

## NOTICE OF ADOPTION OF EMERGENCY RULES & PUBLIC RULEMAKING HEARING

Denver Elections Division  
200 W. 14<sup>th</sup> Avenue, Denver, CO 80204  
Grand Mesa Conference Room  
Thursday, August 15, 2024, at 11:00 A.M.

### Notice of Adoption of Emergency Rules and Proposed Modification of Election Rules

Under the authority granted in section 2-98 of the Denver Revised Municipal Code (D.R.M.C), the Denver Clerk and Recorder has adopted emergency rules to ensure the uniform and proper administration of the city's election laws.

In addition, the Denver Clerk and Recorder is considering the permanent adoption of these emergency election rules under the authority granted in section 2-94 of the D.R.M.C.

#### **Purpose and Subject:**

Immediate and temporary adoption of the election rules is necessary to comply with section 15-11(b), D.R.M.C., regarding the ballot information booklet. Amendments to Election Rule 14 are necessary to clarify the Denver Clerk and Recorder's role in the ballot information booklet's publication and distribution process after changes to section 15-11, D.R.M.C.

The emergency rules expire no later than one hundred eighty days after the date of adoption. The Denver Clerk and Recorder adopts the emergency rules under the authority of § 8.1.2(e) of the Denver Charter and section 2-98 of the D.R.M.C.

In order to adopt the emergency election rules on a permanent basis, a public hearing and public comment period is required under the D.R.M.C.

#### **Hearing Notice:**

As required by section 2-94 of the D.R.M.C., the Denver Clerk and Recorder gives notice of a proposed rulemaking. The hearing is scheduled for 11:00 A.M. Thursday, August 15, in the Grand Mesa Conference Room on the second floor of the Denver Elections Division building at 200 W. 14<sup>th</sup> Ave.

#### **Complete Text Available:**

The complete text of these rules is available online at the Denver Elections Division website ([www.DenverVotes.org](http://www.DenverVotes.org)); in printed form at the Denver Elections Division, 200 W. 14th Ave., Denver, CO 80204; and on file at the Office of the Clerk and Recorder, 201 W. Colfax Ave., Dept.101, Denver, CO 80202.

These emergency rules are adopted and effective immediately. These rules are concurrently proposed for permanent adoption. The proposed rules to be presented for public comment during the Thursday, August 15, 2024, rulemaking hearing may be revised before the hearing date. If changes are made, a revised copy

of the proposed rules will be available to the public and a copy will be posted on the Denver Elections Division website no later than July 22, 2024.

**Public Comment and Participation:**

This hearing is open, and the public is encouraged to attend. Public testimony will be taken at the hearing.

Members of the public wishing to provide written comment may do so from now until the hearing takes place. Written comment may be emailed to: [CRCompliance@denvergov.org](mailto:CRCompliance@denvergov.org) ; mailed or delivered in person to: Denver Elections Division, 200 W. 14<sup>th</sup> Ave., Suite 100, Denver, CO 80204; or delivered in person at the hearing.



Notice of rulemaking will be published in *The Daily Journal* on July 18, 2024

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Hon. Paul D. Lopez  
Clerk and Recorder

Emergency Rules Published in the *Daily Journal* on July 18, 2024

## EMERGENCY ELECTION RULES

### APPROVED AS TO FORM

Kerry C. Tipper  
Attorney for the City and County of Denver



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Denver City Attorney

July 8, 2024

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Date of Signature

### APPROVED AND ADOPTED

Hon. Paul D. Lopez  
Denver Clerk and Recorder



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Denver Clerk and Recorder

July 10, 2024

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Date of Signature/Adoption

## Election Rules

### Rule 14. Municipal Ballot Information Booklet

**14.1 Applicability.** The municipal ballot information booklet applies to each municipal initiated petition and referred ordinance, ~~submitted by the City Council under Denver Charter § 3.3.6 for a vote of the people,~~ that is not subject to the provisions of section 20 of article X of the state constitution.

**14.2 Ballot Information Booklet Composition.** The clerk and recorder may include general introductory information as ~~he or she deems~~ necessary in the municipal ballot information booklet described in D.R.M.C. § ~~15-11(e)~~ 15-11 (B) (3). The clerk may also include election information and voter registration information as appropriate. The following statement must be printed ~~for each initiated or referred measure:~~ ON THE FIRST PAGE CONTAINING INFORMATION ABOUT BALLOT MEASURES: “A ‘yes/for’ vote on any ballot ~~issue~~ MEASURE is a vote in favor of changing current law or existing circumstances, and a ‘no/against’ vote on any ballot ~~issue~~ MEASURE is a vote against changing current law or existing circumstances.”

**14.2.1** For each initiated or referred measure, the ballot information booklet shall be limited to the following items:

- A. The initiated or referred measure's subject;
- B. The initiated or referred measure's letter and number designation for the ballot;
- C. For referred measures, the following explanation: "The ballot title below was drafted by the professional legal staff for the Denver City Council for ballot purposes only. The ballot title will not appear in the Denver Revised Municipal Code. The text of the measure that will appear in the Denver Revised Municipal Code below was referred to the voters by the Denver City Council."
- D. For initiated measures, the following explanation: "The ballot title below was drafted by the ~~proponents of the initiative for ballot purposes only.~~ CLERK AND RECORDER IN CONSULTATION WITH THE CITY ATTORNEY AND THE CITY COUNCIL STAFF FOR BALLOT PURPOSES ONLY. The ballot title will not appear in the Denver Revised Municipal Code. The text of the measure that will appear in the Denver Revised Municipal Code below was drafted by the proponents of the initiative. The initiated measure is included on the ballot as a proposed change to current law because the proponents gathered the required amount of petition signatures."
- E. The initiated or referred measure's approved ballot title;
- F. The fiscal impact estimate created by the Department of Finance or its designee;
- G. The written comments in favor of the measure;
- H. The written comments against the measure; and
- I. The text of the measure.

**14.3** ~~**Fiscal Impact Estimate.** The Department of Finance, or its designee, shall solicit input for the fiscal impact estimate. The Department is solely responsible for its compliance with D.R.M.C. § 15-11(e)(3). For the purposes of calculating the fiscal impact estimate, the Department of Finance shall consider only the direct costs to the government to administer the law as well as any impact on Denver's revenues, expenditures, taxes, and fiscal liabilities. RESERVED.~~

**14.4** **Written Comments for Each Measure.** Written comments for and against each initiated or referred measure shall be limited to 500 words each. Each comment must relate to a specific measure and no comment may mention the names of persons or private groups, or any endorsements for or resolutions against the proposal. A commenter must include his or her legal name, residential address, ~~original signature,~~ and may include the name of one organization with which the commenter is affiliated. Comments submitted by the petitioners' committee need not include the legal name, residence address, or original signature of petitioners' committee. Comments submitted by the City Council need not include the legal name, residence address, or original signature of councilmembers or city employees who assisted the City Council in submitting written comments.

**14.4.1** If multiple persons submit written comments to the clerk and recorder FOR OR against an initiated or referred measure and the combined comments exceed the 500-word limit, the clerk shall summarize the comments into one comment.

**14.4.2** The clerk and recorder may not alter the comments submitted in favor of OR AGAINST an initiated or referred measure except to ensure the comments are compliant with this rule. ~~If the clerk alters the comments under the Rule, he or she will as promptly as possible inform the commenter.~~

**14.4.3** The clerk and recorder shall not accept or consider anonymous comments.

**14.5 Delivery to Voters.** When the clerk and recorder elects to mail the ballot information booklet ~~through the United States Postal Service,~~ TO VOTERS, the clerk must mail one booklet to each address of one or more active registered electors who reside in the City and County of Denver.

**14.5.1** If the clerk elects not to mail the printed booklet under Rule 14.5 and ~~determines~~ CHOOSES INSTEAD to make it available electronically pursuant to UNDER D.R.M.C. § ~~15-11(e)(8),~~ 15-11 (B) (3), the clerk will post a copy of the booklet on the clerk's home webpage. The clerk may inform the public of the booklet's URL through the official website, social media, or a post card mailed to each active registered voter. ~~The clerk will also provide information to request a copy of the booklet by mail.~~

**14.5.2** ~~The clerk must mail the booklet to any registered elector who subsequently requests it from the clerk at no cost to the elector.~~ RESERVED.