

STATE OF COLORADO

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John W. Hickenlooper
Governor

June 1, 2018

The Honorable Colorado House of Representatives
State Capitol
200 E. Colfax Ave.
Denver, CO 80203

Dear Members of the Colorado House of Representatives:

Today, I vetoed House Bill 18-1181, "Concerning Measures to Expand the Ability of Nonresident Electors to Participate in the Governance of Special Districts, and, in Connection Therewith, Allowing Nonresident Electors who Own Taxable Property within the Special District to Vote in Special District Elections and Allowing Such Electors to Serve on Special District Boards in a Nonvoting Capacity" at 3:31, 6/1/18.

House Bill 18-1181 ("HB 18-1181") expands the definition of eligible elector for special district elections to include non-Coloradans who own Colorado property within the district. The bill also allows out-of-state residents to serve as non-voting members on Colorado special district boards. We have a number of concerns with HB 18-1181 - both on constitutionality and practicality.

The Fourteenth Amendment of the U. S. Constitution guarantees equal protection under the law. To permit out-of-state electors to vote in elections for candidates for a special district's board of directors, while denying them the opportunity to vote on other ballot questions affecting the district raises equal protection concerns. We do not believe this issue was properly scrutinized or discussed during the General Assembly's consideration of HB 18-1181.

Equally worrying is the practical impact of HB 18-1181. The process of certifying nonresident electors in special district elections in Colorado will be burdensome and costly, and we know the districts share this concern. Furthermore, these costs were unreflected in the bill's fiscal notes, and, consequently, unpaid for. We reaffirm, yet again, that the General Assembly ought not to be imposing unfunded mandates on local governments and special districts. This bill appears to do just that. We also take very seriously the warnings we received from leading Colorado clerks and recorders, cautioning that the bill undermines special districts' ability to keep accurate and transparent voter registration lists. We take great pause any time we hear from election officials that a bill could result in harm to Colorado's election integrity.

But most importantly and most worrisome, allowing non-Coloradans to vote in Colorado elections to select our elected representatives is poor public policy. Out-of-state landowners enjoy Colorado's great views, activities, and economy. While we are grateful to our out-of-state neighbors and their love of Colorado, we are unpersuaded that the State should allow those who spend days or weeks in

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Colorado to make decisions impacting those who make it their home each and every day. While we in no way downplay the positive impact visitors have on our State, giving part-time residents decision-making authority to impose full-time, daily impacts on Colorado residents gives us pause.

This concern is amplified in areas of the State in which out-of-state landowners may outnumber Colorado residents, especially in Western Slope communities. The result - a peculiar outcome in which Colorado residents comprise a minority voting bloc in Colorado local district elections. The result is the minimizing and marginalizing Coloradans' votes in these districts, an outcome we cannot accept.

Accordingly, House Bill 18-1181 is vetoed.

Sincerely,



John W. Hickenlooper
Governor