

1 BY AUTHORITY

2 ORDINANCE NO. _____
3 SERIES OF 2023

COUNCIL BILL NO. CB23-0065
COMMITTEE OF REFERENCE:
4 Finance & Governance

5
6 A BILL

7
8 **For an ordinance amending Article VII of Chapter 15 of the Revised Municipal**
9 **Code, regarding the ACCESO-Spanish Language Voter Advisory Board.**

10
11 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

12 **Section 1.** Section 15-77, D.R.M.C., is amended by deleting the language stricken and adding
13 the language underlined, to read as follows:

14 **Sec. 15-77. - Purpose.**

15 The purpose of the board is to advise and recommend to the Denver Clerk and Recorder and the
16 Denver Elections Division (DED) necessary policy and initiatives designed to assist and inform
17 the DED of methods to maintain an effective and efficient Spanish language assistance program
18 in accordance with the language assistance provisions of Section 203 of the Voting Rights Act of
19 1965, as amended, and section 1-5-905 of the Colorado Revised Statutes.

20
21 **Section 2.** Section 15-78, D.R.M.C., is amended by deleting the language stricken and adding
22 the language underlined, to read as follows:

23 **Sec. 15-78. - Composition.**

24 The board shall be composed of a minimum of ~~thirteen (13)~~seven (7), with no more than ~~twenty-~~
25 ~~five (25)~~fifteen (15), voting members.

26
27 **Section 3.** Section 15-79, D.R.M.C., is amended by deleting the language stricken and adding
28 the language underlined, to read as follows:

29 **Sec. 15-79. - Method of appointment.**

30 All members of the board will be appointed by the clerk and recorder and confirmed by a simple
31 majority of the board membership acting by resolution. Appointments to the board shall mirror, as
32 much as possible, the demographics of the Latino population of Denver County. These
33 demographics may include ethnicity, gender, race, age, sexual orientation, political viewpoints
34 and affiliations, income, and geographic location. In particular, the board shall make a good faith

1 effort to include representation from individuals of the Denver Latino community who are
2 ~~registered voters of civically engaged in the City and County of Denver. The members may~~
3 ~~include individuals from those council districts as listed in the board's annual work plan, the city~~
4 ~~at large, and the original ACCESO Board as identified by a memorandum to the clerk dated~~
5 ~~September 29, 2009, on file with the elections division.~~
6

7 **Section 4.** Section 15-81, D.R.M.C., is amended by deleting the language stricken and adding
8 the language underlined, to read as follows:

9 **Sec. 15-81. - Terms.**

10 Board members, upon appointment and confirmation, will serve for three-year terms, except that
11 one-third of the initial board will serve for one (1) year; one-third of the initial board will serve for
12 two (2) years; and one-third of the initial board will serve for three (3) years (or until a successor
13 has been duly appointed and confirmed), to establish staggered, overlapping terms and provide
14 for continuity of membership. No member will serve more than three (3) consecutive terms;
15 except that a member may serve past the expiration of their third term until a successor is duly
16 appointed and confirmed.
17

18 **Section 5.** Section 15-83, D.R.M.C., is amended by deleting the language stricken and adding
19 the language underlined, to read as follows:

20 **Sec. 15-83. - Meetings/quorum/majority vote.**

21 (b) *Quorum.* A simple majority of the appointed voting membership constitutes a quorum. A
22 quorum must be present, either in person or electronically, to conduct a board meeting. Voting by
23 proxy is prohibited. The chairperson, in consultation with the clerk, may direct that ~~a mail,~~
24 ~~electronic mail, fax, or telephone~~ an electronic ballot be taken on matters requiring immediate
25 decision. All board members and the clerk must be notified at least twenty-four (24) hours prior to
26 this action and a majority of all appointed members is required to carry official action under this
27 procedure. A record of this electronic vote shall be maintained by the chair. In the event of a
28 board vacancy, whether by removal, death, or resignation, the number established to constitute a
29 quorum shall be adjusted downward until a successor has been duly appointed and confirmed.
30

31 **Section 6.** Section 15-84, D.R.M.C., is amended by deleting the language stricken and adding
32 the language underlined, to read as follows:

33 **Sec. 15-84. - Qualifications.**

1 All-voting board members shall be ~~registered to vote in~~ residents of the State of Colorado. There
2 shall not be pre-established educational or training experience requirements of board
3 appointees. These positions will be referred to the clerk for appointment in accordance with the
4 board's recruitment and nominating process. The board shall use best efforts to assure that a
5 minimum of thirty (30) percent of the full board membership is bilingual with ~~recognized~~ Spanish
6 language proficiency and local cultural language proficiencies. Appointees of the board should
7 use best efforts to aid the full board to meet the stated bilingual-Spanish/English requirement.
8

9 **Section 7.** Section 15-87, D.R.M.C., is amended by deleting the language stricken and adding
10 the language underlined, to read as follows:

11 **Sec. 15-87. - Staff support.**

12 The clerk and recorder ~~may, but is not required to,~~ shall provide staff support to the board. Any
13 staff members providing assistance to the board shall be ex officio members without authority to
14 vote.
15

16 **Section 8.** Section 15-88, D.R.M.C., is amended by deleting the language stricken and adding
17 the language underlined, to read as follows:

18 **Sec. 15-88. - Annual work plan.**


19 The board may develop an annual work plan to recommend identified needs and goals for
20 ~~Spanish~~ non-English language assistance during elections. The annual work plan will include
21 proposed methods to respond to identified needs and goals along with any resulting budget
22 impact.
23

24
25 [BALANCE OF PAGE INTENTIONALLY LEFT BLANK]
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1 COMMITTEE APPROVAL DATE: January 24, 2023

2 MAYOR-COUNCIL DATE: January 31, 2023

3 PASSED BY THE COUNCIL February 13, 2023 _____

4  _____ - PRESIDENT

5 APPROVED: _____ - MAYOR _____

6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER
9

10 NOTICE PUBLISHED IN THE DAILY JOURNAL _____; _____

11 PREPARED BY: Troy Bratton, Assistant City Attorney DATE: February 2, 2023

12 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
13 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
14 ordinance. The proposed ordinance **is not** submitted to the City Council for approval pursuant to §
15 3.2.6 of the Charter.
16

17 Kerry Tipper, Denver City Attorney

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19 BY: Anahil Bagga, Assistant City Attorney DATE: Feb 2, 2023