



# City of Lakewood

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## 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 2, 2021 – 120,092**

Signatures required for initiative petitions:	6,005
Signatures required for referendum petitions:	3,603

# City of Lakewood Charter

Adopted November 1, 1983  
Amended November 5, 1991  
Amended November 3, 1992  
Amended November 2, 1999  
Amended November 2, 2004

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## ARTICLE XIII

### INITIATIVE AND REFERENDUM

13.1 INITIATIVE PROCEDURES. (a) Any initiated measure shall be in the form of an ordinance, which shall be legislative in character.

(b) An initiated ordinance may be submitted to the City Council by filing a petition with the City Clerk. The petition shall be signed by registered electors of the City in a number at least equal to five percent of the total number of registered electors of the City on the date of the last regular municipal election.

(c) If the petition is found to be sufficient upon examination by the City Clerk, the City Clerk shall present the petition to the City Council at the first regular meeting held more than thirty days after the date the petition was filed or at a special meeting held on the first Monday more than thirty days after the date the petition was filed.

(d) Within thirty days after the petition is presented by the City Clerk, the City Council shall either adopt the initiated ordinance by a majority vote of all members of City Council without any change to the initiated ordinance or submit the initiated ordinance to a vote of the registered electors of the City at a special election to be held within ninety days, but not less than thirty days, after the petition is presented to the City Council; or at any regular municipal election to be held not more than ninety days after presentation of the petition to the City Council.

(e) The initiated ordinance shall be published in full not less than ten days prior to the election. The ballot shall have printed on it the ordinance title and submission clause, and on separate lines under the submission clause, the words, "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE".

(f) If a majority of the registered electors voting vote "for" the ordinance, it shall be adopted and take effect upon certification of the election results, or at such later date as may be set forth in the ordinance.

(g) In the event that initiated ordinances containing conflicting provisions are approved at the same election, the initiated ordinance receiving the greatest number of votes shall prevail to the extent of the conflict. (Amended November 2, 1999.)

13.2 REFERENDUM PROCEDURES. (a) All ordinances adopted by the City Council that are legislative in character shall be subject to referendum. Any ordinance necessary for the immediate 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 the budget; making an appropriation for the ensuing fiscal year; calling for a

special election; levying special assessments, or initiating improvement districts shall not be subject to referendum.

(b) If a petition calling for a referendum of an ordinance is signed by registered electors of the City in a number at least equal to three percent of the total number of registered electors of the City on the date of the last regular municipal election, such petition may be submitted to the City Council by filing it with the City Clerk. A referendum petition shall be filed with the City Clerk prior to the effective date of an ordinance as provided in Section 7.4 (b) and (c) of this Charter.

(c) If the petition is found to be sufficient upon examination by the City Clerk, the City Clerk shall present the petition to the City Council at the first regular meeting held more than thirty days after the date the petition was filed or at a special meeting held on the first Monday more than thirty days after the date the petition was filed.

(d) Upon presentation to the City Council of such petition by the City Clerk, the ordinance shall be suspended from operation.

(e) The City Council shall upon presentation of the referendum petition immediately reconsider the ordinance. If upon reconsideration the ordinance is not repealed in its entirety by a majority of all members of City Council, the ordinance shall be submitted, without amendment or alteration, to a vote of the registered electors at a special election to be held within ninety days, but not less than thirty days, after presentation of the referendum petition to the City Council; or at a regular municipal election held within the ninety day period.

(f) A referred ordinance shall be published in full not less than ten days prior to the date of the election. The ballot for the referred ordinance shall have printed on it the ordinance title and submission clause and on separate lines under the submission clause the words, "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE". If a majority of the registered electors voting vote "for" the ordinance, it shall be effective upon certification of the election results. If a majority of the registered electors voting vote "against" the ordinance, the ordinance shall be repealed upon certification of the election results. (Amended November 2, 1999.)

**13.3 PROHIBITED ACTION BY CITY COUNCIL.** (a) No initiated ordinance adopted by the registered electors of the City may be amended or repealed by the City Council during a period of six months after the date of the election on the initiated ordinance.

(b) No referred ordinance repealed by the registered electors of the City may be subsequently adopted by the City Council during a period of six months after the date of the election on the referred ordinance.

**13.4 REFERRAL BY THE 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 of the City without receipt of a petition.

**13.5 SUPPLEMENTARY PROVISIONS.** The City Council may adopt by ordinance, and consistent with the provisions of this article, supplementary provisions for initiative and referendum, including but not limited to provisions for the form and content of petitions; the requirements for circulation, signing, and submission of petitions; the method for preparing an ordinance title and submission clause for a ballot, and the requirements for examination and certification of petitions by the City Clerk. Should any provision of this article be judicially declared invalid, the City Council may adopt ordinances further supplementing this article.

## Chapter 2.52 INITIATIVE AND REFERENDUM PROCEDURES

### 2.52.010 Procedures generally.

Pursuant to Article V, Section 1 of the Colorado Constitution, and Article XIII of the home rule charter of the City of Lakewood, there are established procedures for exercising the initiative and referendum powers reserved to the registered electors of the city. The City Clerk may, from time to time, issue administrative rules and regulations not inconsistent with this Chapter 2.52 as may be necessary or desirable to accomplish the purposes of this chapter.

(Ord. O-94-3 § 1 (part), 1994).

### 2.52.020 Definitions.

As used in this chapter, unless the context otherwise requires:

*Ballot issue* means a nonrecall, citizen-initiated or citizen-referred petition or legislatively referred measure which is authorized by the State Constitution, including a proposition which is in the form of a question meeting the requirements of Section 20(3)(c) of Article X of the State Constitution.

*Ballot question* means a proposition which is in the form of a question other than a ballot issue.

*Circulator* means a natural person who circulates a petition and is 18 years of age or older at the time of petition circulation.

*Draft* means the proposed text of the initiative which, if passed, becomes the actual language of the ordinance.

*Section* means a bound compilation of initiative forms approved by the City Clerk or referendum petitions which shall include pages that contain the warning required by Sections 2.52.080 or 2.52.140, respectively; and the title, the summary, and a copy of the proposed initiative measure or the number, name and a copy of the ordinance which is the subject of the referendum petition; succeeding pages that contain said warning, the title of the initiative measure or the number and name of the referred ordinance and ruled lines numbered consecutively for registered electors' signatures; and a final page that contains the affidavit required by Sections 2.52.080 or 2.52.140, respectively. Each section shall be consecutively prenumbered by the petitioner prior to circulation.

*Submission clause* means the language which is attached to the title to form a question which can be answered by "yes" or "no."

*Summary* means a condensed statement as to the intent of the initiative 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.

(Ord. 2004-21 § 1, 2004; Ord. O-94-3 § 1, 2004; Ord. O-94-3 § 1 (part), 1994).

### 2.52.030 Initiative procedures.

- A. Any initiated measure shall be in the form of an ordinance, legislative in character, the original draft of which shall be submitted to the City Clerk before the petition relating thereto is circulated to the registered electors

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of the city. Proponents are encouraged to write such drafts in plain, non-technical language and in a clear and coherent manner using words with common and everyday meaning which are understandable to the average reader. Within ten days after submission, the City Clerk, with the assistance of other city officials as the Clerk deems necessary, shall designate and fix a fair title, submission clause, and summary to the proposed ordinance which shall correctly and fairly express the true intent and meaning of the proposed ordinance. Titles shall be brief, shall not conflict with titles selected for any petition previously filed for the same election, and shall be in the form of a question which may be answered "FOR THE ORDINANCE" to vote in favor of the proposed measure or "AGAINST THE ORDINANCE" to vote against the proposed measure and which shall unambiguously state the subject matter of the ordinance sought to be added, amended, or repealed.

- B. If any registered elector submitting such initiated petition is not satisfied with the title, submission clause, or summary as provided, and claims it to be unfair, or that 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 days after the return of the petition to the persons submitting it, which hearing shall be had within two business days thereafter. If the City Clerk rules against the registered elector submitting such initiated petition, then upon the filing of a written request, a certified copy of the petition with the title, submission clause, and summary of such proposed measure, together with a certified copy of such motion for hearing and of the ruling thereon, shall be furnished to the parties by the City Clerk and, if filed with the Clerk of the District Court for Jefferson County within five days thereafter, shall be docketed as a cause there pending and disposed of as expeditiously as circumstances permit.

(Ord. O-2004-21 § 2, 2004; Ord. O-94-3 § 1 (part), 1994).

### **2.52.040 Initiative petitions—Fees.**

The City Clerk may charge the same fees for certifying a record of any proceedings as are provided for certified copies of other papers, which fees shall be paid by the parties desiring a review of such proceedings. The Clerk of the District Court shall receive the ordinary docket fee for docketing any such cause, which shall be paid by the parties desiring a review of such proceedings.

(Ord. O-2004-21 § 3, 2004; Ord. O-94-3 § 1 (part), 1994).

### **2.52.050 Initiative petitions—Circulation prerequisites.**

- A. No petition for any initiative measure shall be circulated, nor any signature thereto have any force or effect whatsoever, which has been signed before the title, submission clause, and summary have been fixed and determined as provided in Section 2.52.030. No petition shall be printed, published, or otherwise circulated unless the form and the first printer's proof of the petition have been approved by the City Clerk
- B. Any petition which has not been submitted as required in Section 2.52.030 shall not be accepted for filing by the City Clerk.

(Ord. O-94-3 § 1 (part), 1994).

### **2.52.060 Initiative petitions—Filing.**

No petition for any initiated ordinance within the city shall be of any force or effect unless filed with the City Clerk within 180 days from the date that the title and submission clause therefor have been fixed and determined pursuant to the provisions of Section 2.52.030. The City Clerk shall not accept any petition for filing which is not timely filed under the provisions of this section.

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(Ord. O-94-3 § 1 (part), 1994).

### **2.52.070 Initiative petitions—Signature requirements.**

A petition for an initiated ordinance shall be signed by persons registered to vote in the city in a number at least equal to five percent of the total number of persons registered to vote in the city on the date of the last regular municipal election.

(Ord. O-94-3 § 1 (part), 1994).

### **2.52.080 Requirements of petitions—Initiative.**

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

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 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.

- B. The title shall be printed on each page following the warning required in subsection (A) of this section.
- C. Any initiative petition circulated within the city shall be signed only by the registered electors by their own signature, after which the signer shall print his or her name, the address at which he or she resides, including street number and name, city, and the date of signing. Each registered elector signing a petition shall be encouraged by the circulator of the petition to sign the petition in black ink. In the event a registered elector is physically disabled or is illiterate and wishes to sign such petition, such elector shall sign or make his or her mark in the space so provided. Any person, but not a circulator, may assist the disabled or illiterate elector in completing the remaining information required in this subsection. The person providing assistance shall sign his or her name and address and shall state that such assistance was rendered to the disabled or illiterate elector.
- D. To each such petition shall be attached a signed, notarized affidavit of the circulator, stating his or her name, address, the date the affidavit was signed, that he or she circulated the petition, that each signature thereon was affixed in his or her presence, that each signature thereon is the signature of the person whose name it purports to be, that to the best knowledge and belief of the affiant each of the persons signing the petition was at the time of signing a registered elector of the city, and that he or she has not paid or will not in the

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future pay, and that he or she believes that no other person has so 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 his or her signature to such petition. Each circulator and representative of the petition signers shall sign an agreement in which each agrees to submit to the subpoena authority of the City Clerk. The City Clerk shall not accept for filing any petition which does not have attached thereto an affidavit meeting the requirements of this section and the agreement submitting to the subpoena authority of the City Clerk. Any signature added to a section of a petition after said affidavit has been executed shall be invalid.

- E. 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 pursuant to Section 2.52.030. Each petition shall designate by name and address two persons who shall represent the signers thereof in all matters affecting the same, and who shall be registered electors of the city. All such petitions shall be prenumbered serially, and the circulation of any petition described in this chapter by any medium other than personally by a circulator is prohibited. Any petition which fails to conform to the requirements of this chapter or is circulated in a manner other than that permitted in this section shall be invalid.
- F. Any disassembly of a section of the petition which has the effect of separating the affidavits from the signatures shall render that section of the petition invalid and of no force and effect.
- G. The circulation of any petition section other than personally by a circulator is prohibited. No section of a petition for any initiative measure shall be circulated by any person who is not at least 18 years of age at the time the section is circulated.

(Ord. O-2004-21 § 4, 2004; Ord. O-94-3 § 1 (part), 1994).

### **2.52.090 Sufficiency of petitions—Initiative.**

- A. No petition for initiative shall be filed with the City Clerk unless it contains the required number of signatures. Upon filing of a petition for initiative with the City Clerk, the City Clerk shall make an initial determination of sufficiency and report the results thereof to the City Council within 20 days of the date of such filing, with a final determination of sufficiency and report to City Council to be made within 30 days following the filing. The City Clerk's determination of sufficiency shall be based upon a review of the petition to find whether signatures of individuals are insufficient in the following categories:
  - 1. Address shown by signer not located within the city limits of the City of Lakewood;
  - 2. Any signature appearing on the petition more than once, in which 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 a person qualified to assist the elector shall not be counted;
  - 5. Signatures of individuals who are not registered electors in the city.
- B. 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. Any request to remove a signature shall be made in writing to the City Clerk. A signature may only be removed between the initial and final sufficiency determination by the City Clerk.
- C. After the City Clerk has completed the final sufficiency review of the petitions; the following procedures shall apply:
  - 1. For initiative petitions found to contain an insufficient number of valid signatures, and against which no protest has been filed, the City Clerk shall mail a written notice of insufficiency, summarizing the

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- grounds for the decision, to the representatives of the petitioners. The decision of the City Clerk concerning insufficiency shall be a final decision from which an appeal may be made to the District Court of Jefferson County.
2. For initiative petitions found insufficient, and against which a protest has been filed, the provisions of subsection (D) of this section shall apply.
  3. For initiative petitions found sufficient, and against which no protest has been filed, the provisions of Section 2.52.110 shall apply.
  4. For initiative petitions found sufficient, but against which a protest has been filed, the provisions of subsection (D) of this section shall apply.
- D. A protest to an initiative petition may be filed in the office of the City Clerk by any registered elector of the city within 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. 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 not less than five nor more than 20 days after such notice is mailed.
- E. All records and hearings shall be public under this section and all testimony shall be under oath, and the City Clerk with whom such petition is filed shall have the power to issue subpoenas to compel the attendance of witnesses and the production of documents. Upon failure of any witness to obey the subpoena, the City Clerk may petition the District Court of Jefferson County and upon proper showing the court may enter an order compelling the witness to appear and testify or produce documentary evidence. Failure to obey the order of the court is punishable as a contempt of court. At any hearing held pursuant to this section, the party protesting the finding of the City Clerk concerning the sufficiency of signatures shall have the burden of proof. Hearings before the City Clerk shall be had as soon as is conveniently possible. The result of such hearings shall be certified to the petition representatives and the protester.
- F. The decision of the City Clerk is final. Any appeal of the decision shall be to Jefferson County District Court. (Ord. O-2004-21 § 5, 2004; Ord. O-94-3 § 1 (part), 1994).

### **2.52.110 Initiative—Election.**

- A. If the petition is found to be sufficient pursuant to Section 2.52.090, the City Clerk shall present the petition to the City Council at its next regular meeting. At that time, the City Clerk shall also determine whether the petition qualifies for a ballot issue election or a ballot question election and shall advise the City Council of such determination. Within 30 days after the petition is presented by the City Clerk, the City Council shall either adopt without alteration the initiated ordinance by a majority vote of all members of City Council, or submit the initiated ordinance to a vote of the registered electors. If the initiated ordinance is one which may be considered at a ballot question election, it shall be submitted at a special election held not less than 30 nor more than 90 days after the petition is presented to the City Council, or at a regular municipal election held within that 90-day period. 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 90 days after the petition is presented to the City Council.
- B. Alternative ordinances may be submitted at the same election, and if two or more conflicting ordinances are approved by the people, the one which receives the greatest number of affirmative votes shall be adopted in all particulars as to which there is a conflict.
- C. If a majority of the registered electors voting vote "for" the ordinance, it shall be adopted and take effect upon certification of the election results, or at such later date as may be set forth in the initiated ordinance.

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- D. Notwithstanding the above provisions, the City Council shall not be deprived of the right to enact any ordinance, resolution, or other measure.

(Ord. O-2019-5 § 2, 2019; Ord. O-2004-21 § 6, 2004; Ord. O-94-3 § 1 (part), 1994).

### **2.52.120 Prohibited action by City Council—Initiative.**

No initiated ordinance adopted by the registered electors of the city may be amended or repealed by the City Council during a period of six months after the date of the election on the initiated ordinance.

(Ord. O-94-3 § 1 (part), 1994).

### **2.52.130 Referendum procedures.**

- A. Except as provided in the City's Charter, all ordinances adopted by the City Council that are legislative in character shall be subject to referendum. Any ordinance necessary for the immediate 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 the budget; making an appropriation for the ensuing fiscal year; calling for a special election; levying special assessments, or initiating improvement districts shall not be subject to referendum.
- B. No ordinance shall take effect and be in force before 30 days after adoption by the City Council and publication by title, except that no ordinance that zones, rezones, or changes any zoned district shall take effect and be in force before 45 days after adoption by the City Council and publication by title. If, prior to the effective date of an ordinance and during business hours on a business day in which the City Clerk' Office is open, a petition signed by registered electors of the city equal in number to three percent of the total number of persons registered to vote in the city on the date of the last regular municipal election is filed with the City Clerk protesting such ordinance, the City Clerk shall begin the initial determination of sufficiency as set out in Section 2.52.150.

(Ord. O-2019-24 § 4, 2019; Ord. O-94-3 § 1 (part), 1994)

### **2.52.140 Requirements of petitions—Referendum.**

- A. At the top of each page, including signature pages, of every referendum petition section circulated within this city relating to a municipal ordinance shall be printed the following:

WARNING:

IT IS AGAINST THE LAW:

For anyone to sign any 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 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 ELIGIBLE TO VOTE ON THIS MEASURE

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

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THE CITY OF LAKEWOOD

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

- B. The title shall be printed on each page following the warning required in subsection (A) of this section.
- C. Any referendum petition circulated within the city shall be signed only by registered electors by his or her own signature, after which the signer shall print his or her name, the address at which he or she resides, including street number and name, city, and the date of signing. Each registered elector signing a petition shall be encouraged by the circulator of the petition to sign the petition in black ink. In the event a registered elector is physically disabled or is illiterate and wishes to sign such petition, such elector shall sign or make his or her mark in the space so provided. Any person, but not a circulator, may assist the disabled or illiterate elector in completing the remaining information required in this subsection. The person providing assistance shall sign his or her name and address and shall state that such assistance was rendered to the disabled or illiterate elector.
- D. To each such petition shall be attached a signed, notarized affidavit of the circulator, stating his or her name, address, the date the affidavit was signed, that he or she circulated the petition, that each signature thereon was affixed in his or her presence, that each signature thereon is the signature of the person whose name it purports to be, that to the best knowledge and belief of the affiant each of the persons signing the petition was at the time of signing a registered elector of the city, and that he or she has not paid or will not in the future pay, and that he or she believes that no other person has so 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 his or her signature to such petition. Each circulator and representative of the petition signers shall sign an agreement in which each agrees to submit to the subpoena authority of the City Clerk. The City Clerk shall not accept for filing any petition which does not have attached thereto an affidavit meeting the requirements of this section and the agreement submitting to the subpoena authority of the City Clerk. Any signature added to a section of a petition after the said affidavit has been executed shall be invalid.
- E. All referendum petitions shall include a complete copy of the ordinance which is the subject of the petition. Each petition shall designate by name and address two persons who shall represent the signers thereof in all matters affecting the same, and who shall be registered electors of the city. All such petitions shall be prenumbered serially, and the circulation of any petition described in this chapter by any medium other than personally by a circulator is prohibited. Any petition which fails to conform to the requirements of this chapter or is circulated in a manner other than that permitted in this section shall be invalid.
- F. Any disassembly of a section of the petition which has the effect of separating the affidavits from the signatures shall render that section of the petition invalid and of no force and effect.
- G. The circulation of any petition section other than personally by a circulator is prohibited. No section of a petition for any referendum measure shall be circulated by any person who is not at least 18 years of age at the time the section is circulated.
- H. As soon as possible, but prior to filing a referendum petition, the circulators shall file with the City Clerk a notice of intent to file a referendum petition.

(Ord. O-2004-21 § 7, 2004; Ord. O-94-3 § 1 (part), 1994).

### **2.52.150 Sufficiency of petitions—Referendum.**

- A. No petition for referendum shall be filed with the City Clerk unless it contains the required number of signatures. Upon filing of a petition for referendum with the City Clerk, the City Clerk shall make an initial

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determination of sufficiency and report the results thereof to the City Council within 20 days of the date of such filing, with a final determination of sufficiency and report to City Council to be made within 30 days following the filing. The City Clerk's determination of sufficiency shall be based upon a review of the petition to find whether signatures of individuals are insufficient in the following categories:

1. 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 which 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 a person qualified to assist the elector shall not be counted;
  5. Signatures of individuals who are not registered electors in the city.
- B. 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. Any request to remove a signature shall be made in writing to the City Clerk. A signature may only be removed between the initial and final sufficiency determination by the City Clerk.
- C. After the City Clerk has completed the final sufficiency review of the petitions; the following procedures shall apply:
1. For referendum petitions found to contain an insufficient number of valid signatures, and against which no protest has been filed, the City Clerk shall mail a written notice of insufficiency, summarizing the grounds for the decision, to the representatives of the petitioners. The decision of the City Clerk concerning insufficiency shall be final.
  2. For referendum petitions found insufficient, and against which a protest has been filed, the provisions of subsection (D) of this section shall apply.
  3. For referendum petitions found sufficient, and against which no protest has been filed, the provisions of Section 2.52.170 shall apply.
  4. For referendum petitions found sufficient, but against which a protest has been filed, the provisions of subsection (D) of this section shall apply.
- D. A protest to a referendum petition may be filed in the City Clerk' Office by any registered elector of the city within 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. 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 not less than five nor more than 20 days after such notice is mailed.
- E. All records and hearings shall be public under this section and all testimony shall be under oath. The City Clerk with whom such petition is filed shall have the power to issue subpoenas to compel the attendance of witnesses and the production of documents. Upon failure of any witness to obey the subpoena, the City Clerk may petition the District Court of Jefferson County and upon proper showing the court may enter an order compelling the witness to appear and testify or produce documentary evidence. Failure to obey the order of the court is punishable as a contempt of court. At any hearing held pursuant to this section, the party protesting the finding of the City Clerk concerning the sufficiency of signatures shall have the burden of proof. Hearings before the City Clerk shall be had as soon as is conveniently possible. The result of such hearings shall be certified to the petition representatives and the protester.
- F. The decision of the City Clerk is final. Any appeal of the decision shall be to Jefferson County District Court.  
(Ord. O-2019-24 § 4, 2019; Ord. O-2004-21 § 8, 2004; Ord. O-94-3 § 1 (part), 1994)

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### **2.52.170 Referendum—Election.**

- A. After final determination of petition sufficiency, to be made not less than 30 days after the petition is filed, the City Clerk shall present the petition to the City Council at its next regularly scheduled meeting. At that time, the City Clerk shall also determine whether the petition qualifies for a ballot issue election or a ballot question election and shall advise the City Council of such determination. Upon presentation to the City Council of such petition by the City Clerk, the ordinances shall be suspended from operation. The City Council shall upon presentation of the referendum petition immediately reconsider the ordinance. If upon reconsideration the ordinance is not repealed in its entirety by a majority of all members of the City Council, the City Council shall submit the same, without amendments or alteration, to a vote of the registered electors if the referred ordinance is one which may be considered at a ballot question election, it shall be submitted at a special election held not less than 30 nor more than 90 days after the petition is presented to the City Council, or at a regular municipal election held within that 90-day period. If the initial 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 90 days after the petition is presented to the City Council.
- B. If a majority of the registered electors voting vote "FOR THE ORDINANCE", the ordinance shall be effective upon certification of the election results. If a majority of the registered electors voting vote "AGAINST THE ORDINANCE", the ordinance shall be repealed upon certification of the election results.

(Ord. O-94-3 § 1 (part), 1994).

### **2.52.180 Prohibited action by City Council—Referendum.**

No referred ordinance repealed by the registered electors of the city may be subsequently adopted by the City Council during a period of six months after the date of the election on the referred ordinance.

(Ord. O-94-3 § 1 (part), 1994).

### **2.52.190 Election procedures.**

Election procedures under this chapter shall comply with the Colorado Municipal Election Code, Title 31, Article 10, of the Colorado Revised Statutes.

(Ord. O-94-3 § 1 (part), 1994).

### **2.52.200 Ballot.**

- A. Each initiative or referred measure shall appear on the official ballot by title only. All citizen-initiated or referendum matters shall be indicated on the ballot by number and all City Council referred measures shall be indicated by letter. If more than one question will appear on the same ballot, they shall appear in numerical or alphabetical order by date of receipt, and the question shall be numbered or lettered accordingly. Each title shall appear on the official ballot only once.
- B. Any initiated ordinance approved by the people of the city shall be printed with the official acts of the next City Council meeting, and such ordinance approved by the people of the city shall be published as ordinances are published after adoption.

(Ord. O-94-3 § 1 (part), 1994).

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### **2.52.210 Receiving money to circulate petitions—Filing.**

The proponents of any initiative measure or referendum petition shall file with the City Clerk the name of the proposed initiative measure or referendum petition for which petitions were circulated by paid circulators, and the total amount paid to each circulator. The filing shall be made at the same time the petition is filed with the City Clerk.

(Ord. O-2004-21 § 9, 2004; Ord. O-94-3 § 1 (part), 1994).

### **2.52.220 Fair Campaign Practices Act requirements.**

The provisions of the Fair Campaign Practices Act of 1974, C.R.S. 1-45-101 et seq., as amended, including the penalty provisions thereof, shall apply to all initiative and referendum measures which are submitted to an election. In addition, a duplicate copy of all reports required to be filed by such act for initiative and referendum issues shall be filed at the same time with the City Clerk of the city.

(Ord. O-94-3 § 1 (part), 1994).

### **2.52.230 Unlawful acts.**

It is unlawful:

- A. For any person willfully and knowingly to circulate or cause to be circulated, 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, 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;
- B. For any person to sign any name other than his or her own to any initiative or referendum petition, or knowingly to sign his or her name more than once for the same measure at one election;
- C. For any person to sign any initiative or referendum petition who is not at the time of signing the same a registered elector of the city;
- D. For any person to sign an affidavit as circulator without knowing or reasonably believing the statements made in such affidavit are true;
- E. 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;
- F. For any election official or other person to willfully conspire or agree or confederate, with another or others, 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 reserved by the people in Section 1 of Article V of the Constitution of the State and this chapter, or of registering electors therefore;
- G. 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; or
- H. For any officer or person to willfully violate any provision of this chapter.

(Ord. O-2004-21 § 10, 2004; Ord. O-94-3 § 1 (part), 1994).

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### **2.52.240 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.

(Ord. O-94-3 § 1 (part), 1994).

### **2.52.250 Intent.**

It is not the intention of this chapter to limit or abridge in any manner the powers reserved to the people in the initiative and referendum, but rather to properly safeguard, protect and preserve inviolate for them these modern instrumentalities of democratic government.

(Ord. O-94-3 § 1 (part), 1994).

## **Chapter 2.53 MUNICIPAL ELECTION PROCEDURES**

### **2.53.010 Regulating write-in candidate votes.**

No write-in vote for any municipal office shall be counted unless an affidavit of intent has been filed with the clerk by the person whose name is written in by close of business on the 64th day before the election indicating that such person desires the office and is qualified to assume the duties of that office if elected.

(Ord. O-2015-13 § 1, 2015; Ord. O-91-44 § 2, 1991).

### **2.53.020 Provision for cancellation of elections.**

If the only matter before the voters is the election of persons to office and if, at the close of business on the 63rd day before the election, there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent, the clerk, if instructed by resolution of the governing body either before or after such date, shall cancel the election and by resolution declare the candidates elected. Upon such declaration the candidates shall be deemed elected. Notice of such cancellation shall be published, if possible, in order to inform the electors of the municipality, and notice of such cancellation shall be posted at each polling place and in not less than one other public place.

(Ord. O-2015-13 § 2, 2015; Ord. O-91-44 § 3, 1991).