

INITIATIVE AND REFERENDUM

City Clerk's Advisory to Citizens

Chapter 2.52 of the Lakewood Municipal Code pertains to the initiative and referendum process in the City of Lakewood. This chapter provides all necessary information for circulating and filing such petitions.

The City Clerk acts as Hearing Officer if a protest on such petitions is filed, and therefore can offer only very general information and no advice on any issue that could be raised during a protest hearing. Persons interested in circulating initiative or referendum petitions may wish to consult an attorney for legal advice.

The Lakewood City Charter sets the number of signatures required for a valid initiative petition at a minimum of 5% of the total number of registered electors on the date of the last regular municipal election and for referendum petitions at a minimum of 3% of the total number of registered electors on the date of the last regular election.

TOTAL NUMBER OF REGISTERED ELECTORS, NOVEMBER 7, 2023 – 117,237

Signatures required for initiative petitions:	5,862
Signatures required for referendum petitions:	3,517

INITIATIVE, REFERENDUM, and RECALL PROCESS

CITY OF LAKEWOOD, COLORADO

2024

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INTRODUCTION

This guide is provided to assist citizens in exercising their power to carry out an initiative, referendum, or recall petition. The information contained herein is basic in nature and is not intended to be comprehensive in scope or depth, nor is it to be construed as legal advice. If you have questions regarding the interpretation of applicable laws and regulations for your situation, you may wish to consult with a private attorney.

Article XIII specifically §13.1 through §13.5 of the Lakewood City Charter and Chapter 2.52 of the Lakewood Municipal Code sets out the initiative and referendum procedures in the City of Lakewood. The recall procedures are set out in Article II, Section 2.14 of the Lakewood City Charter.

The initiative process permits citizens to create their own legislation, through a petitioning process, signed by registered electors residing in the City of Lakewood, and is typically enacted by vote in a regular or special election.

A referendum is the procedure whereby citizens, through the petition process, can protest legislation enacted by the City Council, and typically is used to have the legislation repealed by either through City Council action or by a vote of the registered electors at a regular or special election.

How to Use this Guide

The information provided herein is presented, to the extent possible, in the order of occurrence of actions and events. The Guide contains terminology not commonly used by the public, and as such, may be interpreted differently by different individuals. However, such terminology has very specific meaning within the context of the legal process described herein. A list of terms and their definitions, as applicable within this document, has been included at the end of this document.

Contact Information

All questions or comments regarding this Guide should be directed to the City Clerk's Office. Although the entire staff of the City Clerk's Office has varying levels of familiarity with the initiative and referendum process, please direct your questions and/or comments to Jay Robb, City Clerk. The City Clerk's Office is located on the first floor at 480 S. Allison Parkway, Lakewood, Colorado. Mail should be addressed to the City Clerk, 480 S. Allison Parkway, Lakewood, CO 80226. Email inquiries should be directed to cityclerk@Lakewood.org.

NOTE: The City Clerk's office cannot provide legal advice regarding the initiative or referendum process. Please refer any legal questions to your own attorney.

NOTE: As a home rule municipality, the City of Lakewood provides its own initiative, referendum and election process and procedures.

NOTE: If the Municipal Code is silent reference should be made to the City Charter, if the Charter and Municipal Code are both silent to an issue or question of procedure or law regarding the initiative or referendum procedures, reference should be made to C.R.S. § 31-11-101 et seq. which governs municipal initiatives and referenda.

INITIATIVE PROCESS

Initiative Procedures - Overview

Any initiated measure shall be in the form of an ordinance, and legislative in character. The original draft must be submitted to the City Clerk before any petition can be circulated. Upon submission, and within ten (10) days the City Clerk shall designate and fix a fair title, submission clause, and summary. An initiative is limited to one proposed ordinance, however, there can be competing proposed ordinances subject to the initiative process. **(LMC 2.52.030(A))**

Once the title, submission clause, and summary have been completed and accepted by the petitioner(s), then a printer's proof of the petition will need to be approved by the City Clerk prior to the petition being circulated for signatures. Unless approved by the City Clerk, no petition may be circulated for signatures. **(LMC 2.52.050)**

All initiative petitions shall consist of a complete copy of what is proposed to be initiated including the title, submission clause, and summary as designated and fixed by the City Clerk. **(LMC 2.52.080 (E))**

The printer's proof includes the actual petition, with consecutively numbered boxes for elector's signatures which must include the signature, printed name, street address, city, zip code, and signing date. It also must include a copy of the proposed initiative ordinance, and the following warning on each page of the petition:

**WARNING:
IT IS AGAINST THE LAW:**

For anyone to sign any initiative or referendum petition with any name other than his or her own or to knowingly sign his or her name more than once for the same measure or to knowingly sign a petition when not a registered elector who is eligible to vote on the measure.

**DO NOT SIGN THIS PETITION UNLESS YOU ARE A REGISTERED
ELECTOR AND ELIGIBLE TO VOTE ON THIS MEASURE. TO BE A
REGISTERED ELECTOR, YOU MUST BE A CITIZEN OF COLORADO AND
REGISTERED TO VOTE.**

Do not sign this petition unless you have read or have read to you the proposed initiative or referred measure or the summary in its entirety and understand its meaning. **(LMC 2.52.080(A)) (See Example 1)**

Upon the City Clerks final approval of the printer's proof, title, submission clause, and summary, the proponents may begin to collect petition signatures. The collection of signatures must be completed within one-hundred eighty (180) days, and the signed petitions delivered to the City Clerk within that 180 day time period. Petitions which are submitted beyond the one-hundred eighty days will not be accepted by the City Clerk.

(LMC 2.52.060)

A petition for an initiated ordinance shall be signed by persons registered to vote in the City, and in a number at least equal to five (5%) percent of the total number of persons registered to vote in the City on the date of the last regular municipal election. (LMC 2.52.070)

1. Form and Requirements of Petitions:

(a) Contents and Circulation of Petition.

At the top of each page, including the signature pages of every initiative petition section, the following shall be printed:

(i) The warning as set forth on page 3 above and in Example 1 at page 23.

(ii) The title shall be printed on each page following the warning, followed by the signature lines. (LMC 2.52.080(B))

(iii) Any initiative petition shall be signed only by the registered electors by their own signature, followed by their printed name, their address including street name and address, city, and the date of signing. (See: Example 1)

(iv) In the event a registered elector is physically disabled or illiterate, such elector shall sign or make his or her mark in the space so provided. Any person, other than the circulator, may assist the disabled or illiterate elector in completing the remaining information required. The person providing assistance shall also sign his or her name, address, and state that such assistance was provided.

2. Affiant's Notarized Affidavit Page:

Following the signature pages of each petition section, there shall be attached a signed, notarized, affidavit executed by the person who circulated the petition, which shall include the following:

(LMC 2.52.080(D))

(i) The affiant's printed name, the address at which the affiant resides, including their street name and number, and the date the affidavit was signed; (LMC 2.52.080(D))

(ii) That the affiant circulated the section of the petition; (LMC 2.52.080(D))

(iii) That each signature thereon was affixed in the affiant's presence.
(LMC 2.52.080(D))

(iv) That each signature thereon is the signature of the person whose name it purports to be;
(LMC 2.52.080(D))

(v) That, to the best of the affiant's knowledge and belief, each of the persons signing the petition section was, at the time of signing, a registered elector of the city; and
(LMC 2.52.080(D))

(vi) That the affiant has not been paid or will not in the future be paid and that the affiant believes that no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix the signer's signature to the petition.
(LMC 2.52.080(D))

(vii) Each circulator of a petition, in addition to the above, shall also sign an agreement submitting to the subpoena power of the City Clerk.
(LMC 2.52.080(D))

(viii) The City Clerk shall reject any petition which does not contain the notarized affidavit as set forth in this section of the LMC.
(LMC 2.52.080(D))

(ix) Any signature added to a section of a petition after the affidavit has been executed shall be invalid.
(LMC 2.52.080(D))

(x) Any disassembly of a section of the petition which separates the affidavit from the signatures shall render that section of the petition invalid.
(LMC 2.52.080(F))

(xi) All persons circulating a petition must be 18 years of age at the time the petition is circulated.
(LMC 2.52.080(G))

(3) Petition Representatives:

Each petition shall designate by name and mailing address two persons who shall represent the signers thereof in all matters affecting the petition and shall be electors of the city. (LMC 2.52.080(E))

(i) All sections of the petition shall be pre-numbered serially, and the circulation of a petition shall be done personally. (LMC 2.52.080(E))

(ii) Any petition that fails to conform to the above requirements other than that permitted by the LMC shall be invalid. (LMC 2.52.080(E))

Powers of City Clerk in the Initiative Process

The petition/initiative process begins and ends in the City Clerk's office. The City Clerk may from time-to-time issue administrative rules

and regulations which are not inconsistent with Chapter 2.52 of the LMC, as may be necessary to accomplish the purposes of Chapter 2.52.

The process begins with the original draft of the initiated measure being filed with the City Clerk's office. An initiated measure must be in the form of an ordinance and legislative in nature. Thereafter and within ten (10) days of filing the measure, the City Clerk shall fix a title, submission clause, and summary to the proposed ordinance.
(LMC 2.52.030(A))

NOTE: if the proponent is not satisfied with the title, submission clause, and summary, and claims it is unfair or it does not fairly express the true meaning and intent of the proposed measure, such person may file a motion for a hearing with the City Clerk within seven (7) days after the petition is returned, and the hearing shall be had within two (2) business days. If the City Clerk rules against the elector, the elector may appeal the ruling to the District Court of Jefferson County within five (5) days after the ruling. (LMC 2.52.030(B))

Approval of Printer's Proof by City Clerk:

If the title, submission clause, and summary have been accepted by the proponent. The next step is the approval of the form and the first printers' proof of the petition by the City Clerk. The approval or rejection by the City Clerk must occur within five business (5) days following the date on which the Clerk received the form and printers proof.
(CRS §31-11-106(1))

No petition section shall be printed, published or circulated unless the form and the first printer's proof of the petition section have first been approved by the City Clerk. No petition will be accepted for filing by the City Clerk unless it conforms to the provisions of LMC 2.52.030.

Circulation of Petition:

(1) Upon approval by the City Clerk of the final petition, the proponents have 180 days to circulate the petition and gather signatures.

(2) Each registered elector signing a petition shall be encouraged by the circulator of the petition to sign the petition in black ink. However, the non-use of black ink is not fatal to the petition or the legitimacy of the signer or their signature.

(3) Initiative petitions are not election materials or information covered by the federal "Voting Rights Act of 1965" and are therefore not required to be printed in any language other than English to be circulated in any municipality in Colorado.

(C.R.S. § 1-40-114 and C.R.S. § 31-11-112)

Filing Petition with City Clerk and City Clerk's Sufficiency Review:

Upon the petitioners gathering the requisite number of signatures and the passing of the 180 days, the petitioners shall file the completed petitions with the City Clerk. Petitions may be filed earlier than the 180 days if the petitioners have gathered the required number of signatures.

Sufficiency of the Petition: No petition shall be filed unless it contains the required number of signatures, and the City Clerk shall determine the sufficiency of the petition by comparing the information on the signature line(s) against the list of registered electors provided by the county or other reasonable means. The City Clerk's determination of sufficiency shall be based upon a review of the petition signatures and whether the individual signatures are insufficient in the following categories:

- (1)** The address shown by signer is not located within the city limits of the City of Lakewood.
- (2)** Any signature appearing on the petition more than once. In this event all signatures of said individual shall be deleted except one.
- (3)** More than one individual signature on a signature line, in which event the line shall count as one.
- (4)** Signature lines containing incomplete information or information which was not completed by the elector or person qualified to assist the elector shall not be counted.
- (5)** Signatures of electors who are not registered electors of the city.

Sufficiency Review:

Initial Review:

- (1)** Upon the filing of the petition, the City Clerk within twenty (20) days shall make an initial determination of sufficiency and report the results to the City Council. **(LMC 2.52.090(A))**

Final Review:

- (1)** Upon a final determination that the petition is sufficient the City Clerk shall present the petition to the City Council at the first regular meeting held more than thirty (30) days after the date of the petition was filed or at a special meeting held on the first Monday more than thirty (30) days after the date of the petition was filed. **(Charter 13.1(c))**

(2) The petition may not be removed, and no signature may be removed or deleted by a signer, circulator, or representative of the City Clerk until the City Clerk has made an initial sufficiency determination. A signature may only be removed between the initial and final sufficiency review. **(LMC 2.52.090(B))**

Insufficiency of Petition:

If the City Clerk finds an insufficient number of signatures the Clerk shall provide notice regarding the grounds for insufficiency and shall mail a written notice to the representatives of the petitioners.

Note: The LMC does not provide a time for the notice to be mailed to the petitioners. Reference should be made to C.R.S. § 31-11-109(3) which provides that the notice shall be mailed no later than thirty (30) calendar days after the petition has been filed.

Note: The LMC does not provide for whether the City Clerk shall provide notice to the petitioners if there are sufficient signatures. Thus, a party should review C.R.S. 31-11-109(2) which provides that the clerk shall mail a copy of the statement of sufficiency to the Petitioners, and C.R.S. § 31-11-109(3) providing for the timing of such notice.

If the Clerk does not provide the requisite notice within the allotted time, the petition will be deemed sufficient. **(C.R.S. § 31-11-109(3))**

Disassembly of Petition Prohibited:

The clerk shall not accept for filing any section of a petition that does not have attached an affiant's notarized affidavit page. Any disassembly of a section of the petition that has the effect of separating the affidavit from the signature page or pages shall render that section of the petition invalid and of no force and effect.

Protest to an Initiative Petition:

(1) A protest may be filed whether the petition is found to be sufficient or insufficient. Any protest may be filed by any registered elector with the City Clerk within thirty (30) days after the petition is filed with the City Clerk. The protest shall set forth with particularity the grounds of such protest, and the names protested. **(LMC 2.52.090(D))**

(2) The grounds for protest may include, but shall not be limited to:

- the failure of any portion of a petition or circulator affidavit to meet the requirements of State law.
- No signature may be challenged that is not identified in the protest by section and line number.

(C.R.S. § 31-11-110(1))

(3) The City Clerk shall mail a notice of the protest to the petition representative, together with a notice setting the date and time for the hearing. The hearing must be scheduled no less than five (5) days nor more than twenty (20) days after the notice is mailed.

(4) The county clerk shall furnish a requesting protester with a list of the registered electors in the municipality and shall charge a fee to cover the cost of furnishing the list.

(C.R.S. § 31-11-110(2))

(5) Every hearing shall be held before the City Clerk. The City Clerk shall serve as hearing officer, and the testimony in every such hearing shall be under oath. The hearing officer shall have the power to issue subpoenas and compel the attendance of witnesses. The hearing shall be summary and not subject to delay and shall be concluded within sixty days after the petition is filed.

(C.R.S. § 31-11-110(3))

(6) No later than five days after the conclusion of the hearing, the hearing officer shall issue a written determination of whether the petition is sufficient or not sufficient.

- If the hearing officer determines that a petition is not sufficient, the officer shall identify those portions of the petition that are not sufficient and the reasons therefor. The result of the hearing shall be forthwith certified to the protester and to the Petition Representatives.
- The determination as to petition sufficiency may be reviewed by a district court for the county in which such municipality or portion thereof is located upon application of the protester, the persons designated as representing the Petition Representatives, or the municipality, but such review shall be had and determined forthwith.

(C.R.S. § 31-11-110(3))

City Council Action Following Determination of Sufficiency of Initiative Petition:

If the petition is found to be sufficient, the City Clerk shall present the petition to the City Council at its next regular meeting. The City Clerk shall also determine whether the petition qualifies for a ballot issue or ballot question election and shall advise the City Council of such determination.

Within thirty (30) days after presentation of the initiated ordinance to the City Council, the City Council shall either adopt the initiated ordinance without alterations or submit the initiated ordinance to a vote of the registered electors.

Election Process:

If the initiated ordinance is submitted to the registered electors of the City the following procedures shall apply.

(i) If the initiated ordinance is one which may be considered a ballot question election, it shall be submitted to a special election held not less than thirty (30) days nor more than ninety (90) days after the petition is presented to the City Council, or at a regular municipal election.

(ii) If the initiated ordinance is one which may only be considered at a ballot issue election, it shall be submitted at the next ballot issue election held not less than ninety (90) days after the petition is presented to City Council.

Alternative Ordinances. Alternative ordinances may be submitted at the same election, and, if two or more conflicting ordinances are approved by the people, the one that receives the greatest number of affirmative votes shall be adopted in all particulars as to which there is a conflict.

Adoption. If a majority of the registered voters vote to adopt the ordinance, the ordinance will take effect upon certification of the election results, or at such later date as proscribed by the ordinance.

Amendments. An initiated ordinance adopted by the registered electors shall not be amended or repealed for a period of six months after the date of the election.

Expense Report. The proponents of any initiative measure shall file with the City Clerk a report disclosing the amount paid to each circulator who circulated the initiative or referendum petition. The filing shall be made at the same time the petition is filed with the clerk.

(LMC 2.52.210)

REFERENDUM PROCESS

Most ordinances adopted by the City Council are legislative in nature and subject to referendum. The referendum procedure is where a citizen or citizens petitions to have an ordinance repealed.

Ordinances necessary for the preservation of the public peace, health, or safety; fixing the rate of general property taxation for any year; related to the issuance of securities; adopting a budget; making an appropriation for the ensuing fiscal year; calling for a special election; levying special assessments or initiating improvement districts, are not subject to referendum.

Although the initiative and referendum process share procedures which must be followed, there are subtle differences between the two. Wherein an initiative can be filed at any time, a referendum petition must be filed prior to the effective date of the ordinance, which is thirty (30) days after adoption by City Council, or in the case of an ordinance that zones, rezones, or changes a zoned district forty-five (45) days.

(LMC 2.52.130(B))

Referendum Procedures

As with initiatives, the warning set forth on page 3 above, and an example of which can be found on page 22, herein, must be printed on the top of each page, including signature pages.

(LMC 2.52.140(A))

- The title shall be printed on each page following the warning.
- Any referendum petition shall be signed by registered electors of the City. Each signer must print their name and address, including street name, and the date of signing.
- A person, not the circulator, may assist a registered elector who is physically disabled or is illiterate to sign the petition.
- A signed, notarized, and dated affidavit executed by the person who circulated the petition section shall be attached to each petition and shall include the following information:
 - (1)** The affiant's printed name, address, the date the affidavit was signed; that the affiant circulated the section of the petition; that each signature thereon was affixed in the affiant's presence; that each signature thereon is the signature of the person whose name it purports to be; that, to the best of the affiant's knowledge and belief,

each of the persons signing the petition section was, at the time of signing, a registered elector; and that the affiant has not paid or will not in the future pay and that the affiant believes that no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix the signer's signature to the petition.

- All referendum petitions shall include a complete copy of the ordinance which is the subject of the petition.
- All sections of any petition shall be prenumbered serially. All petitions shall be circulated personally, and by any person eighteen (18) years or older.
- Any disassembly of a section of the petition that has the effect of separating the affidavits from the signatures shall render that section of the petition invalid and of no force and effect.

(LMC 2.52.140(B - G))

Sufficiency of Petitions - Referendum - Review by City Clerk

Unless the petition for referendum contains the required number of signatures, the City Clerk will not accept the petition for filing.

- Upon filing of the petition, the City Clerk shall make an initial determination of sufficiency and report the results of this to the City Council within twenty (20) days. A final determination and report to City Council will be made within thirty (30) days following the filing.

The following criteria shall be used by the City Clerk and staff to determine the sufficiency or insufficiency of a petition:

(1) The address of the signer is not located in the City of Lakewood.

(2) In the event a signature appears on the petition more than once, all the signatures except one shall be deleted.

(3) Multiple signatures occurring on the same line shall be counted as one signature.

(4) A signature line containing incomplete information or information not completed by the elector shall not be counted.

(5) Signature of anyone who is not a registered elector in the City shall not be counted.

(LMC 2.52.150(A))

If the City Clerk finds that the petition has an insufficient number of valid signatures, the Clerk shall mail a written notice to the petitioners informing them of the insufficiency and the grounds for the decision.

NOTE: The LMC does not provide a time for the notice to be mailed to the petitioners. Reference should be made to C.R.S. § 31-11-109(3) which provides that the notice shall be mailed no later than thirty (30) calendar days after the petition has been filed

If the petition is found to be sufficient, the City Clerk shall present the petition to the City Council at its next regular meeting. The Clerk shall determine if the petition qualifies for a ballot issue election or ballot question election.

Upon the finding of a sufficiency and presentation to the City Council, the ordinance subject to the petition shall be suspended from operation, and the City Council shall immediately reconsider the ordinance. If the ordinance is not repealed by a majority of the Council, then the ordinance shall be placed on the ballot and subject to a vote of the registered electors.

(LMC 2.52.170(A))

Protest to Referendum Petition

(1) A protest to a referendum petition may be filed in the City Clerk's Office by any registered elector within thirty (30) days after the petition is filed with the City Clerk. The protest shall set forth with particularity the grounds of such protest, and the names protested.

(LMC 2.52.150(D))

(2) The City Clerk shall mail a copy of such protest to the petition representative, together with a notice fixing a time for hearing such protest. The hearing must be scheduled for no less than five (5) days nor more than twenty (20) days after the notice is mailed.

(3) At any hearing held pursuant to LMC 2.52.150(E), the party protesting the finding of the City Clerk shall have the burden of proof.

(4) Hearings before the City Clerk shall be held as soon as conveniently possible. The result of such hearings shall be certified to the petition representatives and the protestor.

(LMC 2.52.150(E))

Election Process

If the referred measure is a ballot question, it can be submitted at a special or regular municipal election. If the measure is a ballot issue, then it can be submitted at the next ballot issue election.

If a special election is warranted it must be held not less than 30 days nor more than 90 days after the petition is presented to City Council.

If the measure can be set for a regular municipal election it must be done within the 90-day period.

(LMC 2.52.170(A))

If a majority of electors vote "FOR THE ORDINANCE", the ordinance shall be effective upon certification of the election results. If a majority votes "AGAINST THE ORDINANCE", the ordinance shall be repealed upon the certification of the election.

(LMC 2.52.170(B))

Rules and Regulations Applicable to Both Initiative and Referendums

The proponents of either an initiative or referendum shall file with the City Clerk the names of paid circulators, and the total amount paid to each circulator. The filing shall occur at the same time as the petition is filed with the City Clerk.

(LMC 2.52.210)

The provisions of Lakewood Municipal Code, Chapter 2.54 Campaign and Political Finance in Municipal Elections including the penalty provisions, shall apply to all initiative and referendum measures submitted to an election.

(LMC 2.52.220)

Unlawful Acts

(1) It is unlawful for any person willfully and knowingly to circulate, or sign or procure to be signed, any initiative or referendum petition bearing the name, device, or motto of any person, organization, association, league, or political party, and purporting in any manner to be endorsed, approved, or submitted by any person, organization, association, league or political party, without the written approval and authorization of such person, organization, association, league, or political party.

(2) It is unlawful for any person to sign any name other than their own to any initiative or referendum petition. Or to knowingly sign their name more than once for the same measure at one election.

(3) It is unlawful for any person to sign any initiative or referendum petition who is not at the time of signing a registered elector of the City of Lakewood.

(4) It is unlawful for any person to sign an affidavit without knowing or reasonably believing the statement contained in the affidavit are true.

(5) It is unlawful for any person to certify that any affidavit attached to a petition was subscribed or sworn to before him or her unless it was so subscribed and sworn to before him or her, and unless such person so certified is duly qualified under the laws of the state to administer an oath.

(6) It is unlawful for any election official or other person to willfully conspire or agree or confederate to do, any act which shall hinder, delay or in any manner interfere with the calling, holding, or conducting of any election permitted under the initiative and referendum powers preserved by the people in Section 1, Article V of the Colorado Constitution and this chapter, or with the registering of electors therefore.

(7) It is unlawful for any election official to do willfully any act which shall confuse or tend to confuse the issues submitted or proposed to be submitted in any election held under this chapter or refuse to submit any petition in the form presented for submission at any election under this chapter.

(8) It is unlawful for any person to willfully violate any provision of this chapter.

(LMC 2.52.230)

Referral By City Council

The City Council shall have the power to submit any proposed or adopted ordinance or any question to a vote of the registered electors without the receipt of a petition.

(LMC 2.52.240)

RECALL PROCESS

The Recall of any elected official is governed by Article II, Section 2.14 of the Lakewood Municipal Charter. Any member of the City Council, including the Mayor, may be recalled after six months in office.

The Procedure for Recall

(1) A petition for recall of a member of the City Council shall be filed with the City Clerk and signed by those registered electors entitled to vote for a successor of the member of City Council sought to be recalled.

(2) The number of signatures required shall at least equal twenty-five percent (25%) of all votes cast at the last election for all candidates for the office the person currently occupies.

(3) The petition must contain a general statement of not more than two hundred (200) words, explaining the grounds upon which the recall is sought.

(4) Those registered electors signing the petition shall be the sole and exclusive judges of the legality, reasonableness, and sufficiency of the grounds for recall. Such grounds shall not be subject to review.

(5) All petitions are sufficient if they appear to be signed by the requisite number of registered electors. When a recall petition is found to be sufficient, the City Clerk shall submit the petition and a certificate of sufficiency to the City Council at its next regular or special meeting.

Protest to Petition for Recall

(1) Any protest filed with the City Clerk shall be in writing and under oath and filed within fifteen (15) days after the recall petition has been filed with the City Clerk. The protest must also specify the grounds upon which the protest is filed.

(2) The City Clerk shall hold a hearing and conclude the hearing within thirty (30) days after the recall petition was filed. All testimony during the hearing must be under oath.

(3) The findings and conclusions of the City Clerk shall be certified to the person or persons representing the recall petitioners.

(4) If the petition is found to be insufficient, it may be withdrawn by the person or persons representing the signers of the petition, and within fifteen (15) days thereafter, the petition may be amended and refiled as an original petition.

Election

(1) Upon the petition being presented to the City Council, the City Council shall order and fix a date for a special election to be held not less than thirty (30) days nor more than sixty (60) days after the submission of the petition to the City Council.

(2) If a regular municipal election is to be held within ninety (90) days after the submission of the recall petition to the City Council, the recall election shall be held as part of the regular municipal election.

(3) The ballot for each City Council member subject to the recall petition shall have the following language:

"Shall (name of person against whom recall is sought) be recalled from the Office of (Mayor) (City Council for Ward____)."

"Yes" _____ "No" _____

(4) The names of the candidates to succeed the person sought to be recalled will be placed on the ballot in accordance with the provisions of the ordinance or as otherwise provided by law.

(5) The person sought to be recalled shall not appear on the ballot as a successor candidate for such office.

(6) If the majority on the question of recall vote "No" the incumbent shall remain in office. If the majority on the question of recall vote "Yes", the incumbent shall be removed from office immediately upon certification of the election results.

(7) In the event there is more than one candidate for the seat currently held by the recalled member of City Council, the person with the highest number of votes will be declared elected for the remaining term of office upon certification of the election results.

(8) In the event that the recalled member of City Council is not recalled, no further petition shall be filed against that member during the remainder of their term, unless a petition is filed with signatures equal to fifty (50) percent of all ballots cast for that office at the last regular election.

DEFINITIONS

Ballot Question or Issue – means a measure put to a vote of the registered electors of the city by the City Council at any election held under the provisions of the Charter. *Ballot issue, ballot question or issue* shall also mean any measure for which recall, initiative or referendum proceedings have been commenced pursuant to Charter and Lakewood Municipal Code.

Ballot Issue - means a state or local government matter arising under Section 20 of article X of the state constitution, as defined in section 1-41-103(4) of the Colorado Revised Statutes.

Ballot Question - means a state or local government matter involving a citizen petition or referred measure, other than a ballot issue. This includes an initiative or referendum.

Candidate – means any person who seeks nomination or election to the office of Councilmember at any city election. A person is a candidate if the person has publicly announced an intention to seek election or has filed nominating petitions for the office of Councilmember. *Candidate* shall also mean any elected official who is the subject of recall proceedings pursuant to Charter.

Candidate Committee – means a person, including the candidate, or persons with the common purpose of receiving contributions and making expenditures under the authority of a candidate. A candidate shall have one candidate committee.

Charter - means the Lakewood Municipal Charter as adopted in 1983 and amended thereafter. The Charter sets forth the establishment of the Lakewood Municipal Government. In the event of a discrepancy between the Charter and LMC, the Charter controls. The Charter can only be amended by a vote of the registered electors of the City of Lakewood.

Circulator – means a person who is 18 years of age or older, who carries one or more sections of a petition for the purpose of obtaining signatures in support of the subject of the petition from registered electors of the city of Lakewood.

Initiative - means a citizen-initiated petition to propose a new ordinance which must be legislative in nature or to amend an existing ordinance.

Issue Committee – means two or more persons who are elected, appointed or chosen, or have associated themselves, for the purpose of accepting contributions and making expenditures to support or oppose any ballot issue or ballot question; or any partnership, committee, association, corporation, labor organization or other organization or group of persons that has accepted contributions or made expenditures to support or oppose any ballot issue or ballot question.

LMC - means the Lakewood Municipal Code.

Ordinance – means a municipal law or regulation adopted by the Lakewood City Council under the provisions of the City Charter.

Petition – means a formal document, addressed to the City Council, requesting the recall of an elected official, calling for the adoption of a citizen-initiated ordinance, or a referendum to repeal an ordinance passed by City Council, and which is signed by a requisite number of registered electors of the City of Lakewood.

Petition Representative – means a registered elector who shall represent the signers of a petition in all matters affecting the petition.

Printers Proof - means the final proof of the initiative or referendum prior to it being submitted for a printing run.

Recall - means a citizen-initiated measure to recall an elected official of the governing body.

Referendum - means a citizen-initiated measure to repeal an ordinance, legislative in nature, and enacted by the Lakewood City Council.

Registered elector – A person residing in the city who has registered to vote in city elections in the manner required by law. In the case of recall, “registered elector” may be further defined by the Council District or Ward in which the person resides.

Resolution – A formal expression of a decision, opinion, policy or directive of the City, expressed in a formally drafted document and voted upon by the City Council, that does not have the force of law.

Submission Clause - means the language attached to the title to form a question which can be answered yes or no.

Summary - means a condensed statement as to the intent of the initiated measure.

Title - means a brief statement that fairly and accurately represents the true intent and meaning of the proposed text of the initiative measure or the number and name of the ordinance that is the subject of the referendum.

LEGAL REFERENCES AND RESOURCES

Lakewood City Charter:

Article II - City Council, Section 2.14 - Recall from Office

Article VI - Elections, Sections 6.1 through 6.4

Article XIII - Initiative and Referendum, Section 13.1 through 13.5

Lakewood Municipal Code:

Chapter 2.52 Initiative and Referendum Procedures

Chapter 2.54 Campaign and Political Finance in Municipal Elections

Colorado Revised Statutes:

§ 1-1-101 et Seq. - Uniform Election Code of 1992

§ 31-10-101 et. Seq. - Colorado Municipal Election Code of 1965

§ 31-11-101 et. Seq. - Municipal Initiatives, Referenda, and Referred Measures

Example 1

WARNING:
IT IS AGAINST THE LAW:

For anyone to sign any initiative petition with any name other than his or her own or to knowingly sign his or her name more than once for the same measure or to knowingly sign such a petition when not a registered elector who is eligible to vote on the measure.

DO NOT SIGN THIS PETITION UNLESS YOU ARE A REGISTERED ELECTOR AND ARE ELIGIBLE TO VOTE ON THIS MEASURE

TO BE A REGISTERED ELECTOR, YOU MUST BE A CITIZEN OF COLORADO
AND REGISTERED TO VOTE IN THE CITY OF LAKEWOOD

Do not sign this petition unless you have read or have had read to you the proposed initiative measure or the summary of the initiated measure in its entirety and understand its meaning.

**THE UNDERSIGNED REGISTERED ELECTORS OF THE CITY OF LAKEWOOD, COLORADO DO PETITION BY
INITIATIVE THE ADOPTION OF:**

[Insert Title Here]

Petition No. _____

Please print clearly and completely.

	Signature of Elector	Printed Name	Street Address (Apt/Unit # if applicable)	City, Zip Code	Signing Date
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					