

2023 School Election Seminar

A membership benefit of the Colorado Association of School Boards

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Vocabulary

- *Registered elector*
- *Coordinated election*
- *Intergovernmental agreement (IGA)*
- *SCORE*
- *TRACER*
- *Voter service and polling center*
- *Canvass board*



Vocabulary

- *Designated election official (DEO)*
- *At large*
- *Director districts*
- *Ballot issue*
- *Ballot question*
- *Write-in candidate*



Legal Framework

General election laws: C.R.S. Title 1

- Ballot access, C.R.S. 1-4-101 through 1-4-1408
- Coordinated elections, C.R.S. 1-7-116
- Recall elections, C.R.S. 1-12-100.5 through 1-12-123

Secretary of State's election rules: 8 C.C.R. 1501-1

- Coordinated elections, Rule 4
- Petition verification, Rule 15

Recent changes to election law: HB 21-1011

Fair Campaign Practices Act: C.R.S. 1-45-101 through 1-45-118

Amendment 27: Colo. Const. XXVIII



Legal Framework

TABOR: Colo. Const. Art. X, Sec. 20

- Vote required to incur new debt or increase revenue
- Specific notice and ballot requirements

Education Code: C.R.S. 22-31-101 through 22-31-134

- Intergovernmental agreements
- Plan of representation
- School board director candidate qualifications
- Board organizational meeting and oath of office
- Post-election notice requirements



Board of Education Candidate Elections

Open seats

- Determined by the school district
- Created by expiration of terms or vacancies & appointments
- For at-large seats, must specify the length of the term on candidate petition



Other ballot issues

- Proposed change to board's plan of representation
- Financial issues: proposed mill levy increase, bond election or other financial question
 - TABOR implications – strict requirements regarding notice, ballot language and summaries for and against the proposal

See CASB website for memos and other resources on these topics as well as the TABOR timeline.



Board's first task

- Take formal action to participate in the election and notify the county clerk in writing of the election.
- **Deadline is July 28, 2023.**



Allocation of responsibility

| COUNTY CLERK | DESIGNATED ELECTION OFFICIAL |
|-----------------------------------|---|
| Enter an IGA with school district | Enter an IGA with county(s) in the school district |
| | Publish a call for nominations for the school board director seats to be voted upon at the election |
| | Provide nomination petitions |
| | Collect petitions |
| | Receive summaries pertaining to local ballot issues |



Allocation of responsibility

| COUNTY CLERK | DESIGNATED ELECTION OFFICIAL |
|--|--|
| Prepare ballots | Cancel election if instructed by board resolution |
| Issue ballots | Determine order names will appear on ballot |
| | Order and certify names and ballot content |
| Verify and count ballots <ul style="list-style-type: none">• Perform recount, if necessary | |
| Certify election | Notify candidates as to outcome of election, deliver certificate of election |



FAQs

Roles of the DEO and County Clerk

- Who publishes the election notice? How specific should it be?
- What is a newspaper of general circulation in rural communities?
- Who is responsible for determining a candidate's residency?
- Who verifies the candidate petitions?



Candidate Eligibility

- Registered elector of the school district for 12 consecutive months
- Never convicted of a sexual offense against a child
- Satisfies petition or write-in candidate eligibility requirements
- Resident of the school district
- Resident of the director district (if applicable)
- Cannot be term limited



FAQs - Board Candidates

- Is the DEO responsible for conducting background checks of candidates?
- An employee of the school district wants to run for the school board. Is that legal?
- May a married couple run for the school board?
- May candidates collect signatures on school grounds?



Establishing Candidacy

To be named on the ballot, a candidate must complete the following “candidate packet”:

1. Be able to provide proof that they meet the voter registration and residence requirements.

Notice of Intent to Be a Candidate for School Director Board of Education

2. Swear or affirm under oath that they meet the qualifications of the office and have never been convicted of a sexual offense against a child.

Affidavit of School Director Candidate on Qualifications of Office



Establishing Candidacy

3. Collect the appropriate number of signatures on the petition or file as a write-in candidate.

Nonpartisan Candidate General Election Designation Petition or Affidavit of Intent of Write-In Candidate

4. Once the petition has been verified as sufficient by the DEO or the candidate files the write-in affidavit, the candidate must swear or affirm under oath that he/she will fully meet the qualifications of office if elected.

Acceptance of Nomination to be a Candidate



Notice of Intent to be a Candidate

- State law requires school districts with at least 1,000 students to post information about each board candidate “in a prominent area” on the school district’s website.
- Candidate information must be posted “as soon as practicable,” but no later than 60 days prior to the election.
- Alphabetical order by surname.
- **Deadline for posting is Friday, September 8, 2023.**



Candidate Petition

- The first day that candidates may circulate petitions is **August 9, 2023**.
- The deadline for submitting the complete candidate packet, which includes the petition, is **September 1, 2023**. Deadline for the write-in affidavit is **September 1, 2023 (due to Labor Day holiday)**.
- Number of signatures necessary
 - 25 signatures required for districts with fewer than 1,000 students
 - 50 signatures required for districts with more than 1,000 students
- Each eligible elector can sign once for each vote that they can cast.
- One signature per candidate (i.e. can't sign twice for same candidate).



Candidate Petition

Valid signatures – Rule 15

- Includes signature, printed name, street address and timely signature date
- Signed only by eligible elector (i.e. registered elector who resides in the school district, as verified in SCORE)
- Common name variants are acceptable
- Missing middle initial or suffix is acceptable. Contradictory not acceptable.
- Mailing address which matches is acceptable
- Illegible signature is unacceptable

PRACTICAL TIP: DEO Look up function



FAQs About Candidate Petitions

- Who ensures that an eligible elector has not signed too many petitions?
- May a candidate sign his/her own petition?
- What happens if a candidate's petition is insufficient after signatures have been verified?
- When do petitions get verified?
- Can a petition be rehabilitated?
- When might the DEO suggest the candidate file a write-in affidavit?



Translation

- Are you in the following counties?
 - Adams, Alamosa, Conejos, Costilla, Denver, Saguache
 - Section 203 (Federal law) applies- everything translated into Spanish.
 - Work with county clerk on what they will require you to certify.
- Are you in one of the counties found [here](#)?
 - Ballot materials translated into Spanish
 - Clerk and you must enter an IGA designating who will translate your certified material
 - If you, must use translator requirements found in [SOS rule 4](#).



Canceling the Election

- If there are fewer candidates, including write-ins, than offices to be filled or no contest for any of the seats.
- No partial cancellations.
- Requires a board resolution.
- First day that election may be canceled is close of business on **September 5, 2023.**
- Candidates are declared elected and take office in November as if the election took place.

See CASB website for a "canceling the election" checklist.



Oath of Office & Board Organizational Meeting

- Board members must take oath of office by **December 9, 2023**
(no later than 10 days after receiving certificate of election, if abstract received on Nov. 29).
- Must hold Board organizational meeting by **December 14, 2023**
(within 15 days after district receives the official abstract of votes, if abstract received on Nov. 29).

See CASB website for Board organizational meeting guidelines and forms, including certificates and oaths of office.

