

1
2 **BY AUTHORITY**

3 ORDINANCE NO. _____
4 SERIES OF 2019

COUNCIL BILL NO. CB 19-0782
COMMITTEE OF REFERENCE:
Finance & Governance Committee

6
7 **A BILL**

8
9 For an ordinance submitting to a vote of the registered electors of the City and County of
10 Denver at a special municipal election to be held in conjunction with the coordinated
11 election on November 5, 2019, a proposed amendment to the Charter of the City and
12 County of Denver to require elected officials to maintain residency in Denver and, if a
13 district Councilmember, in the district, throughout the term of office.

14
15 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

16
17 **Section 1.** There is hereby submitted to the registered electors of the City and County of
18 Denver for their approval or rejection at a special municipal election held in conjunction with the
19 coordinated election on November 5, 2019, a proposed amendment to the Charter of the City and
20 County of Denver, as follows:

21
22 **Effective upon publication and filing with the Secretary of State in accordance with**
23 **the Constitution and laws of the State of Colorado, the following sections of the**
24 **Charter of the City and County of Denver are amended to read as follows:**

25
26 **§ 2.1.1 - Term and qualifications.**

27 The Mayor shall be elected for a term of four (4) years, and until a successor is elected and
28 qualified. The Mayor shall be a citizen of the United States; a resident of the City and County of
29 Denver for the two (2) years immediately preceding the election and during the term of office; a
30 qualified elector of the City and County of Denver; at least thirty (30) years of age and shall devote full
31 time to the duties of the office.

32
33 **§ 3.1.3 - Qualifications.**

34 Each Councilmember shall be a citizen of the United States; a resident of the City and County
35 of Denver for the two (2) years immediately preceding the member's election and during the term of

1 office; a qualified elector of the City and County of Denver; at least twenty-five (25) years of age and if
2 elected from a Council District, the second year of residency shall have been within the district and the
3 Councilmember must reside in the district during the term of office.
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5 **§ 3.1.7 - Vacancies in the Office of District Councilmember.**

6 When any District Councilmember is unable, by reason of resignation, unexcused absence as
7 provided in Section 3.1.6 of this Charter, moving from the district in which the Councilmember resided
8 when elected, or death, to perform the duties of office for the time remaining prior to expiration of his
9 or her term of office, the Council shall declare by resolution that a vacancy exists. Such vacancy shall
10 be filled by a special election within the Council District, which shall be called by the Council to be held
11 not less than 30 days nor more than 60 days after the Council declares that such vacancy exists,
12 unless another City-wide election has been scheduled to be held within 90 days after such vacancy is
13 declared; and the candidate receiving the greatest number of votes at said election shall qualify and
14 take such office immediately, and shall hold such office for the unexpired portion of the term in which
15 the vacancy occurs.
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17 **§ 3.1.8 - Vacancies in the Office of Councilmember-at-large.**

18 When any Councilmember-at-large is unable, by reason of resignation, death, moving from the
19 City and County of Denver, or unexcused absence as provided in Section 3.1.6 of this Charter, to
20 perform the duties of the office for the time remaining prior to expiration of the term of office, the
21 Council shall declare by resolution that a vacancy exists. Notwithstanding any provision of Section
22 8.2.3 of this Charter, such vacancy shall be filled by a special election, which shall be called by the
23 Council to be held not less than 120 days nor more than 130 days after the Council declares that such
24 vacancy exists unless another City-wide election has been scheduled to be held within 160 days after
25 such vacancy is declared; and the candidate receiving the greatest number of votes at said election
26 shall qualify and take such office immediately and shall hold such office for the unexpired portion of
27 the term in which the vacancy occurs. If two (2) vacancies exist in the office of councilmember-at-
28 large, then the two (2) candidates who have received the greatest number of votes cast for that office
29 shall fill such vacancies as provided in this Section.
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31 **§ 5.1.1 - Vacancy in the Office of Auditor.**

32 When any Auditor is unable, by reason of resignation, ~~or~~ death, or moving from the City and
33 County of Denver, to perform the duties of the office for the time remaining prior to expiration of his or

1 her term of office, the Council shall declare by resolution that a vacancy exists. Notwithstanding any
2 provision of Section 8.2.3 of this Charter, such vacancy shall be filled by a special election, which shall
3 be called by the Council to be held not less than 120 days nor more than 130 days after the Council
4 declares that such vacancy exists unless another City-wide election has been scheduled to be held
5 within 160 days after such vacancy is declared; and the candidate receiving the greatest number of
6 votes at said election shall qualify and take such office immediately and shall hold such office for the
7 unexpired portion of the term in which the vacancy occurs. Prior to such election for the office of the
8 Auditor, the Mayor shall appoint a qualified person as acting Auditor with confirmation by council
9 resolution.

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11 **§ 5.1.2 - Qualifications of Auditor.**

12 (G) The Auditor shall be elected for a term of four (4) years, and until a successor is elected
13 and qualified. The Auditor shall be a citizen of the United States; a resident of the City and County of
14 Denver for the two (2) years immediately preceding the election and during the term of office; a
15 qualified elector of the City and County of Denver; at least thirty (30) years of age and shall devote full
16 time to the duties of the office.

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18 **§ 8.1.1 - Office of Clerk and Recorder created; qualifications.**

19 There is hereby created the Office of Clerk and Recorder. The Clerk and Recorder shall be a
20 citizen of the United States; a resident of the City and County of Denver for the two (2) years
21 immediately preceding his or her election and during the term of office; a qualified elector of the City
22 and County of Denver and at least twenty-five years of age.

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24 **§ 8.1.3 - Vacancy in the Office of Clerk and Recorder.**

25 When any Clerk and Recorder is unable, by reason of resignation, ~~or~~ death, or moving from the
26 City and County of Denver, to perform the duties of the office for the time remaining prior to expiration
27 of his or her term of office, the Council shall declare by resolution that a vacancy exists.
28 Notwithstanding any provision of Section 8.2.3 of this Charter, such vacancy shall be filled by a special
29 election, which shall be called by the Council to be held not less than 120 days nor more than 130
30 days after the Council declares that such vacancy exists unless another City-wide election has been
31 scheduled to be held within 160 days after such vacancy is declared; and the candidate receiving the
32 greatest number of votes at said election shall qualify and take such office immediately and shall hold
33 such office for the unexpired portion of the term in which the vacancy occurs. Prior to such election for

1 the office of the Clerk and Recorder, the Deputy Clerk and Recorder appointed pursuant to Section
2 8.1.2(D)(1) shall serve as the acting Clerk and Recorder.

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4 **Section 2.** The ballot shall contain the following title and submission clause:

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6 **REFERRED QUESTION _____**

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8 Shall the Charter of the City and County of Denver be amended to require elected
9 officials to maintain residency in Denver and, if a district Councilmember, in the district,
10 throughout the term of office?

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12 **Section 3.** The proper officials of the City and County of Denver as are charged with duties
13 relating to the election shall, before the election, issue such calls, make such certifications and
14 publications, give such notices, make such appointments, and do all such other acts and things in
15 connection with the submission of this Charter amendment to the registered electors of the City and
16 County of Denver at the election as are required by the Constitution and laws of the State of
17 Colorado and the Charter and ordinances of the City and County of Denver.

18 **Section 4.** The ballots cast at such election shall be canvassed and the results ascertained,
19 determined, and certified in accordance with the requirements of the Constitution and laws of the
20 State of Colorado and the Charter and ordinances of the City and County of Denver.

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

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1 COMMITTEE APPROVAL DATE: August 6, 2019

2 MAYOR-COUNCIL DATE: August 13, 2019

3 PASSED BY THE COUNCIL August 26, 2019

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

12 PREPARED BY: Troy Bratton, Deputy Legislative Counsel DATE: August 14, 2019

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14 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
15 City Attorney. We find no irregularity as to form and have no legal objection to the proposed
16 ordinance. The proposed ordinance **is not** submitted to the City Council for approval pursuant to §
17 3.2.6 of the Charter.

18

19 Kristin M. Bronson, Denver City Attorney

20 BY: Kristin M. Bronson, Assistant City Attorney DATE: Aug 14, 2019