

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2018

COUNCIL BILL NO. CB18-0837  
COMMITTEE OF REFERENCE:  
FINANCE & GOVERNANCE

5 **A BILL**

6 **For an ordinance submitting to a vote of the qualified and registered electors of**  
7 **the City and County of Denver at a special municipal election to be held in**  
8 **conjunction with the general election of November 6, 2018, a proposed**  
9 **amendment to the Charter of the City and County of Denver concerning the**  
10 **authority for the clerk and recorder to make appointments.**

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

12 **Section 1.** There is hereby submitted to the properly qualified and registered electors of the  
13 City and County of Denver for their approval or rejection at a special municipal election to be  
14 conducted at the same time and in conjunction with the general election to be held in the City and  
15 County of Denver on November 6, 2018, a proposed amendment to the Charter of the City and  
16 County of Denver, as follows:

17 **Effective upon publication and filing with the Secretary of State pursuant to the**  
18 **Constitution and laws of the State of Colorado, subsection (D) of section 8.1.2 of**  
19 **the 2002 Charter of the City and County of Denver shall be and are hereby**  
20 **amended by deleting the language stricken and adding the language underlined,**  
21 **to read as follows:**

22 “(D) *Appointment and employment of deputies and assistants.*

- 23
- 24 (1) The Clerk and Recorder shall appoint a Deputy, to serve at the pleasure of the  
25 Clerk and Recorder, who shall have power to perform the duties of the Clerk,  
26 ~~and. The Clerk and Recorder~~ may also employ such other assistants within  
27 his or her appropriation as are now or hereafter may be authorized by  
28 ordinance.
- 29
- 30 (2) The Clerk and Recorder shall ~~appoint~~ employ a Director of Elections to assist  
31 the Clerk and Recorder in exercising the powers and duties set forth in Parts 2  
32 and 3 of this Article VIII. ~~The City Council may establish by ordinance~~  
33 ~~qualifications for the office of Director of Elections.~~
- 34
- 35 (3) The Clerk and Recorder may appoint two additional persons, to serve at the  
36 pleasure of the Clerk and Recorder, who shall exercise such powers of the  
37 Clerk as the Clerk may specifically assign to such appointees.
- 38

1                    ~~(4)(3)~~ The Clerk and Recorder shall, without additional compensation, perform all  
2                    the acts and duties now required or hereafter required by the general laws of  
3                    this state to be exercised or performed by the public trustee for the City and  
4                    County of Denver, or may ~~appoint~~ employ a deputy to perform such acts and  
5                    duties.  
6

7                    **Effective upon publication and filing with the Secretary of State pursuant to the**  
8                    **Constitution and laws of the State of Colorado, paragraph (xiv) of subsection (E)**  
9                    **of section 9.1.1 of the 2002 Charter of the City and County of Denver shall be and**  
10                    **are hereby amended by deleting the language stricken and adding the language**  
11                    **underlined, to read as follows:**

12                    **“(xiv) the ~~Director of Elections~~ Deputy Clerk and Recorder and no more than ~~one~~ two**  
13                    **other ~~employee-employees~~ in ~~a position~~ positions specifically designated or created**  
14                    **by the Clerk and Recorder, appointed to serve at the pleasure of the Clerk and**  
15                    **Recorder. Any employee of the Denver Election Commission as of July 16, 2007**  
16                    **and formerly excepted from the Career Service pursuant to this section shall retain**  
17                    **his or her position as an employee of the Clerk and Recorder if the employee**  
18                    **qualified to retain the position in accordance with the rules of the Career Service**  
19                    **Board.”**  
20

21                    **Section 2.** All ballots and ballot marking devices for said election shall carry the following  
22 designation, which shall be the title and submission clause:

23  
24                    **REFERRED QUESTION \_\_\_\_\_**

25                    Shall the Charter of the City and County of Denver be amended to require that the  
26                    Deputy Clerk and Recorder must be an at-will appointee of the Clerk and Recorder,  
27                    allow the Clerk and Recorder to appoint two additional at-will employees who shall be  
28                    exempt from the career service personnel system to serve in positions to be designated  
29                    by the Clerk and Recorder, and to eliminate the requirement that the Director of  
30                    Elections must be an at-will appointee of the Clerk and Recorder?  
31

32                    **Section 3.** Each elector voting at the election and wishing to vote for or against the  
33 amendment shall indicate the elector’s choice by selecting the word “YES” or “NO”, on the ballot or  
34 ballot marking device.

35                    **Section 4.** The proper officials of the City and County of Denver as are charged with duties  
36 relating to the election shall, before the election, issue such calls, make such certifications and  
37 publications, give such notices, make such appointments, and do all such other acts and things in  
38 connection with the submission of this Charter amendment to the registered electors of the City  
39 and County of Denver at the election as are required by the Constitution and laws of the State of  
40 Colorado and the Charter and ordinances of the City and County of Denver.  
41

1 **Section 5.** The ballots cast at such election shall be canvassed and the results  
2 ascertained, determined, and certified in accordance with the requirements of the Constitution and  
3 laws of the State of Colorado and the Charter and ordinances of the City and County of Denver.

4 **Section 6.** If any section, paragraph, clause, or other portion of this ordinance is held to be  
5 invalid or unenforceable for any reason, the validity of the remaining portions of this ordinance  
6 shall not be affected.

7 **Section 7.** If approved by the voters, the Charter amendments set forth herein shall be  
8 effective July 16, 2019.

9 COMMITTEE APPROVAL DATE: August 7, 2018

10 MAYOR-COUNCIL DATE: N/A

11 PASSED BY THE COUNCIL \_\_\_\_\_ August 20, 2018

12 \_\_\_\_\_ - PRESIDENT

13 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_ Aug 21, 2018

14 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
15 EX-OFFICIO CLERK OF THE  
16 CITY AND COUNTY OF DENVER  
17

18 NOTICE PUBLISHED IN THE DAILY JOURNAL \_\_\_\_\_;

19 PREPARED BY: Victoria J. Ortega, Assistant City Attorney DATE: August 9, 2018

20 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the  
21 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
22 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §  
23 3.2.6 of the Charter.  
24

25 Kristin M. Bronson, Denver City Attorney

26 BY: Kristin J. Crawford, Assistant City Attorney DATE: Aug 8, 2018  
27