

Voting in a BID Election.



SpencerFane[®]

Five Points: What are you voting on?

- **ONE QUESTION** to approve the financial powers of the BID.
 1. Total first year tax revenue of \$157,000.
 2. Total maximum property tax rate of 10 mills.
 3. Authority to accept and use grants and other revenue.

The Ballot: One Question

- What does the ballot question say?
- SHALL FIVE POINTS BUSINESS IMPROVEMENT DISTRICT TAXES BE INCREASED \$157,000 ANNUALLY IN 2017 AND BY THE FUTURE AMOUNTS COLLECTED BY A PROPERTY TAX OF UP TO TEN MILLS AND CAN THE DISTRICT RECEIVE AND SPEND ALL REVENUE IT OBTAINS FROM TAXES, GRANTS AND ANY OTHER LEGAL SOURCES FOR ANY LAWFUL PURPOSE AS A VOTER APPROVED REVENUE CHANGE IN 2017 AND IN EACH YEAR THEREAFTER NOTWITHSTANDING THE LIMITS ON PERCENTAGE INCREASES ALLOWED BY TABOR, SECTION 29-1-302, C.R.S., AND ANY OTHER LAW?

- Why does the question say this?
 1. TABOR requires the first part.
 2. TABOR requires approval of taxes, revenue, and spending limits.

- What does the question Not Do?
 1. It does not allow the BID to borrow money.
 2. It does not allow the BID to raise taxes over 10 mills.

- What the BID can do is help. . .
 - Clean up
 - Add lighting
 - Increase safety
 - Run events
 - Attract customers
 - Qualify for funding
 - Work with the City, and more.

- But the BID needs money to do much of anything.
- The State of Colorado and the City and County of Denver help those who help themselves.

-
- Any questions about what the election is about?

Election

- When: November 8, 2016
- How: By law, the BID election is Mail Ballot only.
- When are ballots mailed? Between October 17 to 24.

- What comes in the mail ballot packet?
 1. The ballot
 2. A “secrecy sleeve”
 3. A return envelope
 4. Instructions

- What does the voter do?
 1. Mark “Yes” or “No” on the ballot.
 2. Put the voted ballot in the secrecy sleeve.
 3. Put the sleeve with the ballot in the return envelope.
 4. Sign the back of the return envelope.
 5. Put postage on and mail it, or without postage, carry it in.

Can a voter give the signed return envelope with the ballot in it to someone else to deliver it?

Yes, a person can deliver up to ten return envelopes.

How are ballots to be returned?

In their return envelope by:

- a. Return mail (by law, the voter pays the postage); or
- b. Walk it in for free. (The locations are not set yet, but probably either to 2444 Washington Street or 1700 Lincoln Street, Suite 2000).

-
- Any questions about the election process?

Who can vote?

- BIDs have the most unusual electorate of any type of local government in Colorado.
- This is rocket science.

- Who can vote

First, **EVERY BID** voter must be registered to vote in Colorado.

- Who can vote?
 1. Residents of taxable commercial property.
 - a. The assessor decides what is commercial.
 - b. Apartments are almost always not commercial.

[Property that is NOT commercial property is not subject to the BID tax or assessments until after it becomes commercial.]

-
- Who can vote:
 2. Owners of taxable commercial real property.
 - a. Natural persons
 - b. Real property only.

- Who can vote?
 3. Holders of a leasehold interest in taxable commercial real property.
 - a. Natural persons
 - b. Real property only
 - c. (These are tenants)

- Who can vote?
 4. Natural persons designated in writing by an owner or lessee of taxable commercial real property that is not a natural person to vote on its behalf.

More explanation:

- **Who can vote?**

A corporation, LLC, partnership, trust, LLP, etc., can designate a person to vote for it.

The designation must be in writing and filed with the BID Secretary (Tracy or the DEO). There is a form for it.

- Who can vote?

One person can only vote once,
regardless of the number of properties,
number of designations, or whatever.
ONE PERSON, ONE VOTE.

- So, how do the election officials identify who these people are?

1. The Designated Election Official (DEO orders):

- a. A list of registered voters in the BID from the Denver Clerk.
- b. A list of commercial real property owners from the Denver Assessor.

2. The list of registered voters explains who the residents are. This is compared to the property owners' list to be sure the address is “commercial.”

Residents of commercial property who are registered to vote are mailed ballots.

3a. The property owner's list shows the owners' names and addresses. Natural people on the list can vote if they are registered to vote.

3b. So, the individual names and addresses on the property owners' list are compared to the statewide voter registration list. If the names and addresses are the same, those persons are mailed ballots.

But, what if a person's name and address on the Voter Registration and Property Owner's lists is not the same?

- Then a ballot would not be mailed.
- The potential voter would have to request a ballot.

- How do I request a ballot?
- By sending a “request for ballot” letter or form to the DEO that:
 1. Requests a ballot.
 2. Identifies the commercial property in the BID.
 3. Includes the address where the person is registered to vote.
 4. Includes the address where the ballot is to be sent.
 5. Includes a “self-affirmation.”

- Commercial tenants are not listed on the voter registration or property owners' lists.
- Commercial tenants would use the “request for ballot” process.

- Where can I get the ballot request form?
 - Tracy will have it at 2444 Washington Street, Denver, CO 80205.
 - The DEO will have it at 1700 Lincoln Street, Suite 2000, Denver, CO 80203.

How are the “designated electors” identified?

- The designating entity must file the designation in writing, in either a letter or using the form. The FORM is **RECOMMENDED** because it has a place to write in the necessary information.
- * The DEO will then check the person’s voter registration.

“Designation of Elector” Forms will be available from:

- Tracy, 2444 Washington Street
- The DEO, 1700 Lincoln Street, Suite 2000

- Why is this complicated?
 1. The idea is to have people who are eligible to vote, vote, and to prevent people who are not eligible from voting.
 2. The BIDs are designed to serve commercial properties, but the government records are aimed at resident voters, so the BID must develop the voter list with the help of its constituents.
 3. One person, one vote. People vote, corporations don't.

-
- Any questions on who can vote?
 - Let's review some examples. . . .

- I own a commercial building in my own name and I'm registered to vote in Colorado. Can I vote?
 - Yes.
 - But, you may have to request a ballot if the address on the assessor's list is different than the address where you are registered to vote.

- I own a commercial building with two other people. Do we each get a vote?
 - Yes, if you are all registered to vote in Colorado.

- I am the sole owner of an LLC that owns a commercial lot. Can I vote?
 - Yes, if you are registered to vote and the LLC has filed a written designation naming you as the person to vote on its behalf.

-
- I own two buildings; do I get two votes?
 - No

- I am a tenant personally, and I have an LLC that owns a building; do I get two votes?
 - No

- I am a tenant personally. Can I designate someone to vote for me?
 - No

- I have two trusts, each of them owns a commercial building. Can I have one trust designate me to vote for it and the other trust designate my daughter to vote for it?
 - Yes, if you are both registered to vote in Colorado.

- If both of those trusts designate me, do I get two votes?
 - No

Any questions? Comments on voting?

When will we know the election results?

- The ballots will be counted during the evening of November 8; results are usually known that evening or early the next morning.