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# 2021 School Election Seminar

*A membership benefit of the Colorado Association of School Boards*

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June 16, 2021



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# Vocabulary

***Registered elector***

***Coordinated election***

***Intergovernmental agreement (IGA)***

***SCORE***

***TRACER***

***Voter service and polling center***

***Canvass board***



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# Vocabulary

***Designated election official (DEO)***

***At large***

***Director districts***

***Combined***

***Ballot issue***

***Ballot question***

***Write-in candidate***



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# 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 19-1278, SB 21-250**

## **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



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# 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, designate the school district's election official and notify the county clerk in writing of the election.

**Deadline is July 23, 2021.**





# Allocation of responsibility

<b>COUNTY CLERK</b>	<b>DESIGNATED ELECTION OFFICIAL</b>
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

<b>COUNTY CLERK</b>	<b>DESIGNATED ELECTION OFFICIAL</b>
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"><li>• Perform recount, if necessary</li></ul>	
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 he/she meets 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 he/she meets the qualifications of the office and has 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.

**Deadline for posting is Friday, September 3, 2021.**



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# Candidate Petition

The first day that candidates may circulate petitions is **August 4, 2021**.

The deadline for submitting the complete candidate packet, which includes the petition, is **August 27, 2021**. Deadline for the write-in affidavit is **Monday, August 30, 2021**.

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 he/she 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

Illegible signature is unacceptable

*PRACTICAL TIP: DEO Look up function*



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# 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?



# 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 **August 31, 2021.**

Candidates are declared elected and take office in November as if the election took place.

See CASB website for a [Checklist for Canceling the Election](#).



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# Oath of Office & Board Organizational Meeting

Board members must take oath of office by **December 2, 2021**

(no later than 10 days after receiving certificate of election, if abstract received on Nov. 24).

Must hold Board organizational meeting by **December 9, 2021** (within 15 days after district receives the official abstract of votes, if abstract received on Nov. 24).

All Board members must sign confidentiality affidavit.

See [CASB website](#) for Board organizational meeting guidelines and forms, including certificates, oaths of office and confidentiality affidavits.



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# CASB Election Resources

## [CASB 2021 Elections webpage](#)

- Candidate Info
- School Director Elections FAQ
- Election Timelines
- Sample Resolutions & Checklists
- Term Limits
- Plan of Representation
- FCPA
- Vacancies & Appointments
- After the Election
- Recall Elections



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### Member Legal Resources - Elections

Legal resources are a benefit of CASB membership and are available only to CASB members. [Login](#) to the CASB website is required to access legal resources. If you have questions about accessing member-only resources on the CASB website, click [here](#).

Board of Education

Instruction

Personnel

Safety & Health

Students



CASB is pleased to provide the following information to assist school board candidates and school districts' designated election officials in this year's election on November 2, 2021.