

**Denver Election Commission
200 W. 14th Avenue Suite 100
SPECIAL MEETING
January 10, 2003
2:30 P.M.**

Present: Jan Tyler, Commissioner
Sherry L. Jackson, Commissioner
Mark Messenbaugh, Commissioner
Stan Sharoff, City Attorney's Office
Jeff Peckman, Petitioners' Committee
Kristy Bois, BMO
Lynn Wolfe, Interim Executive Director
Carrie Kellogg, Staff
Alan McBeth, Staff

I. CALL TO ORDER

Commissioner Jackson called the meeting to order at 2:30 p.m.

II. NEW BUSINESS

Review of Affidavit of Petitioners for an Initiated Ordinance on Increasing Public Safety by Creating Peace

Mr. Sharoff introduced Jeff Peckman, representative of the Petitioners Committee. Commissioner Messenbaugh asked Mr. Peckman if the petition had been submitted to City Council and the City Attorney for the required "Review and Comment" process. Mr. Peckman responded that he has met with these parties, and has incorporated their (minor) concerns into the documents presented to the Commission. Commissioner Jackson indicated that the Commission needs to discuss the language of the Title, which she read for the clarification of the other Commissioners. Mr. Sharoff interjected that there are three items on which the Commission must rule: The Title, the Petition Format and the Affidavit of the Petitioners Committee.

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Commissioner Messenbaugh asked if the other Commissioners found the Title understandable. Commissioner Tyler responded with the question: "Is that necessary?" Mr. Sharoff indicated that it is not. The Commission should approve the Title if it accurately reflects the Text of the proposed ordinance and is not argumentative, biased or misleading. Mr. Sharoff indicated his belief that the Title meets these criteria.

Commissioner Messenbaugh repeated his concern with potential public confusion over the language in the Title, indicating that there is not common meaning of the term (used in the Title) "stress-reducing technology." Commissioner Jackson opined that if the Commissioners are confused by the Title, so would the general public be confused by it. Commissioner Messenbaugh suggested that if the Title enumerated some examples of "stress-reducing technology" it would be less confusing. Mr. Peckman offered that the word "technique" might work better than "technology" in the Title.

Commissioner Tyler indicated her position that it is not the task of the Commission to determine if the Text of the proposed ordinance is itself confusing, but merely to rule on whether the Title fairly and accurately reflects the Text. Commissioner Messenbaugh reiterated that he wants to see Title language that is not confusing. Mr. Sharoff reminded the Commissioners that, if they object to the Title, they must provide written findings regarding what is unacceptable about it.

Commissioner Tyler reiterated her position that even if the proposed ordinance is indeed confusing, the task of the Commission is solely to rule on the Title's reflection of the content of the Text. Commissioner Messenbaugh countered that the Title should reflect the Text, but clearly. He indicated that the current Title does not do this. Mr. Wolfe interjected that signers must be given the opportunity to read the entire Text of the proposed ordinance, which should clarify the meaning of "stress-reducing technologies." Mr. Sharoff opined that the Title is not misleading; it does indicate what the proposed ordinance would do. Commissioner Messenbaugh expressed the opinion that this confusing Title does not tell voters what this

confusing ordinance would do.

Carrie Kellogg presented her remarks on the changes that must be made to render the petition format acceptable. (See. Ms. Kellogg's attached MEMO on the subject.) Commissioner Jackson asked if there were any questions. Commissioner Messenbaugh asked if petition circulators must be qualified electors in Colorado, or Denver – or even residents of the state or city. Mr. Sharoff indicated that the Supreme Court has ruled that there can be virtually no restrictions on petition circulator, though he opined that they must be residents of Colorado.

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Commissioner Tyler suggested to Mr. Peckman that there are other ways to get some of what the petition seeks actually put into practice. She suggested that he contact the Career Service Authority Board with his findings, and see if that body would institute the use of "stress-reducing technologies" for city workers.

Commissioner Messenbaugh moved to disapprove the Title as currently written, since there is no common meaning for one of its central terms, "stress-reducing technology." Commissioner Jackson seconded the motion. After some discussion, Commissioner Messenbaugh withdrew the motion and Mr. Peckman volunteered to spend a few moments "correcting" the language of the Title, so that it could be approved at the current meeting. Commissioner Jackson recessed the meeting and Mr. Peckman left the meeting room with Ms. Kellogg to develop corrected Title language that would be approved by the Commissioners.

After approximately 30 minutes, Commissioner Jackson re-convened the official meeting and read the rewritten Title submitted by Mr. Peckman (copy attached).

Commissioner Tyler moved that the Commission approve the petition Title, Affidavit and Format – contingent on the newly written Title being used and the other required format changes being made.

Commissioner Messenbaugh seconded the motion, which passed unanimously.

III. ANNOUNCEMENTS

The announcement was made that the next Regular Meeting of the Denver Election Commission is scheduled for January 21, 2003 at 4:00 p.m.

IV. EXECUTIVE SESSION

No Executive Session was held.

V. ADJOURNMENT

Commissioner Jackson moved that the meeting be adjourned. Commissioner Messenbaugh seconded the motion, which passed unanimously.

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THE DENVER ELECTION COMMISSION

Sherry L. Jackson, Commissioner

_____ Jan Tyler, Commissioner

Mark W. Messenbaugh, Commissioner

Attest:

Lynn F Wolfe, Interim Executive Director

Dated: _____