



---

## SUMMARY

### **Electors Qualified to Vote in the Downtown Development Authority Special Election**

The organization of a Downtown Development Authority ("DDA") involves a group of electors different than most other elections. The electors qualified to vote in a DDA election are the residents, landowners, and business lessees (as those terms are defined in C.R.S. § 31-25-801, et seq.) within the boundaries of the proposed district.

#### **RESIDENT:**

##### ***A resident must be***

1. a citizen of the United States
2. a resident of the state of Colorado
3. eighteen years of age or older
4. a person whose primary dwelling place is within the proposed boundaries of the DDA
5. registered to vote in Colorado

Only those electors with a voter registration address within the boundaries of the proposed DDA will automatically receive a ballot.

If an elector actually resides within the proposed DDA boundary but is registered to vote at an address outside of the boundary, the elector must complete Affidavit (Form A) to receive a ballot.

#### **LANDOWNER:**

##### ***A landowner must be***

1. an owner in fee of any undivided interest in real property or any improvement permanently affixed thereto within the boundaries of the proposed DDA, and
2. if a natural person, eighteen years of age or older and a US citizen
3. or an entity owner, such as an LLC or Corporation

- An owner in fee includes a contract purchaser obligated to pay general taxes, an heir, and a devisee under a will admitted to probate.
- An owner in fee does not include a contract seller of property where the contract purchaser is deemed to be the owner in fee.
- Interval or timeshare "owners" are generally not owners in fee.

Landowners need not reside within the proposed DDA boundaries.

Natural person landowners registered to vote in Colorado will automatically be mailed a ballot at the property's mailing address. If a natural person landowner is not registered to vote in Colorado, the elector must complete Affidavit (Form A) to receive a ballot.

Entity landowners, if qualified to vote, must complete Affidavit (Form B) to designate a natural person to vote on their behalf and receive a ballot.

### **BUSINESS LESSEE:**

#### **A lessee must be**

1. a holder of a leasehold interest in real property within the boundaries of the proposed district, and
2. if a natural person, eighteen years of age or older, and a US citizen
3. or an entity lessee, such as an LLC or Corporation

- Here, a leasehold interest does not include a license or mere contract right to use real property, including interval and timeshare ownership where an "owner's" right to use certain weeks arises by contract or by the purchase of points.
- Lessees will not automatically receive a ballot.

Natural persons business lessees must complete Affidavit (Form A) to receive a ballot.

Entity business lessees, if qualified to vote, must complete Affidavit (Form C) to designate a natural person to vote on their behalf and receive a ballot.

#### **The DDA election follows the one person-one vote rule where even though a person or entity may be qualified to vote in more than one way, a person may only vote once.**

For example, if an entity owns multiple properties within the DDA, that entity may only cast one vote through a designated person, and any person designated to vote on behalf of an entity may only cast one vote.

### **EXAMPLES**

By way of example, let's say Sam, via four different entities, owns four properties within the boundaries of the proposed district. Sam also resides in a condo within the boundaries of the proposed district and is a registered voter at that address. As a resident and an active registered voter, Sam will automatically be mailed a ballot to vote as a resident. For each property owned by a separate entity, Sam may designate up to four electors – one for each property. To receive a ballot for those properties, Sam must complete a Designation of Elector form for each entity, and each designated elector must complete a Request for Mail Ballot. In that instance, both forms must be completed to receive a ballot. Sam cannot vote as both a resident and a landowner.

By way of another example, let's say Sally owns multiple properties within the boundaries of the proposed district though all of the properties are owned through a single entity. Sally must complete a Designation of Elector form for the entity and the designated elector must complete a Request for Mail Ballot form. Even though Sally's entity owns multiple properties within the boundaries of the proposed district, the entity may only designate one person to vote on the entity's behalf and may only vote once. If Sally, in her individual capacity,

qualifies to vote as a resident, she can either vote as a resident or as the designated person to vote on her entity's behalf, but not both.