

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2018

COUNCIL BILL NO. CB18-0660
COMMITTEE OF REFERENCE:
Finance & Governance

5 **A BILL**

6 **For an ordinance amending Article 1 of Chapter 15 of the Revised Municipal**
7 **Code of the City and County of Denver to update municipal petition procedures,**
8 **including the creation of a fiscal impact estimate and ballot information booklet**
9 **for municipal citizen initiated and referred measures, providing more specific**
10 **deadlines, conforming circulator requirements to recent court decisions, and**
11 **lowering the age for an individual to circulate a petition.**

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

13 **Section 1.** That Article I of Chapter 15 of the Denver Revised Municipal Code shall be
14 amended by deleting the language stricken and adding the language underlined, to read as follows:

15 **Sec. 15-11. - Initiative and referendum petitions.**

16 (a) *Provisions applicable to all initiative, referendum or recall petitions.*

17 (1) *Form of petitions.* Each petition shall be in a style and format specified by the
18 clerk and recorder. Petitions may be circulated in separate sections so long as
19 each section conforms to the petition style and format specified by the clerk and
20 recorder. Circulated copies of each petition shall state the title and have attached
21 the full text of the proposed initiative or referendum. For recall, the circulated
22 copies of each petition shall contain the name of the elected official whose recall
23 is being sought, the office held by the official, and a statement of the grounds
24 upon which recall is being sought. Each petition shall have space provided for
25 signatures and addresses of electors as provided for by the clerk and recorder.

26 (2) *Signing of petitions.* Each registered elector shall provide a signature, the date of
27 signing, the registered elector's full residence address, and other pertinent
28 information as deemed necessary by the clerk and recorder. A registered elector
29 who provided information for the petition may withdraw his or her signature from
30 it by filing a written request with the clerk and recorder up to the time the clerk

1 and recorder determines the petition's sufficiency in accordance with paragraph
2 (a)(5).

3 (3) *Procedures for verification of signatures and validity of petitions.* ~~The clerk and~~
4 ~~recorder for good cause shown may verify the sufficiency of the signatures and~~
5 ~~the validity of the petitions. A method for determining the validity of the identity of~~
6 ~~the electors, including the signatures, full residence address, and the other~~
7 ~~information required on petitions may be enacted by ordinance. Where no~~
8 ~~ordinance expressly pertaining thereto is enacted, t~~The clerk and recorder shall
9 establish a method for determining the identity of the electors, including the
10 signatures, full residence address, and the other information required on petitions
11 by ordinance or rules and regulations. The method that applies at the time the
12 petition is approved by the clerk and recorder shall continue to apply for that
13 petition, regardless of changes either in ordinance or rules. No method for
14 determining the validity of the signatures shall be established, amended,
15 supplemented or changed until after a public hearing in relation thereto, at which
16 parties in interest and citizens shall have an opportunity to be heard.

17 (4) *Affidavit of circulators.* When filed, the petition shall have attached a notarized
18 affidavit of each circulator. The affidavit shall state that the circulator personally
19 circulated the petition copy, that all signatures were affixed in the circulator's
20 presence, that they are to the best of the circulator's knowledge genuine
21 signatures of registered electors, and that each signer had an opportunity to read
22 the full text and ballot title of the initiative or referendum or the stated grounds for
23 recall. Each circulator shall be a ~~qualified elector of the State of Colorado. citizen~~
24 of the United States and at least sixteen (16) years of age at the time he or she
25 circulated the petition section.

26 (5) *Filing of petitions; determination of sufficiency; protest and hearings.* After
27 signatures have been obtained, the petitioners' committee shall file the completed
28 petition with the clerk and recorder ~~no later than~~ by the close of business on a
29 normal business day. All related petition sections shall be filed at the same time.
30 The clerk and recorder shall record the same and shall hold the petition for a
31 period of twenty-five (25) days, during which time the clerk and recorder shall
32 determine whether the petition is signed by the requisite number of registered
33 electors. In the event the clerk and recorder determines that the petition contains

1 an insufficient number of signatures, the clerk and recorder shall notify the
2 petitioners' committee of the insufficiency, and the petitioners' committee may
3 cure the insufficiency by filing an addendum to the original petition for the purpose
4 of offering such number of additional signatures as will cure the insufficiency. Any
5 addendum shall be filed within the time period allowed for the original petition as
6 provided in this Charter. The clerk and recorder shall record and hold any
7 addendum for an additional period of twenty-five (25) days and verify the
8 signatures on the addendum in the same manner as is provided for the original
9 petition. Within the twenty-five-day period for review of the petition or any
10 addendum thereto, a protest subscribed and sworn to under oath may be filed by
11 a registered elector. A protestor shall identify by name the signers protested
12 against or specify the factual and legal basis of any other alleged defects in the
13 petition. The clerk and recorder shall consider the grounds of protest and may
14 hear evidence, after giving notice of the hearings to the petitioners' committee,
15 the protestors, and others the clerk and recorder may require for the hearings.
16 Hearings shall be concluded and findings issued as soon as practicable but not
17 more than fifty (50) days after the filing of a protest with the clerk and recorder.

18 (6) *Submission to ballot.* Upon a final determination of sufficiency of any initiative or
19 referendum petition pursuant to paragraph (5) of this subsection (a), the clerk and
20 recorder shall immediately notify the city council of the determination in writing.

21 a. Unless the city council calls an earlier special municipal election, as provided
22 in paragraph (b)(2) ~~or (e)(2)~~ of this section, the clerk and recorder shall submit
23 the initiative ~~or referendum~~ to the ballot at the election specified in paragraph
24 (b)(1) of this section.

25 b. Unless the city council calls for an earlier special municipal election as
26 provided in paragraph (c)(2) of this section, the clerk and recorder shall submit
27 the referendum to the ballot at the next scheduled citywide election held not
28 less than sixty (60) days after the determination of sufficiency.

29 c. Any recall petition finally determined to be sufficient by the clerk and recorder
30 shall be immediately certified to the city council for the scheduling of a recall
31 election in accordance with ~~paragraph (d)(3) of this section~~ 8.3.5 (B) of the
32 charter.

1 (7) *Public record.* From the time of filing, all petitions become public records. Upon
2 completion of proceedings by city council, they shall be preserved by the office of
3 the clerk and recorder.

4 (b) *Additional provisions applicable to initiative petitions.*

5 (1) *Time for filing.* A completed initiative petition shall be filed with the clerk and
6 recorder no later than one hundred eighty (180) days from the date of approval of
7 the affidavit, ballot title, and petition form for the initiative as provided in
8 subsection 8.3.2(C) of the charter. Effective January 1, 2019, if the initiative
9 petition is sufficient and is filed within one hundred and twenty (120) days of a
10 scheduled citywide election, the clerk will submit the initiative to the ballot for that
11 election, or if a sufficient initiative is filed after one hundred and twenty (120) days
12 of a scheduled citywide election, the clerk will submit the initiative to the next
13 citywide election.

14 (2) *Optional submission to special election.* Upon receipt of written notification that
15 the clerk and recorder has determined an initiative petition to be sufficient as
16 provided in paragraph (a)(5) of this section, in lieu of the clerk and recorder
17 submitting the initiative to the next scheduled citywide election, the city council
18 may, at its discretion, call a special election to be held prior to the next scheduled
19 citywide election for the purpose of submitting the initiated ordinance to the
20 electorate, subject to the limitations set forth in Section 8.2.3 of the Charter.

21 (3) *Publication of proposed ordinance.* The clerk and recorder shall publish the
22 proposed ordinance in a manner consistent with the publication of other
23 ordinances before such election is held.

24 (e) *Fiscal Impact Estimate and Ballot Information Booklet.*

25 (1) For any initiated or referred measure subject to the provisions of section 20 of
26 article X of the state constitution, the clerk and recorder shall follow the
27 procedures in state law for ballot issue notices. For all other initiated or referred
28 measures, the clerk and recorder shall compile a fiscal impact estimate and
29 booklet as described in this section.

30 (2) The department of finance, or its designee, shall prepare a fiscal impact estimate
31 when:

32 a. city council refers a measure to a vote of the people, or

1 b. the county clerk and recorder deems an initiative petition as sufficient and
2 submits it to the ballot in accordance with paragraphs (a)(5) and (a)(6) of this
3 section.

4 (3) While preparing the fiscal impact estimate, the department must consider the
5 following:

6 a. Any fiscal impact estimate provided by the petitioners' committee or city
7 council, as applicable;

8 b. The fiscal impact estimate from each city department that would be affected
9 by the initiated or referred measure's passage; and

10 c. The fiscal impact estimate of any other interested person who timely submits
11 an estimate to the department.

12 (4) The department of finance shall submit the completed fiscal impact estimate to
13 the clerk and recorder no later than sixty (60) days before the election. The clerk
14 and recorder may not modify the estimate provided by the department of finance.

15 (5) The clerk and recorder shall prepare a ballot information booklet for any municipal
16 initiated or referred measure covered in paragraph (e)(1) of this section, which
17 shall contain the fiscal impact estimate(s) provided by the department of finance.
18 In doing so, the clerk and recorder shall accept written comments for and against
19 each initiated or referred measure no later than fifty (50) days before the election.

20 a. For an initiated measure, the petitioners' committee shall be solely responsible
21 for submitting written comments in favor of the initiative. The clerk and
22 recorder may only accept opposition comments from registered electors of the
23 City and County of Denver and the clerk and recorder may summarize all
24 opposition comments.

25 b. For a referred measure, city council shall be solely responsible for submitting
26 written comments in favor of the measure. The clerk and recorder may only
27 accept opposition comments from registered electors of the City and County
28 of Denver and the clerk and recorder may summarize all opposition
29 comments.

30 (6) If the petitioners' committee or city council fails to file its written comments by the
31 submission deadline, the clerk and recorder shall state "No comments were filed
32 by the deadline." If a registered elector does not submit any opposition comments

1 by the deadline, the clerk and recorder shall state “No comments were filed by
2 the deadline.”

3 (7) The clerk and recorder is solely responsible for compiling the summary of written
4 comments.

5 (8) The clerk and recorder shall deliver the booklet to voters before the first day to
6 mail ballots to domestic voters under state law. To transmit this information to
7 voters at least cost, the clerk and recorder may combine this booklet with other
8 required election materials or make this booklet available electronically.

9 **Section 2.** That Article I of Chapter 15 of the Denver Revised Municipal Code shall be
10 amended by deleting the language stricken and adding the language underlined, to read as follows:

11 **Sec. 15-12. – ~~Reserved~~ Candidate petitions.**

12 (a) Each circulator shall be a citizen of the United States and at least sixteen (16) years
13 of age at the time he or she circulated the petition section.

14 (b) A registered elector who provided information for the petition may withdraw his or her
15 signature from it by filing a written request with the clerk and recorder up to the time
16 the clerk and recorder determines the petition’s sufficiency.

17 COMMITTEE APPROVAL DATE: June 12, 2018

18 MAYOR-COUNCIL DATE: N/A

19 PASSED BY THE COUNCIL: _____

20 _____ - PRESIDENT

21 APPROVED: _____ - MAYOR _____

22 ATTEST: _____ - CLERK AND RECORDER,
23 EX-OFFICIO CLERK OF THE
24 CITY AND COUNTY OF DENVER

25 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____;

26 PREPARED BY: Victoria J. Ortega, Assistant City Attorney DATE: June 14, 2018

27 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
28 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
29 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
30 3.2.6 of the Charter.

31
32 Kristin M. Bronson, Denver City Attorney

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34 BY: _____, Assistant City Attorney DATE: _____