



Elections Division

Petition for Initiated Ordinance **2008 Information Packet**

Table of Contents

1. Introduction	3
2. Requirements for Initiative Petitions	4
Step 1 – Submission of Proposed Ordinance to City Council	4
Step 2 – Review and Comment Hearing on Initiated Ordinances	4
Step 3 – Submission to Clerk & Recorder Office for Review and Approval	5
Step 4 – Printing of Petitions	6
Step 5 – Circulation of Petitions	7
Step 6 – Filing of Completed Petitions	7
Step 7 – Determination of Sufficiency of Signatures; Protest & Hearing	7
Step 8 – Transmittal to City Council	8
Step 9 – Adoption or Submission to an Election of Initiated Ordinance	8
3. Attachments	
A – Sample Affidavit of Petitioners’ Committee	9
B – Instructions to Initiative Petition Circulators	10
C – Sample Petition Section Format – Initial Text Page	11
D – Sample Petition Section Format – Signature Page 1	12
E – Sample Affidavit of Circulator	13
F – Sections Relating to Initiated Ordinances from the Denver Revised Municipal Code	14
G – Charter Sections Relating to Initiated Ordinances from the City and County of Denver	16
H – 8 CCR 1505-1, Rules Relating to the Verification of Petitions from the Colorado Secretary of State	21

Introduction

This Information Packet contains information about how an ordinance is proposed and enacted using the Initiative Petition process in the City and County of Denver.

The information in this packet was formulated from the requirements for proposing initiatives which are found in Sections 8.3.2, 8.3.3, and 8.3.7 of the Charter of the City and County of Denver (City Charter) and from the Denver Revised Municipal Code (D.R.M.C.) §15-3. The relevant sections of those documents are attached to this information packet as Attachments F and G.

Please note that the forms and documents attached are neither exclusive nor all-inclusive. Provided here are suggested formats and language in broad, general terms. Therefore, it is the sole and entire responsibility of the persons seeking to initiate an ordinance to comply with any and all applicable state or local laws, statutes, ordinances, rules and regulations, and policies in order to place an initiated ordinance on the ballot.

If you receive or solicit contributions or contributions in-kind for the purpose of influencing the passage or defeat of an initiated ordinance, you must comply with Denver campaign finance ordinances. To determine your obligations, contact Mr. Alton Dillard, Media and Public Relations Specialist, Clerk and Recorder's Office, (720) 913-8686, or via email at: alton.dillard@denvergov.org.

If, after reading this information packet and reviewing all applicable laws, you have questions regarding the petition process, contact Mr. Alton Dillard (see above). If you require legal advice or an interpretation of applicable legal provisions, we suggest that you contact a private attorney. The staff of the Denver Clerk and Recorder cannot and will not provide legal advice.

Requirements for Initiative Petitions

The City Charter provides that the people of the City and County have the right to propose and enact ordinances. This is done by INITIATIVE PETITION. A petition for an initiated ordinance may be filed at any time. However, please be aware that the initiative process is subject to time-sensitive procedures. All persons interested in filing an initiated ordinance are advised at the beginning of the initiative petition process to carefully review the time restrictions contained in applicable legal provisions.

Listed below are the nine steps that citizens must take to propose and enact ordinances:

Step 1 - Submission of Proposed Ordinance to City Council

1. The proponents of the initiated measure shall submit a typewritten draft of the text of the proposed ordinance or charter amendment to the Director of the City Council staff and to the City Attorney for review and comment.
 - a. Proponents are encouraged to write such drafts in plain, non-technical language and in a clear and coherent manner using words with common, everyday meanings which are understandable to the average reader.
 - b. To the extent possible, drafts shall be worded with simplicity and clarity and so that the effect of the measure will not be misleading or likely to cause confusion among voters. The draft shall not present the issue to be decided in such manner that a vote for the measure would be a vote against the proposition or viewpoint that the voter believes that he or she is casting a vote for or, conversely, that a vote against the measure would be a vote for a proposition or viewpoint that the voter is against.

Step 2 - Review and Comment Hearing on Initiated Ordinances

1. No later than ten (10) days after the date of submission of the original draft, unless it is withdrawn by the proponents, the Director of the City Council staff and the City Attorney or their designees shall render their comments to the proponents of the petition concerning the format or contents of the proposed ordinance or charter amendment at a meeting open to the public. Where appropriate, such comments shall also contain suggested editorial changes to promote compliance with the plain language provisions of this section.
2. After the public meeting but before submission to the Clerk and Recorder of any affidavit or statement of intent commencing the petition process, the proponents may amend the text in response to some or all of the comments of the Director of the City Council staff and the City Attorney or their designees.
3. If any substantial amendment is made to the text, the amended text shall be resubmitted to the Director and the City Attorney for comment in accordance with subsection 1.a of Step 1 (above). If the Director or City Attorney have no additional comments concerning the amended text, they may so notify the proponents in writing. In such case, a hearing on the amended text is not required.
4. After the public meetings, the Director of the City Council staff and the City Attorney or their designees shall jointly submit to the proponents and to the Clerk and Recorder a written notice, including a copy of the reviewed text or amended text, certifying compliance with this section.

The Clerk and Recorder will not receive or act upon any affidavit or notice of intent commencing the process for initiating any ordinance or charter amendment unless the affidavit or notice of intent is accompanied by such certification.

Step 3 - Submission to Clerk & Recorder Office for Review and Approval

1. A petitioner's committee shall submit to the Clerk and Recorder for review and approval the following items:
 - a. Completed Affidavit of Petitioners' Committee. The affidavit must contain:
 - i. notarized signatures of five (5) members of a petitioners' committee;
 - ii. the names, addresses and telephone numbers of each member of the petitioners' committee (email addresses are not required, but will facilitate communications);
 - iii. an address to which notices to the petitioners' committee shall be sent;
 - iv. the name of one committee member to serve as the primary contact;
 - v. the full text of the ordinance to be initiated; and
 - vi. a ballot title that is a summary of the major provisions of the ordinance. The ballot title must be true and impartial and cannot be argumentative or be likely to create bias. The ballot title must begin with the words: "Shall the voters for the City and County of Denver adopt..."
 - b. Sample petition section.
 - i. The sample petition section shall include:
 - (1) ballot title;
 - (2) complete text of the proposed ordinance;
 - (3) signature pages;
 - (4) instructions to circulators; and
 - (5) circulator affidavit.
 - ii. The sample petition shall indicate an area in the upper right-hand corner for a petition section number. (*see* Step 4, 1.a.)
 - iii. Failure to comply with any and all styles and format specified by the Clerk and Recorder, including but not limited to any requirements set forth in applicable provisions or procedures of the City Charter, D.R.M.C. §15-3, Colo. Rev. Stat. (C.R.S.) Sec. 1-1-101, *et seq.*, or Rules of the Colorado Secretary of State, may result in the rejection or invalidation of petition sample, affidavit, or ballot title.
2. The Clerk and Recorder's office has three (3) full working days to review the affidavit, petition sample and ballot title. After three full working days, the Clerk and Recorder must accept or reject the submitted affidavit, petition sample and/or ballot title.

No petition may be circulated and no signatures may be procured until the Clerk and Recorder approves the affidavit, the petition sample and ballot title.

3. If any element of this submission is rejected, the Clerk and Recorder must provide written findings specifying the defects in the affidavit, petition sample or ballot title. If not satisfied with the Clerk and Recorder's determination, the petitioners' committee may institute legal proceedings with the appropriate court.

Step 4 - Printing of Petitions

1. After the Clerk and Recorder has approved the completed petitioners' affidavit, completed petition sample, and proposed ballot title, the petitioners' committee may print petitions for circulation, using the approved format.
 - a. Each individual printed "petition section" shall have on it a consecutive four-digit number. The number may be printed by a printer, hand-stamped with a manual stamp or legibly handwritten. A petition section shall be either an individual sheet for signatures or multiple sheets that are stapled together with each sheet sequentially numbered at the bottom of the page.
 - b. Circulated copies of each petition section must state the ballot title and have attached the full text of the proposed initiative or referendum. Each petition section shall have space provided for signatures and addresses of electors as provided for by the Clerk and Recorder.
 - c. The Clerk and Recorder's office suggests that a petition section consist of one hundred (100) signatures with ten (10) signatures per page.
 - d. Circulated copies of each petition section must have an Affidavit of Circulator form attached. (*see* Step 4, I.g., below).
 - e. All sheets in a petition section are to be stapled together in a blue manuscript cover.
 - f. Each petition section shall have a top sheet that contains instructions to circulators.
 - g. A notarized Affidavit of Circulator must be attached to every petition section. The affidavit must state:
 - i. that the circulator personally circulated the petition section;
 - ii. that all signatures were affixed in the circulator's presence;
 - iii. that all signatures are, to the best of the circulator's knowledge, genuine signatures of registered electors;
 - iv. that each signer had an opportunity to read the full text and ballot title of the initiative;
 - v. that the circulator has read and understands the laws governing the circulation of petitions;
 - vi. that the circulator is a resident of the State of Colorado;
 - vii. that the circulator is a citizen of the United States;
 - viii. that the circulator was at least eighteen (18) years of age at the time the petition was circulated; and
 - ix. that the circulator has not paid and will not in the future pay, and that the circulator believes that no other person has paid or will pay, directly or indirectly, any money or other thing of

value to any signer for the purpose of inducing or causing the signer to affix the signer's signature to the petition.

Step 5 - Circulation of Petitions

1. After petition sections are printed, petition circulators can begin to collect signatures.
 - a. Each petition circulator shall be a resident of the State of Colorado and at least eighteen (18) years of age at the time the petition was circulated.
 - b. Each registered elector who signs a petition must provide:
 - i. a signature;
 - ii. the date signed;
 - iii. the elector's full residence address; and
 - iv. any other information required. (Secretary of State (SOS) Rule 22-2-2- (a).)
2. A petition for an initiative to enact an ordinance must be signed by registered voters of Denver numbering at least five per cent (5%) of the total vote for the office of Mayor in the last election at which a mayor was elected. In 2008, three thousand, nine hundred seventy-three (3,973) valid signatures must be collected to place an initiated measure on the next applicable election ballot (5% of 79,455 votes cast for the office of Mayor in 2007).
3. Failure to circulate petition sections and properly complete petition sections with required information, including but not limited to circulator affidavits, in accordance with applicable provisions or procedures of the City Charter, D.R.M.C. §15-3. C.R.S Sec 1-1-101, *et seq.*, or Rules of the Colorado Secretary of State, may result in the rejection or invalidation of a petition section.
4. Before turning in a petition, be sure that:
 - a. Each petition section is circulated by only one (1) circulator.
 - b. Petition sections remain completely assembled. If a section is taken apart, all names on the section are disqualified.
 - c. No additional signatures are added to a petition section after the Affidavit of Circulator has been notarized.

Step 6 - Filing of Completed Petitions

1. A completed initiative petition in its entirety must be filed with the Clerk and Recorder no later than one hundred eighty (180) days from the date of the approval of the Affidavit of Petitioners' Committee, the ballot title and the petition sample. All petition sections must be filed at the same time.

Step 7 - Determination of Sufficiency of Signatures; Protest and Hearing

1. The Clerk and Recorder will determine if the requisite number of registered electors has signed the petition, and will hold the petition for twenty-five (25) days, during which the Clerk and Recorder will verify signatures and protests may be filed.

2. If there are an insufficient number of valid signatures, the Clerk and Recorder shall notify the petitioners' committee, which may cure the insufficiency by filing an addendum to the original petition to offer additional signatures.
 - a. The Clerk and Recorder must hold any addendum for an additional twenty-five (25) days for protests to be filed.
 - b. The 25-day "protest extension" for addendum signatures does not alter the requirement that a completed petition must be filed no later than one hundred eighty (180) days from the date of the approval of the Affidavit of Petitioners' Committee, the ballot title and the petition sample.
 - c. Within the twenty-five (25) days for the review of the petition or the period for review of any addendum to it, registered electors may file protests. Protesters must identify the signatures they are protesting or the factual and legal basis for any other alleged defects in the petition. If protests are filed, hearings must be held and concluded within fifty (50) days of the filing of the protest.

Step 8 - Transmittal to City Council

1. If the Clerk and Recorder certifies that the petition is sufficient, it is transmitted to City Council no sooner than twenty-five (25) days nor later than thirty (30) days after the Clerk and Recorder receives the petition;
OR
2. If there is a protest, the Clerk and Recorder shall forward the petition to City Council immediately after hearings are complete and the protests have been denied and the petition declared sufficient.

Step 9 - Adoption or Submission to an Election of Initiated Ordinance

1. City Council may enact the initiated ordinance without alteration within thirty-five (35) days.
2. Petitioners' committees are advised to consult with the Director of the City Council well in advance of a transmittal to the City Council regarding the scheduling of ordinances on the City Council agenda. Generally, the ordinance process takes four to six weeks.
3. If City Council does not enact the ordinance, the initiated ordinance will be placed on the ballot at the next scheduled citywide election held no sooner than fifty-five (55) days after submission by City Council.
4. City Council may at its discretion call a special election held prior to the next scheduled citywide election for the purpose of submitting the initiated ordinance to the electorate.

Attachment A – Sample Affidavit of Petitioners’ Committee
AFFIDAVIT OF PETITIONERS’ COMMITTEE

Petition
No. _____

Date of submission to the Denver Elections Division: _____

We, the undersigned, registered electors of the City And County of Denver, Colorado, pursuant to Section 8.3.2 of the Charter of the City and County of Denver, Colorado, here file this Affidavit constituting ourselves as the Petitioners’ Committee, with the intention to circulate a petition for an Initiated Ordinance, and being duly sworn upon oath, depose and state as follows:

1. The following five (5) registered electors of the City and County of Denver shall constitute the Petitioners’ Committee:

Name _____	Address _____	Phone # _____
Name _____	Address _____	Phone # _____
Name _____	Address _____	Phone # _____
Name _____	Address _____	Phone # _____
Name _____	Address _____	Phone # _____

2. The address to which notices to the Petitioners’ Committee shall be sent is: _____
(Please also, insert the name of the person to whom notices are to be addressed.)

3. The Petitioners’ Committee shall be responsible for circulating and filing the petition.

4. The name, address, phone number, and, if applicable, the email address of the member of primary contact for the Petitioners’ Committee is: _____
_____.

5. The Initiated Ordinance shall be as follows: (State ordinance in full in the space provided below or attach to this page.)

6. The Ballot Title for the Initiated Ordinance shall be as follows: (State Ballot Title in full in the space provided below.)

Legible Signature of Committee Member

Legible Signature of Committee Member

Legible Signature of Committee Member

Legible Signature of Committee Member

Legible Signature of Committee Member

STATE OF COLORADO)
)ss.
CITY AND COUNTY OF DENVER)

All five signatures of petitioners’ committee
Subscribed and sworn to me this _____ day of _____, 20 _____ by

Name(s) of Committee Member(s)

Witness my hand and official seal.

My Commission expires:
(SEAL)

Notary Public

Address of Notary

Attachment B - Instructions to Initiative Petition Circulators

1. Read the warning at the top of the petition section and be aware that:
 - a. It is against the law for anyone to:
 - i. sign this petition with any name other than his or her own;
 - ii. knowingly sign his or her name more than once for the same measure; and
 - iii. knowingly sign this petition when not a registered elector in the City and County of Denver and is eligible to vote on this measure.
 - b. Signers of this petition are encouraged to read the text or the title of the proposed initiative.
2. Assist the elector by making sure that he/she:
 - a. Completes all fields on the petition in your presence.
 - i. A signer must use the address where he/she is registered to vote. A post office box is not a place of residence and may not be used.
 - ii. A signer should sign in the same manner as the person is registered: first name, middle initial, last name. A married woman should sign with her own first name, not her husband's name; for example: Jane E. Doe, not Mrs. John J. Doe.
 - iii. A signer must also complete the "Date of Signing" field.
 - b. Does not use ditto marks.
 - c. Does not sign for another person.
 - d. Initials any small corrections made on the petition.
 - e. Crosses out a line on the petition containing a large correction and proceeds to the next line of the petition section to complete the entry.
 - f. Makes sure the signer's information is legible.
3. Inform an elector who is unable to write that any person except the circulator may assist them fill out the required information on the petition. Such an elector must make his or her mark in the signature space. The person giving assistance must provide a signature and a statement that assistance was given. This information is to be provided on the petition immediately following the name of the illiterate or disabled elector.
4. Read and sign the Affidavit of Circulator on the last page of this petition in the presence of a Notary Public to be aware that you are attesting that:
 - a. You have read and understand the laws governing the circulation of petitions.
 - b. You are a resident of the State of Colorado.
 - c. You are a citizen of the United States.
 - d. You are at least 18 years of age at the time this petition section was circulated.
 - e. You personally circulated this section of this petition.
 - f. Every signature on this petition was signed in your presence.
 - g. That to the best of your knowledge each and every signature hereon is the genuine signature of the person whose name it purports to be.
 - h. That to the best of your knowledge and belief, each of the persons signing this petition section was at the time of signing a registered elector.
 - i. That each signer had an opportunity to read the full text and ballot title of the attached initiated ordinance.
 - j. That you have not paid and will not in the future pay and that you believe that no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing the signer to affix the signer's signature to the petition.
5. Before turning in a petition, be sure that:
 - a. Each petition section is circulated by only one circulator.
 - b. You do not disassemble petition sections. If a section is taken apart, all names on the section are disqualified.
 - c. No additional signatures are added to a petition section after the Affidavit of Circulator has been notarized.
6. Be aware that: failure to circulate petition sections and properly complete petition sections with required information, including but not limited to circulator affidavits, in accordance with applicable provisions or procedures of the City Charter, Denver Revised Municipal Code (D.R.M.C.), Colo. Rev. Stat. (C.R.S.) Sec. 1-1-101, *et seq.*, or Rules of the Colorado Secretary of State, may result in the rejection or invalidation of a petition section.

Attachment C – Sample Petition Section Format – Initial Text Page

**Petition
No. _____**

**WARNING:
IT IS AGAINST THE LAW:**

For anyone to sign any initiative or referendum petition with any name other than his or her own or to knowingly sign his or her name more than once for the same measure or to knowingly sign a petition when not a registered elector who is eligible to vote on the measure.

DO NOT SIGN THIS PETITION UNLESS YOU ARE A REGISTERED ELECTOR AND ELIGIBLE TO VOTE ON THIS MEASURE. TO BE A REGISTERED ELECTOR, YOU MUST BE A CITIZEN OF COLORADO AND REGISTERED TO VOTE.

Before signing this petition, you are encouraged to read the text or the title of the proposed initiative or referred measure.

PETITIONERS' COMMITTEE (at least two (2) members of the committee):

Name

Address

BALLOT TITLE:

FULL TEXT OF PETITION:

NOTE: If the text of the proposed initiated ordinance requires more than one page of a petition section, the warning and title need only appear at the top of the initial text page of the petition section. However, every signature page must contain the warning and title. Every petition section must contain the Full Text and the Ballot Title of the proposed ordinance.

Attachment D – Sample Petition Section Format – Signature Page 1

Petition No. _____

WARNING

IT IS AGAINST THE LAW:

For anyone to sign any initiative or referendum petition with any name other than his or her own or to knowingly sign his or her name more than once for the same measure or to knowingly sign a petition when not a registered elector who is eligible to vote on the measure.

DO NOT SIGN THIS PETITION UNLESS YOU ARE A REGISTERED ELECTOR AND ELIGIBLE TO VOTE ON THIS MEASURE. TO BE A REGISTERED ELECTOR, YOU MUST BE A CITIZEN OF COLORADO AND REGISTERED TO VOTE.

Before signing this petition, you are encouraged to read the text or the title of the proposed initiative or referred measure.

BALLOT TITLE (do not insert the words “Ballot Title”)

1.	LAST NAME	FIRST NAME	MI	SUFFIX	DATE OF SIGNING (MM/DD/YY)
	ADDRESS – NUMBER, STREET NAME, UNIT #	CITY/COUNTY	ZIP CODE	SIGNATURE	
2.	LAST NAME	FIRST NAME	MI	SUFFIX	DATE OF SIGNING (MM/DD/YY)
	ADDRESS – NUMBER, STREET NAME, UNIT #	CITY/COUNTY	ZIP CODE	SIGNATURE	
3.	LAST NAME	FIRST NAME	MI	SUFFIX	DATE OF SIGNING (MM/DD/YY)
	ADDRESS – NUMBER, STREET NAME, UNIT #	CITY/COUNTY	ZIP CODE	SIGNATURE	
4.	LAST NAME	FIRST NAME	MI	SUFFIX	DATE OF SIGNING (MM/DD/YY)
	ADDRESS – NUMBER, STREET NAME, UNIT #	CITY/COUNTY	ZIP CODE	SIGNATURE	
5.	LAST NAME	FIRST NAME	MI	SUFFIX	DATE OF SIGNING (MM/DD/YY)
	ADDRESS – NUMBER, STREET NAME, UNIT #	CITY/COUNTY	ZIP CODE	SIGNATURE	
6.	LAST NAME	FIRST NAME	MI	SUFFIX	DATE OF SIGNING (MM/DD/YY)
	ADDRESS – NUMBER, STREET NAME, UNIT #	CITY/COUNTY	ZIP CODE	SIGNATURE	
7.	LAST NAME	FIRST NAME	MI	SUFFIX	DATE OF SIGNING (MM/DD/YY)
	ADDRESS – NUMBER, STREET NAME, UNIT #	CITY/COUNTY	ZIP CODE	SIGNATURE	
8.	LAST NAME	FIRST NAME	MI	SUFFIX	DATE OF SIGNING (MM/DD/YY)
	ADDRESS – NUMBER, STREET NAME, UNIT #	CITY/COUNTY	ZIP CODE	SIGNATURE	
9.	LAST NAME	FIRST NAME	MI	SUFFIX	DATE OF SIGNING (MM/DD/YY)
	ADDRESS – NUMBER, STREET NAME, UNIT #	CITY/COUNTY	ZIP CODE	SIGNATURE	
10.	LAST NAME	FIRST NAME	MI	SUFFIX	DATE OF SIGNING (MM/DD/YY)
	ADDRESS – NUMBER, STREET NAME, UNIT #	CITY/COUNTY	ZIP CODE	SIGNATURE	

Attachment F – Sections Relating to Initiated Ordinances from the Denver Revised Municipal Code (D.R.M.C.)

Sec. 15-3. Review and comment hearing on initiated ordinances and charter amendments.

(a) Prior to the submission to the clerk and recorder of any affidavit or statement of intent commencing the process for initiating any ordinance or charter amendment, the proponents of the initiated measure shall submit a typewritten draft of the text of the proposed ordinance or charter amendment to the director of the city council staff and to the city attorney for review and comment. Proponents are encouraged to write such drafts in plain, non-technical language and in a clear and coherent manner using words with common and everyday meaning which are understandable to the average reader. No later than ten days after the date of submission of the original draft, unless it is withdrawn by the proponents, the director or the city council staff and the city attorney, or their designees, shall render their comments to the proponents of the petition concerning the format or contents of the proposed ordinance or charter amendment at a meeting open to the public. Where appropriate, such comments shall also contain suggested editorial changes to promote compliance with the plain language provisions of this section.

(b) After the public meeting but before submission to the clerk and recorder of any affidavit or statement of intent commencing the petition process, the proponents may amend the text in response to some or all of the comments of the director of the city council staff and the city attorney, or their designees. If any substantial amendment is made to the text, the amended text shall be resubmitted to the director and the city attorney for comment in accordance with subsection (a) of this section. If the director or city attorney have no additional comments concerning the amended text, they may so notify the proponents in writing, and, in such case, a hearing on the amended text pursuant to subsection (a) of this section is not required.

(c) To the extent possible, drafts shall be worded with simplicity and clarity and so that the effect of the measure will not be misleading or likely to cause confusion among voters. The draft shall not present the issue to be decided in such manner that a vote for the measure would be a vote against the proposition or viewpoint that the voter believes that he or she is casting a vote for or, conversely, that a vote against the measure would be a vote for a proposition or viewpoint that the voter is against.

(d) After the conference provided in subsections (a) and (b) of this section, the director of the city council staff and the city attorney, or their designees, shall jointly submit to the proponents and to the clerk and recorder a written notice, including a copy of the text or amended text finally reviewed by the director and the city attorney, certifying compliance with this section. The clerk and recorder shall not receive or act upon any affidavit or notice of intent commencing the

process for initiating any ordinance or charter amendment unless the affidavit or notice of intent is accompanied by a certification as provided herein.

(Ord. No. 1010-02, § 1, 12-9-02; Ord. No. 264-07, § 5, 6-11-07)

Sec. 15-4. Applicability of Uniform Election Code.

(a) Except as otherwise provided in this chapter 15 or by the Charter, the conduct of all city and county elections shall be governed by the provisions of the Colorado Uniform Election Code of 1992, articles 1 through 13 of title 1, C.R.S., as amended.

(b) Notwithstanding any contrary provision in the Uniform Election Code, the following requirements shall govern general city and county elections and runoff elections:

1. All provisional ballots shall be verified and counted no later than six (6) days after the general election.
2. Any opportunity for a voter to confirm or correct the signature on an absentee ballot or a mail ballot shall be exercised no later than six (6) days after the general election.
3. Any request for a recount shall be submitted no later than seven (7) days after the general election and the recount shall be completed no later than ten (10) days after the general election.
4. Any requirement regarding the canvassing, auditing, or certification of the results of the election shall be completed within seven (7) days of the general election, unless a recount is requested.
5. Any ballot for a runoff election shall be certified no later than twenty-one (21) days before the runoff election.

(c) Procedures for the calling of special city and county election shall be governed by the Colorado Municipal Election Code of 1965, Article 10 of Title 31, C.R.S. as amended; provided, however, no special city and county election shall be called within sixty (60) days before the date thereof. Special city and county elections shall otherwise be conducted in accordance with the requirements of the Uniform Election Code. Any other procedure related to the conduct of city and county elections for which no provision is made by the Uniform Election Code, nor by the Charter or ordinances of the city, nor by any rule or regulation adopted by the clerk and recorder, shall be governed by the Colorado Municipal Election Code of 1965.

(Ord. No. 726-06, § 1, 11-6-06; Ord. No. 264-07, § 6, 6-11-07)

Attachment G – Charter Sections Relating to Initiated Ordinances from the City and County of Denver (City Charter)

§ 8.3.1 Rights of initiative, referendum and recall reserved to the people.

The people of the City and County of Denver reserve the right to propose and enact ordinances--by initiative; to require that existing ordinances be referred to a vote of the electorate--by referendum; and to recall elected officials. The right of initiative, referendum or recall shall be exercised by petition of the registered electors of the City and County of Denver. Such petitions shall be filed with the Clerk and Recorder as follows: a petition for an initiated ordinance may be filed at any time; a petition for referendum shall be filed within ninety (90) days after final passage and publication of an ordinance; and a petition for recall shall be filed no less than six (6) months after, nor less than one (1) year before a regularly scheduled municipal election in which the office in question has been or will be filled.

(Charter 1960, C2.1; amended May 15, 1979; amended August 11, 1992; Ord. No. 678-02, § 1, 8-26-02, elec. 11-5-02; Ord. No. 851-06, § 1, 12-26-06, elec. 1-30-07)

§ 8.3.2 Provisions applicable to all petitions.

(A) *Petitioners' committee.* Any five (5) registered electors of the City and County of Denver may begin proceedings for initiative, referendum or recall by filing with the Clerk and Recorder an affidavit constituting themselves as a petitioners' committee for such purpose and specifying the intent of the committee to circulate either an initiative, a referendum, or a recall petition. The petitioners' committee shall be responsible for circulating and filing the petition. For recall of a Councilmember from a council district, members of the petitioners' committee shall be residents of that district.

(B) *Contents of affidavit, ballot title, and petition sample.* The affidavit shall contain the notarized signatures of each member of the petitioners' committee; shall state the names, addresses, and telephone numbers of each member of the petitioners' committee and an address to which notices to the committee shall be sent; and shall specify one member of the committee to serve as the primary contact. Any affidavit for an initiative or referendum shall specify in full the text of the ordinance to be initiated or referred and shall include a ballot title which shall contain in summary form the major provisions of the ordinance, which shall be true and impartial and shall not be an argument, nor likely to create bias, either for or against the measure. The title for an initiative shall begin with the words: "Shall the voters for the City and County of Denver adopt...." unless different wording is required by the State Constitution. The title for a referendum shall begin with the words: "Shall the voters of the City and County of Denver repeal...." unless different wording is required by the State Constitution. Any affidavit for a recall shall state the name of the elected official to be recalled and a statement of the grounds upon which recall is sought. The petitioners' committee shall append to any affidavit a sample petition form in a style and

format that complies with the requirements of this Charter and of the Clerk and Recorder.

(C) *Review and approval of affidavit, ballot title and petition sample by Clerk and Recorder.* The affidavit, ballot title, and petition sample shall be reviewed by the Clerk and Recorder: for a determination of compliance with the requirements of this Charter, with any and all other applicable State or City and County laws, and with the rules of the Clerk and Recorder. In reviewing the ballot title, the Clerk and Recorder shall consider the public confusion that might be caused by a misleading title. The Commission shall have three (3) full working days from the time of the filing of the affidavit to review the affidavit, petition sample, and ballot title. At the end of the three (3) working days, the Clerk and Recorder must either accept or reject the affidavit, petition sample, or ballot title. If the affidavit, petition sample, or ballot title is rejected, the Clerk and Recorder shall make written findings specifying the defects in the affidavit, petition sample, or ballot title. The petitioners' committee, if not satisfied with the decision of the Clerk and Recorder, may institute legal proceedings with the appropriate court. No petition shall be circulated nor shall any signatures be procured until such affidavit, petition sample, and ballot title are approved by the Clerk and Recorder.

(D) *Form of petitions.* Each petition shall be in a style and format specified by the Clerk and Recorder. Petitions may be circulated in separate sections so long as each section conforms to the petition style and format specified by the Clerk and Recorder. Circulated copies of each petition shall state the title and have attached the full text of the proposed initiative or referendum. For recall, the circulated copies of each petition shall contain the name of the elected official whose recall is being sought, the office held by the official, and a statement of the grounds upon which recall is being sought. Each petition shall have space provided for signatures and addresses of electors as provided for by the Clerk and Recorder.

(E) *Signing of petitions.* Each registered elector shall provide a signature, the date of signing, the registered elector's full residence address, and other pertinent information as deemed necessary by the Clerk and Recorder.

(F) *Procedures for verification of signatures and validity of petitions.* The Clerk and Recorder for good cause shown may verify the sufficiency of the signatures and the validity of the petitions. A method for determining the validity of the identity of the electors, including the signatures, full residence address, and the other information required on petitions may be enacted by ordinance. Where no ordinance expressly pertaining thereto is enacted, the Clerk and Recorder shall establish a method for determining the identity of the electors, including the signatures, full residence address, and the other information required on petitions by ordinance or rules and regulations. The method that applies at the time the petition is approved by the Clerk and Recorder shall continue to apply for that petition, regardless of changes either in ordinance or rules. No method for determining the validity of the signatures shall be established, amended, supplemented or changed until after a public hearing in

relation thereto, at which parties in interest and citizens shall have an opportunity to be heard.

(G) *Affidavit of circulators.* When filed, the petition shall have attached a notarized affidavit of each circulator. The affidavit shall state that the circulator personally circulated the petition copy, that all signatures were affixed in the circulator's presence, that they are to the best of the circulator's knowledge genuine signatures of registered electors, and that each signer had an opportunity to read the full text and ballot title of the initiative or referendum or the stated grounds for recall. Each circulator shall be a qualified elector of the State of Colorado.

(H) *Filing of petitions; determination of sufficiency; protest and hearings.* After signatures have been obtained, the petitioners' committee shall file the completed petition with the Clerk and Recorder no later than close of business on a normal business day. All related petition sections shall be filed at the same time. The Clerk and Recorder shall record the same and shall hold the petition for a period of twenty-five days, during which time the Clerk and Recorder shall determine whether the petition is signed by the requisite number of registered electors. In the event the Clerk and Recorder determines that the petition contains an insufficient number of signatures, the Clerk and Recorder shall notify the petitioners' committee of the insufficiency, and the petitioners' committee may cure the insufficiency by filing an addendum to the original petition for the purpose of offering such number of additional signatures as will cure the insufficiency. Any addendum shall be filed within the time period allowed for the original petition as provided in this Charter. The Clerk and Recorder shall record and hold any addendum for an additional period of twenty-five days and verify the signatures on the addendum in the same manner as is provided for the original petition. Within the twenty-five-day period for review of the petition or any addendum thereto, a protest subscribed and sworn to under oath may be filed by a registered elector. A protestor shall identify by name the signers protested against or specify the factual and legal basis of any other alleged defects in the petition. The Clerk and Recorder shall consider the grounds of protest and may hear evidence, after giving notice of the hearings to the petitioners' committee, the protestors, and others the Clerk and Recorder may require for the hearings. Hearings shall be concluded and findings issued as soon as practicable but not more than fifty (50) days after the filing of a protest with the Clerk and Recorder.

(I) *Transmittal to city council.* Except as otherwise provided in this subsection, a petition determined to be sufficient by the Clerk and Recorder shall be forwarded to the City Council no sooner than twenty-five nor later than thirty days after receipt of the petition by the Clerk and Recorder. If a timely protest is filed with the Clerk and Recorder as provided in Subsection (H) of this Section, the petition shall be held by the Clerk and Recorder until the Clerk and Recorder rules upon the protest, at which time the petition shall be immediately forwarded to the City Council if the protest is denied and the petition is determined to be sufficient by the Clerk and Recorder.

(J) *Public record.* From the time of filing, all petitions become public records. Upon completion of proceedings by City Council, they shall be preserved by the office of the Clerk and Recorder.

(Charter 1960, C2.2; amended May 15, 1979, amended August 11, 1992; Ord. No. 428-02, § 1, 6-3-02, elec. 8-13-02; Ord. No. 678-02, § 1, 8-26-02, elec. 11-5-02; Ord. No. 851-06, § 1, 12-26-06, elec. 1-30-07)

§ 8.3.3 Initiative procedures.

(A) *Signature requirements for initiative petitions.* An ordinance may be initiated by petition of registered electors numbering at a minimum five (5) per cent of the total vote for the office of Mayor in the last election at which a Mayor was elected.

(B) *Time for filing.* A completed initiative petition shall be filed with the Clerk and Recorder no later than one hundred eighty days from the date of approval of the affidavit, ballot title, and petition form for the initiative as provided in Subsection 8.3.2(C).

(C) *Adoption of initiated ordinance; submission to election.* After receiving a certified petition signed by registered electors numbering at least five (5) per cent of the total vote for the office of Mayor in the last election at which a Mayor was elected, City Council may enact the initiated ordinance without alteration within thirty-five days in the manner provided in this Charter for passage of ordinances. If City Council does not enact the ordinance, then Council shall submit the initiated ordinance to the electorate at the next scheduled citywide election, held not less than fifty-five days after submission by City Council. The City Council may, at its discretion, call a special election to be held prior to the next scheduled citywide election for the purpose of submitting the initiated ordinance to the electorate, subject to the limitations set forth in Section 8.2.3.

(D) *Publication of proposed ordinance.* The Clerk and Recorder shall publish the proposed ordinance in a manner consistent with the publication of other ordinances before such election is held.

(E) *Restrictions on the repeal or amendment of initiated ordinances.* City Council shall not amend or repeal an initiated ordinance adopted by a vote of the people within six (6) months after final passage. After the first six months and within ten (10) years following final passage of any initiated ordinance adopted by a vote of the people, the initiated ordinance may be amended or repealed by City Council only by two-thirds (2/3) vote. Whenever City Council amends or repeals an initiated ordinance adopted by a vote of the people, City Council may do so only after it holds a public hearing.

(Charter 1960, C2.3; amended May 15, 1979; amended August 11, 1992; amended May 8, 2001; Ord. No. 678-02, § 1, 8-26-02, elec. 11-5-02; Ord. No. 851-06, § 1, 12-26-06, elec. 1-30-07)

§ 8.3.7 Review and comment procedures for initiated ordinances and Charter amendments.

A draft of the text of any proposed initiated Charter amendment or ordinance shall be submitted by the proponents to the City Council staff and the City Attorney for review and comment. No later than ten days after submission of the draft text, unless withdrawn by the proponents, the City Council staff and the City Attorney shall jointly render their comments to the proponents of the proposed measure at a meeting open to the public, which shall be held after full and timely notice to the public. Such meeting shall be held prior to submission of the measure by the proponents to the Clerk and Recorder as required by this Charter or by State Law. Neither the City Council staff nor the City Attorney shall have any power to require any amendment, modification, or other alteration of the text of any such proposed measure, or to impose any procedural requirements on the proponents whatsoever.

(Ord. No. 678-02, § 1, 8-26-02, elec. 11-5-02; Ord. No. 851-06, § 1, 12-26-06, elec. 1-30-07)

Attachment H – 8 CCR 1505-1, Rules Relating to the Verification of Petitions from the Colorado Secretary of State

Rule 17. General Rules Concerning Verification of Petitions

- 17.1 General procedures concerning verification of petitions.
- 17.1.1 No petition shall be accepted which lists proponents other than those authorized by law.
- 17.1.2 When the petitions are received, each section shall be date-stamped and consecutively numbered with a four digit number. The number may be printed by a printer, hand-stamped with a manual stamp, or handwritten.
- 17.1.3 Each petition shall be either an individual sheet for signatures or multiple sheets that are stapled together.
- 17.1.4 Each section shall be checked for evidence of disassembly. If it appears that the section was disassembled, all entries in the section shall be rejected.
- 17.1.5 The lines on each petition section shall be consecutively numbered. The block of information which consists of the printed last name, first name, middle initial, county, signing date, street address, city, and signature is considered a line.
- 17.1.6 If the number of entries is less than the total number of signatures required to certify the measure to the ballot, a statement of insufficiency shall be issued.
- 17.1.7 Each line with writing shall be counted on each petition and shall be considered an entry. The number of entries for each page of the section shall be written on the page and the total entries for the section shall be written on the face of the petition section.
- a. A line that has no writing or marks on it shall not be considered an entry.
 - b. A line that has writing on it but is completely crossed out shall not be considered an entry.
 - c. A line which has writing on it but is incomplete or on its face contains an invalid signature or which is partially crossed out shall be considered an entry to be included in this count.

17.2 Checking the circulator's affidavit.

17.2.1 The circulator's affidavit shall be checked for each entry. If the affidavit is not attached and completed, all entries in the section shall be rejected.

17.2.2 The notary clause at the end of the affidavit shall be checked for each entry. If any information is missing, or if the date on the notary clause is not the same date as the circulator signed the affidavit, all entries in the section shall be rejected.

17.2.3 The circulator's affidavit shall be checked to assure it has been completed in accordance with the statutory requirements listed below. If the affidavit was not completed in accordance with the requirements listed below, all entries in the section shall be rejected.

a. For candidate petitions, the circulator's affidavit shall be completed in accordance with section 1-4-905(1) and (2), C.R.S.

b. For initiative petitions, the circulator's affidavit shall be completed in accordance with section 1-40-111(2), C.R.S.

17.3 Checking individual signatures.

17.3.1 Each individual entry shall be checked against the master voter registration files to assure that the elector was an eligible elector in the political subdivision at the time the petition was signed.

17.3.2 Each reason for rejection of an entry shall be recorded by separate code and a master record of the rejected entries shall be maintained. A master record shall also be maintained of each entry that is accepted.

17.3.3 If the information on the current voter registration file does not match the information on the entry, the elector's voter registration history shall be checked to determine if the information on the entry matches the voter registration file at the time the entry was signed.

17.3.4 Name of eligible elector. To be accepted, the name on the entry must be in a form similar to that found on the voter registration record. Signatures that are common variants of the name found on the voter record shall be counted. If the signer of the petition is not found on the voter registration

file, or if applicable, the county assessors' list, the entry shall be rejected.

17.3.5 Middle initial and additional terms.

- a. If the middle initial or middle name is not part of either the signature line or the voter record but is included on the other document, if the first and last name are the same on both documents, the entry shall be accepted.
- b. If the middle initial or middle name on the signature line is different than the middle initial or middle name on the voter record, the entry shall be rejected.
- c. If an indicator such as Jr., Sr., or II is present or omitted from the petition or the voter record, the entry shall be accepted. If two persons with the same name reside at the same address as found on the master voter list, the entry shall be rejected, unless the identity of the signer can be conclusively determined.

17.3.6 Address of eligible elector.

- a. If the address written on the line does not match the address on the voter record or on the voter history for the date when the signature was taken, the entry shall be rejected.
- b. If the address on the petition either includes or omits a letter or number identifying an apartment or the directional location of a street, such as "E" for east, "SW" for southwest, etc., the entry shall be accepted.
- c. If the signer gave a post office box for the address, the entry shall be rejected.

17.3.7 Incomplete information. If the line of the petition is incomplete, with at least one piece of information omitted, the entry shall be rejected.

17.3.8 Date of signing.

- a. If a signature is placed on the petition prior to the final approval of the petition format by the designated election official, the entry shall be rejected.
- b. If the signer was not an eligible elector in the political subdivision at the time of signing, the entry shall be

rejected.

- c. If a signature is placed on the petition after the date on the circulator's affidavit, the entry shall be rejected.

17.3.9 Assistance to signer. If assistance appears to have been given to the signer and a statement of assistance does not accompany the signature or mark explaining the variance in the script, the entry shall be rejected.

17.3.10 Illegible signature. If the signature and printed name are illegible so that the voter record cannot be verified, the entry shall be rejected.

17.3.11 Duplicate signature. If the elector has previously signed the same petition, the first valid entry shall be counted and all other entries shall be rejected.

17.3.12 Where an elector may sign more than one petition, the first signature(s) filed up to the maximum allowed, shall be the ones that are counted.

17.4 Final Tally. After all of the sections have been checked, a final tally of all valid signatures shall be prepared and the statement of sufficiency or insufficiency issued.