

General Election Information

Conservation districts consist of local people who represent democracy in action on the land through basic principles of representation “of the people, by the people and for the people” (quote from Abraham Lincoln). One of these basic principles is the right to vote for specific individuals representing the district landowners through the election process. Conservation Districts are both special districts and political subdivisions of the state as defined in CRS Title 32 Article 1. Conservation Districts are authorized under C.R.S. 35-70-101 through 35-70-122. Unless authorizing legislation specifies otherwise, conservation districts follow statutory requirements for special districts.



District supervisors are unpaid ELECTED officials and have important responsibilities related to the election process for selecting supervisors to represent the landowners in each district. District elections are considered “non-partisan”. One of the most important responsibilities of the district boards is to ensure elections are conducted at a regular election. A regular election means the election on the Tuesday succeeding the first Monday of May in every even-numbered year, held for the purpose of **electing members to the boards of special districts** for any supervisor elected or appointed to a term expiring in May of that particular even-numbered year.

Elected four-year terms for conservation district supervisors begin and end in May of even-numbered years the next day following the May election date.



The [Oath of Office form](#) must be administered **within 30 days after the election or appointment to fill a vacancy**. All elected supervisors, regardless of whether they are elected by acclamation through cancellation of the election or an actual election was conducted, must complete the oath. Completing this form is required for all supervisors after every election, even those who have held office for multiple terms. In addition, completion of the form is an excellent method for districts to track terms, both appointed and elected, to comply with election laws. The President of the Board is authorized to administer the Oath. It is

not a requirement that the Oath be affirmed before a Notary. The Oath should be administered, whenever possible, during a Board meeting and noted in the minutes.

Election Code Specific to Title 35 Districts

Conservation districts generally follow statutory requirements specified in C.R.S. Title 1, the Uniform Election Code and C.R.S. Title 32, the Special District Act, Article 1-Part 8. However, Title 35 includes specified statutorily-decreed election requirements that must be followed, even though they differ from Title 1 and Title 32 statutory election requirements.



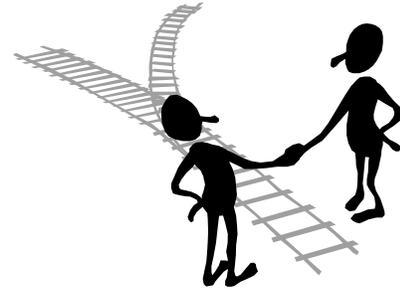
The first difference deals with how vacancies are filled on a board. Title 32-1-905(2)(a) specifies that a vacancy is filled by appointment by the board and the appointee shall serve until the next regular election, at which time the vacancy shall be filled by election for any remaining, unexpired portion of the term. Conservation Districts are mandated to follow Title 35 35-70-107(1)(4) which states that if a vacancy occurs on the board of supervisors, **the remaining supervisors shall appoint a successor for the remainder of the term of the seat vacated**. In the event any supervisor ceases to be a qualified voter of and landowner in the district or the corporation which he represents ceases to be an owner of lands within the district, the supervisors shall thereupon declare a vacancy and proceed to appoint a successor.

The second difference is a result of the Title 32 method of filling vacancies. In Title 32, two-year terms occur when a four-year position becomes vacant and is filled by appointment which is valid until the next regular election. **The Soil Conservation Act does not allow for a two-year term**

for conservation board members since any vacancy is filled by appointment for the remaining unexpired portion of the term.

Consolidation Elections

The process to consolidate two or more conservation districts into a single district is specified in C.R.S 35-70-119 as detailed in the following excerpts:



(1) Two or more established districts may be consolidated into a single district by the following procedure:

(a) The supervisors of the districts desiring to consolidate, acting upon their own initiative or upon the petitions of a substantial number of the qualified landowners in their districts, may jointly prepare and submit to the state board a request for authority to consolidate. Such request shall be accompanied by maps showing the geographical boundaries and locations of the districts to be consolidated and of the proposed consolidated district. If the state board finds that the proposed consolidation is in the best interests of the districts affected, it shall notify the supervisors of the districts that they have authority to proceed.

(b) Upon receiving such notification to proceed, the supervisors of the districts shall hold a public hearing concerning the proposed consolidation. Thereafter, if the supervisors decide to proceed with the consolidation, each board of supervisors shall request that the state board prepare a notice of election on the proposed consolidation, setting forth the circumstances of the proposed consolidation and the date, time, and place of a special election to be held in each of the districts at which the question of consolidation will be voted upon. The notice shall be published as specified in section 35-70-105 (6), in a newspaper of general circulation in each of the districts not more than thirty days nor less than ten days before the election and posted at several places in each of the districts. The election shall be conducted by the state board as provided in section 35-70-105 (7).

(c) If a majority of the votes cast in each of the districts are against such consolidation, the state board shall dismiss the proceedings, and the district shall proceed as though no such election had been held. If a majority of the votes cast in each of the districts are in favor of consolidation, the board of supervisors of each district shall certify jointly that fact to the state board, which shall in turn certify it to the division of local government in the department of local affairs. Upon such final certification, the districts so consolidated shall cease to exist as separate districts.

(d) (I) After an election approving a consolidated district, the supervisors of each board of a consolidated district shall constitute the organizational board of the consolidated district, regardless of the number of supervisors. This organizational board shall remain as the board of the consolidated district until such time as the first board of the consolidated district is selected as provided in this paragraph (d).

(II) The organizational board, within six months after the date of the consolidation election, shall select and determine the terms of the supervisors of the first board of the consolidated district. In making such determination, the organizational board shall fix the terms of the first board as follows: The terms of two directors of the first board having the fewest years to serve on the board to which they were originally elected shall expire at the first election after the consolidation, and the terms of the remaining three directors having the greatest number of years to serve on the board to which they were originally elected shall expire at the second election. If the terms of the supervisors so selected to the first board of the consolidated district expire on the same date, the terms of such supervisors shall be determined by the organizational board. Such terms shall be determined, however, so that the terms of three supervisors of the consolidated district shall expire at the time that the terms of three supervisors of existing districts shall expire, and the terms of the remaining two supervisors of the consolidated district shall expire at the time that the terms of the remaining two supervisors of existing districts shall expire. Thereafter, each supervisor in office shall be elected for a four-year term.

(III) The members of the organizational board of the consolidated district not selected to act as the members of the first board of the consolidated district may act, however, as advisory members to the first board until such time as the terms of office for which they were originally elected would have expired. Advisory members may be compensated equally with compensation paid to the board of the consolidated district for each meeting attended. Advisory board members may not act as officers of nor bind the consolidated district and shall have no vote on any matters before the board of the consolidated district, but they may be employed by the board of the consolidated district in any capacity.

(e) A consolidated district has all of the rights, powers, and authority of each of the conservation districts consolidated. After consolidation the district may consolidate with any other conservation districts, and all actions and proceedings of the consolidated district shall be done without regard to the fact of consolidation.

(2) Any contract to which any district is a party remains the obligation of that district, and the assets or proceeds from the assets thereof shall be first available for the payment of any obligation there under, unless the other parties to the said contract agree and consent to the substitution of the new district as a party thereto. In either event, the consolidated district shall, in accordance with the terms of any agreement made between the consolidating districts, be an additional party to any such contract and liable thereon and with full right and authority to perform or require the performance of the said contract, including the right to enforce the said contract by any lawful action, as fully as though the consolidated district were an original party thereto. Upon consolidation of such districts, the consolidated district shall become and shall proceed in all things as a newly-organized district under the provisions of this article.

State Board staff is available to assist districts with consolidation elections.

Link to DOLA for Up-To-Date Election Rules

The Colorado Department of Local Affairs (DOLA), Division of Local Government provides technical assistance in the area of Special District Elections on DOLA's website: http://dola.colorado.gov/dlg/ta/special_districts/elections/index.html#overview

An election manual, calendar, and sample forms are available to assist districts in the conduct of their regular biennial election in May. In addition, the division offers technical support to election officials by hosting several election workshops throughout the state. These classes are designed to help special districts prepare for their regular biennial election. Special districts have the option of holding TABOR Issue elections during a state general election, a biennial local district election, or on the first Tuesday in November of odd-numbered years. The division provides a coordinated election calendar to assist district officials in the preparation of an off-year election.

Special districts must file all election results with the division of local government. The division maintains information on each special district, including election results from the district's organizational, regular, off-year, or special election.



Term Limits

Special districts are subject to term limits set forth in the Colorado Constitution. Article XVIII, § 11(1). Amendment 17 limits an "elected official" of any political subdivision of the state of Colorado to two consecutive terms in office.

The Soil Conservation Act, Title 35 Article 70 specifies that supervisors are elected by landowners to staggered four-year terms with a portion of the positions available at one regular

election and the remainder of the positions at the next regular election so that no more than a simple majority of supervisors' terms expire in a given year. Regular election means the election on the Tuesday, succeeding the first Monday of May in every even-numbered year, held for the purpose of electing members of the boards of special districts. CRS §32-1-103(17)

Districts can eliminate term limits restrictions if a successful election is conducted and qualified electors approve eliminating the term limits set forth in the Colorado Constitution. Article XVIII, § 11(1). Elimination of term limit restrictions **does not mean** that a district supervisor is not required to run for election when his/her term expires. It simply means that the supervisor may run and be elected for as many terms as he/she may desire rather than being limited to two consecutive four year terms.

Please refer to [Chapter 2, Board Authority](#) for more information on Term Limits.