resident of the special district or the area to be included in the special district; or
- 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 district or not.⁵

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 is considered an owner, as is an owner of a mobile home or manufactured home. However, a partnership, corporation, or trust is not a "person," and therefore a person owning property through such a legal entity is not eligible to vote.

Special districts are responsible for obtaining from the county clerks a list of eligible electors residing in their districts, and from the county assessors a list of property owners within the district boundaries. These lists together comprise the eligible voter list for a special district election.

Regular and Special Election Dates

Under the Colorado Local Government Election Code, regular elections are those where district directors are elected. These are held on the Tuesday following the first Monday of May in odd-numbered years.

Ballot issue elections concerning taxes or bonds (TABOR questions) must be held either at regular elections, in coordinated elections in November of even-numbered years, or in TABOR elections in November of odd-numbered years. Special elections, called by a special district board for non-TABOR questions, can be held in February, May (of even-numbered years), October, or December. For additional information about election dates specified in Colorado law, see the section beginning on page 5 of this memo.

Designated Election Officials

The Local Government Election Code defines a designated election official as the person designated by the governing body of a special district or by court order to supervise election

⁵ Section 32-1-103 (5)(a), C.R.S.



duties for the district. The designated election official has a number of powers and duties under the law, all of which may also be exercised by a deputy designated election official if one has been appointed. The law does not specify who can be appointed as a designated election official, but it is usually an attorney or paralegal at a law firm with experience in special district elections. DOLA, in its election trainings, discourages districts from appointing a sitting special district director as a designated election official. The law specifies that to the fullest extent possible, no member of a district's canvass board nor his or her spouse or civil union partner should have a direct interest in the election,⁶ and the designated election official serves on the canvass board.

Call for Nominations

Before a scheduled election, the designated election official for a special district must provide a public notice of a call for nominations for the election. The call for nominations states the director positions up for election and provides information about how eligible electors can nominate themselves for these positions. Calls for nominations must be made 75 to 100 days before the election by two different methods. For metro districts organized after January 1, 2000, one method must be to email all registered electors in the district, or mail notice to any registered elector for whom an email address is not available. For all other Title 32, Article 1 special districts, one method must be publication in a newspaper of general circulation in the special district. The second method of providing a call for nominations can be:

- mailing to all registered electors (for older districts not already required to email);
- including the notice prominently in an informational mailing, such as a newsletter;
- posting on an official website; or
- in the case of small, rural districts, posting the notice in three places within district boundaries and the county clerk and recorder's office.

Federal Law Applicable to Special District Elections

Special districts must follow federal law regarding language accommodations, polling place accommodations for people with disabilities, and military and overseas voters.

⁶ Section 1-13.5-1301 (2), C.R.S.



Language Minority Provisions of the Voting Rights Act

Special districts in covered areas must provide election materials in languages other than English under federal law.⁷ These coverage requirements are updated every five years, most recently in 2021. Currently, in Adams, Alamosa, Conejos, Costilla, Denver, and Saguache counties, election materials must be provided in Spanish. La Plata and Montezuma counties must provide Ute language assistance for elections.

Americans with Disabilities Act

If a special district conducts a polling place election, polling places must be accessible pursuant to federal law.⁸ Polling places and ballot drop-offs should be in public places wherever possible, but they do not necessarily have to be located within the special district.

Uniform and Overseas Citizens Absentee Voting Act (UOCAVA)

UOCAVA voters are registered electors who are in the military and stationed overseas or citizens otherwise living abroad.⁹ Special districts are among the local governments that must send ballots to UOCAVA voters at least 45 days prior to the election. The voters can choose to have their ballots delivered and returned by mail, fax, or email. The voted ballots must be postmarked or sent by 7:00 PM on Election Day.

Election Types and Dates in Colorado Law

State law governs election dates based on the jurisdiction conducting the election. General elections are held for federal, state, and county offices and questions. Different laws apply to school districts, special districts, and municipalities (statutory cities and statutory towns; home rule cities set their own election policies in their charter). This section includes information about how each jurisdiction must set election dates.

Regular Elections

Each type of governing body elects their officers at a regular election.

- Federal, state, and county offices: first Tuesday after the first Monday in November of even-numbered years (Section 1-1-104 (17), C.R.S.).

⁷ 52 U.S.C. § 10503.

⁸ 52 U.S.C. § 20102.

⁹ 52 U.S.C. § 20310 and Section 1-8.3-102 (2), C.R.S.



- School districts: first Tuesday in November of odd-numbered years (Section 22-31-104 (1), C.R.S.).
- Statutory cities: first Tuesday in November of odd-numbered years (Section 31-1-101 (10), C.R.S.).
- Statutory towns: first Tuesday in April of even-numbered years (Section 31-1-101 (10), C.R.S.).
- Special districts: first Tuesday after the first Monday in May of odd-numbered years (Section 1-13.5-111 (1), C.R.S.).

Recall Elections

All elected officers in Colorado, except federal officers, are subject to recall. Once a recall petition has been circulated and the signatures found sufficient, the designated election official for the jurisdiction must set a date for the recall election.

- State: Not less than 30 nor more than 60 days after a recall petition has been adjudicated sufficient, unless a regular election is to be held within 90 days, in which case the recall must be held as part of that election (Section 1-12-111, C.R.S.).
- Counties and school districts: Not less than 30 nor more than 60 days after a recall petition has been adjudicated sufficient, unless a regular election is to be held within 120 days, in which case the recall must be held as part of that election (Section 1-12-111, C.R.S.).
- Statutory cities and towns: Not less than 30 nor more than 90 days after a recall petition has been determined sufficient and submitted to the governing body by the municipal clerk, unless a regular election is to be held within 180 days, in which case the recall must be held as part of that election (Section 31-4-503 (4), C.R.S.).
- Special districts: The board must hold a meeting on a petition that was determined sufficient and schedule an election not less than 75 nor more than 90 days after the meeting, unless a regular election is to be held within 180 days, in which case the recall must be held as part of that election (Section 32-1-910 (4), C.R.S.).

Primary Elections

Primary elections are held for partisan races (federal, state, county) on the last Tuesday in June of even-numbered years (Section 1-1-104 (32), C.R.S.). The Governor designates the date for a presidential primary, which can be any Tuesday in a presidential election year (Section 1-1-1203, C.R.S.). Primary elections are not held for nonpartisan offices.



Special Elections

A governing board can call a special election for TABOR questions (involving tax increases or bonds) or non-TABOR questions. In all jurisdictions, TABOR questions can be considered at regular elections, or the first Tuesday in November of odd-numbered years (Colo. Const. art. X, § 20 (3)(a)).

The state, counties, and school boards can set non-TABOR special elections on a date they designate, provided they petition a district court judge, who may grant permission for the special election only upon a finding that an election on the days specified would be impossible or impracticable or upon a finding that an unforeseeable emergency would require an election on a day other than those specified (Section 1-1-104 (46), C.R.S.).

Statutory cities and towns may hold a special election on any Tuesday designated by the governing body, except not within the 90 days preceding the municipality's regular election, and not within the 32 days before or after a primary, general, or congressional vacancy election (Section 31-10-108, C.R.S.).

Special districts may hold a special election only on the first Tuesday after first Monday in February, May, October, or December (Section 1-13.5-111 (2), C.R.S.).