

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 must~~ 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 must~~ 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 must~~ 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 will~~ 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 must~~ be addressed to Council.
 - b. An initiative petition ~~shall must~~ 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 stating 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, ~~a~~ 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 aif 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 f~~Form. The Council ~~shall will~~ 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 must~~ be addressed to Council.
 - b. ~~An initiative~~A referendum petition ~~shall must~~ 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~~the 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 referendum~~and 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, the~~ 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.~~

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- ~~(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~~

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~~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)~~

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~~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~~

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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) 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.~~

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- (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.
