

BY AUTHORITY

ORDINANCE NO. _____

COUNCIL BILL NO. 25-1148

SERIES OF 2025

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, office 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 deleting the language stricken and adding the language underlined to read as follows:

1 **Sec. 15-8. - Preparation of ballots.**

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

9 (b) *Instant-runoff voting ballot format.*

10 (1) If there are three (3) or more qualified candidates for an office, the ballot shall allow an
11 elector to rank up to six (6) candidates for that office in order of preference and shall
12 also include a space for an elector to add a qualified write-in candidate.

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

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

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

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

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

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

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

Section 4. Sections 15-32 (10) and (12), D.R.M.C., are amended by deleting the language stricken and adding the language underlined 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

1 monthly, and shall be followed by pre-election reports approximately once every two (2)
2 weeks, ~~run-off election reports~~, a post-election report, and a year-end report. The reporting
3 periods and schedule shall be as follows:

4 (1) *Non-election years.*

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

11 (2) *General election year.*

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

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

- 28 ~~a. A pre-run-off election report for the period beginning the Thursday before the~~
29 ~~general election through April 30, which shall be filed no later than May 3;~~
- 30 ~~b. A pre-run-off election report for the period beginning May 1 through the Wednesday~~
31 ~~before the run-off election, which shall be filed no later than the Friday before the~~
32 ~~run-off election;~~

- 1 ~~c. A post-election report for the period beginning the Thursday before the run-off~~
2 ~~election to twenty-five (25) days after the run-off election, which shall be filed no~~
3 ~~later than thirty (30) days after the run-off election; and~~
4 ~~d. A year-end report for the period beginning twenty-six (26) days after the run-off~~
5 ~~election through December 31, which shall be filed no later than January 31 of the~~
6 ~~following year.~~

7 ~~(4)(3)~~ *Special elections*. Beginning in the month that a candidate is declared or a candidate
8 committee is formed for the office, the following reports shall be filed:

- 9 a. A report for each month before the month preceding the special election, which
10 shall be filed no later than the 5th day of the following month;
11 b. A pre-election report for the period beginning the 1st day of the month
12 immediately preceding the election through the 14th day of that month, which
13 shall be filed no later than the 17th day of that month;
14 c. A pre-election report for the period beginning on the 15th day of the month
15 immediately preceding the election through the Wednesday before the election,
16 which shall be filed no later than the Friday before the election;
17 d. A post-election report for the period beginning on the Thursday before the
18 election through the 25th day after the election, which shall be filed no later than
19 the 30th day after the election; and
20 e. A year-end report for the period beginning on the 26th day after the election
21 through December 31, which shall be filed no later than January 31 of the
22 following year.
23

24 **Sec. 15-38. – Closing of committees.**

- 25 (a) *Candidate committees*. Candidate committees shall be closed no later than four (4) years
26 from the date of the general municipal election, ~~run-off election~~, or expiration of the
27 incumbent officeholder's final term of office, whichever is later. On or prior to the date of
28 closure, the treasurer of a candidate committee shall notify the clerk and recorder and file
29 a report showing no unexpended balance, no debt, and no expenditure deficit.
30

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

- 32 (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 enforcement, penalty, and appeals of such an administrative citation shall be as specified in this section.

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

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

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

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

Sec. 15-55. – Fund payments.

(c) *Schedule of payments.* For participating candidates running in the general municipal election, the clerk and recorder shall authorize the first payment on the August 15 immediately preceding the general municipal election and shall authorize subsequent payments no later than ten (10) days after the reporting deadline identified in division 1, or as soon thereafter as is practicable. ~~For participating candidates in a run-off election, the clerk and recorder shall authorize the payment promptly after certification of the general municipal election results.~~ For participating candidates running in a special election the clerk and recorder shall authorize the first payment no later than ten (10) days after the first reporting deadline identified in division 1 for special elections. For all

1 participating candidates, the clerk and recorder shall authorize the remaining payments
2 no later than fourteen (14) days prior to the election.

3 ~~(d) *Run-off elections.* Promptly after certification of the general municipal election results, the~~
4 ~~clerk and recorder shall authorize a one-time payment to participating candidates in a~~
5 ~~run-off election equal to twenty-five (25) percent of payments that the candidate received~~
6 ~~from the fund prior to the certification of the general municipal election results.~~

7
8 **Sec. 15-59. – Enforcement, penalties, and decertification.**

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

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

18
19 **ARTICLE VIII. - INSTANT-RUNOFF VOTING**

20 **Sec. 15-90. - Definitions.**

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

- 23 (a) “Active ballot” means a ballot properly marked and counted for either a winning candidate
24 or a continuing candidate.
25 (b) “Continuing candidate” means a candidate who has not been defeated.
26 (c) “Duplicate ranking” means a voter marked more than one ranking for a candidate.
27 (d) “Defeated candidate” means a candidate that has been eliminated.
28 (e) “Overvote” means a circumstance in which an elector has ranked more than one
29 candidate at the same ranking.
30 (f) “Qualified write-in candidate” means a candidate who has filed to be a write-in candidate
31 under section 15-10.

- (g) “Ranking” means the number assigned on a ballot by an elector to a candidate to express the elector’s preference for that candidate. Ranking number one is the highest ranking; ranking number two is the next-highest ranking, and so on.
- (h) “Round” means an instance of the sequence of voting tabulation steps established in section 15-91, D.R.M.C.
- (i) “Skipped ranking” means a circumstance in which an elector has left a ranking blank and ranks a candidate at a subsequent ranking.
- (j) “Surplus fraction” means a fraction calculated by dividing the surplus votes by the total votes cast for the winning candidate, calculated to four decimal places, ignoring any remainder. Surplus fraction = (surplus votes of a winning candidate)/(total votes cast for winning candidate), calculated to four decimal places, ignoring any remainder.
- (k) “Surplus votes” means the votes cast for a winning candidate in excess of the winning threshold that may be transferred to a continuing candidate.
- (l) “Transfer value” means the fraction of a vote in a multi-seat contest that a transferred ballot will contribute to the next-ranked continuing candidate on that ballot. The transfer value of a vote cast for a winning candidate is limited to four decimal places, ignoring any remainder.
- (m) “Undervote” means an elector did not rank any candidates for an office.
- (n) “Winning candidate” means:
(1) For a single-seat contest, a candidate who is elected after receiving more than 50 percent of the votes on active ballots.
(2) For a multi-seat contest, a candidate who is elected after receiving votes equal to the winning threshold in the contest.
- (o) “Winning threshold” means the number of votes sufficient for a candidate to be elected in a multi-seat contest. In any given contest, the winning threshold equals the total votes counted in the first round, divided by the sum of one (1) plus the number of offices to be filled, then adding one (1), disregarding any fractions. Threshold = ((Total votes cast)/(Seats to be elected + 1)) + 1, with any fractions disregarded.

Sec. 15-91. - Tabulation of votes; single-seat contests.

- (a) For any contest in which only one candidate will be elected to office, the clerk and recorder shall follow the tabulation procedures described in this section.

- 1 (a) First ranked choice tabulation. During the first round of tabulation, the clerk and recorder
2 shall tabulate the first-choice ranks on each ballot.
- 3 (1) A candidate who receives over 50 percent of the first-choice ranks for a contest
4 across all ballots tabulated is the winning candidate and no further rounds of
5 tabulation are required.
- 6 (2) If no candidate receives over 50 percent of the first-choice ranks for a contest across
7 all ballots tabulated, the clerk and recorder shall continue to the next round of
8 tabulation.
- 9 (b) Tabulation of subsequent round(s). At the beginning of the second round of tabulation, the
10 candidate with the fewest first-choice ranks in the prior round is eliminated and the
11 eliminated candidate's votes are transferred to each ballot's next-ranked continuing
12 candidate and tabulated.
- 13 (1) If, after receiving the transferred votes, a continuing candidate receives over 50
14 percent of the votes cast on active ballots, that candidate is the winning candidate
15 and no further rounds are required.
- 16 (2) If no candidate has over 50 percent of the votes cast on active ballots after the second
17 round, the clerk and recorder shall repeat additional rounds of tabulation as described
18 in subsection (b) of this section, until there is a winning candidate.
- 19 (c) Lowest-vote group elimination. At the end of the first round and in any subsequent rounds,
20 if the combined vote total of two or more candidates with the lowest vote totals in the
21 current round is less than the number of votes for the continuing candidate with the next-
22 highest number of votes, the candidates in the lowest-vote group may all be eliminated.
- 23 (d) Resolving ties by lot.
- 24 (1) At the end of the first round and in any subsequent rounds, if two or more candidates
25 tie for the lowest number of votes, the eliminated candidate shall be chosen by lot.
- 26 (2) If only If only two continuing candidates remain after a round and they have the same
27 number of votes, the winning candidate shall be chosen by lot.
- 28

29 **Sec. 15-92. – Tabulation of votes; multi-seat contests.**

- 30 (a) For any contest in which more than one candidate will be elected to office, the clerk and
31 recorder shall follow the tabulation procedures described in this section.

- 1 (b) First ranked choice tabulation. During the first round of tabulation, the clerk and recorder
2 shall tabulate the first-choice ranks on each ballot.
- 3 (1) If the number of candidates who have reached the winning threshold is equal to the
4 number of seats to be filled, those candidates are the winners, and no further rounds
5 of tabulation are required.
- 6 (2) If the number of candidates who have reached the winning threshold is less than the
7 number of seats to be filled, the clerk and recorder shall continue to the next round of
8 tabulation.
- 9 (c) Tabulation of subsequent round(s).
- 10 (1) Beginning with the second tabulation round, the clerk and recorder shall first
11 calculate any winning candidate's surplus votes, in accordance with subsection (2) of
12 this section, and transfer those votes proportionately to any continuing candidate.
- 13 a. After the votes are transferred, if the number of winning candidates is equal to the
14 number of seats to be filled, no further rounds of tabulation are required.
- 15 b. After the votes are transferred, if the number of winning candidates is less than the
16 number of seats to be filled, the clerk and recorder shall eliminate the
17 continuing candidate with the fewest first-choice votes, surplus votes from winning
18 candidates, and, when applicable, votes transferred from eliminated candidates. The
19 eliminated candidate's votes must then be transferred to each active ballot's next-
20 highest-ranked continuing candidate.
- 21 c. After each eliminated candidate's votes are transferred, if the number of winning
22 candidates is equal to the number of seats to be filled, no further rounds will take
23 place.
- 24 d. After each eliminated candidate's votes are transferred, if the number of winning
25 candidates is less than the number of seats to be filled, the clerk and recorder shall
26 conduct additional rounds of tabulation as described in this section until all
27 seats are filled.
- 28 (2) To calculate a winning candidate's surplus votes in any round, the clerk and recorder
29 shall:
- 30 a. Determine which winning candidate received the most votes in any round.
- 31 1. In the first round, this will only include first-choice votes cast for the winning
32 candidate.

- 1 2. In subsequent rounds, this will include first-choice votes cast for the winning
2 candidate, votes transferred from eliminated candidates, and surplus votes from
3 other winning candidates.
- 4 3. If two or more winning candidates tie for the most votes in any round, the
5 designated election official must first count the surplus votes of the candidate
6 chosen by lot.
- 7 b. After determining which winning candidate received the most votes in any round,
8 calculate that candidate's surplus fraction.
- 9 c. After calculating a winning candidate's surplus fraction, tabulate the number of
10 votes cast for the next-highest-ranked continuing candidate on every ballot cast for
11 the winning candidate. Then multiply each of those votes cast by the winning
12 candidate's surplus fraction and add the resulting transfer value to any continuing
13 candidate's total in accordance with subsection (c) (1) b. of this section.
- 14 d. In any round with more than one winning candidate, repeat this process for each
15 winning candidate in the order of highest votes received.
- 16 (d) In any round, if two or more candidates tie for the lowest number of votes, the clerk and
17 recorder shall determine the eliminated candidate by lot.

18

19 **Sec. 15-93. – Resolving improperly marked ballots.**

- 20 (a) The clerk and recorder shall count improperly marked ballots as follows:
- 21 (1) An overvote invalidates the overvoted rankings and all lower rankings marked for that
22 contest on the ballot.
- 23 (2) A skipped ranking and any lower ranking shall be ignored.
- 24 (3) A candidate who receives a duplicate ranking on a single ballot is credited with the
25 highest ranking marked by the voter. All other rankings for that candidate shall be
26 ignored.
- 27 (b) If a ballot contains more than one type of improper mark as listed in subsection (a) of
28 this section, the clerk and recorder shall first resolve skipped rankings, followed
29 by duplicate rankings, and lastly resolve any remaining overvotes.
- 30

31 **Sec. 15-94. – Post-election audits.**

- 32 (a) After tabulating ballots for all contests and before the official canvass of election results,

1 the clerk and recorder shall conduct a post-election audit as follows:

2 (1) For the offices of Mayor, Auditor, Clerk and Recorder, and District Councilmember,
3 the clerk and recorder shall conduct a risk limiting audit in accordance with section
4 1-7-515, C.R.S., and applicable rules adopted by the Colorado Secretary of State.

5 (2) For the office of Councilmember At-large, the clerk and recorder shall conduct a
6 a comparison audit by randomly selecting ballots cast in the contest and manually
7 comparing each selected ballot to its corresponding cast vote record generated by the
8 voting system. The clerk and recorder shall adopt rules specifying the process for
9 conducting the comparison audit.

10 (3) Notwithstanding the requirements of subsection (2) of this section, if the Colorado
11 Secretary of State formally adopts rules specifying the process for conducting a risk
12 limiting audit of multi-seat instant-runoff election contests, the clerk and recorder shall
13 thereafter conduct the audit of the Councilmember At-large contest as a risk limiting
14 audit in accordance with those rules and subsection (1) of this section.

15 (b) The canvass board shall not certify election results unless the board has received the
16 results of the post-election audit.

17
18 **Sec. 15-95. - Powers and duties of the clerk and recorder.**

19 (a) The Clerk and Recorder may promulgate any rules necessary for the proper
20 administration of instant-runoff voting elections.

21 (b) The Clerk and Recorder shall conduct a voter education campaign on instant-runoff
22 voting to familiarize the electorate with the ballot design and method of voting.

23
24 **Section 8.** This ordinance shall only be effective after certification of passage by electors of
25 a referred question revising charter §§ 3.1.7, 8.2.2, 8.2.3, 8.2.19, 8.2.20, 8.2.21, and 8.2.29 at a
26 special municipal election to be held in conjunction with the coordinated election of November 4,
27 2025, and upon publication and filing of such results with the Secretary of State.

1 COMMITTEE APPROVAL DATE: N/A
2 MAYOR-COUNCIL DATE: N/A
3 PASSED BY THE COUNCIL: _____
4 _____ - PRESIDENT
5 APPROVED: _____ - MAYOR _____
6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER
9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____
10 PREPARED BY: Troy C. Bratton, Assistant City Attorney DATE: June 6, 2025
11 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
12 City Attorney. We find no irregularity as to form and have no legal objection to the proposed
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
14 § 3.2.6 of the Charter.
15
16 Katie J. McLoughlin, Interim City Attorney
17
18 BY: Jonathan Griffin, Assistant City Attorney DATE: 08/07/2025