

Report to the Colorado General Assembly:

**PROGRESS REPORT ON
LOCAL ELECTION LAWS**



COLORADO LEGISLATIVE COUNCIL

RESEARCH PUBLICATION NO. 82

DECEMBER, 1963

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OF THE

COLORADO GENERAL ASSEMBLY

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Joseph V. Calabrese
John L. Kane
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John W. Nichols
Clarence H. Quinlan
John D. Vanderhoof, Speaker

Senators

Fay DeBerard, Vice Chairman
William E. Bledsoe
Edward J. Byrne
Frank L. Gill
Floyd Oliver
Robert L. Knous, Lt. Governor

* * * * *

The Legislative Council, which is composed of five Senators, six Representatives, and the presiding officers of the two houses, serves as a continuing research agency for the legislature through the maintenance of a trained staff. Between sessions, research activities are concentrated on the study of relatively broad problems formally proposed by legislators, and the publication and distribution of factual reports to aid in their solution.

During the sessions, the emphasis is on supplying legislators, on individual request, with personal memoranda, providing them with information needed to handle their own legislative problems. Reports and memoranda both give pertinent data in the form of facts, figures, arguments, and alternatives.

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PROGRESS REPORT OF THE COMMITTEE
ON LOCAL ELECTION LAWS

Report To The
Colorado General Assembly

Research Publication No. 82
December 1963

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Research Assistant

COLORADO GENERAL ASSEMBLY



LEGISLATIVE COUNCIL

ROOM 341, STATE CAPITOL
DENVER 2, COLORADO
222-9911—EXTENSION 2285

December 6, 1963

MEMBERS

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Sen. Floyd Oliver

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Rep. Joseph V. Calabrese
Rep. John L. Kane
Rep. William O. Lennox
Rep. John W. Nichols
Rep. Clarence H. Quinlan

To Members of the Forty-fourth Colorado General Assembly:

As directed by House Joint Resolution No. 25, 1963 session, the Legislative Council submits the accompanying progress report prepared by the Committee on Local Election Laws. The Committee on Local Election Laws has recommended that the Governor include Bills A through E (pages 9 through 62 herein) among the items for legislative consideration during the second regular session.

This report was reviewed by the Legislative Council at its meeting on December 6, 1963. At that time the report was approved for transmission to the Forty-fourth General Assembly and to the Governor.

Respectfully submitted,

/s/ Representative C. P. (Doc) Lamb
Chairman

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Rep. Clarence H. Quinlan

LETTER OF TRANSMITTAL

November 6, 1963

Representative C. P. Lamb, Chairman
Colorado Legislative Council
341 State Capitol
Denver, Colorado

Dear Mr. Chairman:

Your Committee on Local Election Laws has completed its first year of study and submits herewith its recommendations pertaining to problems resulting from legislative districting and to changes in school election laws. The committee requests that the Legislative Council recommend to the Governor that these items be presented for consideration to the Second Regular Session of the Forty-fourth General Assembly.

The committee will concentrate on revisions in our municipal election law in 1964 and will submit a final report thereon one year from now. If at all possible, the committee also hopes to give consideration to special district election laws.

Respectfully submitted,

Clarence Quinlan, Chairman
Committee on Local
Election Laws

CQ/mp

FOREWORD

House Joint Resolution No. 25, 1963 session, directed the Legislative Council to continue its activities in the area of election law revision. To carry out this directive, the Legislative Council appointed the following committee:

Representative Clarence Quinlan, chairman; Representative Vincent Massari, vice chairman; Senators Robert Allen and A. Woody Hewett; and Representatives Jean Bain, Ray Black, James Braden, Seiji Horiuchi, C. P. Lamb, Joe Schieffelin, and Ruth Stockton.

This committee was given broad authority to review local governmental election laws and any problems in the general election law resulting from legislative districting under the 1963 reapportionment act. The committee gave priority in 1963 to districting problems and, in view of the attempt to propose a codification of the school laws for consideration in the 1964 session, to school election laws. The committee proposes to review the municipal election law in 1964 and, if possible, special district election laws as well.

The committee was assisted in its studies this year by representatives of the State Department of Education and other interested organizations. Mr. James Wilson, assistant attorney general assigned to the Legislative Reference Office, Mr. Phillip E. Jones, senior analyst, and Miss Janet Wilson, research associate, of the Legislative Council staff also assisted the committee in the preparation of research materials and bill drafts.

November 25, 1963

Lyle C. Kyle
Director

TABLE OF CONTENTS

	<u>Page</u>
LETTERS OF TRANSMITTAL	iii
FOREWORD	vii
TABLE OF CONTENTS	xi
ELECTION LAW PROBLEMS RESULTING FROM LEGISLATIVE DISTRICTING	1
Representative and Senatorial District Problems	1
Structure of Party Designating Assemblies	2
Structure of Party Central Committees	3
Absentee Ballots	3
Recommendations	4
SIMPLIFICATION OF APPLICATION FOR RESIDENTIAL BALLOT BY NEW RESIDENTS	5
SCHOOL ELECTION LAWS	5
Regular Biennial School Elections	6
School District Organization and School Bond Elections	7
MUNICIPAL ELECTION LAWS	7
SPECIAL DISTRICT AND MISCELLANEOUS ELECTION LAWS	8
BILLS	9
A- Concerning State Senatorial and Representative Districts	9
B- Concerning Absentee Voter Ballots	15
C- Concerning Changes in Senatorial District Boundaries	17
D- Concerning Applications for New Resident Ballots	18
E- Concerning Election of School District Directors	19

Election Law Problems Resulting from Legislative Districting

In 1962 the voters of Colorado adopted Amendment No. 7 which reapportioned the General Assembly on a basis similar to that of the Congress of the United States, that is, the so-called "federal" plan. Among other things, this amendment provided that counties having more than one representative or senator are to be divided into districts; it is this provision which has resulted in a few problems of political party organization and election administration under the revised general election laws of the state.

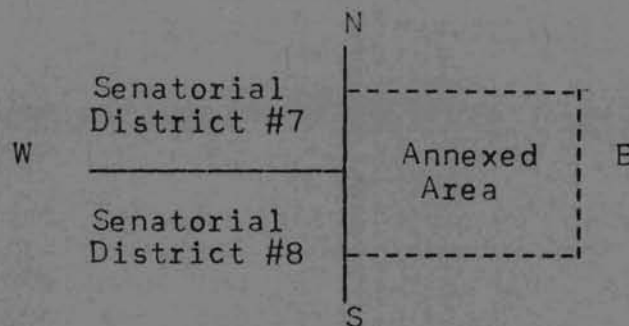
These include problems involving the structure of party designating assemblies for legislative districts in multi-district counties and the structure of party central committees for legislative districts in multi-district counties; also, the problem of absentee ballots for each combination of legislative districts in multi-district counties and representative and senatorial district problems resulting from annexations which change county boundaries.

Representative and Senatorial District Problems Resulting from Annexations Which Change County Boundaries

Senate Bill 261 (1963) declares that to the extent that senatorial district boundaries established under the new reapportionment law (H.B. 65) coincide with county lines, such boundaries shall continue to coincide therewith in the event that such county lines are changed. Therefore an annexation to Denver, which changes county lines, will result in a change in senatorial district boundaries. Representative district boundaries, on the other hand, will not be affected by any change in county boundaries. Consequently, an area annexed to Denver becomes part of the City and County of Denver under the provisions of S.B. 261 for all purposes except representative districts. The annexed area remains in the representative district of the county from which it was detached until the next apportionment and districting by the General Assembly.

This situation creates both party organization and election administration problems. Persons residing in the annexed area are entitled to representation in their representative district designating assembly, which takes place in their former county, but they no longer have a place in the party structure of that county. Likewise, they are entitled to representation on the representative district central committee, but again they are not a part of their former county's party structure. Also, when these persons vote in Denver, their ballots or voting machines must permit them to vote for the candidates of their representative district in the former county rather than for the candidates of a Denver representative district.

A further problem is created when the extension of Denver boundaries through annexation includes two or more senatorial districts. The present law contains no provision for determining how or to which Denver senatorial district the newly-annexed territory is to be attached. This specific problem presently exists in Denver in connection with the recent annexation of the Windsor Gardens area which borders two senatorial districts within Denver, and looks something like this:



In this particular illustration, the annexed area largely contains a cemetery in its western part and a population estimated at between 2,000 and 3,000 in its eastern portion. Thus, the problem is to allocate this annexed area, in whole or in part, to Denver Senatorial Districts No. 7 or No. 8.

Structure of Party Designating Assemblies for Legislative Districts

The present general election law provides that delegates to senatorial district and representative district designating assemblies shall be selected by the respective county assemblies from among the members of the county assemblies. (See Sections 1 (16) and 51 of H.B. 38.) H.B. 65 of the 1963 session, which reapportioned the General Assembly, did not change the effect of the present election law with regard to designating assemblies in legislative districts which are composed of one or more counties. However, this reapportionment act substantially changed the effect of this structure in counties which now have more than one legislative district, and this question may be raised: In a county which has been districted, is it proper for a legislative candidate (who will be voted on in only one section of the county) to be designated by a legislative district assembly which has been selected by the entire county assembly?

In this connection, Charts A and B depict this problem graphically. Chart A shows the structure and flow of authority under the present law in districts composed of one or more counties (and for all counties prior to legislative districting within multi-member counties), and Chart B shows the effect of the present election law in multi-district counties.

CHART A

Legislative Assembly Structure in Districts
With One or More Counties -- Present Law

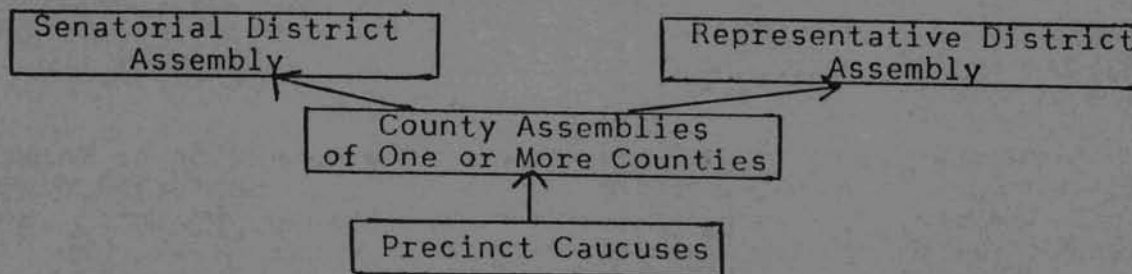
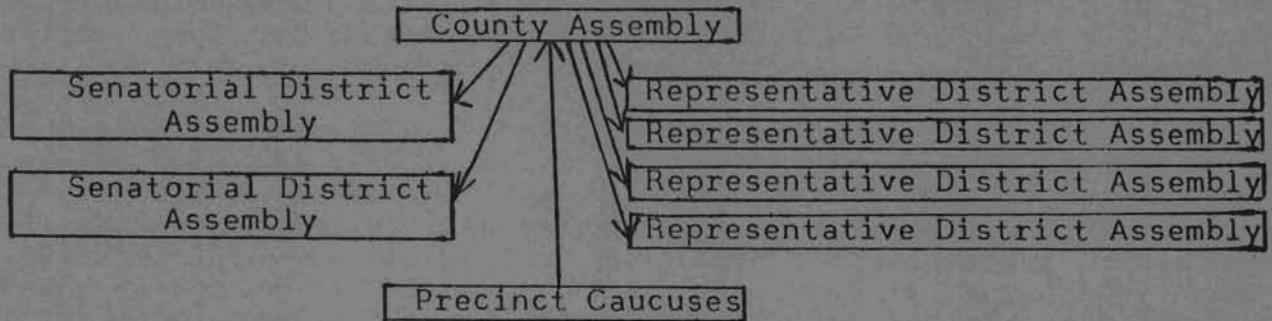


CHART B

Legislative Assembly Structure in Multi-District
Counties--Present Law



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Structure of Party Central Committees for Legislative Districts in
Multi-District Counties

According to the present law (Section 73(5) and (6) of H.B. 38), each state senatorial central committee and each state representative central committee is made up of the chairman and vice chairman of each of the counties in the respective districts and the elected state legislators of the party residing in the respective districts. When the legislative district is comprised of one county or a portion of one county, the precinct committeemen and committeewomen of the district are also members of the legislative district committee. In addition, a county is entitled to two bonus members for each 10,000 votes polled by the party in the county for governor or president at the last general election. Bonus members are elected by the county central committee. Since the bonus member provisions are based on county units, they are confusing and ineffective when applied to one-district and multi-district counties.

Absentee Ballots for Each Combination of Legislative Districts in
Multi-District Counties

Under the present election law (Section 159 of H.B. 38), absent voters' ballots are printed in the same form as ordinary ballots for the same election, except that the names of candidates for justice precinct offices and for precinct committeemen and committeewomen are omitted. Thus, in non-districted counties, only one set of absentee ballots (and one absentee voting machine ballot) need be provided in each county since all candidates included on the ballot are county-wide candidates. In multi-district counties, however, a different set of absentee ballots and a different absentee voting machine ballot will be needed for each of the possible combinations of senatorial and representative districts. This may constitute an administrative problem in multi-district counties such as Denver where there is a large number of combinations of legislative districts.

Recommendations

The Committee on Local Election Laws recommends that the aforementioned problems be resolved in the 1964 session, prior to the holding of the designating assemblies and primary and general elections later in the year, and to accompany this recommendation the committee has prepared Bills A, B, and C, appended herein.

Bill A provides that in legislative districts comprised of only a portion of a county, persons elected at precinct caucuses as delegates to the county designating assembly would serve also as delegates to their respective legislative designating assemblies. (See Chart C as compared to Chart B.) In legislative districts composed of one county or more, the current practice would remain unchanged, i.e., delegates to the legislative assemblies would be selected by the respective county assemblies. This bill also specifically provides that the county chairman and vice chairman of the party central committee in multi-district counties shall be non-voting members of each of the county's senatorial and representative district central committees of the party, with the power to set the time and place for the meetings of these committees and assemblies. As a clarification measure, Bill A authorizes bonus members for legislative central committees only in legislative districts comprised of two or more whole counties.

In case of any annexations where county boundaries change but representative district boundaries remain the same, Bill A would require that the annexing county must create one or more whole and separate new precincts within the newly-annexed territory. (Adjoining territory annexed subsequently would be added to the new precinct up to the maximum precinct size.) In such a case, the number of delegates to the representative district assembly from the new precinct would be set by the county central committee of the county from which the territory was annexed. Alternate delegates to serve in the representative assembly (crossing county lines) would be selected at the caucus in the new precinct. The precinct committeeman and committeewoman of the new precinct (or their alternates) would cross county lines to serve on the representative district central committee. In order to ease the administrative problems and election expense of the City and County of Denver, if a newly-annexed area has 50 or fewer registered electors, the electors therein will be permitted to vote in an adjoining precinct polling place, at the discretion of the Denver Election Commission.

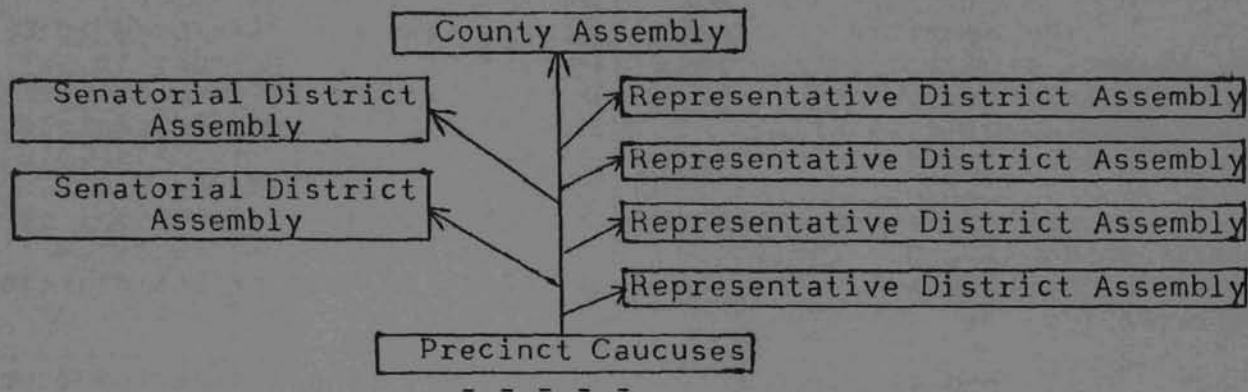
In order to clarify the relationship between the new reapportionment law and the power of county commissioners and the Denver Election Commission to change election precinct boundaries, Bill A would add the provision that changes in precinct boundaries can be made only within the boundaries of each representative and senatorial district. That is, no precinct would include an area in more than one representative or senatorial district.

Bill B adds a provision permitting the county clerk or election commission of a multi-district county to determine the manner of providing absent voters' ballots for each combination of senatorial and representative districts. Non-districted counties will continue providing only one set of absentee ballots for all absent voters in the county.

Bill C answers the question of how to allocate the territory in newly-annexed areas to Denver where this territory adjoins more than one Denver senatorial district by providing that the territory shall be attached to that contiguous senatorial district which has the smallest population based on the latest federal decennial census.

CHART C

Legislative Assembly Structure in Multi-District Counties--Suggested Revision Under Bill A



Simplification of Application for Presidential Ballot by Six Months' Residents

In the 1963 session the General Assembly implemented the constitutional amendment adopted by the people in November of 1962 which authorizes that the right to vote for presidential and vice presidential electors may be extended by law to those persons residing in the state for less than one year. The General Assembly, with the enactment of Senate Bill No. 188, provided this right to persons residing in the state not less than six months and specified the registration and voting procedures to be followed in such cases.

One provision included in S.B. 188 is the requirement that application for a new (six months) resident's presidential and vice-presidential election ballot must be notarized. The committee believes that this provision places an undue hardship on a person desiring to exercise his election franchise; adequate safeguards against fraud are present in the law without this requirement since such an elector must take an oath in order to register to vote and must also have his ballot notarized at the time of voting. The committee therefore recommends the repeal of the requirement for notarization at the time of application for a new resident ballot (Bill D).

School Election Laws

The Committee on Local Election Laws reviewed the provisions

in the various school election laws in this state as part of the proposed codification of our school laws being undertaken by the Joint Education Committee. As its share of the codification study, the Local Election Laws Committee revised and combined into one article the provisions relating to regular biennial school elections. In addition, the committee prepared revisions for procedures in school district organization and school bond elections. Because of the uncertainty regarding junior colleges, however, no consideration was given to elections involving junior colleges.

Regular Biennial School Elections

The Committee on Local Election Laws has attempted to clarify the present school election laws by bringing them together in a separate article with appropriate section headings. The committee has also attempted to bring the school election laws into conformity with the 1963 general election law on as many points as possible.

Bill E contains the text of the committee's proposal on regular biennial school elections, together with comments as to changes, codification, etc. Specific items in this proposed article include:

- 1) Registration is required in all school districts; present law requires registration only in school districts having a school population of more than 3,000. Registration is tied to registration for general elections; deadline is changed to 20 days; registration with secretary of school board is eliminated.
- 2) Candidates for school director must be qualified tax-paying electors; present law requires only that they be qualified electors.
- 3) Four-year terms are required for school directors in all districts; present law provides for six-year terms in some districts.
- 4) Nomination petitions are required of candidates for school director in all school districts. Filing deadline is changed from 20 to 45 days before the election.
- 5) A new provision is added to permit a school district to vote to adopt a director district system of representation if it does not have one.
- 6) Changes in director district boundaries may be proposed by resolution of the board of education and submitted to a vote of the electors; specifications for director districts are substantially the same as in the 1957 Organization Act.
- 7) Provisions for notice of elections are changed somewhat; publication of notice is required in every district.
- 8) Specific provisions are added concerning compensation and mileage for election judges.
- 9) Voting hours are made uniform -- 7:00 a.m. to 7:00 p.m.

10) Requirement of 15 days' residence in the school election precinct is added as a qualification for voting.

11) Voter signatures are required at the polls.

12) Absentee voting is authorized.

13) Challenge provisions are changed to conform with the general election law.

14) School districts having boundaries coterminous with county boundaries may contract with the county clerk for the conduct of the election and may use the county registration books in lieu of separate registration lists.

15) Ballots need not be preserved after fifteen days following the election.

16) Vacancies would be filled by the board of education in all districts (provision for county superintendent to fill vacancies in smaller districts is eliminated). More detail is added to the law concerning what constitutes a vacancy. If the board cannot agree on a person to fill the vacancy within 60 days, the president of the board shall make the appointment.

17) Special election to resolve a tie is eliminated; ties would be resolved by agreement or by lot.

18) All references to classification of school districts are eliminated; all school director elections are made biennial.

School District Organization and School Bond Elections

The Local Election Laws Committee reviewed the provisions relating to school district organization and school bond elections and submitted its recommended amendments to the Joint Education Committee. Basically, the committee agreed that organization and bond elections should be conducted as nearly as possible the same as the election for school board directors -- registration should be required; watchers should be allowed; the use of voting machines should be authorized; and notice, challenge, and voting procedures should be comparable to the proposed regular biennial school election laws.

Since these recommended changes follow closely those changes recommended in Bill E herein, and because the election provisions are only parts of the over-all articles on school district organization and bonded indebtedness being prepared by the joint committee, these recommendations are not being included in bill form in this report.

Municipal Election Laws

The "Colorado Municipal Election Law," which applies to elections of municipal officers and most other types of municipal elections, is found in sections 49-22-1 through 49-22-160, CRS 1953,

as amended. It was enacted in 1955 and has been amended only once since that time (H.B. 63, 1963 session). The enactment of this law helped city and town clerks by bringing most of the frequently used municipal election provisions together into one article.

The election committee of the Colorado Municipal League, composed of city and town clerks who work with the municipal election laws, has prepared some proposed changes in Article 22 of Chapter 49 for the consideration of the Committee on Local Election Laws. The principal change proposed by the municipal league is a revision of the law on registration for municipal elections. The constitutionality of present sections 49-22-17 and 49-22-19, which permit municipalities to require electors to register separately for municipal elections, is questionable. One district judge has declared these two sections unconstitutional, holding that a person registered with the county can vote in a municipal election even though he has not registered with the municipality.

The municipal league proposal would permit the municipal clerk to act as deputy county clerk for the purpose of registration and would require the county and municipality to align their precinct boundaries so that they are contiguous insofar as possible. The effect of this proposal would be to eliminate the necessity for separate municipal registration books. Other changes proposed by the municipal league are relatively minor or technical in nature.

The committee also intends to review all of Article 22 of Chapter 49, using the procedures followed for revision of the general election law. This would involve improvements in organization and clarity of expression with a minimum of substantive change. It would also include making the municipal election law more uniform with the new general election law where appropriate. In addition to Article 22 of Chapter 49, there are various municipal election laws scattered throughout Chapter 139 which the committee may also review.

Special District Election Laws

Special district and miscellaneous election laws are found throughout the Colorado statutes. They vary greatly in degree of thoroughness -- some spell out election procedures in detail; others place the conduct of elections under the direction of the governing body of the special district; and still others refer to the general election laws as a guide to the conduct of elections.

Time permitting, the committee will consider adopting a single special district election law covering at least all of the local improvement and service district elections found in Chapter 89, CRS 1953, as amended. Such a law would provide standard election procedures and might avoid some of the problems now encountered in special district elections. Some of the other special district and miscellaneous elections (outside Chapter 89) might also be covered. The committee intends to review the statutes to determine which elections require special provisions and which can be covered by the uniform provisions of a single special district election law.

BILL A

A BILL FOR AN ACT

AMENDING SECTIONS 51, 73 (5) AND (6), AND 101 (1) AND (2) OF THE
"COLORADO ELECTION CODE OF 1963", CONCERNING STATE SENATORIAL
AND REPRESENTATIVE DISTRICTS.

Be It Enacted by the General Assembly of the State of Colorado:

SECTION 1. Section 51 of chapter 118, Session Laws of Colorado
1963, is hereby amended to read:

Section 51. Delegates to party assemblies. (1) Delegates to
county assemblies shall be elected at precinct caucuses to be held in
each precinct at a time and place to be fixed by the county central
committee of each political party. Precinct caucuses shall be held
not less than five nor more than fifteen days prior to county assem-
blies. The county central committee shall fix the number of delegates
from each precinct to participate in the county assembly. The persons
receiving the highest number of votes at the precinct caucus shall be
the delegates to the county assembly from such precinct. EXCEPT AS
PROVIDED IN SUBSECTIONS (2) AND (3) OF THIS SECTION, delegates to all
other party assemblies shall be selected by the respective county
assemblies from among the members of the county assemblies.

(2) IN EACH STATE SENATORIAL AND REPRESENTATIVE DISTRICT COM-
PRISED OF A PORTION OF A COUNTY, PERSONS ELECTED AT PRECINCT CAUCUSES
AS DELEGATES TO THE COUNTY ASSEMBLIES SHALL SERVE ALSO AS DELEGATES
TO THE SENATORIAL AND REPRESENTATIVE DISTRICT ASSEMBLIES.

(3) IN CASE ANY ANNEXATION WHICH CHANGES COUNTY BOUNDARIE'S
RESULTS IN A STATE REPRESENTATIVE DISTRICT COMPRISED OF PORTIONS OF
TWO OR MORE COUNTIES, EACH COUNTY CENTRAL COMMITTEE OF THE COUNTY
WHICH CONTAINS THE MAJOR PORTION OF THE POPULATION OF SUCH DISTRICT,

AS DETERMINED BY THE LAST PRECEDING FEDERAL DECENNIAL CENSUS, SHALL FIX THE NUMBER OF DELEGATES TO ITS DISTRICT ASSEMBLY FROM EACH NEW PRECINCT CREATED IN THE OTHER COUNTY OR COUNTIES. AT THE PRECINCT CAUCUS IN EACH NEW PRECINCT, DELEGATES SHALL BE ELECTED TO SERVE IN THE COUNTY ASSEMBLY AND ALTERNATE DELEGATES SHALL BE ELECTED TO SERVE IN THE REPRESENTATIVE DISTRICT ASSEMBLY. DELEGATES FROM PRECINCTS LOCATED IN THE COUNTY WHICH CONTAINS SUCH MAJOR PORTION OF THE POPULATION OF SUCH DISTRICT SHALL BE SELECTED AS PROVIDED IN SUBSECTION (2) OF THIS SECTION.

(4) All disputes regarding the qualifications of any delegate or the conduct of any precinct caucus at which such delegates were voted on shall be determined by the credentials committees of the respective party assemblies.

SECTION 2. Section 73 (5) (a) and (b) and (6) (a) and (b) of chapter 118, Session Laws of Colorado 1963, are hereby amended to read:

Section 73. Party committees. (5) (a) The chairmen and vice-chairmen of the several party county central committees within each state senatorial district COMPRISED OF ONE OR MORE WHOLE COUNTIES, together with the elected state senator of the party for the state senatorial district and the state representatives of the party who reside within the state senatorial district, shall constitute the state senatorial central committee. When the state senatorial district is comprised of ~~one-county-or~~ a portion of one county, the elected precinct committeemen and committeewomen, THE ELECTED STATE SENATOR, AND THE ELECTED STATE REPRESENTATIVES, ALL OF WHOM ARE of the party AND RESIDE in that senatorial district shall ~~also-be-members-of~~ CONSTITUTE that state senatorial central committee; IN ADDITION, THE

CHAIRMAN AND VICE CHAIRMAN OF THE PARTY COUNTY CENTRAL COMMITTEE SHALL BE NON-VOTING MEMBERS OF EACH STATE SENATORIAL CENTRAL COMMITTEE WITHIN THE COUNTY AND SHALL HAVE THE AUTHORITY TO SET THE TIME AND PLACE OF MEETINGS OF SUCH SENATORIAL CENTRAL COMMITTEES AND OF ASSEMBLIES IN SUCH SENATORIAL DISTRICTS.

(b) If in any county within ~~the~~ A state senatorial district COMPRISED OF TWO OR MORE WHOLE COUNTIES ~~and~~ ANY political party shall have polled at least ten thousand votes at the last preceding general election for its candidate for governor or president of the United States, said county shall be entitled to two additional members of the state senatorial central committee of such political party. Two additional members shall be allowed for each additional ten thousand votes or major portion thereof so polled in such county. The additional members shall be elected by the county central committee of the political party. One of each two such additional members shall be a woman.

(6) (a) The chairmen and vice chairmen of the several party county central committees within each state representative district COMPRISED OF ONE OR MORE WHOLE COUNTIES, together with the elected state representative of the party for the state representative district and EACH state senator of the party who resides within that representative district, shall constitute the state representative central committee. When the state representative district is comprised of ~~one-county-or~~ a portion of one county, OR PORTIONS OF TWO OR MORE COUNTIES, the elected precinct committeemen and committee-women, THE ELECTED STATE REPRESENTATIVE, AND THE ELECTED STATE SENATORS, ALL OF WHOM ARE of the party AND RESIDE in that representative district shall ~~also-be-members-of~~ CONSTITUTE that state representative central committee; IN ADDITION, THE CHAIRMAN AND VICE CHAIRMAN OF THE

PARTY COUNTY CENTRAL COMMITTEE OF THE COUNTY WHICH CONTAINS ALL OR THE MAJOR PORTION OF THE POPULATION OF SUCH DISTRICT, AS DETERMINED BY THE LAST PRECEDING FEDERAL DECENNIAL CENSUS, SHALL BE NON-VOTING MEMBERS OF SUCH STATE REPRESENTATIVE CENTRAL COMMITTEE AND SHALL HAVE THE AUTHORITY TO SET THE TIME AND PLACE OF MEETINGS OF SUCH REPRESENTATIVE CENTRAL COMMITTEE AND OF ASSEMBLIES IN SUCH REPRESENTATIVE DISTRICT. IN CASE OF AN ANNEXATION WHICH CHANGES COUNTY BOUNDARIES, ANY COMMITTEEMAN OR COMMITTEEWOMAN FROM A NEW PRECINCT CREATED PURSUANT TO SECTION 101 (2) OF THIS ACT, MAY DESIGNATE AN ALTERNATE FROM THAT PRECINCT TO SERVE ON THE STATE REPRESENTATIVE CENTRAL COMMITTEE.

(b) If in any county with ~~the~~ A state representative district COMPRISED OF TWO OR MORE WHOLE COUNTIES any political party shall have polled at least ten thousand votes at the last preceding general election for its candidate for governor or president of the United States, said county shall be entitled to two additional members of the state representative central committee of such political party. Two additional members shall be allowed for each additional ten thousand votes or major portion thereof so polled in such county. The additional members shall be elected by the county central committee of the political party. One of each two such additional members shall be a woman.

SECTION 3. Section 101 (1) and (2) of chapter 118, Session Laws of Colorado 1963, are hereby amended to read:

Section 101. Establishing precincts and polling places. (1)
The boards of county commissioners of the several counties shall divide their respective counties into as many election precincts for all general, primary, and special elections as they may deem expedient for the convenience of electors of the county, and shall, EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, designate the place in each precinct at which elections are to be held. The precincts shall

be numbered consecutively, beginning with number one in each district or county, at least once before each general election. The precincts and places of holding elections thus established shall so remain until consolidated, divided, or otherwise changed by the board of county commissioners. CHANGES IN THE PRECINCT BOUNDARIES OF A COUNTY SHALL BE MADE ONLY WITHIN THE DISTRICT BOUNDARIES OF EACH REPRESENTATIVE AND SENATORIAL DISTRICT.

(a) In counties which use paper ballots, the commissioners shall establish at least one precinct for every five hundred registered electors.

(b) In counties which use voting machines, the commissioners shall establish at least one precinct for every one thousand registered electors.

(2) (a) IN CASE OF A CHANGE IN COUNTY BOUNDARIES RESULTING FROM THE ANNEXATION OF TERRITORY IN ONE STATE REPRESENTATIVE DISTRICT BY A COUNTY COMPRISING ONE OR MORE OTHER STATE REPRESENTATIVE DISTRICTS, THE BOARD OF COUNTY COMMISSIONERS OF THE ANNEXING COUNTY SHALL CREATE ONE OR MORE NEW WHOLE PRECINCTS WITHIN THE TERRITORY SO ANNEXED; PROVIDED, THAT IF THE ANNEXING COUNTY SUBSEQUENTLY ANNEXES ADJOINING TERRITORY IN THE SAME REPRESENTATIVE DISTRICT, SUCH ADJOINING TERRITORY SHALL BE MADE A PART OF SUCH NEW PRECINCT OR PRECINCTS, SUBJECT TO THE MAXIMUM NUMBER OF REGISTERED ELECTORS PER PRECINCT PROVIDED IN SUBSECTION (1) OF THIS SECTION. UNTIL SUCH TIME AS A PRECINCT CREATED HEREUNDER CONTAINS MORE THAN FIFTY REGISTERED ELECTORS, THE BOARD OF COUNTY COMMISSIONERS MAY REQUIRE THE REGISTERED ELECTORS THEREIN TO VOTE AT THE POLLING PLACE IN AN ADJOINING PRECINCT.

(b) Changes in the boundaries of precincts or the creation of new precincts shall be completed not less than five months prior to any general election, except in cases of precinct changes resulting

from changes in county boundaries.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

BILL B

A BILL FOR AN ACT

AMENDING SECTION 159 OF THE "COLORADO ELECTION CODE OF 1963", CONCERNING BALLOTS AND OTHER SUPPLIES FOR ABSENTEE VOTING.

Be It Enacted by the General Assembly of the State of Colorado:

SECTION 1. Section 159 of chapter 118, Session Laws of Colorado 1963, is hereby amended to read:

Section 159. Supplies for absentee voting. (1) Absent voters' ballots, applications, affidavits, certificates, envelopes, instruction cards, and other necessary supplies shall be provided by the county clerk in the same manner as other election supplies for general, primary, or special elections and shall be furnished without cost to the voter. Absent voters' ballots shall be ready for delivery or mailing to absent voters as soon as available.

(2) The ballots shall be in the same form as ordinary ballots for the same election, except that the names of candidates for justice precinct offices and for precinct committeemen and committeewomen shall be omitted therefrom. On the stub of the absent voter's ballot shall be printed "Absent Voter's Ballot No. A.V. " and such stubs shall be numbered consecutively commencing with number one. (number)

(3) IN COUNTIES INCLUDING MORE THAN ONE STATE SENATORIAL DISTRICT OR MORE THAN ONE STATE REPRESENTATIVE DISTRICT, OR BOTH, ABSENT VOTERS' BALLOTS SHALL BE PROVIDED IN A MANNER TO BE DETERMINED BY THE COUNTY CLERK FOR EACH COMBINATION OF STATE LEGISLATIVE DISTRICTS. THIS SUBSECTION SHALL APPLY TO BALLOTS TO BE CAST ON ABSENT VOTERS' VOTING MACHINES AS WELL AS TO PAPER BALLOTS.

SECTION 2. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

BILL C

A BILL FOR AN ACT

AMENDING CHAPTER 144 OF THE SESSION LAWS OF COLORADO 1963, CONCERNING
CHANGES IN SENATORIAL DISTRICT BOUNDARIES.

Be It Enacted by the General Assembly of the State of Colorado:

SECTION 1. Section 4 of chapter 144, Session Laws of Colorado 1963, is hereby amended to read:

Section 4. Senatorial districts to coincide with county line changes. To the extent that the boundaries of the senatorial districts established hereby pursuant to said sections 45, 46, 47 and 48 of article V of the constitution of Colorado coincide with county lines, such senatorial district boundaries shall continue to coincide there-with in the event that such county lines are changed. IN CASES INVOLVING CHANGES IN COUNTY LINES WHERE THE NEWLY ACQUIRED TERRITORY IS CONTIGUOUS TO TWO OR MORE SENATORIAL DISTRICTS, SUCH ACQUIRED TERRITORY SHALL BE INCLUDED IN THAT CONTIGUOUS SENATORIAL DISTRICT CONTAINING THE LESSER POPULATION AS DETERMINED BY THE LAST PRECEDING FEDERAL DECENNIAL CENSUS.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

BILL D.

A BILL FOR AN ACT

AMENDING CHAPTER 117 OF THE SESSION LAWS OF COLORADO 1963, CONCERNING
APPLICATIONS FOR NEW RESIDENT BALLOTS.

Be It Enacted by the General Assembly of the State of Colorado:

SECTION 1. Section 3 of chapter 117, Session Laws of Colorado 1963, is hereby amended to read:

Section 3. Application for ballot by new resident. Such new resident shall make application for a new resident's presidential and vice-presidential election ballot at the office of the county clerk or election commission of the applicant's county of residence not earlier than ninety days before the presidential election nor later than the close of business on the Friday immediately preceding the election. Such application shall ~~be an affidavit which shall~~ state the applicant's full name, address, and precinct, that the applicant is a new resident, is qualified to vote under the provisions of section 1 of this act, and shall not vote or has not voted in such election otherwise than by such ballot. Such application shall be signed personally by the applicant or a member of his family. ~~before an officer authorized to administer oaths.~~

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

BILL E

TEXT

A BILL FOR AN ACT
CONCERNING SCHOOL DISTRICTS; PROVIDING FOR THE ELECTION OF SCHOOL
DIRECTORS AND FOR SCHOOL DIRECTOR DISTRICTS.

Be It Enacted by the General Assembly of the State of Colorado:

SECTION 1. Definitions. As used in this act:

(1) "Regular biennial school election" means the election in a school district held in May of each odd-numbered year, as provided in section 4 of this act.

(2) "Special school election" means any school election provided for by law and held at a time other than the regular biennial school election.

(3) "Elector" or "qualified elector" means a person who is legally qualified to register to vote at general elections in this state and who has resided in the school district thirty days and in the school election precinct fifteen days immediately preceding the election at which he offers to vote.

(4) "Registered elector" means an elector who has complied with the registration provisions of this act.

COMMENTS

This section on definitions is new. It follows the pattern of the definition section in the new general election law.

Bond elections, organization elections, and elections to increase tax levy are examples of elections included in this definition of special school elections.

Requirement for 15-day residence in the school election precinct is new.

(5)(a) "Taxpaying elector" and "qualified taxpaying elector" mean a person who is at least twenty-one years of age, a citizen of the United States, and who has resided in the state for twelve months, in the county for ninety days, in the school district for thirty days, and in the school election precinct for fifteen days preceding the election, and who, during the twelve months next preceding said election, has paid an ad valorem school tax upon property situated within the school district and owned by said person; and "registered qualified taxpaying elector" means a qualified taxpaying elector who has complied with the registration provisions of this act.

(b) "Ad valorem school tax" and "general ad valorem school tax" mean only the general property tax, levied annually on real or personal property listed with the county assessor. No person shall be qualified as a taxpaying elector for the purposes of this act by payment of any one or more of the following taxes: Income tax, sales tax, use tax, excise tax, specific ownership tax on a motor vehicle or trailer, or any other tax which is not a general ad valorem school tax as

Definition of taxpaying elector is based on the definition adopted by the General Assembly in 1963 for school bond elections. (See section 1, chapter 236, Session Laws of 1963.)

hereinabove defined, and the generality of said definition shall never be restricted by the listing set forth herein.

(6) "Registration list" means the list of registered electors of each school election precinct prepared by the county clerk from the county registration books in accordance with section 6 of this act.

(7) "Poll book" means the list of voters to whom ballots are delivered or who are permitted to enter a voting machine booth for the purpose of casting their votes at a regular biennial school election.

(8) "Watcher" means a person whose name has been submitted to the county clerk of the county in which his school election precinct is located and who has been certified by such county clerk as a registered elector of the school district, entitled to serve at a polling place in such school district with the right to remain inside the polling place from at least fifteen minutes prior to the opening of the polls until after the completion of the count of votes cast at the election and the

Definition of "poll book" is based on the definition in subsection (23), section 1, chapter 118, Session Laws of 1963 (the new general election law).

A watcher is required to be a registered elector of the district and certified by the county clerk of the county in which his school election precinct is located. (See also section 18 herein on watchers.)

certification of the count by the election judges. Each watcher shall have the right to maintain a list of voters, to witness and verify each step in the conduct of the election from prior to the opening of the polls through the completion of the count and announcement of the results, and, in case of discrepancies, to assist in the correction thereof.

(8) "School enrollment" means the end-of-year enrollment reported by the secretary of the board of education to the state department of education for the school year next preceding the school year in which the election is held.

SECTION 2. Computation of time. Calendar days shall be used in all computations of time made under the provisions of this act. In computing time for any act to be done before an election, the first day shall be included and the last, or election day, shall be excluded. Sundays and legal holidays shall be included, but if the time for any act to be done shall fall on Sunday or a legal holiday, such act shall be done upon the day following such Sunday or legal holiday.

SECTION 3. Board of education to govern conduct of school elections - contract with county clerk. (1) Except as otherwise

"School enrollment" is substituted for "school population" throughout the proposed bill since enrollment figures will be more readily available.

This section is substantially the same as section 3, chapter 118, Session Laws of 1963 (the new general election law). The present school election laws contain no such provision.

This section is new, although subsection (1) does not differ from the present practice.

provided in this act, the board of education of each school district shall govern the conduct of regular biennial school elections in said district and shall render all interpretations and make all initial decisions as to controversies or other matters arising in the conduct of such elections.

(2) The board of education of any school district having boundaries coterminous with the boundaries of a county may contract with the county clerk of such county for the administration of any of the duties of such board, or the secretary thereof, relating to the conduct of regular biennial school elections. If such a contract is made, the county clerk may obtain legal assistance from the county attorney on matters pertaining to the conduct of such school elections.

SECTION 4. Regular biennial school election. (1) The regular biennial school election in each school district having a school enrollment of seventy thousand or less shall be held on the first Monday in May of each odd-numbered year.

Subsection (2) is a significant change from the present law. Counties affected at the present time are: Moffat, Jackson, Mineral, Lake, Jefferson, Gilpin, Clear Creek, Dolores, and San Juan. (Denver also fits this category but is covered separately in section 30 herein.)

Based on part of 123-10-6 and 123-10-13 (CRS 1953).

Classification of school districts is eliminated and all regular school elections are made biennial (annual elections for second and third class districts are eliminated). Reference to transacting business in third class districts is eliminated.

(2) The regular biennial school election in each school district having a school enrollment of more than seventy thousand shall be held on the third Tuesday in May of each odd-numbered year, in accordance with the provisions of section 30 of this act. Whenever the date of such election is identical to the date set for a municipal election in a city or city and county having boundaries coterminous with such school district, such school election shall be combined with and held in conjunction with such municipal election.

SECTION 5. School directors - number - election - term.

(1) In each school district organized under "The school district organization act of 1957," there shall be elected five to seven school directors, the number having been established in the organizational plan as required by law. Following the initial election, to be held in accordance with the provisions of "The school district organization act of 1957", the school directors shall be elected at the respective regular biennial school elections, each for a term of four years and until a successor shall have been elected and qualified.

Subsection (2) applies only to Denver. Based on 123-27-1 (1960 Perm. Supp.).

The number of school directors is not changed from present law; the term of office, however, is made uniform at four years. Subsection (1) is based on part of 123-25-27 (1960 Perm. Supp.).

(2) In each school district organized under the provisions of "The School District Reorganization Act of 1949", as amended, and affected by section 3 of chapter 239, Session Laws of Colorado 1963, there shall be five school directors who shall be elected at the respective regular biennial school elections, each for a term of four years and until a successor shall have been elected and qualified. A director in any such school district elected for a six-year term prior to the effective date of this act shall continue to remain in office until the completion of the term to which elected, but any successor shall be elected for a four-year term, beginning with the regular biennial school election of 1965.

(3) In each school district with three school director offices on July 1, 1963, the terms of office of the school directors which would otherwise expire in 1964 and 1966 shall be automatically extended until the regular biennial school election in 1965 and 1967, respectively. At the regular biennial school election in 1965, there shall be elected four school directors, three for four-year terms of office, and one for a two-year term of office. As the term of office of each school director in such districts shall expire, a successor shall be

Subsection (2) is based on 123-25-46 (section 3 of chapter 239, Session Laws of 1963). Length of term is changed from six years to four years.

Subsection (3) is based on 123-10-69 (section 2 of chapter 233, Session Laws of 1963). It provides for change-over from three-member board with three-year terms to five-member board with four-year terms.

elected for a four-year term of office and until a successor shall have been elected and qualified.

(4) In each school district not included in subsection (1) through (3) of this section, and having a school enrollment of less than twenty thousand, there shall be elected one director at the regular biennial school election in 1965 for a term of four years, and there shall be elected two directors at the regular biennial school election in 1967, and every four years thereafter. At the regular biennial school election in 1969, and every four years thereafter, a total of three directors shall be elected. A director in any such school district elected for a six-year term prior to the effective date of this act shall continue to remain in office until the completion of the term to which elected, but any successor shall be elected for a four-year term, beginning with the regular biennial school election of 1965.

(5) In each school district not included in subsection (1) through (3) of this section, and having a school enrollment of twenty thousand or more, there shall be elected seven directors for four-year terms of office, as follows:

Subsections (4) and (5) are based on 123-10-3(2), 1960 Perm. Supp. (The remainder of 123-10-3 was repealed by chapter 233, Session Laws of 1963.) Length of term is changed from six years to four years.

(a) For any such district having seven directors as of the effective date of this act, three directors shall be elected at the regular biennial school election of 1965, two of whom shall be elected for four-year terms of office and one of whom shall be elected for a two-year term; three directors shall be elected for four-year terms of office at the regular biennial school election in 1967, and every four years thereafter; and four directors shall be elected for four-year terms of office at the regular biennial school election in 1969, and every four years thereafter. A director in any such school district elected for a six-year term prior to the effective date of this act shall continue to remain in office until the completion of the term to which elected, but any successor shall be elected for a four-year term, beginning with the regular biennial school election of 1965.

(b) For any such district having fewer than seven directors as of the effective date of this act, two additional directors shall be elected at the regular biennial school election of 1965, one of whom shall be elected for a four-year term of office and one of whom shall be elected for a two-year term; three directors shall be elected for four-year terms of office at the regular

Paragraphs (b) and (c) of subsection (5) added as new legislation to provide for increasing number of school directors from five to seven.

biennial school election in 1967, and every four years thereafter; and four directors shall be elected for four-year terms of office at the regular biennial school election in 1969, and every four years thereafter. A director in any such school district elected for a six-year term prior to the effective date of this act shall continue to remain in office until the completion of the term to which elected, but any successor shall be elected for a four-year term, beginning with the regular biennial school election of 1965.

(c) For any such school district which, as a result of growth in school enrollment, comes under the provisions of this subsection (5), thereby increasing the required number of directors thereof from five to seven, at the first regular biennial school election following such enrollment growth two additional directors shall be elected. If at such election, three directors are already required to be elected for four-year terms, one of such additional directors shall be elected for a two-year term of office, and thereafter any successor shall be elected for a four-year term of office; otherwise, both such additional directors shall be elected for four-year terms of office.

(6) All school directors shall be voted on at large by the electors of the entire school district, whether or not the district shall have a director district plan of representation.

SECTION 6. Persons entitled to vote at regular biennial school elections - registration required. (1) No person shall be permitted to vote at any regular biennial school election or special school election without first having been registered in the manner required by the provisions of this section. Any qualified elector in any school district whose name appears upon the registration list of the school election precinct in which such person resides shall be entitled to vote on candidates for school director at such school election. A qualified elector who moves from the school election precinct where registered to another precinct within the same school district within twenty days prior to any regular biennial school election shall be permitted to cast his ballot for such election at the polling place in the precinct where registered. This subsection shall in no way prohibit the submission, at the regular biennial school election, of propositions required by law to be voted on by only the registered qualified taxpayers electors of the district.

This is a new provision added to clarify present practice.

Based on part of 123-10-8 (CRS 1953) and 123-10-7 (CRS 1953 as amended by section 1 of chapter 234, Session Laws of 1963).

This section as written requires registration in all school districts. The present law requires registration only in those districts which have a school population of more than 3,000.

Deadline for registration is changed from 10 days to 20 days to conform to new general election law.

(2) Registration requirements for regular biennial school elections or for special school elections shall be the same as those governing general elections.

(3) The county clerk of each county, prior to the time of holding any regular biennial school election or special school election in said school district, shall make a full and complete copy of the list of the registered electors of each school election precinct of each school district or districts located within his county; provided, that if a contract is made with the county clerk pursuant to section 3(2) of this act the county registration books may be used in lieu of separate registration lists. The registration list shall contain the names of the electors registered prior to twenty days preceding the time of such school election. He shall certify the registration list and shall deliver the same to the secretary of the board of education of such school district not less than five days prior to the time of holding of such election. The said school district shall pay to the county clerk a fee of not to exceed one cent for each name contained on the registration list. Upon the request of the board of education, the county clerk shall arrange

Subsection (3) is based on
123-10-15 (CRS 1953).

the names on the registration list alphabetically according to the first two letters of the surname of each elector named therein. He shall be paid an additional fee of not to exceed one cent for each name so arranged.

SECTION 7. Qualifications and nomination of candidates for school director. (1) Any candidate for the office of school director of a school district shall be a registered qualified tax-paying elector of such district and, if the school district shall have a director district plan of representation, he shall be a resident of the director district in which he is a candidate unless he shall have been elected at the time of or prior to the adoption of a director district plan of representation by the electors of said district.

(2) Any person who may desire to be a candidate for the office of school director shall file a written notice of such intention with the secretary of the board of education of the school district in which he resides at least forty-five days prior to the election date, together with a nomination petition signed by at least fifty, or fifteen per cent, whichever is less, of the registered electors of said district; provided, that if the school district shall have a director district plan of representa-

Based on parts of 123-10-7 (CRS 1953, as amended by section 1 of chapter 234, Session Laws of 1963.) and 123-25-27(4), 1960 Perm. Supp.

Candidates are required to be qualified taxpaying electors; present law does not contain this requirement.

Nomination petitions are required for candidates in all school districts.

Filing deadline is changed from 20 to 45 days before the election.

tion, the petition shall be signed by at least fifty, or fifteen per cent, whichever is less, of the registered electors resident in the director district in which the person is a candidate. The nomination petition shall contain the name and term of the office for which the person is nominated, and his post office address, place of residence, and place of business. Each of the electors signing the same shall add to his signature his place of residence.

SECTION 8. Adoption of director district plan of representation.

(1) A board of education of any school district which shall not have a director district plan of representation may develop such a plan and submit the proposed plan to the registered electors of said district at any regular biennial school election. The proposed plan shall be adopted by resolution of the board at least sixty days prior to the election.

(2) The electors of any school district which shall not have a director district plan of representation may petition the board of education of said district to submit the question of a director district plan to the registered electors at any regular biennial school election. The petition shall be signed by at least fifteen per cent of the registered electors of said school district, and the proposed plan of director district representation

This provision is new and would permit a district to adopt a director district plan even though it does not undertake reorganization.

~~shall be attached thereto.~~ The petition, together with the proposed plan, shall be submitted to the secretary of the board of education of the school district at least sixty days prior to the election. It shall be the duty of a board of education to submit to the registered electors of said school district the question of the director district plan when petitioned to do so pursuant to this subsection.

(3) A director district plan of representation developed pursuant to either subsection (1) or (2) of this section shall be subject to the specifications prescribed in section 9 of this act.

(4) The secretary of said board of education shall cause notice to be given on the question of whether the school district shall have a director district plan of representation as provided in either subsection (1) or (2) of this section, and such notice shall be published and posted as required for the regular biennial school election. Said notice shall indicate the question to be submitted to the electors at the next regular biennial school election, the qualifications of an elector to vote thereon, the polling places and hours of polling as shall be designated for the regular biennial school election, and that such plan of

director district representation is on file with said secretary for public inspection during reasonable business hours; provided, that said notice may be combined with the notice otherwise required for the election of school directors at said regular biennial school election.

(5) The ballot shall contain the words "For the director district plan of representation" and "Against the director district plan of representation." Otherwise, the ballots and election procedures shall be the same as prescribed for the regular biennial school election.

(6) If a majority of the votes at said election shall be "For the director district plan of representation," the plan shall become effective upon canvass of the election returns; provided, that no such director district plan of representation shall terminate the office of any school director elected at the time such plan shall be submitted to the electors or prior thereto, but such plan shall be thereafter effective for vacancies and the election of school directors at any subsequent regular biennial school election. If a majority of the votes shall be "Against the director district plan of representation," the school directors

of said district shall continue to be elected or appointed from any location within said school district until a director district plan of representation shall have been adopted by a majority of the electors of said district.

SECTION 9. Specifications for director districts. In school districts having a director district plan of representation, each director district shall be represented by a school director and shall, as nearly as practicable, be contiguous and compact and contain substantially the same number of electors as each other director district within the school district; provided, that a director district need not be contiguous, compact, and contain substantially the same number of electors as each other director district within the school district when, subsequent to the adoption of the director district plan, the boundaries of the director districts shall have been changed as a result of changes in the boundaries of said school district in a manner pursuant to law.

SECTION 10. Changes in boundaries of director districts. The board of education may propose revisions and redesignations of the boundaries of director districts in order to compensate for changes in school district boundary lines and for shifts in

See section 123-25-13(2),
1960 Perm. Supp., as basis
for this provision.

Based on subsection (c) of
section 1, chapter 220,
Session Laws of 1961.

Authorization for a special
election on this question
is eliminated.

population. Any such proposed plan shall be made by resolution of the board not less than sixty days prior to the regular biennial school election at which it is to be voted upon. The question of the proposed plan for changes in boundaries of director districts shall be submitted to the registered electors of the school district at such regular biennial school election and the plan, if adopted, shall become effective for subsequent vacancies and elections of school directors; provided, that no such change in director district boundaries shall terminate the office of any school director elected at the time of, or prior to, the adoption of the plan.

SECTION 11. Precincts and polling places. (1) The board of education, not less than five weeks prior to the time of the holding of any regular biennial school election, shall establish one or more school election precincts in the school district, numbering the same consecutively beginning with the number one, and shall designate one polling place in each precinct; provided, that the board may at any time before the day of election change the location of the polling place in the election precinct, and in case of such change shall post notices thereof at both the original and newly selected polling places no later than seven a.m. on election day.

Based on parts of 123-10-9
(CRS 1953) and 123-10-16
(CRS 1953).

(2) Immediately after the establishment of such precincts the secretary of the board of education of each school district shall certify to the county clerk of the county or counties in which the district is situated, a description of the school election precincts. The description may give the boundaries of said school district election precincts or may name the general election precincts contained in each of said school election precincts.

SECTION 12. Judges and clerks. (1) Prior to the date of the regular biennial school election, the board of education shall appoint three election judges, and in their discretion one clerk, for each of the school election precincts. Each election judge or clerk shall be a qualified elector of the school election precinct for which he is appointed, and he shall not be a member of the board of education.

(2) In case one or more election judges or the clerk of election shall be absent at the time and place stated in the notice for the opening of the polls and ballot boxes, one or more duly qualified electors of the precinct shall be chosen by voice vote of the qualified electors present to fill the vacancies. The person so elected shall have all the powers and perform all the duties prescribed for an election judge.

Subsection (1) and (2) are based on parts of 123-10-9 (CRS 1953) and 123-10-17 (CRS 1953).

(3)(a) On the first page of the poll book shall be printed a blank form of oath to be taken by each of the judges and clerks of election, substantially as follows:

"I, _____, do solemnly swear (or affirm) that I am a citizen of the United States and the state of Colorado; that I am a qualified elector in school election precinct _____ in the _____ school district; that I will perform the duties of judge (or clerk) of election according to law, and to the best of my ability; that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting same; that I will not disclose how any elector voted if, in the discharge of my duties such knowledge comes to me, unless required to do so in some court of competent jurisdiction, and that I will not disclose the result of the votes until the polls have closed, so help me God.

Subscribed and sworn to before me this _____ day of _____, _____.

Judge

(b) The said oath shall be taken and subscribed by each of the judges and clerks of election before any votes shall be received. Any of the judges of election shall have the power and authority to administer said oath.

Subsections (3) and (4) are based on part of 123-10-10 (CRS 1953 as amended by chapter 234, Session Laws of 1963).

Provision is added to oath concerning disclosing vote before polls have closed; new general election law contains this provision. Also following the general election law, judges and clerks are required to swear to their qualifications.

(4). A clerk of election may perform any of the duties of election judges except the administering of oaths and passing upon the qualifications of electors and the legality, construction and interpretation of ballots.

(5)(a) The board of education may determine the amount of compensation, not to exceed twenty dollars, to be paid the judges and clerks of election for their services at a regular biennial school election.

(b) The compensation of all judges and clerks shall be uniform throughout a particular school district.

SECTION 13. Notice of school election. The secretary of each board of education shall give written or printed notice of the regular biennial school election, specifying the day and polling places of such election, the boundaries of school election precincts, the time during which the polls shall be open, the offices and questions to be voted on, the names of all candidates who have been nominated, and the qualifications for an elector to vote at said election. Said notice shall be published for the four weeks next preceding such election, in some newspaper having general circulation in the district, in accordance with the provisions of article 1 of chapter 109, CRS 1953, as amended. In

This subsection is new; the present law does not specifically mention compensation for judges and clerks of election.

Based on parts of 123-10-6 (CRS 1953), 123-10-7 (CRS 1953 as amended by chapter 234, Session Laws of 1963), and 123-10-14 (CRS 1953).

Publication of notice is required in every district.

Provisions permitting electors to give notice (if secretary fails to do so) are deleted.

addition, a copy of such notice shall be posted at each school house in which school is being held and at each polling place at least ten days before election day.

SECTION 14. Ballots, ballot boxes and voting machines. (1)

Either paper ballots or voting machines of a type approved for use in general elections may be used in regular biennial school elections or in special school elections. Prior to the time of the election the secretary of the board of education of the school district shall prepare and deliver to each school election precinct a sufficient number of printed ballots and ballot boxes or voting machines for the precinct for said election. Ballots or voting machines shall contain the names of all candidates nominated for school director at said election, which names shall be arranged by director districts when applicable, and otherwise in alphabetical order according to surnames; and on the ballot shall be printed such words as will indicate the number and terms of school directors to be elected. Ballot boxes shall meet the same specifications as required for ballot boxes in general elections.

(2) In school districts which use paper ballots, the extreme top part of each ballot, above the portion that contains

Based on parts of 123-10-7
(CRS 1953, as amended by
chapter 234, Session Laws of
1963).

the names of the candidates to be voted for, shall be divided by two perforated lines into two spaces, each of which shall be not less than an inch in width, the top portion to be called the stub, and the next portion to be called the duplicate stub. Nothing shall be printed on either stub except the number of the ballot, and the same number shall be printed on both stubs. The secretary shall cause all ballot stubs to be numbered consecutively and placed in packages, one package for each voting place within the district. All such ballots shall be uniform in every respect and of sufficient length and width to allow all the names of the candidates to be printed in clear, plain type and so as to give each elector an opportunity to designate by a crossmark (X) in a sufficient margin at the right of the name of each candidate, his choice of candidates. At the end of the list of candidates for each different office shall be as many blank spaces as there are persons to be elected to such office, in which the elector may write the name of any eligible person not printed on the ballot for whom he desires to vote. There shall be printed on the back of each ballot the following endorsement:

"Official Ballot of School District No. ____ in the county of ____ and State of Colorado," together with the date of the

election and a facsimile of the signature of the secretary of the school district.

SECTION 15. Poll books - certificate of return. (1) Prior to the time of any regular biennial school election, the secretary of the board of education of each school district shall cause to be prepared and delivered to the election judges one poll book for each precinct. The first page of the poll book shall contain the oath prescribed in subsection (3)(a) of section 12 of this act.

The next succeeding pages shall contain in one column a series of numbers beginning with the number one and in an adjoining column spaces opposite said numbers, in which a judge or clerk of election shall write the names and addresses of the electors as they respectively present themselves for voting.

(2) On one of the latter pages of said poll book shall be printed a blank form of certificate of return, substantially as follows:

To the Board of Education of School District No. ___ in the county of ___ in the State of Colorado:

At the regular biennial school election held at ___ in school election precinct no. ___ of said district on the ___ day

Based on part of 123-10-10 (CRS 1953, as amended by chapter 234, Session Laws of 1963).

of _____, _____ the following named persons received respectively the number of votes placed opposite their names for the office of school director of said school district, to-wit:

A.B. received _____ votes	E.F. received _____ votes
C.D. received _____ votes	G.H. received _____ votes
The whole number of votes cast was _____	
The number of excess ballots was _____	
The number of unused ballots was _____	

Attest:
R.S.,
Clerk.

J.K.,
O.P.,
L.M.,
Judges

SECTION 16. Hours of voting. At all regular biennial school elections and special school elections the polls shall be opened at seven a.m. and shall remain open until seven p.m. of the same day.

SECTION 17. Voting at school elections. (1) Any registered elector desiring to vote shall write his name and place of residence on a form available at the polling place and give this form to one of the judges, who shall thereupon announce the same in a loud and distinct tone of voice, clear and audible. If the elector is unable to write, he may request assistance from one of the judges of election and such judge must sign the form and witness the elector's mark. The form to be available will be in substance:

I, _____

Based on parts of 123-10-6 (CRS 1953) and 123-10-14 (CRS 1953).

Based on part of 123-10-10 (CRS 1953 as amended by chapter 234, Session Laws of 1963).

Voter signature at the polls is required, as in new general election law.

who reside at _____
am a registered elector of this school election precinct and
desire to vote at this _____ school election.

Date _____.

If his name is found on the registration list, his name and address shall be entered by the judge or clerk of election having charge of the poll book in the column prepared for that purpose. Completed signature forms shall be returned with other election materials to the secretary of the board of education.

(2) If paper ballots are used, a judge shall give the elector a ballot with a number corresponding to the number in the poll book opposite the elector's name, tearing it along the perforated line between the stub and the duplicate stub and retaining the stub. Before giving the ballot to the elector, the judge shall place his own initials on the stub and the duplicate stub. The elector shall retire with the ballot within the voting booth and prepare it for casting by marking a cross (X) opposite the name of those candidates for whom he desires to vote.

(3) After having prepared his ballot, the elector shall return the same to the judge from whom he received it, so folded

as to expose the initials written on the duplicate stub by the judge and the number thereon, but not to disclose the marks on the face thereof indicating the elector's vote. That judge shall examine the number and initials on the duplicate stub, and if they correspond to the number and initials on the stub, and the number in the poll book opposite the elector's name, the judge shall remove the duplicate stub, and return the ballot to the elector, who shall deposit it in the ballot box. In no case shall any judge permit a ballot to be deposited with the duplicate stub attached.

SECTION 18. Watchers. Each candidate for the office of school director shall have the right to appoint a watcher in each school election precinct. Watchers shall not disclose the result of the votes until the polls have closed.

SECTION 19. Absentee voting. A registered elector may vote in a regular biennial school election by absent voter's ballot under the terms and conditions and in substantially the same manner as is set forth in the "Colorado Election Code of 1963", except that all acts required or permitted to be performed by the

Based on part of 123-10-10 (CRS 1953, as amended by chapter 234, Session Laws of 1963.)

See also the definition of "watcher" in section 1 herein.

This authorization for absentee voting at school director elections is new. It follows the precedent set by the General Assembly in H.B. 438 (1963), which permits absentee voting in school bond elections (see chapter 236, Session Laws of 1963).

county clerk under said sections shall be performed by the secretary of the board of education.

SECTION 20. Challenge. (1) No person shall be permitted to vote at any regular biennial school election or special school election unless his name is found on the registration list; provided, that any person who has been denied the right to vote because his name does not appear on the registration list shall, upon presentation of a certificate of registration issued on the day of election by the county clerk of the county in which the school election precinct is located, be permitted to take the oath prescribed in this section. All such certificates must be surrendered to the judges of election and returned to the secretary of the board of education with other election records and supplies.

(2) When any person whose name appears on the registration list or who has presented a certificate of registration as above provided offers to vote at any regular biennial school election or special school election, his right to vote at that poll and election may be challenged by an election judge, clerk, watcher or any legally qualified elector of the district.

Based on part of 123-10-10 (CRS 1953 as amended by chapter 234, Session Laws of 1963).

Challenge provisions have been revised to conform with the new general election law.

(3) Each challenge shall be made by written oath, signed by the challenger under penalty of perjury, setting forth the name of the person challenged and the basis for the challenge. The judges of election shall deliver all challenges and oaths to the secretary of the board of education at the time the other election papers are returned. The secretary of the board of education shall forthwith deliver all challenges and oaths to the district attorney for investigation and appropriate action.

(4) If a person offering to vote be challenged as unqualified, one of the judges of election may require him to answer, under oath, the questions stated in section 136 of chapter 118, Session Laws of Colorado 1963, and such other questions as concern his qualifications as an elector at such regular biennial school election or special school election.

(5) If the challenge be not withdrawn after the person offering to vote shall have answered the questions put to him, one of the judges shall administer to him an oath, as follows:

"I do solemnly swear (or affirm) that I am a citizen of the United States; that I have resided in this state for one year immediately preceding this election; in this county ninety days, in this school district thirty days and in this school election

precinct fifteen days or absent therefrom twenty days or less; that I am twenty-one years of age or over; that I am a registered elector in this school election precinct; and that I have not previously voted at this election, so help me God."

If the person so challenged shall take the oath or affirmation, his vote shall be accepted, and the judges of election shall write "sworn" on the poll book after the person's name. If he shall refuse to make such oath or affirmation, his vote shall be rejected.

SECTION 21. Count and certification of votes. (1) Immediately after the close of the polls the judges shall open the ballot box and proceed to count the votes cast, and shall continue to count without adjournment until finished. If it shall be found that the number of ballots in the box exceeds the number of names entered in the poll book, the judges of election, without unfolding the ballots, shall examine the endorsement on the backs of the same, and, if in their opinion any one or more of them is spurious, they shall be separated from the others unopened, and shall not be counted, but shall be enclosed in a package by themselves, marked "excess ballots" and returned to

Based on part of 123-10-12
(CRS 1953).

the ballot box. A record of the number of such excess ballots shall be made and certified to the board of education in the certificate of returns.

(2) As soon as all the ballots shall have been counted the judges shall make out the certificate of returns in the poll book, stating the number of votes cast, the number of excess ballots, the number of unused ballots and the number of votes received by each candidate in both words and numerical figures.

SECTION 22. Return of ballot box, poll book, and registra-

tion list. (1) After the ballots have been counted they shall be returned to the ballot box; the ballot box shall thereupon be returned, together with the poll book, registration list, and other election materials, to the secretary of the board of education of the school district by one of the judges of election. Upon receiving the ballot box, poll book and registration list, the secretary of the board of education shall give his receipt therefor.

(2) If the distance from the polling place to the administrative office of the school district is greater than five miles, the judge providing the transportation for the return of election materials may be paid a mileage allowance, to be set by the board of education, but not to exceed ten cents per mile for each mile

Based on part of 123-10-12
(CRS 1953).

Subsection (2) is new.

necessarily traveled in excess of ten miles in going to and returning from the administrative office of the school district.

SECTION 23. Tie votes. If it appears that any two or more candidates for school director have an equal number of votes for the same office, and a higher number than any other candidate, the "tie" shall be resolved in such manner as shall be agreed upon by the candidates so "tying". If the candidates fail to agree upon the method of resolving the "tie", the same shall be resolved by lot, to be cast as the secretary of the board of education shall determine.

SECTION 24. Canvass of votes - certificate of election. Immediately upon receiving all the returns of election the secretary shall call a meeting of the board of education to meet not more than twenty-four hours later. At such meeting the board of education shall proceed to open and examine the certificate of returns and shall canvass the votes cast. It shall be the duty of the board immediately upon the conclusion of such canvass to make out and deliver a certificate of election to the candidate who shall receive the highest number of votes; provided, in a district which does not have a director district plan of representation and in which there is more than one vacancy to be filled for the same term, certificates of election shall be delivered to

Replaces part of 123-10-12 (CRS 1953). Provision for special election is eliminated.

See also section 28 herein on vacancies.

Based on part of 123-10-12 (CRS 1953).

those candidates who shall receive the highest number of votes. Each certificate shall be signed by the president and secretary of the board. A duplicate of each certificate of election shall be forwarded to the state department of education.

SECTION 25. Oath of directors. Each director shall, within ten days after delivery of his certificate of election, appear before some officer authorized to administer oaths and take an oath that he will faithfully perform the duties of his 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. The oath may be administered by the county superintendent or by the president of the board of education and shall be filed with the county clerk of the county in which the headquarters of the district is located. In case a director fails to take the oath within said period, 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.

SECTION 26. Preservation of ballots. The board of education shall preserve the ballot boxes unopened and intact for at least fifteen days from the day of election, after which time the secretary shall open the same and burn their contents, unless the board

Based on part of 123-10-18
(CRS 1953).

Deadline for taking oath is
reduced from 20 to 10 days.

Filing of oaths with county
clerk is based on Article XII,
Section 9, Colorado
Constitution.

Based on part of 123-10-12
(CRS 1953).

Time for preserving ballots
is reduced to 15 days
following election.

shall be required to produce them in a court of competent jurisdiction. In school districts which use voting machines, the machines may be unlocked and the seals broken after fifteen days from the date of election. Voter signature cards may also be destroyed after fifteen days from the date of the election.

SECTION 27. Contests. Proceedings to contest the election of any person declared duly elected as a member of the board of education of any district in this state may be instituted by any qualified elector of such school district. Such proceedings shall be instituted within ten days after the votes cast at such election are canvassed. The county court of the county wherein the headquarters of a school district shall be situated shall have jurisdiction in all contests for the office of director of any such school district. In such cases the rules of practice and procedure in contested elections for county officers shall apply, as far as applicable.

SECTION 28. Vacancies. (1)(a) A school director office shall be deemed to be vacant upon the occurrence of any one of the following events prior to the expiration of the term of office:

Based on part of 123-10-12
(CRS 1953).

Based in part on 123-10-20(1),
1960 Perm. Supp. (See also
123-2-5 which provides that
the county superintendent shall
fill vacancies in all but
first class districts; that
section will be repealed.)

Most of the substance of this
section is not spelled out in

(b) If for any reason a school director shall not be elected to a school director office by the electors as may be required at a regular biennial school election.

(c) If the person who was duly elected or appointed shall fail, neglect, or refuse to subscribe to an oath of office as provided in section 25 of this act within ten days after receipt of the certificate of election or appointment.

(d) If the person who was duly elected or appointed shall submit a written resignation to the board of education and such resignation shall have been duly accepted by the board of education.

(e) If the person who was duly elected or appointed shall be or become during his term of office a nonresident of the school district in which he was elected or, in the event the district shall have a director district plan of representation, if he shall be or become during his term of office a nonresident of the director district which he represents unless he shall have been elected at the time or prior to the adoption of a director district plan of representation by the electors or prior to a revision and redesignation of director district boundaries.

detail in the law at the present time.

(f) If the person who was duly elected or appointed shall be found guilty of a felony.

(g) If a court of competent jurisdiction shall void his election or appointment or remove the person duly elected or appointed for any cause whatsoever, but only after his right to appeal shall have been waived or otherwise exhausted.

(h) If a court of competent jurisdiction shall determine that the person duly elected or appointed is insane or otherwise mentally incompetent, but only after his right to appeal shall have been waived or otherwise exhausted.

(i) If the person who was duly elected or appointed shall be absent from the school district, or in the event the district shall have a director district plan of representation from either the school district or his director district, for more than thirty consecutive days without the board of education having entered upon its minutes an approval for said school director to be absent beyond the time specified herein.

(j) If the person who was duly elected or appointed shall not attend three consecutive meetings of the board of education, whether regular or special meetings, without the board of

education having entered upon its minutes an approval for an additional absence, or absences; provided that such additional absence, or absences, shall not be due to a temporary mental or physical disability.

(k) If the person who was duly elected or appointed shall die during his term of office.

(2) At the next board of education meeting immediately following the occurrence of any condition specified in subsection (1) of this section, the board of education of said district shall adopt a resolution declaring a vacancy in said school director office, and the board of education of the school district in which the vacancy occurs shall appoint a person to fill the vacancy within sixty days after said vacancy shall have occurred. If the appointment is not made by the board within such sixty-day period, the president of the board shall forthwith appoint a person to fill the vacancy. The appointment shall be evidenced by an appropriate entry in the minutes of the meeting and the board shall cause a certificate of appointment to be delivered to the person so appointed. A duplicate of each certificate of appointment shall be forwarded to the state department of education.

(3) An appointee to the office of school director shall serve only until the next regular biennial school election at

The provision that the president of the board shall fill the vacancy if agreement is not reached within 60 days is new.

which time a school director shall be elected by the electors of said school district for the remainder of the unexpired term.

SECTION 29. School election offenses. The election offenses prescribed by 49-21-1 through 49-21-6 and 49-21-8 through 49-21-39, CRS 1953, as amended, shall be applicable to regular biennial school elections and special school elections.

SECTION 30. Election procedures in districts having more than 70,000 school enrollment. (1) The regular biennial school election in each school district having a school enrollment of more than seventy thousand shall be held on the third Tuesday in May of each odd-numbered year and shall be conducted and supervised by the county clerk, or election commission where such commission has been established, of the county or city and county within which such school district is located.

(2) Every elector qualified and registered to vote at a general election shall be entitled to vote at such regular biennial school election provided he shall be so registered on or before the twentieth day before such school election.

(3) Any candidate for the office of member of the board of education of such district shall be a qualified and registered

This section replaces 123-10-11 (CRS 1953, as amended by chapter 98, Session Laws of 1963) and part of 123-10-10(2) (CRS 1953, as amended by chapter 234, Session Laws of 1963).

Based on part of 123-27-1 and 123-27-2, 1960 Perm. Supp.

This section applies to Denver only.

Registration deadline has been changed to 20 days to conform with new general election law.

Candidates must be taxpaying electors

taxpaying elector of such district.

(4) Any person who may desire to be a candidate for the office of member of the board of education shall file a written notice of such intention with the county clerk or election commission at least forty-five days prior to the election date together with a nomination petition signed by not less than fifty registered electors of said district, which petition shall contain the name of the office for which the person is nominated, his post office address, place of residence and place of business. Each of the electors signing the same shall add to his signature his place of residence.

(5) The county clerk or election commission, at least ten days before such regular biennial school election, shall give written notice of the election in substantially the same manner as is set forth in the "Colorado Election Code of 1963" and shall include therein the names of the candidates who have been nominated for the office of school director.

(6) Either ballots or voting machines of a type approved for use in general elections may be used in such school elections. The county clerk or election commission shall prepare the ballots or

Filing deadline is changed to 45 days.

The notice provisions have been changed to conform with the general election law.

voting machines for said election. Said ballots or voting machines shall contain the names of the candidates to be balloted for at said election, which names shall be arranged in alphabetical order according to surnames, and such words as will indicate the number of members of the board of education to be elected. Whenever such school election is combined with a municipal election, the county clerk or election commission shall permit and arrange for the joint use of voting machines for balloting for candidates for municipal offices, for candidates for the board of education of said school district and for such other propositions as may be submitted to the electors of said school district, city, or city and county.

(7) Registration requirements for such school elections shall be the same as those defined by state law governing general elections.

(8)(a) The appointment of judges and clerks of election, the printing of poll books and oath forms, the designation of precinct boundaries and polling places, the canvassing of the votes cast and other procedures pertaining to the conduct of school elections required by this act to be done or performed by the secretary or board of education shall, in school districts having a school

enrollment of more than seventy thousand, be done and performed by the county clerk or the election commission. The county clerk or election commission shall canvass the returns within five days of such election and shall certify the results thereof to the secretary of the board of education forthwith upon completion of such canvass.

(b) Whenever the date of such school election is identical to the date set for a municipal election in a city or city and county that is coterminous with such school district, the county clerk or election commission shall arrange for the combining of such school election with said municipal election and shall designate as school election precincts and polling places the same election precincts and polling places established for such municipal election and shall designate the respective judges and clerks of such municipal election as judges and clerks respectively of such school election. It shall not be necessary to preserve school ballots cast or to lock any voting machine used for any period in excess of fifteen days after such election unless otherwise ordered by the court.

(9) Voting by absentee ballot shall be permitted at such school elections in the same manner and under the same conditions

as are prescribed by law in general elections.

(10) If such school election is combined with a municipal election of a city or city and county that is coterminous with said school district, said school district shall be liable for any increased cost of conducting said election attributable to such combination. If such school election is not combined with a municipal election of a city or city and county that is coterminous with said school district, the board of education of such district shall pay the entire cost of said election. Any amounts so becoming due to such city or city and county from such school district shall be promptly paid upon presentation of a certified statement therefor by the county clerk or election commission.

(11) Except as provided in this section, school elections in school districts having a school enrollment of more than seventy thousand shall be subject to other provisions of law pertaining to school elections.

SECTION 31. Section 3(2) of chapter 239, Session Laws of Colorado 1963, is hereby amended to read:

Section 3. New districts by operation of law. (2) Notwithstanding any other provisions in this article to the contrary,

This amendment is necessary to conform to the change from 6-year to 4-year terms for school directors, as provided in subsection (2) of section 5 herein.

~~the term of office and~~ the number of school director offices in each school district declared to be a new district organized under the provisions of this article pursuant to subsection (1) of this section shall be ~~and remain as existing upon the effective date of this act;~~ namely five director offices for each such school district, and the term of office shall be ~~and remain six~~ FOUR years, and until a successor shall have been elected and qualified; provided, that the provisions of this article relative to the plan of representation shall be applicable to such districts for purposes of nomination for the office of school director, vacancies, and changes in the district director plan of representation.

SECTION 32. Repeal. The following sections are hereby repealed:

- (1) 123-2-5, 123-10-6, 123-10-8, 123-10-9, and 123-10-12 to 123-10-18, Colorado Revised Statutes 1953;
- (2) 123-10-3(2), 123-27-1, and 123-27-2, Colorado Revised Statutes 1953 (1960 Perm. Supp.);
- (3) 123-10-7 and 123-10-10, as amended by Chapter 234, Session Laws of Colorado 1963; 123-10-11, as amended by Chapter 98, Session Laws of Colorado 1963; and Section 2(1) of

Chapter 233, Session Laws of Colorado 1963.

SECTION 33. Effective date. This act shall take effect on July 1, 1964.

SECTION 34. Savings clause. This act shall not be construed to remove any school director from office during the term for which he was elected or appointed, but shall apply to the election and appointment of directors after the effective date of this act.

SECTION 35. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.