



DENVER
THE MILE HIGH CITY

Ballot Measure Reform

Budget & Policy Committee

June 6, 2022

FOR CITY SERVICES VISIT | CALL
DenverGov.org | **311**

BAM

1. January 20
2. February 17
3. March 17
4. April 21
5. May 19

Council Budget & Policy*

1. May 16 – Overview of Recs, Citizen Referendum
2. May 23 – Ballot Title
3. June 6 – Ballot Info Booklet
4. June 20 – Council Referral Process
5. June 27 – Petition Signatures

*If needed, council may continue these discussions beyond the scheduled meetings.

- Review BAM and Clerk & Recorder recommendations
- Discuss other solutions/improvements
- Determine if Council will move forward with ordinances and/or refer ballot measures.

| TOPICS | SOLUTIONS | BAM Rec | COUNCIL SUPPORTS CONCEPT |
|--|--|--------------------------------|--|
| Adjusting the way initiatives, referred measures are numbered | Clerk offered to adjust | YES | YES |
| Single subject requirement | Charter change | YES | YES |
| Training, compliance for committees, circulators | Require training, certification & create a complaint process. Ordinance | YES | YES |
| Addressing citizen referendum ballot issue | C&R Rec: Create a new label for citizen referendum to align with state SOS rule 4.5.1. which labels “citizen-referred measures” as 8A-8Z. Ordinance | NO | YES but additional updates: 1) New label 8A-8Z 2) Changing language to repeal/retain 3) Draft ballot title more clearly |
| Ballot Title Setting | <p>C&R Rec: Have a draft title created by City Council staff and City Attorney at the review and comment phase. Allow for public comment and give final title setting to the Clerk working in conjunction with the City Attorney. Allow for an appropriate appeals process. Charter change</p> <p>Other rec to include explicit language in law that prevents title setting for any initiated ordinances that are not truly legislative in character. Ordinance</p> | NO | Council agreed to support C&R rec AND add a provision that the DENCC legislative counsel and CAO also sign off on the final title. |
| Ballot Information Booklet | <p>Ideas to discuss June 6</p> <p>C&R Rec: 1) move deadline for pro/con comments from 50 to 60 days and allow C&R to summarize both pro and con. 2) Clarify that petitions must be “deemed sufficient” by 120 days rather than just “submitted”. 3) Require DOF fiscal analysis 75 days out rather than 60.</p> | NO | To discuss. Some concerns have been raised. |
| Timeline issues | C&R Rec: 1) Move up filing date for candidate petitions from 55 to 75 days (Though concerns about vacancy elections) 2) Move up date for candidates to withdraw from 48 to 60 days | YES | To discuss. Some concerns have been raised. |
| Other timeline issues | C&R Rec: Change write-in candidate timeline to 60 days | Ran out of time for discussion | To discuss. Some concerns have been raised. |
| Signature thresholds for initiatives, candidates. Requiring signatures from each council district for initiatives. | Lot of discussion | No recommendations | 4 |

The Ballot Information Booklet is intended to inform voters.

A 2018 ordinance, drafted by Clerk Debra Johnson and approved by Denver City Council, created the Ballot Information Booklet.

**Denver is the only Colorado city that
produces an info booklet for non-Tabor issues.**

Ballot Information Booklet

Current State

- **Fiscal note**, submitted by the Dept of Finance, is included for all measures.
- **Council-referred:** City Council may submit comments in favor, and registered voters of Denver may submit comments in opposition. Clerk may summarize opposition comments. Comments are due 50 days before the election. *DRMC 15-11 (e)(5)*
- **Initiated ordinance:** Petitioner's committee may submit comments in favor, and registered voters of Denver may submit comments in opposition. Clerk may summarize opposition comments. Comments are due 50 days before the election. *DRMC 15-11 (e)(5)*

Note: If no opposition comments are submitted, then no opposition comments are included.

1. Desire to make it more like the state's: clarity & balance, analysis, Pro/Con summaries, what a "yes" vote means, history, fiscal note
2. Concerns with the pro/con summaries. (Currently, Clerk may only summarize con comments, but doesn't verify. Cannot summarize or verify pro.)
3. Concern that it may not appear objective if there are no con comments.
4. Lack of objective analysis. (There are legal issues with city providing further analysis)
5. **Tight timeline**

Ballot Information Booklet

Denver's vs State's

- 1. Desire to make it more like the state's:** clarity & balance, analysis, pro/con summaries, what a “yes” vote means, fiscal note.
 - Denver is the only Colo city to produce a ballot booklet for non-Tabor issues.
 - State has dedicated legislative staff. Denver does not.
 - State legislative staff has 150 days to produce blue book. Comments can be submitted 150-50 days.
 - Per CRS 1-45-117, Denver can provide a factual summary and pro/con statements. There may be legal issues with providing further analysis.

Concerns with the pro/con summaries. (Currently, Clerk may only summarize con comments, but doesn't verify. Cannot summarize or verify pro.)

C&R rec: Allowing the Clerk to collect and summarize input in favor and against **for initiated and council referred.** (Currently C&R can summarize opposition comments only.)

Allowing the Clerk to collect and summarize input in favor and against for **initiated and council referred**. (Currently C&R can summarize opposition comments only.)

Questions:

- Who can submit pro statements? (Under state law, for TABOR issues, only proponents can submit.)
- Currently council writes pro statements for council-referred. OK for C&R to summarize?
- Currently initiative proponents submit pro statements. OK for others to submit pro?
- Would pro summaries be more objective if anyone could submit rather than just council or proponents? Pro statements should not appear to be advocacy.
- Is the BIB balanced if there are no con statements?

Concern that BIB may not appear objective if there are no con comments.

- Could Denver begin soliciting and accepting pro and con comments while petitions are still being circulated and before council's final vote to refer?
- Would this result in more comments and better pro/con summaries?

Suggestion to get more pro and con statements submitted:

Create an earlier public comment period and encourage comments to be submitted before the petition submission deadline and council referral deadline.

FYI: At the state, since ballot measures are known by 150 days out, comments can be submitted 150-50 days before the election.



Ballot Info Booklet Current Election Timeline

- 120 Days:** Petitions for citizen initiatives submitted 120 days before the election (early July). C&R has 25 days to verify. (C&R rec to change this to *certification by 120 days, not submission.*)
- 90 Days:** Petitions for citizen-initiated charter amendments submitted 90 days before the election (early August).
- 60 Days:** Council must refer measures no later than 60 days before the election (usually the last Monday in August) for the C&R to certify ballot content.
- 60 Days:** C&R must certify ballot content 60 days out.
- 60 Days:** Fiscal analysis due 60 days out. (C&R rec to change to 75 days.)
- 55 Days:** Candidate filing, petition deadline for spring muni election.* (C&R rec to change to 75 days.)
- 50 Days:** Booklet pro/con comments due. (C&R rec to change to 60 days.)
- 48 Days:** Deadline for candidate to withdraw.* (C&R rec to change to 60 days.)
- 45 Days:** TABOR comments due.
- 45 Days:** UOCAVA Mailing deadline.
- 30 Days:** Ballot Info Booklet to USPS.
- 22 Days:** Ballot to USPS
- 15 Days:** Deadline for write-in candidates to file.* (C&R rec to change to 60 days.)

*Candidates are not included in the Ballot Info Booklet.

Ballot Informational Booklet C&R Rec Summary

- Specify that a petition must be deemed sufficient before the 120 deadline. (Currently petitions must be submitted 120 days out.)
- Moving DOF fiscal analysis deadline to 75 days from 60.
- Closing of comment period for booklet at 60 days vs. 50 to allow for translation and printing.
- Allowing the Clerk to collect and summarize input in favor and against for initiated and council referred. (Currently C&R can summarize opposition comments only.)

No BAM consensus – Concerns/Questions to Discuss

Method of Change: Council ordinance

Currently, petitions for citizen-initiated measures must be submitted 120 days before the election. The C&R has 25 days to verify signatures.

C&R rec: Require that signatures be deemed sufficient by the 120-day deadline.

Concern: Clarity needed for petitioners. What date would petitions need to be submitted in order to be verified by 120 days?

Moving DOF fiscal analysis deadline to 75 days from 60.

Concern: Deadline would work for citizen-initiatives, but Council can refer measures up to 60 days before the election (usually the last Monday in August.) Can the DOF deadline be before that deadline?

Should council consider creating an earlier deadline to refer measures?

Closing of comment period for booklet at 60 days vs. 50 to allow for translation and printing. Would give the C&R more time to summarize pro/con.

No concerns/questions identified.

Candidate Timelines

(Applies only to Spring Election)

Change deadline for candidate petitions for spring muni election from 55 to 75 days.

- 55 days conflicts with ballot certification at 60 days (which is required for UOCAVA 45-day mailing deadline.)

Change deadline for candidates to withdraw from 48 to 60 days.

- Due to UOCAVA 45-day mailing deadline, if candidate withdraws at 48+ days, ballot printing/mailing for UOCAVA would be halted and redesigned.

Timeline for Write-In Candidates

Change deadline for write-in candidates to file from 15 to 60 days. (Applies only to spring muni election.)

- **C&R rec** intended to reduce ballot length.
- **BAM members concerns** about unique circumstances when late write-ins might occur, particularly for emergency situations, e.g when already-filed candidates could:
 - Move out of Denver
 - Withdraw due to illness
 - Die (D9's Carla Madison passed away after ballots were certified.
 - Experience a controversy or scandal.

- June 20 - Council process for referred measures
- June 27 - Signature thresholds

A challenge: What can be done to ensure that initiatives are workable before they go on the ballot? (The Green Roof Initiative required a lot of city resources to “fix” it, and then council had to amend.)

- Could Review & Comment be improved?

Other Ideas & Questions



Council Referral Process For June 20

CONCERNS:

- The process and timeline for council to refer measures is very condensed which limits analysis, debate and community discussion, and presents challenges for C&R in preparing the Ballot Information Booklet.
- Council must refer measures no later than 60 days before the election (usually the last Monday in August) for the C&R to certify ballot content.
- DOF finance fiscal analysis deadline is also 60 days. This is challenging for the DOF, especially since it is the midst of budgeting.
- Not enough time for public comment period to submit pro/con.
- Council has no formal process for referring ballot measures.
- Ballot measures can be direct-filed bypassing the regular legislative process.

To increase transparency and provide ample time for analysis, discussion and outreach, create a process like the 2019 Charter Review Committee:

- CM research and present initial idea at Budget & Policy
- If council interest, sponsor will do further research, answer questions, address concerns, and return to Budget & Policy for more discussion
- Sponsor will answer questions like those used during the 2019 Charter Review process: topic, purpose, is a ballot measure—either charter change or ordinance--the best way to achieve goal?, examples from other cities, issues with other local or state laws?, pros & cons, consider unintended consequences
- Sponsor plans stakeholder and community engagement.
- Bill will then go to FinGov and through regular legislative process.

Council Referral Process Timeline Ideas

GOAL: To better serve the public interest, allow more time for council discussion, community engagement, providing feedback for BIB, and DOF analysis by updating timeline.

Suggestions:

- **Create a deadline** for council-referred earlier than 60 days out (which is the last Mon of Aug for Nov election, first week of Feb for spring election.) For example:
 - 90 days (first week of Aug for Nov election, first week of Jan for spring election)
 - 120 days, for example, would be first week of July, first week of Dec.
- **Create a timeline as part of a council-process** for example:
 - Should there be a required period (like 1-4 weeks) to ensure to ensure public engagement and feedback?

Council Referral Process

Other Considerations

- Should charter change ballot referrals require a supermajority of council like most charter or constitutional changes?
- Should process and timeline be in charter, code or Rules & Procedures?
- Should charter change ballot referrals be allowed to be direct-filed?