



Agenda

Election Code Committee

May 29, 2024 – 4:30 PM

CIC Conference Room, City Hall, 300 Laporte Ave and via Zoom

<https://fcgov.zoom.us/j/98639152564>

Remote Participation Available

- A) Call Meeting to Order
- B) Roll Call
- C) Public Participation
- D) Public Participation Follow-up
- E) Approval of Minutes

1. **Approval of Minutes.**

The purpose of this item is to approve the minutes of the April 24, 2024, Election Code Committee meeting.

F) **Discussion / Informational Items**

2. **Proposed Charter Amendments Relating to Elections, Recall and Initiative and Referendum.**

The purpose of this item is to allow the Committee to consider amendments to Articles VIII, IX, and X of the City Charter that will address computation of time, inconsistencies in timing, re-organization of certain provisions, and suggested updates to simplify language to promote more efficiencies in the conduction of election-related processes.

G) **Review of Upcoming Calendar**

3. **2024 Workplan**

H) **Other Business**

I) **Adjournment**

Next Scheduled Committee Meeting: TBD

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AGENDA ITEM SUMMARY

Election Code Committee



STAFF

Heather Walls, Interim City Clerk

SUBJECT

Approval of Minutes.

EXECUTIVE SUMMARY

The purpose of this item is to approve the minutes of the April 24, 2024, Election Code Committee meeting.

ATTACHMENTS

1. Draft Minutes, April 24, 2024

April 24, 2024

ELECTION CODE COMMITTEE MEETING

4:35 PM

COMMITTEE MEMBERS PRESENT:	Arndt, Pignataro, Canonico
STAFF PRESENT:	Rita Knoll, Rupa Venkatesh, Sara Arfman, Tyler Robbins, Carrie Daggett, Heather Walls
OTHER COUNCILMEMBERS PRESENT:	Potyondy

1. CALL MEETING TO ORDER

2. ROLL CALL

3. PUBLIC PARTICIPATION

Robbie Moreland suggested only a modest increase in campaign contribution limits should be allowed and stated a quasi-judicial election oversight commission would provide an enforcement mechanism without the conflict-of-interest issues that currently exist. Additionally, Moreland supported public financing of elections and making any Charter changes necessary to allow for the formation of an election oversight committee.

Pat Skrentny-Lamb asked about the City’s plan for voter outreach and education ahead of the November 2025 ranked choice election. Lamb suggested the City and League of Women Voters could coordinate efforts to assure broad reach across the various voting demographics.

4. PUBLIC PARTICIPATION FOLLOW-UP

Mayor Arndt thanked the speakers and concurred driving up voter turn-out is important. She also concurred any increase in campaign contribution limits should be modest and stated outreach should be spearheaded by the Clerk’s Office, particularly focused on ranked choice voting, and concurred any organizations who are willing to assist on that front would be helpful. Additionally, she concurred with the suggestion of changing the Charter to remove the barrier from forming an election oversight committee, though she stated steps have been taken to insulate the City Attorney from having to investigate campaign finance violations.

Assistant City Manager Venkatesh noted City Clerk Interviews are under way and ranked choice voting education will be a priority item for the incoming Clerk.

Councilmember Potyondy asked when campaign contribution limits were last raised. Staff members replied several changes were made in the 1980’s, but in 2000, the current limits were set.

Councilmember Potyondy expressed concern about equity implications for candidates who do not have time to make phone calls for small donations and suggested inflation should be considered when looking at campaign contribution limits.

Councilmember Canonico noted very low campaign contribution limits can lead people to donate to PACs.

5. APPROVAL OF MINUTES

Mayor Arndt made a motion, seconded by Councilmember Pignataro, to approve the minutes of the March 27, 2024, meeting. Ayes: Canonico, Arndt, and Pignataro. Nays: None.

THE MOTION CARRIED.

DISCUSSION/INFORMATIONAL ITEMS

A. Potential Charter Amendments.

The purpose of this item is to present potential Charter amendments to the following Articles:

1. *Article VIII – Elections*
2. *Article IX – Recall*
3. *Article X – Initiative and Referendum*

Heather Walls, Interim City Clerk, stated the Charter amendments are currently planned for first reading on June 18 with second reading on July 2.

City Attorney Daggett reviewed the potential Charter amendments and timing issues.

Councilmember Pignataro suggested clarifying ‘working days’ are City organization working days. Mayor Arndt suggested the possibility of using calendar days.

City Attorney Daggett stated it would likely be better to do one Charter-wide time computation provision.

Councilmember Pignataro asked if the idea of a specific campaign season having has ever been considered.

Mayor Arndt questioned how that would work with state statutes related to declaring candidacy.

Councilmember Potyondy stated one downside to having a defined campaign period is the decreased time frame for fundraising and active campaigning.

City Attorney Daggett noted many of the timeframes in the Charter relate to the mechanics of the election or initiative/referendum processes.

Chief Deputy City Clerk Knoll noted there are considerations of requiring at least one earlier financial report.

Members and staff further discussed the 180-day requirement for nomination petition circulation and Knoll noted that should be earlier in the year, so candidates know what rules they are following.

Councilmember Pignataro stated having a visual timeline would be helpful.

Knoll also noted candidate guidelines are expected to be published earlier and earlier.

Members discussed utilizing February 1st as the date rather than 180 days.

City Attorney Daggett outlined other potential Charter amendments, including a change related to how long individuals are barred from running for office after certain things, such as being recalled. She went on to outline amendments related to timeframe updates and notification in the recall section.

City Attorney Daggett stated it was discovered that some of the dates for the protest process for referendums were not workable. Additionally, she discussed amendments that need to be made related to write-in candidates.

City Attorney Daggett reviewed the proposed amendments related to initiative and referendum, including creating self-contained divisions that explain each process.

B. 2024 Work Plan

Heather Walls, Interim City Clerk, stated the Work Plan includes Charter amendments, campaign finance, education for ranked choice voting, an election oversight committee, and public financing of elections.

7. OTHER BUSINESS

8. ADJOURNMENT

The meeting adjourned by unanimous consent at 5:58 P.M.

Clerk

ECC 4/23

I'm Robbie Moreland and I live in District 1.

First, I want to paraphrase something Senator Bennet said at CSU this week:

“Our entire democracy depends on the willingness of people to be involved. That’s going to be the difference between whether we succeed or whether we fail.”

He summed up why I continue to advocate for nonpartisan, pro-democracy election reforms. I just think it’s important.

Section 7-131 of our municipal code says quote . . .

“The City Council hereby finds and declares that large campaign contributions to political candidates allow wealthy contributors and special interest groups to exercise a disproportionate level of influence over the political process; that large campaign contributions create the potential for corruption and the appearance of corruption; that the rising costs of campaigning for political office prevent qualified citizens from running; and that the interests of the public are best served by limiting campaign contributions, full and timely disclosure of campaign contributions and strong enforcement of campaign laws.”

So, when and if discussions begin about raising the contribution limits, I think a modest increase makes sense, say \$100 for Council and \$150 or \$200 for Mayor, but as the declaration says, large campaign contributions are not in the best interests of the public.

That last sentence in the declaration also says that the interests of the public are best served by strong enforcement of campaign laws. In my opinion, we don’t currently have strong enforcement.. A quasi-judicial election oversight commission would provide such an enforcement mechanism without the conflict of interest issues that we currently have.

Finally, the declaration states that rising costs of campaigning prevent qualified citizens from running for office. Public financing of elections, such as a dollar-for-dollar matching program, is an obvious solution to this issue.

As you are finishing the Work Plan for this session, I hope that keeping campaign contribution limits low, instituting public financing of elections and establishing an election oversight commission make it back on the list.

What IS on your list for the next few months are updates to the Charter. Ms. Daggett said at the last meeting that if we were to create a Quasi-Judicial election oversight commission, there would be provisions in the Charter that would need to be updated to allow for it. I didn’t see this addressed in the suggested Charter changes for this November’s ballot. If there are fairly minor modifications that could allow for the possibility of such a commission in the future, please consider them in your proposed charter changes for this November’s ballot so that near-term implementation of this commission isn’t hampered by Charter restrictions.

Thank You!

AGENDA ITEM SUMMARY

Election Code Committee



STAFF

Heather Walls, Interim City Clerk
Rita Knoll, Chief Deputy City Clerk
Carrie Daggett, City Attorney

SUBJECT

Proposed Charter Amendments Relating to Elections, Recall and Initiative and Referendum.

EXECUTIVE SUMMARY

The purpose of this item is to allow the Committee to consider amendments to Articles VIII, IX, and X of the City Charter that will address computation of time, inconsistencies in timing, re-organization of certain provisions, and suggested updates to simplify language to promote more efficiencies in the conduction of election-related processes.

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

1. What are the Committee's thoughts on the proposed amendments to Articles VIII, IX and X of the City Charter?

BACKGROUND / DISCUSSION

During recent election activities and referendum efforts, staff has recognized inconsistencies in required timing of these activities that the Clerk's office would not be able to meet in the realm of today's elections. These proposed amendments will modernize language, address computation of time, and timing of election events.

Update to Modernize of Language

On February 27, 2024, Council adopted a priority to update and modernize the City Charter to bring to the 2025 ballot. Staff proposes to address this priority in part by updating Articles VIII, IX, and X to include inclusive language and replacing the word 'shall' with 'must', 'may' or 'will'. The provisions will also clarify and make more consistent the petition and protest processes.

Computation of Time

Staff has historically had to seek clarification when various deadlines fall on a weekend or holiday. The proposed computation of time provision will be addressed in Article IV, General Provisions, but instead could be address in each Article under discussion. Committee discussion of these options will be helpful. Including the computation of time provision in each Article as part of the proposed amendments will ensure that it will take effect with any Article that receives voter approval, even if another Article is not approved.

Timing of Election Events

Staff proposes to amend all timing provisions in Articles VIII, IX, and X. For processes that are required by internal staff, the proposed timing would be in increments of 5 working days. The timing of processes that are required by external individuals or groups would be in increments of 7 calendar days. Each scenario helps ensure that required timing and deadlines would land on a workday.

Example: The current deadline to file a petition is 60 days after the City Clerk's approval of the form of petition. If the Clerk approves the form of petition on Tuesday or Wednesday, the deadline to file the petition will be on Saturday or Sunday. The proposed deadline to file a petition is 63 days so the day it would be due is always on a weekday.

Article VIII - Elections

- Section 4 – Sufficiency of petition notification within 5 working days.
- Section 7 – Certification of election results: Shorten timeframe for candidates to qualify from 60 days to 30 working days.

Article IX – Recall

Staff is developing more realistic timelines for the recall provisions. The current timing to call an election does not allow enough time to plan and conduct a recall election whether it is a special election or on the regular election ballot in November.

- Section 2(f) - Staff proposes to increase the number of days to circulate a petition for recall to provide adequate time for circulation.

In addition to timing revisions, staff suggest removing the provision to cure an insufficient petition.

The proposed language sets timeframes in which a recall election would be consolidated with a November election and prevents a recall from going forward at the same time an officer would already be on the ballot for reelection. In addition, it allows an officer subject to a recall effort to resign prior to the mailing of ballots and create a vacancy to be filled through the vacancy appointment process.

Article X – Initiative and Referendum

This Article has caused confusion among petition representatives. Staff proposes to re-organize this Article into three parts: Part 1- Initiative, Part 2 – Referendum and Part 3– In General. Part 1 and 2 would have similar procedural guidelines to follow and be organized in chronological order. Timing of petition circulation and action by Council differ between Initiative and Referendum.

Besides re-organization and timing revisions, staff is proposing to remove the ability to amend an insufficient petition. For an initiative, state statute does not allow time to cure an insufficient petition. State law allows 180 days for circulation of the petition and the signature requirement is higher. State statute also does not allow time to cure an insufficient petition for a referendum. State law allows 30 days for circulation. The signature requirement in state law is higher (at least 5% of the registered electors of the municipality on the date of final publication of the ordinance).

Staff also proposes to include language that requires an initiative to plan their question on a November ballot rather than an off-cycle special election. This will be a cost-saving measure as well as avoid potential conflicts with primaries in a general election year.

CITY FINANCIAL IMPACTS

Any time a measure needs to be placed before the voters at an election, there is a cost to conduct that election. The cost can vary, but typically will be several hundred thousand dollars.

PUBLIC OUTREACH

There is no time to conduct public outreach on these items before the needed action to place them on the ballot this November. This November is desirable so that changes are in place by 2025.

ATTACHMENTS

1. Article VIII Elections (redlined)
2. Article IX Recall (redlined)
3. Article X Initiative and Referendum (redlined)

MAY ELECTION CODE COMMITTEE DRAFT FOR DISCUSSION

ARTICLE VIII. ELECTIONS

Section 1. Applicability of state constitution.

The Council shall will provide by ordinance for the manner of holding city elections. All ordinances regarding elections shall must be consistent with the provisions of this Charter and the state Constitution. For a Any matter regarding elections not covered by the state Constitution, this Charter or ordinance of the Council shall will be governed by the laws of the State of Colorado relating to municipal elections, or coordinated municipal elections, as applicable.

Section 2. City elections.

A regular city election shall will be held on the first Tuesday in November of every odd-numbered year. All other municipal elections shall will be known as special city elections and shall will be called by ordinance and shall must be held in accordance with the provisions of this Charter and any ordinances adopted pursuant thereto. All municipal elections shall must be nonpartisan.

In order to implement a change of regular city elections from April of each odd-numbered year to November of each odd-numbered year, the term of the Mayor and each Councilmember shall will be extended to such time as a successor elected in November of the appropriate odd-numbered year (consistent with Article II, Section 1(b)) takes office, unless otherwise ended due to an event of vacancy or recall. Such change in term length shall will have no effect on the number of terms any such officer may be elected under the applicable term limits.

Section 3. Nomination; withdrawal from nomination.

Any person who is qualified at the time of nomination for the office to be filled may be nominated for the elective office by petition. A nominating petition for the office of Mayor shall must be signed by not less than twenty-five (25) registered electors. A nominating petition for District Council office shall must be signed by not less than twenty-five (25) registered electors residing in that District. A registered elector may sign one (1) petition for each office for which the elector is entitled to vote at the election. If an elector should sign more petitions than entitled, said elector's signature shall will be void as to all petitions which the elector signed.

Nominating petitions must be filed with the City Clerk. The Council shall will enact an ordinance specifying the time frame for circulation and submittal of nominating petitions and the deadline for withdrawal from candidacy for municipal office. Such time frame shall must not be changed within one hundred eighty (180) days immediately prior to the election. No nominating petition shall may be accepted unless the candidate completes a verified acceptance of the nomination certifying that he or she is not a candidate, directly or indirectly, of any political party, and that he or she meets the qualifications for office and will serve if elected.

Commented [HW1]: Unchanged from current code - for 2024 election, date would be May 9, 2024

A person who has been nominated may withdraw from candidacy by filing a written request to do so with the City Clerk before the deadline established by Council ordinance for such withdrawal, and no name so withdrawn shall may be placed upon the ballot.

Section 4. Petitions.

- (a) Form; circulation. The Council shall will prescribe by ordinance, upon recommendation of the City Clerk, the form for a nominating petition which shall must include such warnings and notices to signers as may be deemed appropriate by the Council, as well as the candidate's verified acceptance of nomination. The signatures on a nominating petition need not all be subscribed on one (1) page, but to each separate section

of the petition there ~~shall will~~ be attached a signed statement of the circulator thereof, stating the number of signers on that section of the petition, and that each signature thereon was made in the circulator's presence and is the genuine signature of the person whose name it purports to be. When executed, such statement ~~shall must~~ be accepted as true until it ~~shall may~~ be proved false. If any portion is proved false, that portion of any petition ~~shall must~~ be disregarded. Following each signature on the petition of nomination ~~shall must~~ be written the printed name and the residence address of the signer, and the date of signing. All nominating papers comprising a petition ~~shall must~~ be filed as one (1) instrument.

- (b) Sufficiency of petition. Upon receipt of a nominating petition, the City Clerk ~~shall will~~ forthwith examine the petition, and within ~~five (5) working~~ days after the filing of the petition, notify the candidate in writing of the results of the examination, specifying the particulars of insufficiency, if any. Within the regular time for filing petitions, an insufficient petition may be amended and filed again as a new petition, in which case the time of the first filing ~~shall will~~ be disregarded in determining the validity of signatures thereon, or a different petition may be filed for the same candidate. The petition for each candidate elected to office ~~shall must~~ be preserved by the City Clerk until the expiration of the terms of office for such person.
- (c) No person ~~shall may~~ receive any compensation whatever for signing a nominating petition.

Section 5. Board of Elections for City-administered elections.

There is hereby created a Board of Elections consisting of the City Clerk, Chief Deputy City Clerk, and Chief Judge. The Board ~~shall will~~ be responsible for any election duties specified in this Charter and for such additional duties related to the conduct of elections by the City as may be established by the Council by ordinance.

Section 6. Appearance of names on ballot.

Every ballot ~~shall must~~ contain the names of all duly nominated candidates for offices to be voted for at that election, except those who have died or withdrawn. The names ~~shall will~~ be arranged in alphabetical order of surname for each office, and ~~shall may~~ not contain any title or degree designating the business or profession of the candidate. The candidate's name may be a nickname, but ~~shall may~~ not include any punctuation marks setting out the nickname.

~~(Ord. No. 129, 1999, § 1, 8 17 99, approved, election 11 2 99)~~

Section 7. Certification of election results.

- (a) No later than the date specified by Council by ordinance and, after verifying the total number of legal votes cast for each candidate and measure voted upon, the Board of Elections ~~shall must~~ complete a certificate declaring the results of the election. The candidate receiving the highest number of votes for a particular office, as determined pursuant to this Section 7, ~~shall will~~ be declared elected to that office. In event of a tie, the selection ~~shall will~~ be made by the Board of Elections by lot after notice to the candidates affected. In case the candidate elected fails to qualify ~~within sixty (60) by no later than 30 working days after~~ the date of issuance of the certificate of election, tabulation of results in that contest ~~shall will~~ be rerun with the disqualified candidate being eliminated prior to any tabulation and the candidate with the resulting highest vote ~~shall will~~ be elected, and the candidate failing to qualify ~~shall must~~ forfeit ~~his or her~~their office whether or not such candidate has taken the oath of office. If there is no other elected successor who qualifies, the office ~~shall will~~ be deemed vacant, and ~~shall will~~ be filled by appointment by the remaining members of the council, as provided in Article II, Section 18. In the event of a mandatory recount or recount by request, the Board of Elections ~~shall must~~ complete an amended certificate declaring the results of the election ~~by no~~ later than ~~the fifth day~~five (5) working days after the completion of the recount.

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Commented [CD2]: Suggesting a shorter timeframe for this; other jurisdictions tend to have shorter windows for it.

- (b) For coordinated city elections (which are not administered by the City), the election ~~shall~~ will be determined and certified, and any tie vote or recount ~~shall~~ will be administered, as provided in the applicable state law. The candidate receiving the highest number of votes for a particular office, as determined pursuant to Section 7(c), ~~shall~~ will be declared elected to that office.
- (c) Ranked voting methods. Beginning in 2025, the candidate receiving the highest number of votes for a particular office will be determined using a ranked voting method.
 - (1) For a City-administered election, the ranked voting method will be in accordance with specifications adopted by the City Council by ordinance.
 - (2) For a coordinated election, the ranked voting method will be in accordance with, and as provided by, applicable state law.

Section 8. Campaign contributions.

The Council ~~shall~~ will act by ordinance to establish a limit on the amount that any person or entity may contribute in support of a candidate for Council on the ballot at any city election.

No political party or city employee, directly or indirectly, and no public service corporation, nor any other person, firm or corporation, owning, interested in, or intending to apply for any franchise or contract with the city ~~shall~~ may contribute or expend any money or other valuable thing, directly or indirectly, to assist in the election or defeat of any candidate.

Section 9. Corrupt practices.

Any person who violates at a city election any state law, provision of this Charter or ordinance of the city ~~shall~~ will, upon conviction thereof, be disqualified from holding any city position or employment for two (2) years, or any elective city office for four (4) years.

Commented [CD3]: Note difference from Article IX, Section 1(d) regarding 2-year disqualification if recalled

Section 10. Validity of City-administered elections.

No City-administered election ~~shall~~ may be invalidated if it has been conducted fairly and in substantial conformity with the requirements of this Charter.

Section 11. Further regulations.

The Council may, by ordinance, make such further rules and regulations as are consistent with this Charter and the Colorado Constitution in order to carry out the provisions of this Article.

[NOTE: ALL "SHALL" AND "HE OR SHE" REFERENCES WILL BE UPDATED AFTER THIS DRAFT]

[CONSIDER REORGANIZING THIS ARTICLE]

ARTICLE IX. RECALL

Section 1. The recall.

- (a) Power. Any elective officer of the city may be recalled from office, through the procedure and in the manner provided herein, by the registered electors entitled to vote for a successor of such incumbent officer. The procedure to effect a recall shall be as provided in this Article.
- (1) For purposes of this Article, in the case of recall of the Mayor, the words "registered elector" shall be construed to mean persons residing within the city who are registered to vote as of the date they signed the petition for recall.
 - (2) For purposes of this Article, in the case of a proposed recall of District Council representatives, the words "registered elector" shall be construed to mean persons who are registered to vote within the particular affected Council District of the city as of the date they signed the petition for recall of the District Council representative.
 - (3) No recall petition shall be circulated or filed against any officer until the officer has actually held office for at least one (1) year in the officer's current term, nor within six (6) months of the end of such term.
[MOVED TO ABOVE]
- (b) Commencement of proceedings; affidavit. One (1) or more registered electors may commence recall proceedings by filing with the City Clerk an affidavit of not more than two hundred (200) words stating the reasons for the recall of the officer sought to be removed. A separate affidavit shall be filed for each officer sought to be recalled.
- (1) Within two (2) working days after the filing of the affidavit, the City Clerk shall mail a copy by certified mail to the affected officer. The City Clerk will also promptly provide the affidavit to the City Council by electronic mail.
 - (2) No later than seven (7) calendar days after the date of the City Clerk's mailing, the affected officer may file with the City Clerk a sworn statement of not more than three hundred (300) words in defense of the charges.
 - (3) The affidavit and the response are intended for the information of the registered electors, who shall be the sole and exclusive judges of the sufficiency of the ground or grounds assigned for the recall, and said ground or grounds shall not be open to judicial review.
 - (4) No later than seven (7) calendar days after the date by which any statement in defense must be filed, the petitioner must submit to the City Clerk a petition for recall of the officer for City Clerk review in accordance with Section 2(b) of this Article. The petition shall be circulated, signed, verified and filed in the manner provided in Section 2 of this Article.
 - (5) If no petition for recall has been submitted to the City Clerk for approval of its form within the time period specified above, the recall proceedings shall be terminated.
- (c) **[THIS SUBSECTION MOVED TO NEW SECTION 3]**

[MOVED TO SECTION 4]

Section 2. Petitions.

- (a) Separate petitions required. A separate petition shall be circulated and filed for each officer sought to be recalled.
- (b) Form and content.
- (1) Adoption of form. The Council shall prescribe by ordinance, upon recommendation of the City Clerk, a general form of petition which shall contain warnings and notices to signers as necessary and meet the requirements of this Article.
 - (2) Approval of form. No petition shall be circulated until the City Clerk has approved the form for circulation. The City Clerk must determine whether to approve the form of petition no later than five (5) working days after submittal. The City Clerk shall first determine that the petition form contains only the matters required by this Article. The City Clerk's approval under this Section shall not constitute an approval of the content of the petition, but rather, shall start the running of the time periods provided for circulation and filing of petitions for recall.
 - (2) Statement of purpose. The petition shall be addressed to Council and shall contain or have attached to each section throughout its circulation a copy of the charges set forth in the affidavit on file with the City Clerk, and if requested by the person sought to be recalled, a copy of the statement in defense.
 - (3) Petition representatives. Each petition shall designate by name and address three (3) registered electors who shall represent the signers of the petition in all matters affecting the petition, and shall be endorsed by such persons. [MOVED FROM BELOW]
 - (4) Signatures. Only registered electors may sign the petitions authorized under this Article. Each signer must sign their own signature and each signature shall be followed by the printed name of the signer, the street and number address of their residence, and the date of signing. No person shall knowingly sign their name more than once for the recall of the same incumbent.
- (c) Circulation of petition.
- (1) The petition shall be circulated and signed in sections with each section consisting of one (1) or more sheets securely fastened at the top, and each section must contain a full and accurate copy of the text of the petition and the names and addresses of the designated representatives for the petition.
 - (2) All sections shall be filed with the City Clerk as one (1) instrument.
 - (3) Only persons eighteen (18) years of age or older may circulate the petition for signatures.
 - (4) The circulation of any petition by any medium other than personally by a circulator is prohibited.
 - (5) No person shall receive any compensation whatever for signing a recall petition.
- (d) Affidavit of circulator. A circulator shall attach to each section of the petition circulated, an affidavit signed by the circulator under oath before a notary public stating the following:
- (1) the circulator's address of residence;
 - (2) that the circulator is eighteen (18) years of age or older;
 - (3) that he or she personally circulated the section;
 - (4) that each signature was affixed in the circulator's presence;
 - (5) that to the best of the circulator's knowledge and belief each signer was at the time of signing a registered elector of the city;

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- (6) that to the best of the circulator's knowledge and belief each signature is the genuine signature of the person whose name it purports to be;
- (7) that each signer had an opportunity before signing to read the full text of the petition; and
- (8) that the circulator has not paid or offered to pay any money or other thing of value to any signer for the purpose of inducing or causing the signer to affix his or her signature to the petition.

A petition verified by the valid affidavits of its circulators in each of its sections shall be prima facie evidence that the signatures thereon are genuine and true.

- (e) Number of signatures required. **[THESE DELETIONS REMOVE HOLDOVER LANGUAGE FROM PRIOR COUNCIL STRUCTURE]**
 - (1) First recall attempt. The petition must be signed by registered electors equal in number to at least twenty-five (25) percent of the entire vote cast at the last preceding regular city election for all candidates for the office, to which the incumbent sought to be recalled was elected as one of the officers thereof.
 - (2) Subsequent recall attempts. After one (1) recall petition and election, a recall petition filed against the same officer during the same term for which elected must be signed by registered electors equal in number to at least fifty (50) percent of the entire vote cast at the last preceding regular city election for all candidates for the office to which the incumbent sought to be recalled was elected as one of the officers thereof.
- (f) Place of filing, time limits. For the recall process to proceed, petitions for recall must be filed with the City Clerk as follows:
 - (1) For a District Council representative, no later than twenty-eight (28) calendar days after the City Clerk's approval of the form for circulation;**
 - (2) For a Mayor, no later than forty-two (42) days after the City Clerk's approval of the form for circulation.**
- (g) Sufficiency of petition; ~~amendment~~. Within fifteen (15) working days of the filing of a petition the City Clerk shall ascertain by examination of the petition and the registration books whether the petition is signed by the requisite number of registered electors and contains the required particulars and affidavits. If the petition is insufficient, the City Clerk shall so certify and forthwith notify all of the designated petition representatives in writing, specifying the particulars of insufficiency.
 - ~~(2) Insufficient petition; amendment. If a recall petition is deemed insufficient, whether following the initial determination by the City Clerk, or following protest proceedings, it may be amended by the submission of additional signatures collected after the City Clerk approved the form of the petition and within fourteen (14) calendar days from the filing of the Clerk's issuance of certificate of insufficiency.~~
 - ~~(i) Such signatures must be collected consistent with the requirements for collecting petition signatures as described in this Article.~~
 - ~~(ii) Within fifteen (15) days after such amendment, the City Clerk shall make examination of the amended petition and certify the result.~~
 - ~~(iii) If the amended petition is still insufficient, or if no amendment was made before the expiration of the time permitted for amendment, the petition shall be null and void without prejudice to the filing of a new petition for the same purpose.~~
- (h) Protests. **[CONFORMED TO PROTEST PROCESS IN ARTICLE X]**
 - ~~(1) Registered electors desiring to protest the sufficiency of a petition may file a written protest, under oath, in the office of the City Clerk within five (5) working days of the City Clerk's preliminary determination as to sufficiency of the petition. The protest shall set forth with particularity the~~

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~~grounds of protest and any signatures and related defects in form protested. The reasons assigned for recall may not be protested.~~

- ~~(2) Upon the filing of a written protest, the City Clerk shall set a time for hearing such protest, which shall be no more than fourteen (14) days thereafter.~~
 - ~~(3) At least five (5) working days before the hearing, the City Clerk shall send a notice of the date, time and location for the hearing and a copy of the protest to all of the designated petition representatives, the person(s) who filed the protest, and the City Council.~~
 - ~~(4) All protest hearings shall be before a hearing officer appointed by the City Manager. The hearing officer shall have the power to issue subpoenas to compel the attendance of witnesses and the production of documents.~~
 - ~~(5) All records and hearings shall be public, and all testimony shall be under oath.~~
 - ~~(6) The hearing shall be summary in nature and concluded no later than twenty eight (28) working days after the protest was filed.~~
 - ~~(7) The hearing officer shall decide and certify the results of the hearing no later than ten (10) days after the hearing is concluded.~~
 - ~~(8) The City Clerk shall make any final determination regarding sufficiency or insufficiency of a petition and shall base such determination on protest hearing results issued by the hearing officer.~~
 - (1) Registered electors desiring to protest a determination by the City Clerk that a petition is either sufficient or insufficient may file a written protest, under oath, in the office of the City Clerk within seven (7) calendar days of the City Clerk's preliminary determination as to sufficiency of the petition. The protest must set forth with particularity the grounds of protest and any signatures and related defects in form protested.
 - (2) Upon the filing of a protest, the City Clerk will send a copy of the protest to the designated petition representatives, the City Council and the City Manager. The City Manager will appoint a hearing officer, who, in conjunction with the City Clerk, will set a time for hearing such protest, which must be no more than ten (10) working days after the filing of a protest.
 - (3) At least five (5) working days prior to the hearing, the City Clerk will send a notice of the date, time and location for the hearing and a copy of the protest to all of the designated petition representatives, the person(s) who filed the protest, and the City Council.
 - (4) All protest hearings will be before a hearing officer appointed by the City Manager. The hearing officer will have the power to issue subpoenas to compel the attendance of witnesses and the production of documents.
 - (5) All records and hearings will be public, and all testimony must be under oath.
 - (6) The hearing will be summary in nature and concluded no later than twenty (20) working days after the protest was filed.
 - (7) The hearing officer must decide and certify the results of the hearing no later than five (5) working days after the hearing is concluded, and no further protest regarding the petition may be filed.
 - (8) The City Clerk will make any final determination regarding the sufficiency or insufficiency of a petition and must base such determination on the protest hearing results issued by the hearing officer.
 - (9) A petition for recall that has been deemed insufficient after protest may not be amended or circulated further and no further protest regarding the petition may be filed.
- (i) Certification and presentation to Council. When and if a petition or amended petition is deemed sufficient, whether following the initial sufficiency determination by the City Clerk in the absence of a protest, or following protest proceedings, the City Clerk shall so certify and present the certified petition to the Council

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at the next regularly scheduled meeting or special meeting called for this purpose. The City Clerk's certificate shall be the final determination as to the sufficiency of the petition.

Section 3. Call of election. [MOVED FROM Section 1(c)]

A recall election shall be for the dual purposes of voting on the recall of the officer sought to be removed and the election of a successor. Upon the City Clerk's presentation of a petition certified sufficient for recall, the Council shall set a date for the election which shall be held on a Tuesday not less than sixty (60) nor more than ninety (90) days from the date of presentation of the certified petition to Council. However, if any other city election is to occur within ninety (90) days from the presentation of the certified petition to Council, the recall election shall be postponed and consolidated with such other city election. The order setting a date for the recall election shall not become effective until five (5) days from the presentation of the certified petition to Council. If the officer resigns within the five-day period, the vacancy may be filled by appointment. If a vacancy occurs in the affected office after the effective date of the order, the election to fill the vacancy shall nevertheless proceed.

- (a) A recall election shall be for the dual purposes of voting on the recall of the officer sought to be removed and the election of a successor.
- (b) Upon the City Clerk's presentation of a petition certified as sufficient for recall, the Council shall set a date for the election which shall be held on a Tuesday at the earliest possible election date that allows the City Clerk sufficient time to meet all legal, logistical and technical requirements applicable to the conduct of an election. The City Clerk will advise the Council of said election date in connection with Council's call of the recall election.
- (c) If the earliest possible election date determined by the City Clerk is less than **seventy-five (75)** prior to an upcoming November regular municipal election or November General Election conducted by the Larimer County Clerk and Recorder, the recall election shall be postponed and consolidated with such other election date.
- (d) If a recall election must be consolidated with a November regular municipal election pursuant to subsection (c), and if the Council office held by the officer for whom a recall is sought will be on such November ballot, the recall process shall be deemed terminated and the regular election for that Council office will proceed as part of the November regular municipal election.
- (e) If the officer resigns before ballots for the recall election are mailed to the voters, the recall process shall be deemed terminated and the vacancy must be filled by appointment. If a vacancy occurs after the ballots for the recall election have been mailed to the voters, the election to fill the vacancy under Section 4, below, shall nevertheless proceed.

Section 4. Recall elections.

- (a) Generally. Recall elections shall be conducted in the same manner as provided generally for regular or special city elections in this Charter. All Charter provisions related to nomination and qualification of candidates shall apply to recall elections.
 - (b) Nominations on recall. Anyone desiring to become a candidate at the recall election shall do so by nominating petition as required in Article VIII of this Charter. The deadline for filing a nominating petition for a recall election shall be as established by ordinance of the Council. If more than one (1) officer is sought to be recalled, then the nominating petition must specify which incumbent the candidate seeks to succeed. The name of the person against whom the recall petition is filed shall not appear on the ballot as a candidate for the office.
 - (c) Ballots. There shall be printed on the official ballot, as to every officer whose recall is to be voted on, the statement of grounds and, if requested by the affected officer, the officer's statement in defense followed by the words, "Shall (name of person against whom the recall petition is filed) be recalled from the office of (_____)?" Following such question shall appear the words, "Yes" indicating a vote in favor of the recall
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and "No" indicating a vote against such recall. On such ballots, under each question, there shall also be printed the names of those persons who have been nominated as candidates to succeed the person sought to be recalled. (d) Election results. If a majority of those voting on the question of the recall of any incumbent from office votes "No," the incumbent continues in office. If a majority votes "Yes" for the incumbent's removal, the incumbent shall thereupon be deemed removed from his or her office upon the taking of the oath of office by his or her successor. If the officer is recalled, the candidate for succession receiving the highest number of votes at the election determined in accordance with Article VIII, Section 7, shall be declared elected for the remainder of the incumbent's term.

- (e) Elected replacement. The candidate elected shall take office upon taking the oath of office, which shall occur as the first order of business at the next regular or special Council meeting after certification of the election results. In case the candidate elected fails to qualify by no later than thirty (30) working days after the issuance of a certificate of election, the candidate with the next highest vote shall be elected, and if there is no other elected successor who qualifies, the office shall be deemed vacant, and shall be filled by appointment by the remaining members of the Council, as provided in Article II, Section 18.
- (f) Disqualification from office. No person who has been recalled or has resigned after the City Clerk's presentation to Council of a certified, sufficient petition for recall of such person shall serve the city in any elected or Council-appointed capacity within two (2) years after such removal or resignation. [MOVED FROM SECTION 2(d)]

Section 5. Further regulations.

The Council may, by ordinance, make such further rules and regulations as are consistent with this Charter and the Colorado Constitution in order to carry out the provisions of this Article. [CODE UPDATES ARE NEEDED RELATED TO RECALL PROCESS WITH OR WITHOUT THESE AMENDMENTS]

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ARTICLE X. INITIATIVE AND REFERENDUM

Part I
Initiative

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Section 1. The initiative.

- (a) Power. The registered electors of the city shall have the power at their option to propose ordinances or resolutions to the Council, and, if the Council fails to adopt a measure so proposed, to adopt or reject such ordinance or resolution at the polls. The procedure for initiative shall be as provided in this Article.
- (b) Commencement of proceedings; notice. One (1) or more registered electors may commence initiative proceedings by filing with the City Clerk a written notice of intent to circulate an initiative petition. The notice commencing proceedings shall contain the full text of the proposed ordinance or resolution and shall state whether a special election is requested. After such notice has been filed, the City Clerk shall approve the petition for circulation in accordance with Section 5(b) of this Article. The petition shall be circulated, signed, verified, and filed in the manner prescribed in Section 5 of this Article.

Section 2. Petitions.

- (a) Separate petitions required. A separate petition shall be circulated and filed for each measure sought to be initiated or referred to the vote of the electors.
- (b) Form and content.
 - (1) Adoption of form. The Council shall prescribe by ordinance, upon recommendation of the City Clerk, a general form of petition which shall contain warnings and notices to signers as necessary.
 - (2) Petition content.
 - a. The petition shall be addressed to Council.
 - b. An initiative petition shall contain or have attached to each section throughout its circulation the full text of the proposed ordinance or resolution and shall contain a general statement of purpose prepared by the City Clerk in consultation with the City Attorney to fairly and accurately summarize the proposed ordinance or resolution, without argument or prejudice, and indicating that the petition is to be circulated in support of the initiated ordinance or resolution and specifying whether a special election is requested.
 - c. The petition must designate by name and address three (3) registered electors who shall represent the signers of the petition in all matters affecting the petition.
 - d. The petition must contain a full and accurate copy of the text of the initiative.
 - e. Each section of the petition must contain no less than thirty (30), and no more than one hundred (100), signature lines.
 - f. For each petition section, the A-circulator of the shall attach to each petition section of the petition circulated an must sign under oath before a notary public the affidavit of circulator attached at the end of the petition section, signed by the circulator under oath before a notary public. The affidavit must state the following:
 - (i) the circulator's address of residence;
 - (ii) that the circulator is eighteen (18) years of age or older;
 - (iii) that he or she personally circulated the section;

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- (iv) that each signature was affixed in the circulator's presence;
- (v) that to the best of the circulator's knowledge and belief each signer was at the time of signing a registered elector of the city;
- (vi) that to the best of the circulator's knowledge and belief each signature is the genuine signature of the person whose name it purports to be;
- (vii) that each signer had an opportunity before signing to read the full text of the petition; and
- (viii) that the circulator has not paid or offered to pay any money or other thing of value to any signer for the purpose of inducing or causing the signer to affix his or her signature to the petition.

(2) Approval of form for circulation.

- a. No petition ~~shall~~ may be circulated until the City Clerk has approved the form for circulation.
- b. In considering whether to approve the form of a petition, the City Clerk shall will first determine evaluate whether that the petition form contains all matters required under this Article and only the matters required by this Article.
- c. The City Clerk's approval under this Section ~~shall~~ does not constitute an approval of the content of the petition or its legality, but rather, shall start the running of the time periods provided for circulation and filing of petitions.

~~(3) Petition content. [RELOCATED]~~

- ~~a. The petition shall be addressed to Council.~~
- ~~a. Only registered electors may sign the petitions authorized under this Article.~~
- ~~b. Each signer must sign his or her own signature and each signature shall be followed by the printed name of the signer, the street and number address of his or her residence, and the date of signing.~~
- ~~c. No person shall knowingly sign an initiative or referendum petition more than once.~~
- ~~d. In the event that the signature of any person appears more than once on a petition authorized under this Article, the first signature verified shall be counted and all other signatures of that person shall be rejected.~~

(c) Circulation of petition.

- (1) To be valid, the petition may must be circulated and signed in sections with each section consisting of one (1) or more sheets securely fastened at the top, provided that each section contains a full and accurate copy of the text of the petition and the names and addresses of the designated representatives for the petition, and containing all required elements as described in Section _____.
- (2) Only persons eighteen (18) years of age or older may circulate the petition for signatures.
- (3) The circulation of any petition by any medium other than personally by a circulator is prohibited. No person ~~shall~~ may receive any compensation whatever for signing an initiative ~~or referendum~~ petition.
- (4) Only registered electors may sign the petitions authorized under this Article.
- (5) Each signer must sign his or her own signature and each signature shall be followed by the printed name of the signer, the street and number address of his or her residence, and the date of signing.
- (6) No person shall may knowingly sign an initiative petition more than once.

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~~(7) In the event that the signature of any person appears more than once on a petition authorized under this Article, the first signature verified will shall be counted and all other signatures of that person will shall be rejected.~~

(d) Number of signatures required.

~~(1) The petition must be signed by registered electors of the city equal in number to at least ten (10) percent of the total ballots cast in the last regular city election, except when~~

~~(2) If a special election is requested by the petitioners, the petition must be signed by registered electors equal in number to at least fifteen (15) percent of the total ballots cast in the last regular city election.~~

(e) Petition deadlines and submittal.

~~(1) To be valid, the initiative petition shall must be filed no later more than sixty (60) sixty-three (63) calendar days after the City Clerk's approval of the form for circulation, at least ninety (90) days prior to the next regular city election.~~

~~— If the petition requests a special election in conjunction with a Larimer County Coordinated or General Election, the City Clerk shall will establish a submittal deadline for the petition that will enable the measure to be considered at such election, which deadline must shall be consistent with all pertinent provisions of the Colorado Revised Statutes governing the conduct of such elections, and, if applicable, with Article X, Section 20 of the Colorado Constitution. The Clerk will, and shall advise the petition representatives in writing as to the submittal deadline.~~

~~(2) To be valid, all petition sections shall must be filed with the City Clerk together at the same time and shall those sections submitted together will collectively constitute the petition.~~

~~(3) An initiative petition shall must be filed with the City Clerk within the requisite time or it will be deemed null and void.~~

~~(2) A petition verified by the valid affidavits of its circulators in each of its sections shall be prima facie evidence that the signatures thereon are genuine and true. [RELOCATED]~~

~~(e) Time limits; petition representatives. Petitions for initiative and referendum shall be filed with the City Clerk within the requisite time limits or they will be deemed null and void. Each petition shall designate by name and address three (3) registered electors who shall represent the signers of the petition in all matters affecting the petition. [RELOCATED]~~

(f) Sufficiency of petition; amendment.

(1) Examination. Within ~~five (5)~~ fifteen (15) working days of the filing of a petition the City Clerk shall will ascertain by examination of the petition and ~~the voter~~ registration books-records whether the petition is signed by the requisite number of registered electors and contains the required particulars and affidavits. ~~A petition verified by the valid affidavits of its circulators in each of its sections shall will be prima facie evidence that the signatures thereon are genuine and true. If the petition is insufficient, the City Clerk shall so certify and forthwith notify all of the designated petition representatives in writing, specifying the particulars of insufficiency.~~

(2) Insufficient petition; amendment.

a. ~~If the petition is insufficient, the City Clerk shall must so certify and forthwith notify all of the designated petition representatives in writing, specifying the particulars of insufficiency.~~

[STAFF IS PROPOSING THAT AMENDMENT OF AN INSUFFICIENT INITIATIVE PETITION NOT BE ALLOWED. STATE STATUTE DOES NOT ALLOW TIME TO CURE AN INSUFFICIENT PETITION. STATE LAW ALLOWS 180 DAYS FOR CIRCULATION OF THE PETITION. THE SIGNATURE REQUIREMENT IS HIGHER.]

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~~b. If an initiative petition is deemed insufficient, whether following the initial determination by the City Clerk, or following protest proceedings, it may be amended by the submission of additional signatures collected after the City Clerk approved the form of the petition and within fifteen (15) days from the filing of the Clerk's certificate of insufficiency.~~

~~(i) Such signatures must be collected consistent with the requirements for collecting petition signatures as described in this Article.~~

~~(ii) Within five (5) working days after such amendment, the City Clerk shall make examination of the amended petition and certify the result.~~

~~(iii) If the amended petition is still insufficient, or if no amendment was made before the expiration of the time permitted for amendment, the petition shall be null and void without prejudice to the filing of a new petition for the same purpose.~~

(3) Protests.

a. Registered electors desiring to protest a determination by the City Clerk that a petition is either sufficient or insufficient may file a written protest, under oath, in the office of the City Clerk within ~~ten (10)~~ seven (7) calendar days of the filing of the petition. The protest ~~shall~~ must set forth with particularity the grounds of protest and ~~the names, any signatures~~ and related defects in form protested.

b. Upon the filing of a protest, the City Clerk ~~shall~~ will ~~send a copy of the protest to the designated petition representatives, the City Council and the City Manager. The City Manager shall~~ will ~~appoint a hearing officer, who, in conjunction with the City Clerk, shall~~ will set a time for hearing such protest, which ~~shall~~ must be no more than ~~seven (7)~~ five (5) working days ~~thereafter the filing of a protest.~~

c. At least five (5) working days prior to the hearing, the City Clerk ~~shall~~ will ~~mail a copy of the protest and a notice of the date, time and location for the hearing and a copy of the protest to all of the designated petition representatives, the person(s) who filed the protest, and the City Council together with a notice of the time for hearing.~~

d. All protest hearings ~~shall~~ will be before a hearing officer appointed by the City Manager. ~~The hearing officer who shall~~ will have the power to issue subpoenas to compel the attendance of witnesses and the production of documents.

e. All records and hearings ~~shall~~ will be public, and all testimony ~~shall~~ must be under oath.

f. The hearing ~~shall~~ will be summary in nature and concluded ~~within thirty (30)~~ no later than twenty (20) working days after the ~~petition protest~~ was filed.

g. The hearing officer ~~shall~~ must decide and certify the results of the hearing ~~within no later than ten (10) working~~ days after the hearing is concluded, and no further protest regarding the petition may be filed.

h. The City Clerk ~~shall~~ will make any final determination regarding the sufficiency or insufficiency of a petition and ~~shall~~ must base such determination on the protest hearing results issued by the hearing officer.

(4) Certification and presentation to Council. When and if a petition ~~or amended petition~~ is deemed sufficient, whether following the sufficiency determination by the City Clerk in the absence of a protest, or following protest proceedings, the City Clerk ~~shall~~ must so certify and then present the certified petition to the Council at the next regularly scheduled meeting or special meeting called for this purpose. The City Clerk's certificate ~~shall~~ will ~~then be~~ be the final determination as to the sufficiency of the petition.

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- (c) ~~Number of signatures required. The petition must be signed by registered electors of the city equal in number to at least ten (10) percent of the total ballots cast in the last regular city election, except when a special election is requested by the petitioners, the petition must be signed by registered electors equal in number to at least fifteen (15) percent of the total ballots cast in the last regular city election.~~ [RELOCATED]
- (d) ~~Petition deadlines. The initiative petition shall be filed no more later than sixty three (603) calendar days after the City Clerk's approval of the form for circulation. Unless a special election is requested, the petition must also be filed at least ninety one hundred and forty (1490) days prior to the next regular city election. If the petition requests a special election in conjunction with a Larimer County Coordinated or General Election, the City Clerk shall establish a submittal deadline for the petition that will enable the measure to be considered at such election, which deadline shall be consistent with all pertinent provisions of the Colorado Revised Statutes governing the conduct of such elections, and, if applicable, with Article X, Section 20 of the Colorado Constitution, and shall advise the petition representatives in writing as to the submittal deadline.~~ [RELOCATED]

Section 3. Action by Council. [CONVERTED TO A SEPARATE SECTION]

- (a) Upon presentation of an initiative petition certified as sufficient by the City Clerk, the Council ~~shall must~~ within twentythree five (325) calendar working days either (1) adopt the proposed ordinance or resolution without alteration ~~within thirty (30) days~~, or (2) submit such proposed measure, in the form petitioned for, to the registered electors of the city ~~as provided in this subsection, provided, however, that~~
- (1) ~~In the case of a~~ if the proposed measure ~~that~~ requires voter approval in advance under Article X, Section 20 of the Colorado Constitution, ~~alternative (1) above shall not be available to the Council and the proposed measure shall instead be must~~ submitted the measure to a vote of the registered electors. If the initiative petition proposing such a measure requests a special election, the proposed measure shall be submitted to a vote of the registered electors on the first possible date permitted by Article X, Section 20 of the Colorado Constitution. If a special election is not requested, the proposed measure ~~shall must~~ be submitted to a vote of the registered electors at the next regular city election or at the Council's option, may be submitted to a vote at an earlier special election that meets the constitutional requirements.
- (2) ~~In the case of a~~ proposed measure that does not require voter approval in advance under Article X, Section 20 of the Colorado Constitution, the proposed measure, if not adopted by the Council under alternative (1) above, ~~shall must~~ be submitted to a vote of the registered electors at the next regular city election or at the Council's option, may be submitted to a vote at an earlier special election, or, if the initiative petition proposing such measure requests a special election, the proposed measure ~~shall must~~ be submitted to a vote of the registered electors at the next November election for which the City is able to coordinate an election with the Larimer County Clerk and Recorder, whether a special election, regardless whether said election is the General Election or the regular election of the city held in odd years or regular City election.
- (b) All ordinances submitted to the Council by initiative petition and adopted by Council without the vote of the electors ~~shall are be~~ subject to the referendum in the same manner as other ordinances.

Section __. Council use of initiative ~~and referendum.~~

The Council may submit any question or proposed ordinance or resolution, ~~or refer any adopted ordinance or resolution,~~ to the vote of the people at a regular or special election to be conducted in accordance with the provisions of [fill in correct cross reference] ~~in the same manner and with the same force and effect as is provided for citizen-initiated and referred measures.~~

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Section __. Repeal or amendment of initiated measure.

An initiated measure submitted to the registered electors of the city by the Council, with or without a petition therefor, and adopted by electoral vote cannot be repealed or amended except by a subsequent electoral vote. This provision shall does not apply to ordinances or resolutions adopted by the City Council and referred to the voters.

Part II
Referendum

Section 4. The referendum.

- (a) Power. The registered electors of the city shall have the power at their option to approve or reject at the polls, any ordinance, or portion of ordinance, adopted by the Council, except ordinances making the annual property tax levy, making the annual appropriation, calling a special election, or ordering improvements initiated by petition and to be paid for by special assessments.
(b) Commencement of proceedings.
(1) One (1) or more registered electors may commence referendum proceedings by filing with the City Clerk within ten (10) calendar days after final passage of the ordinance in question, a notice of protest against the going into effect of the ordinance. The notice shall be brief and need not state any reasons, but shall identify the ordinance or part thereof, or code section it proposes to have repealed.
(2) Not later than ten (10) workingcalendar days after the filing of the notice, the proponents shall present to the City Clerk the final form for the referendum petition conforming to the requirements of the Article.
(3) If the notice and petition form are timely presented, the City Clerk shall approve the petition form for circulation, in accordance with Section ___ of this Article.
(4) The petition shall be circulated, signed, verified, and filed in the manner prescribed by Section ___ of this Article.

Section 2. Petitions. [ALL CHANGES SHOWN UNDER INITIATIVE ACCEPTED, AND ONLY AMENDMENTS SPECIFIC TO REFERENDUM SHOWN HERE]

- (a) Separate petitions required. A separate petition shall be circulated and filed for each measure sought to be initiated.
(b) Form and content.
(1) Adoption of fForm. The Council shallwill prescribe by ordinance, upon recommendation of the City Clerk, a general form of petition which shall contain warnings and notices to signers as necessary.
(2) Petition content.
a. The petition shallmust be addressed to Council.
b. An initiativeA referendum petition shallmust contain a general statement of purpose prepared by the City Clerk in consultation with the City Attorney to fairly and accurately summarize the proposed ordinance or resolutionthe ordinance or part thereof sought to be referred, without argument or prejudice, and indicating that the petition is to be circulated in support of the initiated ordinance or resolution referendumand specifying whether a special election is requested.

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- c. The petition ~~shall~~must designate by name and address three (3) registered electors who ~~shall~~will represent the signers of the petition in all matters affecting the petition.
 - d. The petition ~~shall~~must contain a full and accurate copy of the ~~text of the initiative of the ordinance sought to referred, without any exhibits that may be a part of said ordinance, clearly identifying the protested portions if only a partial repeal is sought. In the case of an ordinance exceeding two (2) pages in length, a fair and accurate summary of the ordinance, prepared by the City Clerk in consultation with the City Attorney will~~shall replace said ordinance.
 - e. Each section of the petition ~~shall~~must contain no less than thirty (30), and no more than one hundred (100), signature lines.
 - f. ~~For each petition section, t~~he circulator of ~~a~~the petition section ~~shall~~must sign under oath before a notary public the affidavit of circulator attached at the end of the petition section. The affidavit must state~~ing~~ the following:
 - (i) the circulator's address of residence;
 - (ii) that the circulator is eighteen (18) years of age or older;
 - (iii) that he or she personally circulated the section;
 - (iv) that each signature was affixed in the circulator's presence;
 - (v) that to the best of the circulator's knowledge and belief each signer was at the time of signing a registered elector of the city;
 - (vi) that to the best of the circulator's knowledge and belief each signature is the genuine signature of the person whose name it purports to be;
 - (vii) that each signer had an opportunity before signing to read the full text of the petition; and
 - (viii) that the circulator has not paid or offered to pay any money or other thing of value to any signer for the purpose of inducing or causing the signer to affix his or her signature to the petition.
- (2) Approval of form for circulation.
- a. ~~A~~No petition ~~shall~~must not be circulated until the City Clerk has approved the form for circulation.
 - b. The City Clerk ~~shall~~will first determine that the petition form contains all matters required by this Article and only the matters required by this Article.
 - c. The City Clerk's approval under this Section ~~shall~~does not constitute an approval of the content of the petition or its legality, but rather, shall start the running of the time periods provided for circulation and filing of ~~petitions~~a referendum petition.
- (c) Circulation of petition.
- (1) The petition may be circulated and signed in sections with each section consisting of one (1) or more sheets securely fastened at the top, and containing all required elements as described in Section 2(b)(2).
 - (2) Only persons eighteen (18) years of age or older may circulate the petition for signatures.
 - (3) The circulation of any petition by any medium other than personally by a circulator is prohibited. No person ~~shall~~may receive any compensation whatever for signing ~~an initiative or a~~ referendum petition.
 - (4) Only registered electors may sign the petitions authorized under this Article.

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- (5) Each signer must sign his or her own signature and each signature shall be followed by the printed name of the signer, the street and number address of his or her residence, and the date of signing.
- (6) No person ~~shall~~may knowingly sign ~~an initiative or a~~ referendum petition more than once.
- (7) In the event that the signature of any person appears more than once on a petition authorized under this Article, the first signature verified ~~shall~~will be counted and all other signatures of that person ~~shall~~will be rejected.
- (d) Number of signatures required.
- (1) The petition must be signed by registered electors of the city equal in number to at least ten (10) percent of the total ballots cast in the last regular city election.
- ~~(2) If a special election is requested by the petitioners, the petition must be signed by registered electors equal in number to at least fifteen (15) percent of the total ballots cast in the last regular city election.~~
- (e) Petition deadlines and submittal.
- (1) The ~~initiative~~ petition shall be filed no more than ~~sixty three (63)~~twenty one (21) calendar days after the City Clerk's approval of the form for circulation, ~~and at least ninety (90) one hundred and forty (140) days prior to the next city election.~~
- ~~(2) If the petition requests a special election in conjunction with a Larimer County General Election, the City Clerk shall establish a submittal deadline for the petition that will enable the measure to be considered at such election, which deadline shall be consistent with all pertinent provisions of the Colorado Revised Statutes governing the conduct of such elections, and, if applicable, with Article X, Section 20 of the Colorado Constitution, and shall advise the petition representatives in writing as to the submittal deadline.~~
- (2) All petition sections shall be filed with the City Clerk together at the same time and shall collectively constitute the petition.
- (3) ~~An initiative~~A referendum petition shall be filed with the City Clerk within the requisite time or it will be deemed null and void.
- (f) Sufficiency of petition; amendment.
- (1) Examination. Within fifteen (15) working days of the filing of a petition the City Clerk ~~shall~~will ascertain by examination of the petition and voter registration records whether the petition is signed by the requisite number of registered electors and contains the required particulars and affidavits. A petition verified by the valid affidavits of its circulators in each of its sections ~~shall~~will be prima facie evidence that the signatures thereon are genuine and true.
- (2) Insufficient petition; ~~amendment~~.

[STAFF IS PROPOSING THAT AMENDMENT OF AN INSUFFICIENT REFERENDUM PETITION NOT BE ALLOWED. STATE STATUTE DOES NOT ALLOW TIME TO CURE AN INSUFFICIENT PETITION. STATE LAW ALLOWS 30 DAYS FOR CIRCULATION OF THE PETITION. THE SIGNATURE REQUIREMENT IS STATE LAW IS HIGHER (AT LEAST 5% OF THE REGISTERED ELECTORS OF THE MUNICIPALITY ON THE DATE OF FINAL PUBLICATION OF THE ORDINANCE.)

- a. If the petition is insufficient, the City Clerk ~~shall~~will so certify and forthwith notify all of the designated petition representatives in writing, specifying the particulars of insufficiency.
- ~~b. If an initiative petition is deemed insufficient, whether following the initial determination by the City Clerk, or following protest proceedings, it may be amended by the submission of additional signatures collected after the City Clerk approved the form of the petition and no later than fourteen (14) calendar days after the Clerk's certificate of insufficiency.~~

MAY ELECTION CODE COMMITTEE DRAFT FOR DISCUSSION

- ~~(i) — Such signatures must be collected consistent with the requirements for collecting petition signatures as described in this Article.~~
- ~~(ii) — Within ten (10) working days after such amendment, the City Clerk shall make examination of the amended petition and certify the result.~~
- ~~(iii) — If the amended petition is still insufficient, or if no amendment was made before the expiration of the time permitted for amendment, the petition shall be null and void without prejudice to the filing of a new petition for the same purpose.~~

(3) Protests.

- a. Registered electors desiring to protest a determination by the City Clerk that a petition is either sufficient or insufficient may file a written protest, under oath, in the office of the City Clerk within ~~ten (10)~~ seven (7) calendar days of the City Clerk's preliminary determination as to sufficiency of the petition. The protest ~~shall~~ must set forth with particularity the grounds of protest and any signatures and related defects in form protested.
 - b. Upon the filing of a protest, the City Clerk ~~shall~~ will send a copy of the protest to the designated petition representatives, the City Council and the City Manager. The City Manager ~~shall~~ will appoint a hearing officer, who, in conjunction with the City Clerk, ~~shall~~ will set a time for hearing such protest, which ~~shall~~ must be no more than ten (10) working days after the filing of a protest.
 - c. At least five (5) working days prior to the hearing, the City Clerk ~~shall~~ will send a notice of the date, time and location for the hearing and a copy of the protest to all of the designated petition representatives, the person(s) who filed the protest, and the City Council.
 - d. All protest hearings ~~shall~~ will be before a hearing officer appointed by the City Manager. The hearing officer ~~shall~~ will have the power to issue subpoenas to compel the attendance of witnesses and the production of documents.
 - e. All records and hearings ~~shall~~ will be public, and all testimony ~~shall~~ must be under oath.
 - f. The hearing ~~shall~~ will be summary in nature and concluded no later than twenty (20) working days after the protest was filed.
 - g. The hearing officer ~~shall~~ must decide and certify the results of the hearing no later than ten (10) working days after the hearing is concluded, and no further protest regarding the petition may be filed.
 - h. The City Clerk ~~shall~~ will make any final determination regarding the sufficiency or insufficiency of a petition and ~~shall~~ must base such determination on the protest hearing results issued by the hearing officer.
- (4) Certification and presentation to Council. When and if a petition ~~or amended petition~~ is deemed sufficient, whether following the sufficiency determination by the City Clerk in the absence of a protest, or following protest proceedings, the City Clerk ~~must~~ shall so certify and then present the certified petition to the Council at the next regularly scheduled meeting or special meeting called for this purpose. The City Clerk's certificate ~~shall~~ will be the final determination as to the sufficiency of the petition.

[THE FOLLOWING DELETED PROVISIONS HAVE BEEN RELOCATED.]

- ~~(c) — Number of signatures required. The petition must be signed by registered electors of the city equal in number to at least ten (10) percent of the total ballots cast in the last regular city election.~~
- ~~(d) — Petition deadlines. The referendum petition shall be filed within no later than twenty one (21) calendar days after the City Clerk's approval of the petition for circulation. If a completed petition is not subsequently~~

MAY ELECTION CODE COMMITTEE DRAFT FOR DISCUSSION

~~filed within the requisite time after the City Clerk's approval of the petition for circulation, the referendum effort is null and void and the petition shall not be circulated further.~~

~~(e) Action by Council:~~

- ~~(1) The City Clerk's certification of a petition as sufficient for referendum automatically suspends the operation of the ordinance in question, or portion sought to be repealed, pending repeal by Council or final determination by the electors.~~
- ~~(2) The Council shall either refer the ordinance or portion thereof that is the subject of the petition to the voters, as set forth below, or reconsider the ordinance at the next regular meeting of the Council, or at an earlier special meeting of the Council called for this purpose, following the receipt of the certification of the petition by the City Clerk, and shall adopt an ordinance to repeal the ordinance in question, or part sought to be repealed, on first reading, with second reading no later than at the next regular meeting.~~
- ~~(3) If the ordinance, or that part sought to be repealed, is not repealed by final action on such repealing ordinance, the Council must refer the same to a vote of the registered electors at the next regular or special city election scheduled for any other purpose. Alternatively, the Council may call a special election for that specific purpose.~~

Section 5. Petitions. [RELOCATED AND REWRITTEN TO MATCH INITIATIVE]

- ~~(a) Separate petitions required. A separate petition shall be circulated and filed for each measure sought to be initiated or referred to the vote of the electors.~~
- ~~(b) Form and content:
 - ~~(1) Approval of form for circulation:
 - ~~a. No petition shall be circulated until the City Clerk has approved the form for circulation.~~
 - ~~b. The City Clerk shall first determine that the petition form contains only the matters required by this Article.~~
 - ~~c. The Council shall prescribe by ordinance, upon recommendation of the City Clerk, a general form of petition which shall contain warnings and notices to signers as necessary.~~
 - ~~d. The City Clerk's approval under this Section shall not constitute an approval of the content of the petition, but rather, shall start the running of the time periods provided for circulation and filing of petitions.~~~~
 - ~~(2) Petition content:
 - ~~a. The petition shall be addressed to Council.~~
 - ~~b. An initiative petition shall contain or have attached to each section throughout its circulation the full text of the proposed ordinance or resolution and shall contain a general statement of purpose prepared by the City Clerk in consultation with the City Attorney to fairly and accurately summarizing the proposed ordinance or resolution, without argument or prejudice, and indicating that the petition is to be circulated in support of the initiated ordinance or resolution and specifying whether a special election is requested.~~
 - ~~c. A referendum petition shall contain or have attached to each section throughout its circulation the full text of the ordinance sought to be referred, clearly identifying the protested portions if only a partial repeal is sought. In the case of bond ordinances an ordinance exceeding two (2)~~~~~~

MAY ELECTION CODE COMMITTEE DRAFT FOR DISCUSSION

~~pages in length, the full text of the ordinance need not be set forth but the petition shall contain or have attached to each section throughout its circulation the title and a fair and accurate summary of the ordinance in question as prepared by the City Clerk in consultation with the City Attorney.~~

~~(3) Signatures.~~

- ~~a. Only registered electors may sign the petitions authorized under this Article.~~
- ~~b. Each signer must sign his or her own signature and each signature shall be followed by the printed name of the signer, the street and number address of his or her residence, and the date of signing.~~
- ~~c. No person shall knowingly sign an initiative or referendum petition more than once.~~
- ~~d. In the event that the signature of any person appears more than once on a petition authorized under this Article, the first signature verified shall be counted and all other signatures of that person shall be rejected.~~

~~(c) Circulation of petition.~~

- ~~(1) The petition may be circulated and signed in sections with each section consisting of one (1) or more sheets securely fastened at the top, provided that each section contains a full and accurate copy of the text of the petition and the names and addresses of the designated representatives for the petition.~~
- ~~(2) All sections shall be filed as one (1) instrument.~~
- ~~(3) Only persons eighteen (18) years of age or older may circulate the petition for signatures.~~
- ~~(4) The circulation of any petition by any medium other than personally by a circulator is prohibited. No person shall receive any compensation whatever for signing an initiative or referendum petition.~~

~~(d) Affidavit of circulator.~~

- ~~(1) A circulator shall attach to each section of the petition circulated an affidavit signed by the circulator under oath before a notary public stating the following:
 - ~~(i) the circulator's address of residence;~~
 - ~~(ii) that the circulator is eighteen (18) years of age or older;~~
 - ~~(iii) that he or she personally circulated the section;~~
 - ~~(iv) that each signature was affixed in the circulator's presence;~~
 - ~~(v) that to the best of the circulator's knowledge and belief each signer was at the time of signing a registered elector of the city;~~
 - ~~(vi) that to the best of the circulator's knowledge and belief each signature is the genuine signature of the person whose name it purports to be;~~
 - ~~(vii) that each signer had an opportunity before signing to read the full text of the petition; and~~
 - ~~(viii) that the circulator has not paid or offered to pay any money or other thing of value to any signer for the purpose of inducing or causing the signer to affix his or her signature to the petition.~~~~
- ~~(2) A petition verified by the valid affidavits of its circulators in each of its sections shall be prima facie evidence that the signatures thereon are genuine and true.~~

~~(e) Time limits; petition representatives. Petitions for initiative and referendum shall be filed with the City Clerk within the requisite time limits or they will be deemed null and void. Each petition shall designate by name~~

MAY ELECTION CODE COMMITTEE DRAFT FOR DISCUSSION

and address ~~not less than three (3) nor more than five (5)~~ registered electors who shall represent the signers of the petition in all matters affecting the petition.

~~(f) Sufficiency of petition; amendment.~~

~~(1) Examination. Within fifteen (15) working days of the filing of a petition the City Clerk shall ascertain by examination of the petition and the registration books whether the petition is signed by the requisite number of registered electors and contains the required particulars and affidavits. If the petition is insufficient, the City Clerk shall so certify and forthwith notify all of the designated petition representatives in writing, specifying the particulars of insufficiency.~~

~~(2) Insufficient petition; amendment.~~

~~(i) If an initiative petition is deemed insufficient, whether following the initial determination by the City Clerk, or following protest proceedings, it may be amended by the submission of additional signatures collected after the City Clerk approved the form of the petition and within fifteen (15) no later than fourteen (14) calendar days from after the filing of the Clerk's issuance of the certificate of insufficiency.~~

~~(A) Such signatures must be collected consistent with the requirements for collecting petition signatures as described in this Article.~~

~~(B) Within ten (10) working days after such amendment, the City Clerk shall make examination of the amended petition and certify the result.~~

~~(C) If the amended petition is still insufficient, or if no amendment was made before the expiration of the time permitted for amendment, the petition shall be null and void without prejudice to the filing of a new petition for the same purpose.~~

~~(ii) If a referendum petition is deemed insufficient, it may be amended by the submission of additional signatures collected consistent with the requirements of this Article, but to be considered, any additional signatures must be submitted within the twenty-one (21) calendar day circulation period after the City Clerk's approval of the petition form for circulation.~~

~~(A) Such signatures must be collected consistent with the requirements for collecting petition signatures as described in this Article.~~

~~(B) Within five (5) working days after such amendment, the City Clerk shall make like examination of the amended petition and certify the result.~~

~~(C) If the amended petition is still insufficient, or if no amendment was made before the expiration of the time permitted for amendment, said referendum petition is null and void and a new petition may not thereafter be filed for referendum of the same ordinance.~~

~~(3) Protests.~~

~~(i) Registered electors desiring to protest a determination by the City Clerk that a petition is either sufficient or insufficient may file a written protest, under oath, in the office of the City Clerk within ten (10) (5) days of the filing of as to the petition. The protest shall set forth with particularity the grounds of protest and the names any signatures and related defects in form protested.~~

~~(ii) Upon the filing of a protest, the City Clerk shall set a time for hearing such protest, which shall be no more than seven (7) ten (10) working days thereafter.~~

~~(iii) At least five (5) working days prior to before the hearing, the City Clerk shall, time location and a copy of the protest mail a copy of the protest to all of the designated petition representatives together with a notice of the time for hearing.~~

MAY ELECTION CODE COMMITTEE DRAFT FOR DISCUSSION

- (iv) ~~All protest hearings shall be before a hearing officer appointed by the City Manager. The hearing officer who shall have the power to issue subpoenas to compel the attendance of witnesses and the production of documents.~~
 - (v) ~~All records and hearings shall be public, and all testimony shall be under oath.~~
 - (vi) ~~The hearing shall be summary in nature and concluded within no later than thirty twenty five (3025) working days after the petition was filed.~~
 - (vii) ~~The hearing officer shall decide and certify the results of the hearing within no later than ten (10) working days after the hearing is concluded, and no further protest regarding the petition may be filed.~~
 - (viii) ~~The City Clerk shall make any final determination regarding the sufficiency or insufficiency of a petition and shall base such determination on the protest hearing results certified issued by the hearing officer.~~
 - (ix) ~~A petition for referendum that which has been deemed insufficient after protest may not be amended or circulated further and no further protest regarding the petition may be filed.~~
- (4) ~~Certification and presentation to Council. When and if a petition or amended petition is deemed sufficient, whether following the sufficiency determination by the City Clerk in the absence of a protest, or following protest proceedings, the City Clerk shall so certify and then present the certified petition to the Council at the next regularly scheduled meeting or special meeting called for this purpose. The City Clerk's certificate shall then be a final determination as to the sufficiency of the petition.~~

Section 8. Action by Council. [SPLIT FROM INITIATIVE AND TURNED INTO A SECTION]

- (a) The City Clerk's certification of a petition as sufficient for referendum automatically suspends the operation of the ordinance in question, ~~or portion sought to be repealed~~, pending repeal by Council or final determination by the electors.
- (b) ~~Following receipt of the City Clerk's certification of a petition as sufficient for referendum, t~~The Council shall ~~must either refer the ordinance or portion thereof that is the subject of the petition to the voters, as set forth below, or~~ reconsider the ordinance at the next regular meeting of the Council, or at an earlier special meeting of the Council called for this purpose, ~~following the receipt of the certification of the petition by the City Clerk, and shall~~ adopt an ordinance to repeal the ordinance in question, or part sought to be repealed, on first reading, with second reading ~~no later than at~~ the next regular meeting.
- (c) If the ordinance, or that part sought to be repealed, is not repealed ~~by final action on such repealing ordinance~~, the Council must refer the same to a vote of the registered electors at the next regular or special city election scheduled for any other purpose ~~for which election process requirements can be met~~. ~~Alternatively, the Council may call a special election for that specific purpose if the City Clerk determines that~~ ~~2222~~.

Section 9. Council use of ~~initiative and~~ referendum.

The Council may ~~submit any question or proposed ordinance or resolution, or~~ refer any adopted ordinance or resolution, to the vote of the people at a regular or special election to be conducted in accordance with the provisions of ~~[fill in correct cross reference]~~.

*Part III
In General*

MAY ELECTION CODE COMMITTEE DRAFT FOR DISCUSSION

Section 10. Elections.

- (a) Generally. Elections on initiative and referendum measures ~~shall~~must be conducted in the same manner as provided generally for regular or special city elections in this Charter.
- (b) ~~Ballots text.~~ Upon ordering an election on any initiative or referendum measure, the Council ~~shall~~must, after public hearing, adopt by resolution a ballot title and submission clause for each measure. The ballot title ~~shall~~must contain information identifying the measure as a city initiated ~~or referred measure~~ or a citizen initiated ~~or referred~~ measure. The submission clause ~~shall~~must be brief, ~~shall~~must not conflict with those selected for any petition previously filed for the same election, and ~~shall~~must unambiguously state the principle of the provision sought to be ~~added~~considered. The official ballot used when voting upon each proposed or referred measure ~~shall~~must have printed on it the ballot title and submission clause and ~~shall~~must contain the words, "Yes/For" and "No/Against" in response to each measure.
- (c) Publication; notice of election.
 - (1) Initiative. An initiated measure being considered for adoption by Council ~~shall~~must be published ~~as part of the appropriate Council meeting agenda~~ in like manner as other proposed ordinances and resolutions. If the initiated measure is submitted to a vote of the people, the City Clerk ~~shall~~must publish a notice of election in conformity with the laws of the State of Colorado relating to municipal elections, together with the ballot title, submission clause and full text of the proposed ordinance or resolution. The text of a successful initiative measure need not be published in full after the election.
 - (2) Referendum. If the referred measure is to be submitted to a vote of the people, the City Clerk ~~shall~~must publish a notice of election in conformity with the laws of the State of Colorado relating to municipal elections, together with the ballot title, submission clause and full text of the referred ordinance, ~~specifying the portion to be referred if only a portion of the ordinance has been referred.~~ If the ordinance in question ~~is a bond ordinance exceeds two (2) pages in length~~, the summary from the petition may be published in place of the full text. ~~The City Clerk will make the full text of a referred ordinance, together with all exhibits, generally available to the public.~~ The full text of an ordinance passed on referendum need not be published after the election.
- (d) Election results. If a majority of the registered electors voting on the initiated measure vote in favor, the measure is adopted as an ordinance or resolution of the city upon certification of the election results. If a majority of the registered electors voting on a referred ordinance, vote in favor of the ~~referred~~ ordinance, ~~or referred portion of the ordinance, such referred ordinance or portion thereof~~ shall go into effect without further publication upon certification of the election results, or at such later date as may be set forth in the ordinance itself. If the provisions of two (2) or more proposed or referred measures adopted or approved at the same election conflict, the measure receiving the highest affirmative vote ~~shall~~will become effective.
- (e) Frequency of elections. Any number of proposed ordinances or resolutions or referred ordinances may be submitted at the same election. ~~Not more than one (1) special election on citizen initiated measures shall be held in any twelve (12) months. This limitation does not apply to the Council which on its own motion may at any time call a special election for the purpose of considering any measure initiated, or adopted and referred, by the Council.~~

Section 11. Further regulations.

The Council may, by ordinance, make such further rules and regulations as are consistent with this Charter and the Colorado Constitution in order to carry out the provisions of this Article.

May 29, 2024

Elections Code Committee

Charter Amendments

Heather Walls, Interim City Clerk
Rita Knoll, Chief Deputy City Clerk
Carrie Daggett, City Attorney



- All “shall” references will be replaced with “will”, “must” or “may” depending on context.
- All “he or she” references will be replaced with “they/their.”
- Change references to “mail” correspondence to “send” correspondence to allow for electronic mail.
 - The Clerk’s Office would request preferred method of communication in the beginning of a process.

- Propose to add to each Article under discussion.
- Deadlines will be at the end of regular business hours.
- “no fewer than”, “no later than” or “at least” a certain number of days “prior to” or “before” the date of an event or proceeding,the period is shortened to and ends on the prior business day that is not a weekend or legal holiday.
- The first day of any period is excluded.
- The last day of any period is included unless it is a weekend or legal holiday.
- If weekend or legal holiday, period will be extended to the next business day.

- Processes required by internal staff would generally be set at increments of 5 business (or working) days
- Processes required by external individuals or groups would generally be set at increments of 7 calendar days

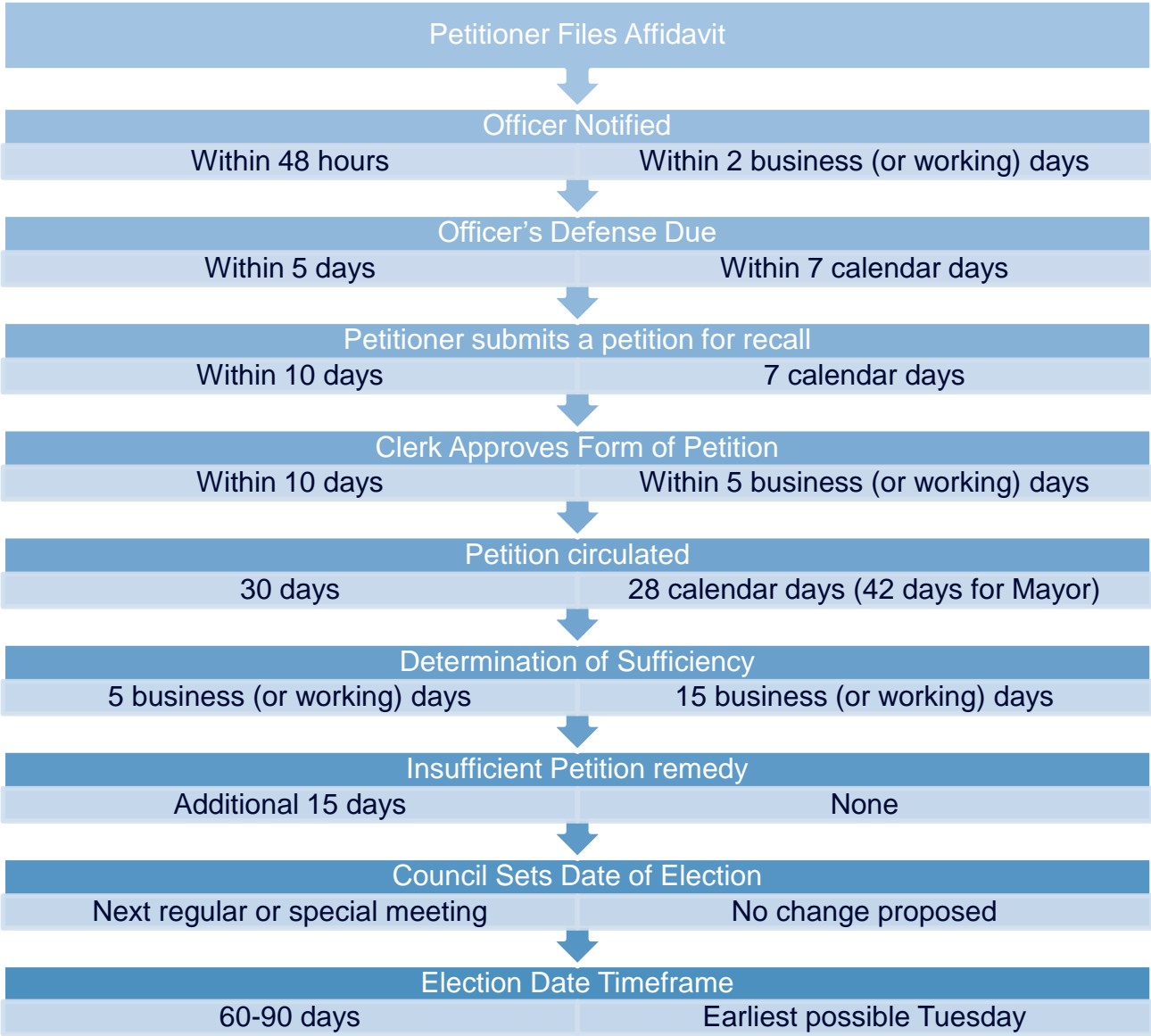
Article VIII. ELECTIONS

- Section 4 – Sufficiency of petition notification within 5 business (or working) days.
- Section 7 – Reduces elected candidate time period to qualify for office from 60 days to 30 days
- Additional changes related to computation of time and modernization of language

Timeline

Current Provision

Proposed Provision



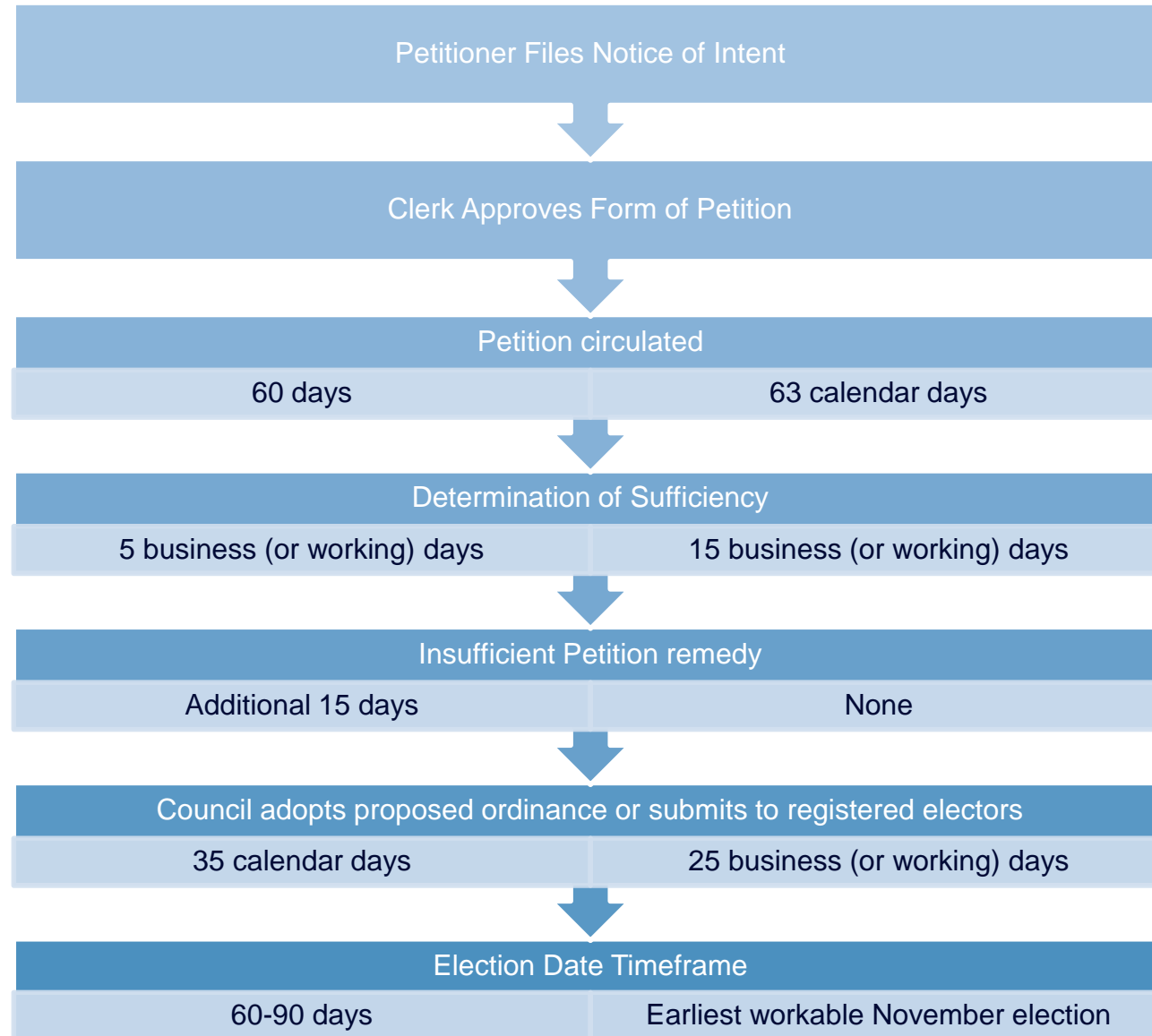
onal Recall Changes

	Staff Proposal	Municipal Election Code	Uniform Election Code
Signature Requirement	At least 25% of the entire vote cast at last preceding regular city election for all candidates for the office in question [current]	Same	Same
Days to Circulate	28 calendar days for Council, 42 days for Mayor	60	60
Cure	None	15 days after determination of insufficiency and only by the addition of required info relating to the signers of the petition or the circulator affidavits	Can cure errors and insufficiencies regarding circulator affidavits – 5 calendar days after notification by DEO of errors
Timing of Election	Earliest possible Tuesday that allows the City Clerk sufficient time to meet all legal, logistical, and technical requirements applicable to the conduct of an election. No less than 75 days prior to regular election.	Not less than 30 days nor more than 90 days from submission to the Council. If regular election is to be held within 180 days after submission to Council, it must be held as part of the regular election.	Not less than 30 days nor more than 90 days from submission to the Council. If regular election is to be held within 120 days after submission to Council, it must be held as part of the regular election.
Blackout period	Actually held office for 1 year, nor within 6 months of the end of such term.	6 months after officer has actually held office (petition cannot be circulated earlier); petition cannot be circulated or filed if office is up for election within 6 months	Actually held office for 6 months following the last election; petition cannot be circulated or filed if office is up for election within 6 months

ve Timeline

Current Provision

Proposed Provision



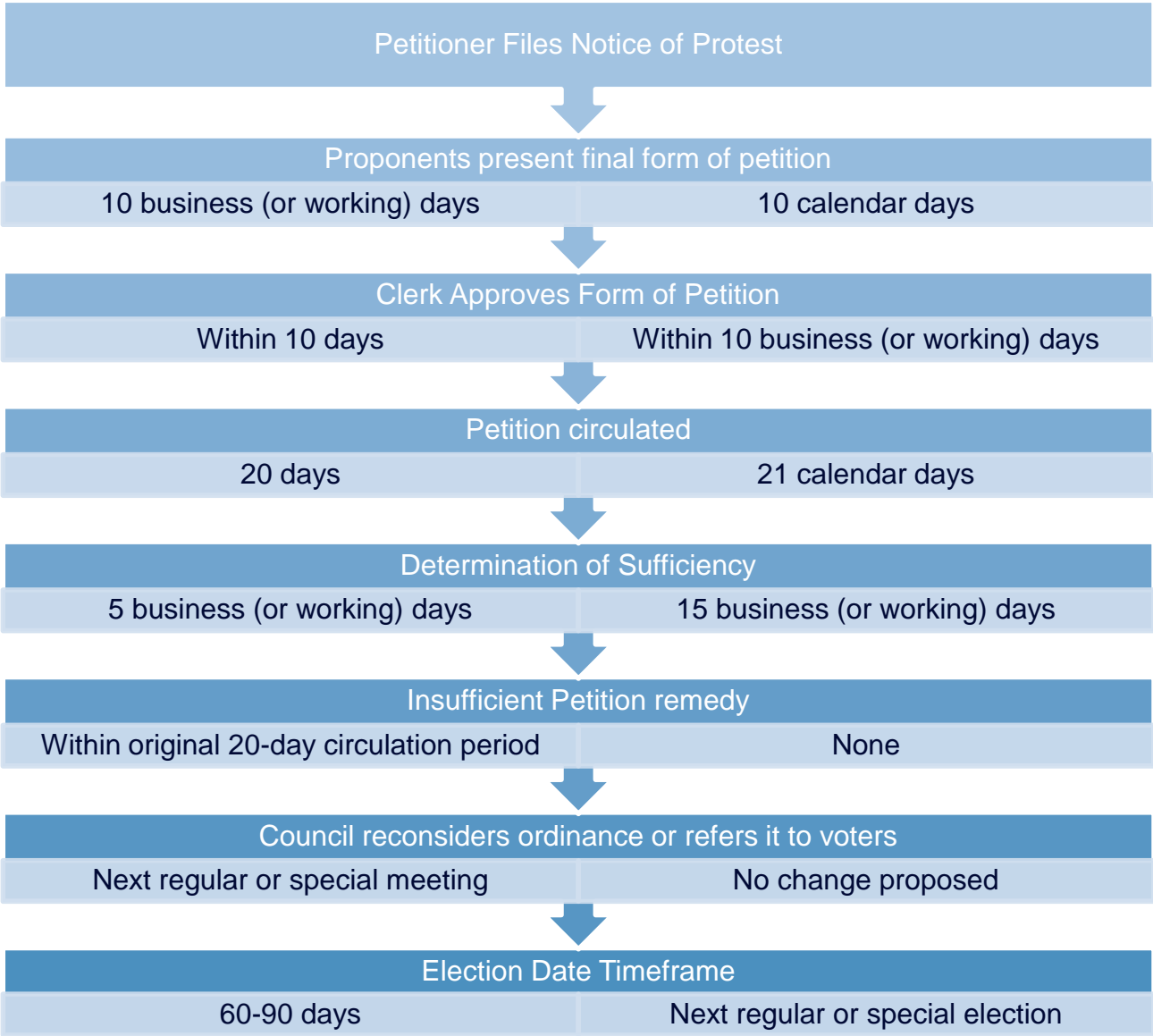
onal Initiative Changes

	Staff Proposal	Municipal Election Code	Uniform Election Code
Signature Requirement	At least 10% of the total ballots cast in the last regular city election	5% of registered voters on date of notice of intent – No provision for forcing a special election by collecting additional signatures	5% of the total number of votes cast for all candidates for the office of secretary of state at the previous general election
Days to Circulate	63 calendar days	180 days	6 months from date titles and submission clause have been fixed and no later than 3 months before the election
Cure	None	No cure period	Can cure errors and insufficiencies regarding circulator affidavits – 5 calendar days after notification by SOS of errors
Timing of Election	Earliest workable November election	At a regular or special election not less than 60 and not more than 150 days after final determination of petition sufficiency	Targeted election
Amount of time to check signatures	15 business (or working) days	30 calendar days	30 calendar days

Petition Timeline

Current Provision

Proposed Provision

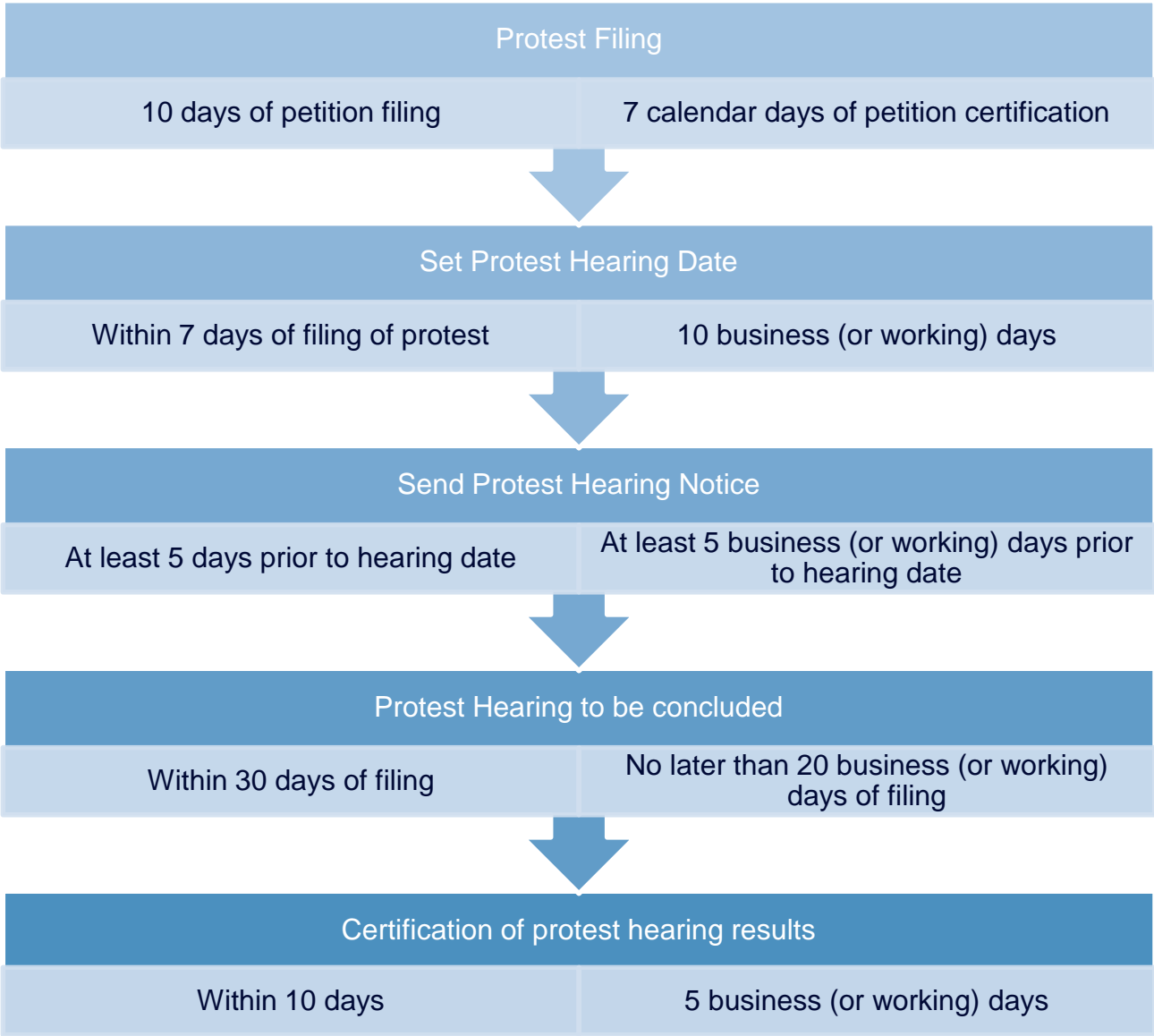


onal Referendum Changes

	Staff Proposal	Municipal Election Code	Uniform Election Code
Signature Requirement	At least 10% of the total ballots cast in the last regular city election	5% of reg voters on date of notice of intent	5% of the total number of votes cast for all candidates for the office of secretary of state at the previous general election
Days to Circulate	21 calendar days	30 days	6 months from date titles and submission clause have been fixed and no later than 3 months before the election
Cure	None	No cure available	Can cure errors and insufficiencies regarding circulator affidavits – 5 calendar days after notification by SOS of errors
Timing of Election	Next regular or special city election scheduled for any other purpose for which election process requirements can be met	At a regular or special election not less than 60 and not more than 150 days after final determination of petition sufficiency	Targeted election
Amount of time to check signatures	15 business (or working) days	30 calendar days	30 calendar days

Current Provision

Proposed Provision





2024 Work Plan

ELECTION CODE COMMITTEE

2024 WORK PLAN			
	Committee Discussion	Council Meetings	Scheduling Notes
1. Charter Amendments for November 2024 Ballot	May Committee Meetings	1 st Reading July 2 2 nd Reading July 16	Summer Break – 7/23 – 8/6
<ul style="list-style-type: none"> • Article VIII • Article IX • Article X 			
2. Campaign Finance	August and September Committee Meetings	October 8 Work Session 1 st Reading November 4 2 nd Reading November 18	Budget session #3 on October 8 tends to be shorter so a possible option for a work session on 10/8 - best to get done during 2024 due to timing of election activities for November 2025
3. Education for Ranked Choice Voting	January and February Committee Meetings	March Work Session Council TBD	Winter Break 12/18 – 1/4
4. Additional Charter Amendments?	TBD		
<ul style="list-style-type: none"> • Article II – Vacancies • Article IV - General Provisions 			
5. Oversight Committee	TBD		
6. Public Financing of Campaigns	TBD		

ELECTION CODE COMMITTEE

2024 WORK PLAN

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5. Oversight Committee	TBD		
6. Public Financing of Campaigns	TBD		