

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2025

COUNCIL BILL NO. CB25-TBD
COMMITTEE OF REFERENCE:
Finance & Governance

A BILL

For an ordinance implementing instant-runoff voting.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. Section 15-4, D.R.M.C. is amended by deleting the language stricken and adding the language underlined to read as follows:

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, on and after April 6, 2027, a general election or special election for the election to, or for filling a vacancy in, the office of Mayor, Auditor, Clerk and Recorder, or District Councilmember shall be conducted by instant-runoff voting, as that term is defined in § 8.2.19 of the Denver Charter.
- (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; except as provided in subsection (b) of this section. 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.

Section 2. Section 15-8, D.R.M.C., is amended by adding the language underlined to read as follows:

Sec. 15-8. - Preparation of ballots.

1 (a) The clerk and recorder shall cause ballots for each city and county general and special
2 election to be prepared, printed, and authenticated. The ballots shall contain a complete list
3 of the offices to be filled and the names of the candidates nominated therefor, together with
4 the submission clause or ballot title only of any initiative, referendum, Charter amendments,
5 or other referred measure. ~~The order of any initiative, referendum, Charter amendment, or~~
6 ~~other referred measure shall be as specified by the city council and shall comply with the~~
7 ~~constitution and general laws of the state.~~

8 (b) Instant-runoff voting ballot format.

9 (1) If there are three (3) or more qualified candidates for an office, the ballot shall allow an
10 elector to rank up to seven (7) candidates for that office in order of preference and shall
11 also include a space for an elector to add write-in candidates.

12 (2) The ballot shall include full instructions to electors that indicate how to properly mark
13 the ballot and how to rank candidates in order of the elector's preference.

14 (4) The ballot shall indicate the number of seats to be elected for each office.

15 (c) Mixed-election method ballots. If elections are held in which instant-runoff voting is used in
16 addition to other voting methods, all contests, regardless of election method, shall be on the
17 same ballot if possible, with instant-runoff voting and non-instant-runoff voting portions
18 clearly separated on the ballot. The clerk and recorder may modify the standard ballot order
19 of offices to comply with this section.

20
21 **Section 3.** Section 15-11 (d) (2), D.R.M.C., is amended by deleting the language stricken to
22 read as follows:

23 **Sec. 15-11. - Initiative, referendum, and recall petitions; fiscal impact estimate and ballot**
24 **information booklet.**

25 (d) *Additional provisions applicable to recall petitions.*

26 (2) *Form of ballot and election procedures.* The name of the incumbent sought to be
27 recalled shall be printed as a candidate on the official ballot unless the incumbent
28 declines or a vacancy exists. Nominations and election of candidates shall be
29 conducted as at a general city and county election, ~~including a run-off election where~~
30 ~~necessary.~~

Section 4. Sections 15-32 (10) and (12), D.R.M.C., are amended by deleting the language stricken to read as follows:

Sec. 15-32. - Definitions.

As used in this article, the following words and phrases shall have the following meanings, unless otherwise clearly indicated by the context:

(10) *Election* shall mean any city general election; ~~or runoff election~~; any special election held to elect Charter officers listed in Charter section 9.2.1(A), held under Charter section 1.1.13 or 9.7.9, or at which an issue is submitted to the electorate as required by part 3 of article VIII of the Charter; any election at which a Charter amendment or the question of issuing bonds is submitted to the electorate; or any election held under article X, section 20, paragraph (3) of the Colorado Constitution.

(12) *Electioneering communication* means any communication broadcasted by television or radio, printed in a newspaper or on a billboard, directly mailed or delivered by hand to personal residences, placed on a website, streaming media service, or online forum for a fee, or a pre-recorded audio message delivered by telephone, that:

- a. Unambiguously refers to any candidate, ballot issue or ballot question; and
- b. Is broadcast, printed, mailed, delivered, posted or otherwise distributed ~~in the period beginning sixty (60) days before a general municipal election until the run-off election,~~
within sixty (60) days of a general municipal election, or within thirty (30) days of a special or vacancy election; and

Section 5. Sections 15-37 (c), 15-38 (a), and 15-45 (d) (2), D.R.M.C. are amended by deleting the language stricken and adding the language underlined to read as follows:

Sec. 15-37. - Reporting requirements for candidate committees, issue committees, political action committees, and small donor committees.

(c) *Frequency of reports for candidate committees, political action committees, and small donor committees.* Candidate committees, political action committees, and small donor committees shall file reports with the clerk and recorder throughout the election cycle, with increasing frequency. Reports shall be filed beginning semiannually, then quarterly, then monthly, and shall be followed by pre-election reports approximately once every two (2) weeks, ~~run-off election reports,~~ a post-election report, and a year-end report. The reporting periods and schedule shall be as follows:

1 (1) *Non-election years.*

- 2 a. During the first two (2) years of an election cycle, each committee shall file
3 semiannual reports. The first report shall cover January 1 to June 30 and is due on
4 or before July 31. The second report shall cover July 1 to December 31 and is due
5 on or before January 31 of the following year.
- 6 b. During the third year of an election cycle, each committee shall file quarterly reports
7 due no later than the 15 th day after the end of the applicable quarter.

8 (2) *General election year.*

- 9 a. A monthly report for the period beginning January 1 to January 31, which shall be
10 filed no later than February 5;
- 11 b. A monthly report for the period beginning February 1 to February 28, which shall
12 be filed no later than March 5;
- 13 c. A pre-election report for the period beginning March 1 to March 14, which shall be
14 filed no later than March 17; and
- 15 d. A pre-election report for the period of March 15 to the Wednesday before the
16 general election, which shall be filed no later than the Friday before the general
17 election.
- 18 e. A post-election report for the period beginning the Thursday before the election to
19 twenty-five (25) days after the election, which shall be filed no later than thirty (30)
20 days after the election; and
- 21 f. A year-end report for the period beginning twenty-six (26) days after the election
22 through December 31, which shall be filed no later than January 31 of the following
23 year.

24 ~~(3) *Run-off election period.*~~

- 25 ~~a. A pre-run off election report for the period beginning the Thursday before the~~
26 ~~general election through April 30, which shall be filed no later than May 3;~~
- 27 ~~b. A pre-run off election report for the period beginning May 1 through the Wednesday~~
28 ~~before the run-off election, which shall be filed no later than the Friday before the~~
29 ~~run-off election;~~
- 30 ~~c. A post-election report for the period beginning the Thursday before the run-off~~
31 ~~election to twenty five (25) days after the run-off election, which shall be filed no~~
32 ~~later than thirty (30) days after the run-off election; and~~

d. ~~A year-end report for the period beginning twenty-six (26) days after the run-off election through December 31, which shall be filed no later than January 31 of the following year.~~

(4)(3) *Special elections.* Beginning in the month that a candidate is declared or a candidate committee is formed for the office, the following reports shall be filed:

- a. A report for each month before the month preceding the special election, which shall be filed no later than the 5th day of the following month;
- b. A pre-election report for the period beginning the 1st day of the month immediately preceding the election through the 14th day of that month, which shall be filed no later than the 17th day of that month;
- c. A pre-election report for the period beginning on the 15th day of the month immediately preceding the election through the Wednesday before the election, which shall be filed no later than the Friday before the election;
- d. A post-election report for the period beginning on the Thursday before the election through the 25th day after the election, which shall be filed no later than the 30th day after the election; and
- e. A year-end report for the period beginning on the 26th day after the election through December 31, which shall be filed no later than January 31 of the following year.

Sec. 15-38. – Closing of committees.

- (a) *Candidate committees.* Candidate committees shall be closed no later than four (4) years from the date of the general municipal election, ~~run-off election~~, or expiration of the incumbent officeholder's final term of office, whichever is later. On or prior to the date of closure, the treasurer of a candidate committee shall notify the clerk and recorder and file a report showing no unexpended balance, no debt, and no expenditure deficit.

Sec. 15-45. - Duties of clerk and recorder; enforcement and penalties.

- (d) *Late and deficient reports.*

- (1) The clerk and recorder may issue an administrative citation pursuant to article XII, chapter 2 only for the failure to file a report or receipt required by this article or cure a deficient report or receipt ("reporting violation"). The procedures for

1 enforcement, penalty, and appeals of such an administrative citation shall be as
2 specified in this section.

3 (2) Prior to issuing an administrative citation for a deficient report, the clerk and
4 recorder shall notify the treasurer of a committee by mail, telephone, or email with
5 respect to any deficiencies found. The notice shall include a description of each
6 deficiency and instructions on how to cure. Deficient reports filed for a general
7 municipal election ~~or run-off election~~ must be cured within ten (10) days of notice,
8 and deficient reports filed for a special election shall be cured within two (2) days of
9 notice.

10
11 **Section 6.** Sections 15-54 (c), 15-55 (c) and (d), and 15-59 (c), D.R.M.C. are amended by
12 deleting the language stricken to read as follows:

13 **Sec. 15-54. - Requirements for participation; debate requirement.**

14 (c) *Debate participation.* Participating candidates must agree to participate in at least one (1)
15 public debate with other participating candidates who are opponents in the ~~general~~
16 ~~election and at least one (1) public debate with the participating candidate who is the~~
17 ~~opponent in a run-off election.~~

18
19 **Sec. 15-55. – Fund payments.**

20 (c) *Schedule of payments.* For participating candidates running in the general municipal
21 election, the clerk and recorder shall authorize the first payment on the August 15
22 immediately preceding the general municipal election and shall authorize subsequent
23 payments no later than ten (10) days after the reporting deadline identified in division 1,
24 or as soon thereafter as is practicable. ~~For participating candidates in a run-off election,~~
25 ~~the clerk and recorder shall authorize the payment promptly after certification of the~~
26 ~~general municipal election results.~~ For participating candidates running in a special
27 election the clerk and recorder shall authorize the first payment no later than ten (10)
28 days after the first reporting deadline identified in division 1 for special elections. For all
29 participating candidates, the clerk and recorder shall authorize the remaining payments
30 no later than fourteen (14) days prior to the election.

31 ~~(d) *Run-off elections.* Promptly after certification of the general municipal election results, the~~

1 clerk and recorder shall authorize a one-time payment to participating candidates in a
2 run-off election equal to twenty-five (25) percent of payments that the candidate received
3 from the fund prior to the certification of the general municipal election results.
4

5 **Sec. 15-59. – Enforcement, penalties, and decertification.**

6 (c) *Ministerial decertification.* The clerk and recorder shall decertify a participating candidate
7 if the participating candidate is not in a race with at least one (1) other candidate for that
8 office after the ballot has been certified, the participating candidate dies, is disqualified,
9 withdraws from the race, fails to qualify for the ballot, ~~fails to qualify for the run-off~~, or the
10 election results have been certified. Any such decertification shall be issued in writing and
11 shall be a final agency action.
12

13 **Section 7.** Chapter 15, D.R.M.C., is amended by the addition of a new Article VIII, to read as
14 follows:

15 **ARTICLE VIII. - INSTANT-RUNOFF VOTING**

16 **Sec. 15-90. - Definitions.**

17 As used in this article unless the context indicates otherwise, the following terms have the
18 following meanings:

- 19 (a) “Active ballot” means a ballot properly marked and counted for either a winning candidate
20 or a continuing candidate.
- 21 (b) “Continuing candidate” means a candidate who has not been defeated.
- 22 (c) “Duplicate ranking” means a voter marked more than one ranking for a candidate.
- 23 (d) “Overvote” means a circumstance in which an elector has ranked more than one
24 candidate at the same ranking.
- 25 (e) “Ranking” means the number assigned on a ballot by an elector to a candidate to express
26 the elector’s preference for that candidate. Ranking number one is the highest ranking;
27 ranking number two is the next-highest ranking, and so on.
- 28 (f) “Round” means an instance of the sequence of voting tabulation steps established in
29 section 15-91, D.R.M.C.
- 30 (g) “Skipped ranking” means a circumstance in which an elector has left a ranking blank and
31 ranks a candidate at a subsequent ranking.
- 32 (h) “Undervote” means an elector did not rank any candidates for an office.

- 1 (i) “Winning candidate” means a candidate who is elected after receiving more than 50
2 percent of the votes on active ballots.

3
4 **Sec. 15-91. - Tabulation of instant-runoff elections.**

- 5 (a) First ranked choice tabulation. During the first round of tabulation, the clerk and recorder
6 shall tabulate the first-choice ranks on each ballot.

- 7 (1) A candidate who receives over 50 percent of the first-choice ranks for a contest
8 across all ballots tabulated is the winning candidate and no further rounds of
9 tabulation are required.

- 10 (2) If no candidate receives over 50 percent of the first-choice ranks for a contest across
11 all ballots tabulated, the clerk and recorder shall continue to the next round of
12 tabulation.

- 13 (b) Tabulation of subsequent round(s). At the beginning of the second round of tabulation, the
14 candidate with the fewest first-choice ranks in the prior round is eliminated and the
15 eliminated candidate’s votes are transferred to each ballot’s next-ranked continuing
16 candidate and tabulated.

- 17 (1) If, after receiving the transferred votes, a continuing candidate receives over 50
18 percent of the votes cast on active ballots, that candidate is the winning candidate
19 and no further rounds are required.

- 20 (2) If no candidate has over 50 percent of the votes cast on active ballots after the second
21 round, the clerk and recorder shall repeat additional rounds of tabulation as described
22 in subsection (b) of this section, until there is a winning candidate.

- 23 (c) Lowest-vote group elimination. At the end of the first round and in any subsequent rounds,
24 if the combined vote total of two or more candidates with the lowest vote totals in the
25 current round is less than the number of votes for the continuing candidate with the next-
26 highest number of votes, the candidates in the lowest-vote group may all be eliminated.

- 27 (d) Resolving ties by lot.

- 28 (1) At the end of the first round and in any subsequent rounds, if two or more candidates
29 tie for the lowest number of votes, the eliminated candidate shall be chosen by lot.

- 30 (2) If only If only two continuing candidates remain after a round and they have the same
31 number of votes, the winning candidate shall be chosen by lot.

1 **Sec. 15-92. – Resolving improperly marked ballots.**

- 2 (a) The clerk and recorder shall count improperly marked ballots as follows:
- 3 (1) An overvote invalidates the overvoted rankings and all lower rankings marked for that
- 4 contest on the ballot.
- 5 (2) A skipped ranking and any lower ranking shall be ignored.
- 6 (3) A candidate who receives a duplicate ranking on a single ballot is credited with the
- 7 highest ranking marked by the voter. All other rankings for that candidate shall be
- 8 ignored.
- 9 (b) If a ballot contains more than one type of improper mark as listed in subsection (a) of
- 10 this section, the clerk and recorder shall first resolve skipped rankings, followed
- 11 by duplicate rankings, and lastly resolve any remaining overvotes.
- 12

13 **Sec. 15-93. - Powers and duties of the clerk and recorder.**

- 14 (a) The Clerk and Recorder may promulgate any rules necessary for the proper
- 15 administration of instant-runoff voting elections.
- 16 (b) The Clerk and Recorder shall conduct a voter education campaign on instant-runoff
- 17 voting to familiarize the electorate with the ballot design, method of voting, and
- 18 advantages of determining a majority winner in a single election.
- 19

20 COMMITTEE APPROVAL DATE: **TBD**

1 MAYOR-COUNCIL DATE: TBD
2 PASSED BY THE COUNCIL: _____
3 _____ - PRESIDENT
4 APPROVED: _____ - MAYOR _____
5 ATTEST: _____ - CLERK AND RECORDER,
6 EX-OFFICIO CLERK OF THE
7 CITY AND COUNTY OF DENVER
8 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____;
9 PREPARED BY: Troy C. Bratton, Assistant City Attorney DATE: TBD
10 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
11 City Attorney. We find no irregularity as to form and have no legal objection to the proposed
12 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
13 3.2.6 of the Charter.
14 _____, Denver City Attorney
15 _____, Assistant City Attorney DATE: _____
16
17