

Town of Keystone Voting Rights

Question: Should the Keystone Charter expand voting rights in town elections to include nonresident property owners (second homeowners/business owners)?

Factors Bearing on the Decision: Who should have voting rights in the Town of Keystone has been the most divisive issue the Charter Commission has faced. The Commission received a significant number of public comments and received expert input during the Mayor/Town Manager forum by the Mayor of Dillon, Town Manager of Frisco and Mountain Village and the Executive Director of the Northwest Colorado Council of Government. In addition, the Commission members did individual research on the use of property owner voting in Mountain Village, CO and Rehoboth Beach, DE.

- The Commission received over 75 comments from the public via email and the Town Hall meeting.
 - Prior to making the decision, the public input was evenly divided.
 - Nonresident property owners supported expanding voting rights to property owners. Their primary rationale was that property owners have an invested interest in Keystone which aligns with residents, they are a major part of the community, have made a significant investment in Keystone, pay taxes, and should have a voice in major decisions in the Keystone Community.
 - Resident voters supported limiting voting rights to town residents. They were concerned that the nonresident property owners' interests would not be aligned with their views of the needs for the Town for future Keystone growth, services, workforce housing, childcare, traffic, US 6 safety, and other issues they face daily. With the large number of property owners which are not residents, the residents influence on the town's direction would be minimized. Most resident voters supported providing nonresident property owners a voice in town issues and future direction.
 - After the Charter Commission agreed to follow state statute for voting rights, the Keystone Neighborhood Company sent an email to all their owners encouraging them to weigh in on the Voting Rights issue.
 - Roughly, 6-7%% of the registered voters owning property in KNC sent a comment to the Charter Commission and did not support expanding voting rights to nonresident property owners.
 - Under 3% of the nonresident property owners sent a comment to the Charter Commission supporting giving them a voice in town decisions and expanded voting rights. The primary rationale given was that they pay taxes and deserve a vote.
- There is a large disparity in the number of residents in Keystone and nonresident property owners.
- Only 1 of 272 towns/cities in Colorado, Mountain Village, allows all property owners, with properties listed in their names (not LLCs, Trusts, etc), to vote in Town elections. The home rule charter for Mountain Village was adopted in 1997 when the town had less than 600 residents and was adopted by a vote of 40-13.

- For those who believe that paying taxes should allow the ability to vote, at the completion of incorporation, there are no Keystone taxes which will be paid by resident or nonresident property owners.
 - The Town of Keystone will have no property taxes. All taxes paid by property owners are to Summit County, the school district, and other Summit County entities. Even if nonresident property owners had a vote in Keystone, they could not vote to impact this tax in Summit County.
 - The County 2% sales tax and workforce housing tax was established at the County level and is a county wide tax. The town will receive the tax revenue generated in Keystone. This will be the primary source of tax revenue that the town will receive. Even if nonresident property owners had a vote in Keystone, they could not vote to impact this tax in Summit County.
 - After incorporation, the 2% lodging tax assessed by Summit County will no longer apply to Keystone.
- Nonresident property owners do not have a vote in Keystone and Summit County today.
- Logistics of implementation could present challenges
 - Who would be eligible: Property in voters name, what % ownership, do you allow trusts, LLCs, Corporations, HOAs (which are corporations), etc.
 - If you allow trusts, LLCs, Corporations, How do you determine who can vote? Is it a single person per LLC/Trust or if an individual has interest in five different LLCs in Keystone, would they have 5 votes or could designate a different person represent each property. For example Vail Resorts owns over 130 properties, if they identified 130 different representatives for the properties, would they have 130 votes?
 - In Keystone, not counting Vail Resorts properties, 37% are owned by LLCs, Trusts, Corporations.
 - Mountain Village allows voting by individuals who have over 50% ownership in property in their names, not LLCs, Trusts, Corporations.
 - If based on a percent ownership, number of days in Keystone, number of years of ownership could be difficult to determine and verify and reverify for each election/petition.
 - Determination of who is eligible would fall on the Town Clerk not County Clerk. A separate voter list would have to be maintained.
 - When properties are sold, voter rolls would need to be updated. This would be a manual process by the Clerk for every election and petition submitted.

Decision: Keystone is a unique community in Colorado. All property owners and residents in Keystone are vital to the future success of the town. There was consensus among the comments received by the Charter Commission, that residents and nonresident property owners both should have a significant voice in the future affairs of the Town. The Charter Commission agreed that nonresident property owners should have a voice and role in future decisions in the Town.

However, the large disparity in numbers of voters between residents and nonresident property owners presents a significant risk that property owners who do not reside in Keystone, are not fully invested in the interests of the entire Keystone Community, and do not experience the same day to day issues that

residents face, could overwhelm the votes of the residents to address local issues. Consequently, the Charter Commission has agreed to follow Colorado State Municipal Law regarding voting rights in the Town of Keystone. This represents no change in the voting rights of residents and property owners in Keystone today. The following are the proposed requirements to vote in the Town of Keystone:

- Must be a US Citizen.
- Must be at least 18 years old.
- Must sign an affidavit that Keystone is your principal or primary home or residence. If you declare Keystone as your residence, you may no longer vote in any other jurisdiction.
- Declaring the Town of Keystone as a voter's primary residence makes the voter a Colorado voter and subject to Colorado state income tax and jury duty. In addition, your vehicles should be registered in Keystone in Summit County.
- Please remember that if the residency affidavit is not correct, the voter may be charged with FELONY voter fraud which is punishable by possible fines, jail time and the designation of convicted Felon.