

SUBTITLE B CHARTER

- Art. I. General Provisions, §§ 1.1.1--1.2.15
 - Pt. 1. Corporate Matters, §§ 1.1.1--1.1.14
 - Pt. 2. Officers and Employees, §§ 1.2.1--1.2.15
- Art. II. Mayor and Executive Departments, §§ 2.1.1--2.12.5
 - Pt. 1. Election and Succession, §§ 2.1.1--2.1.4
 - Pt. 2. Powers and Duties of Mayor, §§ 2.2.1--2.2.11
 - Pt. 3. Public Works, §§ 2.3.1--2.3.3
 - Pt. 4. Parks and Recreation, §§ 2.4.1--2.4.7
 - Pt. 5. Finance, §§ 2.5.1--2.5.5
 - Pt. 6. Safety, §§ 2.6.1--2.6.6
 - Pt. 7. Excise and Licenses, §§ 2.7.1--2.7.4
 - Pt. 8. Reserved
 - Pt. 9. General Services, §§ 2.9.1--2.9.5
 - Pt. 10. Human Services, §§ 2.10.1--2.10.4
 - Pt. 11. Aviation, §§ 2.11.1--2.11.3
 - Pt. 12. Environmental Health, §§ 2.12.1--2.12.5
 - Pt. 13. Community Planning and Development, §§ 2.13.1--2.13.3
- Art. III. City Council, §§ 3.1.1--3.3.6
 - Pt. 1. Election, Qualification and Disqualification, Succession, §§ 3.1.1--3.1.8
 - Pt. 2. Council Powers, §§ 3.2.1--3.2.9
 - Pt. 3. Council Procedures, §§ 3.3.1--3.3.6
- Art. IV. County Court, §§ 4.1.1--4.4.5
 - Pt. 1. Appointment, Retention and Succession of Judges, §§ 4.1.1--4.1.6
 - Pt. 2. County Court Jurisdiction and Powers, §§ 4.2.1--4.2.11
 - Pt. 3. Court Administration, §§ 4.3.1--4.3.4
 - Pt. 4. Judicial Performance and Discipline, §§ 4.4.1--4.4.5
- Art. V. Auditor, §§ 5.1.1--5.2.10
 - Pt. 1. Election and Succession, § 5.1.1
 - Pt. 2. Powers and Duties, §§ 5.2.1--5.2.10
- Art. VI. City Attorney, §§ 6.1.1--6.1.6
- Art. VII. Budget and Finance, §§ 7.1.1--7.7.19
 - Pt. 1. Budget, §§ 7.1.1--7.1.9
 - Pt. 2. Appropriations, §§ 7.2.1--7.2.3
 - Pt. 3. Funds and Fund Transfers, §§ 7.3.1--7.3.4
 - Pt. 4. Taxation, §§ 7.4.1--7.4.6
 - Pt. 5. Indebtedness, §§ 7.5.1--7.5.4
 - Pt. 6. Assessment Districts, §§ 7.6.1--7.6.20
 - Pt. 7. Reserved, §§ 7.7.1--7.7.19
- Art. VIII. Elections, §§ 8.1.1--8.3.6
 - Pt. 1. General Provisions, §§ 8.1.1--8.1.4
 - Pt. 2. Conduct of Elections, §§ 8.2.1--8.2.29
 - Pt. 3. Initiative, Referendum and Recall, §§ 8.3.1--8.3.6
- Art. IX. Employment, §§ 9.1.1--9.9.17
 - Pt. 1. Career Service, § 9.1.1
 - Pt. 2. Setting of Officers' Compensation, §§ 9.2.1--9.2.3
 - Pt. 3. Civil Service Commission, §§ 9.3.1--9.3.17
 - Pt. 4. Classified Service; General Provisions, §§ 9.4.1--9.4.19
 - Pt. 5. Fire Department, §§ 9.5.1--9.5.12
 - Pt. 6. Police Department, §§ 9.6.1--9.6.14
 - Pt. 7. Collective Bargaining; Firefighters, §§ 9.7.1--9.7.14
 - Pt. 8. Collective Bargaining; Police, §§ 9.8.1--9.8.18
 - Pt. 9. Collective Bargaining; Deputy Sheriffs, §§ 9.9.1--9.9.17
- Art. X. Board of Water Commissioners, §§ 10.1.1--10.1.22
- Art. XI. Library Commission, §§ 11.1.1--11.1.5

KEY:

--Suggested moves, adds, changes
(yellow highlight)

--Suggested strikes from Charter

ARTICLE VIII. CLERK AND RECORDER**PART 1. GENERAL PROVISIONS***

***Editor's note:** Ord. No. 851-06, § 1, adopted Dec. 26, 2006, and passed at election Jan. 30, 2007, repealed part 1, sections 8.1.1--8.1.8, in its entirety and replaced it with a new part 1, sections 8.1.1--8.1.4. Former part 1 pertained to the election commission and derived from the Charter of 1960, C1.11--C1.14, C1.19, C1.23, C1.24, C2.2-7; amended May 17, 1915; amended May 27, 1915; amended September 10, 1974; amended May 15, 1979; amended May 17, 1983; amended August 11, 1992; Ord. No. 428-02, § 1, adopted June 3, 2002, elec. Aug. 13, 2002; Ord. No. 679-02, § 1, Aug. 26, 2002, elec. Nov. 5, 2002.

§ 8.1.1 Office of Clerk and Recorder created; qualifications.

There is hereby created the Office of Clerk and Recorder. The Clerk and Recorder shall be a citizen of the United States; a resident of the City and County of Denver for the two (2) years immediately preceding his or her election; a qualified elector of the City and County of Denver and **at least twenty-five years** of age.

(Ord. No. 851-06, § 1, 12-26-06, elec. 1-30-07)

Make language in 2.1.1, 3.1.3, 8.2.4, and 8.1.1 consistent for the qualifications to run for office. Change 2.1.1, 3.1.3, 8.2.4 to 'at least.'

§ 8.1.2 Powers and duties of Clerk and Recorder.

(A) *In general.* The Clerk and Recorder shall have full charge and control of, exercise all the powers, and perform all the duties required of the City Clerk as provided for in the Charter and ordinances of the City and County of Denver and shall **exercise** all the powers and perform all the acts and duties now required or that may be hereafter required by the Constitution, or general laws of this State to be exercised or performed by the County Clerk and Recorder; excepting, however, powers and duties in relation to the registration of motor vehicles, which shall be performed by the Manager of Revenue or such other officer as shall be designated by the Mayor. The Council shall appropriate sufficient funds to the Clerk and Recorder to enable the Clerk and Recorder to fulfill any duty or meet any requirement or obligation imposed by state law upon a county clerk and recorder, including, by way of example, any duty to record deeds and other instruments affecting title to real property in a timely and efficient manner.

(B) *Record keeping.* The Clerk and Recorder shall keep a record of the proceedings of City Council and shall have the custody of the seal of the City and County, the original rolls of ordinances, original contracts, title deeds to public property, all official indemnity or security bonds, except his or her own bond, which shall be filed and placed in the custody of the auditor, and other records, papers and documents not required to be deposited with any other officer.

(C) *Attesting and certifying documents.* The Clerk and Recorder shall attest all public instruments and official acts of the Mayor, or acting Mayor, and all instruments requiring the seal of the City and County, by signature and the seal of the City and County; and shall also certify under the Clerk's hand and the seal of the City and County all copies of such original documents, records and papers in the Clerk's office as may be required by any officer or person, and shall charge such fees, for the use of the City and County, as may be provided by general law or by ordinance; provided, however, that a facsimile of the signature of the Clerk or a facsimile of the seal of the City and County of Denver, or both, may be used on bonds, other securities and other similar obligations of the City and County of Denver unless issued in book entry form without the delivery of physical securities as further provided in Section 7.5.3 and other provisions of this Charter. Copies of all papers filed in the office of the Clerk, and transcripts of the records of the Council, and any record in the office of the Clerk, duly certified by him or her, under the corporate seal of the City and County, shall be received as evidence in all courts of this State. The obligation of the Clerk and Recorder to attest documents on behalf of the Mayor as provided herein shall be absolute and unconditional, and attestation of such documents shall be deemed a ministerial act over which the clerk shall exercise no discretion whatsoever. Upon presentation of any

document by the Mayor or acting Mayor to the Clerk and Recorder as provided herein, the Clerk and Recorder shall forthwith attest and return the document to the Mayor.

(D) *Appointment of deputies and assistants.*

(1) The Clerk and Recorder shall appoint a Deputy, who shall have power to perform the duties of the Clerk, and may also employ such other assistants within his or her appropriation as are now or hereafter may be authorized by ordinance.

(2) The Clerk and Recorder shall appoint a Director of Elections to assist the Clerk and Recorder in exercising the powers and duties set forth in Parts 2 and 3 of this Article VIII. The City Council may establish by ordinance qualifications for the office of Director of Elections.

(3) The Clerk and Recorder shall, without additional compensation, perform all the acts and duties now required or hereafter required by the general laws of this state to be exercised or performed by the public trustee for the City and County of Denver, or may appoint a deputy to perform such acts and duties.

(E) Elections. The conduct, management, and control of the registration of voters, and of the holding of elections, canvassing the returns thereof and issuing certificates of election, and of all other matters pertaining to elections in the City and County of Denver shall be vested exclusively in and exercised by the Clerk and Recorder. The powers secured under this Charter to conduct, manage, and control elections include the authority to exercise all powers of enforcement and implementation and require no act of the City Council to become operative. The Clerk and Recorder may adopt rules governing the conduct of elections consistent with the requirements of the Constitution and election laws of the State and with the Charter or any ordinance adopted pursuant to the Charter.

(F) *Other duties required by ordinance.* The Clerk and Recorder shall perform such other duties, not inconsistent with the duties imposed by the Charter, as the council may by ordinance direct.

(Ord. No. 851-06, § 1, 12-26-06, elec. 1-30-07)

This suggested language is intended to clarify the scope of the Clerk's authority under 8.1.2(E).

§ 8.1.3 Vacancy in the Office of Clerk and Recorder.

When any Clerk and Recorder is unable, by reason of resignation or death, to perform the duties of the office for the time remaining prior to expiration of his or her term of office, the Council shall declare by resolution that a vacancy exists. Notwithstanding any provision of Section 8.2.3 of this Charter, such vacancy shall be filled by a special election, which shall be called by the Council to be held not less than 120 days nor more than 130 days after the Council declares that such vacancy exists unless another City-wide election has been scheduled to be held within 160 days after such vacancy is declared; and the candidate receiving the greatest number of votes at said election shall qualify and take such office immediately and shall hold such office for the unexpired portion of the term in which the vacancy occurs. Prior to such election for the office of the Clerk and Recorder, the Deputy Clerk and Recorder appointed pursuant to Section 8.1.2(D)(1) shall serve as the acting Clerk and Recorder.

(Ord. No. 851-06, § 1, 12-26-06, elec. 1-30-07)

§ 8.1.4 Transition Provision.

Remove transition clause. Strike 8.1.4 from charter

~~The first election of the Clerk and Recorder shall occur at the general municipal election to be held on May 1, 2007 in accordance with the procedures and requirements of this Charter, and the Clerk and Recorder so elected shall take office on July 16, 2007. Until the elected Clerk and Recorder takes office, all powers and duties heretofore vested by this Charter in the appointed Clerk and Recorder shall continue to be exercised by the appointed Clerk and Recorder, and all powers and duties heretofore vested by this Charter in the Election Commission shall continue to be exercised by the Election Commission.~~

~~(Ord. No. 851-06, § 1, 12-26-06, elec. 1-30-07)~~

PART 2. CONDUCT OF ELECTIONS

§ 8.2.1 Applicability of State election laws.

Denver City and County elections shall be governed by election laws of the State as now existing or hereafter

amended or modified except as otherwise provided by this Charter, or by ordinance pursuant to this Charter hereinafter enacted.

(Charter 1960, C1.1; amended September 10, 1974)

§ 8.2.2 General election.

A general City and County election shall be held on the first Tuesday in May of every odd-numbered year. On the first Tuesday of May, 1995 and on the same day every four (4) years thereafter, the general election shall be held for the purpose of electing a Mayor, an Auditor, thirteen Councilmembers, and the Clerk and Recorder; and for the submission of any initiative, referendum, Charter amendment, or other referred measure to the voters. On the first Tuesday of May, 2005 and on the same day every four (4) years thereafter, the general election shall be held for the purpose of conducting vacancy elections in accordance with the requirements of this Charter and for the submission of any initiative, referendum, Charter amendment, or other referred measure to the voters.

(Charter 1960, C1.2-1; amended May 17, 1916; amended September 10, 1935; amended November 4, 1952; amended September 10, 1974; amended August 11, 1992; Ord. No. 679-02, § 1, 8-26-02, elec. 11-5-02; Ord. No. 851-06, § 1, 12-26-06, elec. 1-30-07)

§ 8.2.3 Special elections.

Special City and County elections shall be held when called by the City Council. No more than two special City and County election shall be called in any calendar year upon any date other than the date of a scheduled citywide election; provided, however, that this limitation shall not apply to any special election that is required to be held within a specified time period pursuant to this Charter or State law. The setting of special City and County elections by the City Council shall be subject to any election law of the State governing the scheduling of special municipal elections.

(Charter 1960, C1.4; amended September 10, 1974; Ord. No. 679-02, § 1, 8-26-02, elec. 11-5-02)

§ 8.2.4 Qualifications of elective officers.

Except as herein otherwise provided, when elected, officers shall be citizens of the United States; residents of the City and County of Denver for the two (2) years immediately preceding their elections; qualified to register to vote in the City and County of Denver and **not less than twenty-five** (25) years of age.

(Charter 1960, C5.1; Charter 1904, § 149; amended May 17, 1983; Ord. No. 679-02, § 1, 8-26-02, elec. 11-5-02)

§ 8.2.5 Term of office.

The term of all elective offices shall commence on the third Monday of July following the election and the office-holders shall hold their respective office for a term of four (4) years or until their successors are duly qualified as in the Charter provided.

(Charter 1960, C1.3; amended September 10, 1974; amended August 11, 1992; Ord. No. 428-02, § 1, 6-3-02, elec. 8-13-02)

§ 8.2.6 Limitation on consecutive terms of office.

Elected officers shall serve no more than three consecutive four-year terms in their respective offices. If, in order to fill a vacancy in an elective office, the officer first takes office by way of succession, appointment or special election occurring more than two years prior to a general City and County election, the officer shall thereafter serve no more than two consecutive four-year terms in that same office. For purposes of this Section, terms are considered consecutive unless they are at least four years apart. The limitation set forth in this Section shall apply to all officers who are first elected, appointed, or succeed to a particular office on or after January 1, 2001. Any officer who has first been elected, appointed, or succeeds to a particular office prior to January 1, 2001 shall be subject to the limitation on consecutive terms set forth in Section 11(2) of Article XVIII of the Colorado Constitution.

(Charter 1960, C1.3-1; added November 7, 2000)

§ 8.2.7 Nomination of candidates.

The name of a candidate for district Councilmember shall be placed upon the ballot when a verified petition of not less than one hundred (100) signatures of registered electors, who reside in the district in which the candidate resides, shall have been filed in the candidate's behalf at least fifty-five (55) days before the day of election in the manner and form and under the conditions established by the Clerk and Recorder, unless otherwise provided by ordinance in pursuance of this Charter. The name of a candidate for Mayor, Auditor, Clerk and Recorder or Councilmember-at-large shall be placed upon the ballot when a verified petition of not less than three hundred (300) signatures of registered electors shall have been filed in the candidate's behalf at least fifty-five (55) days before the day of election in the manner and form and under the conditions established by the Clerk and Recorder.

(Charter 1960, C1.5; amended February 14, 1913; amended September 10, 1974; amended August 9, 1988; Ord. No. 428-02, § 1, 6-3-02, elec. 8-13-02; Ord. No. 679-02, § 1, 8-26-02, elec. 11-5-02; Ord. No. 851-06, § 1, 12-26-06, elec. 1-30-07)

Move 8.2.8, 8.2.9 and 8.2.10 out of charter to code.

§ 8.2.8 Acceptance of nomination; withdrawal.

Any person nominated under this article shall file an acceptance with the Clerk and Recorder at least fifty-five (55) days before the day of election, and in absence of such acceptance the name of the candidate shall not appear on the ballot. Any person who has been nominated may, not later than forty-eight (48) days before the day of election, withdraw by filing with the Clerk and Recorder a request therefor in writing, and no name so withdrawn shall be placed upon the ballot.

(Charter 1960, C1.6, C1.6-1; amended February 14, 1913; amended September 10, 1974; amended August 9, 1988; amended August 11, 1992; Ord. No. 679-02, § 1, 8-26-02, elec. 11-5-02; Ord. No. 851-06, § 1, 12-26-06, elec. 1-30-07)

§ 8.2.9 Preparation of ballots.

The Clerk and Recorder shall cause ballots for each City and County general and special election to be prepared, printed, and authenticated. The ballots shall contain a complete list of the offices to be filled and the names of the candidates nominated therefor, together with the submission clause or ballot title only of any initiative, referendum, Charter amendments, or other referred measure. The order of any initiative, referendum, Charter amendment, or other referred measure shall be as specified by the City Council and shall comply with the Constitution and general laws of the State.

(Charter 1960, C1.7; amended February 14, 1913; amended September 10, 1935; amended September 10, 1974; amended August 11, 1992; Ord. No. 679-02, § 1, 8-26-02, elec. 11-5-02; Ord. No. 851-06, § 1, 12-26-06, elec. 1-30-07)

§ 8.2.10 Form of ballot questions.

At any election at which any initiative, referendum, Charter amendment, or other referred measure shall be submitted to a vote of the qualified electors, the official ballot shall, by proper words to be provided by ordinance, show the nature of the initiative, referendum, Charter amendment, or other referred measure to be voted upon, and shall give to each voter the right to show clearly his or her intention to vote yes or no on each initiative, referendum, Charter amendment, or other referred measure, and in case any separate or alternative proposition or propositions be submitted, the ballot shall be prepared so as to enable the voter to express his or her intention in regard to each proposition. For ordinances that are placed on the ballot as a result of an initiative or referendum petition, the official ballot shall include the ballot title submitted by the petitioners' committee and approved by the Clerk and Recorder as provided in Subsection 8.3.2(C).

(Charter 1960, C1.20; amended September 10, 1974; Ord. No. 428-02, § 1, 6-3-02, elec. 8-13-02; Ord. No. 679-02, § 1, 8-26-02, elec. 11-5-02)

§ 8.2.11 Reserved.

Editor's note: Ord. No. 679-02, § 1, adopted August 26, 2002, and approved by the electorate November 5, 2002, repealed § 8.2.11, which pertained to sample ballots and derived from the Charter of 1960, C1.8; amended February 14, 1913; September 10, 1974; and August 9, 1988)

§ 8.2.12 Election precincts.

It shall be the duty of the Clerk and Recorder to divide the City and County into election precincts.

(Charter 1960, C1.15; amended September 10, 1974; Ord. No. 679-02, § 1, 8-26-02, elec. 11-5-02; Ord. No. 851-06, § 1, 12-26-06, elec. 1-30-07)

Suggest striking 8.2.13 and 8.2.14. Defer to state law and if we need something specific for either in the future, we can go through ordinance process.

~~**§ 8.2.13 Election Judges.**~~

~~Except as otherwise provided in this Charter, or by ordinance, the method of appointment, number, remuneration and qualifications, and powers and duties of Election Judges shall be governed by election laws of the State.~~

~~(Charter 1960, C1.16, C1.16-1; amended September 10, 1974; Ord. No. 679-02, § 1, 8-26-02, elec. 11-5-02)~~

~~**§ 8.2.14 Election watchers.**~~

~~Except as otherwise provided in this Charter or by ordinance, the method of appointment, number, remuneration and qualifications, and powers and duties of election watchers shall be governed by election laws of the state.~~

~~(Charter 1960, C1.17; amended February 14, 1913; amended September 10, 1974; Ord. No. 679-02, § 1, 8-26-02, elec. 11-5-02; Ord. No. 851-06, § 1, 12-26-06, elec. 1-30-07)~~

§ 8.2.15 Campaign contributions and expenditures.

All candidates shall report contributions and expenditures to the Clerk and Recorder prior to and subsequent to the day of election. Procedures, including but not limited to the amounts, identification of contributors, and dates of filing, for the reporting of contributions and expenditures shall be established by ordinance; and, in the absence of an ordinance, shall be governed by election laws of the State. Limitations on contributions and expenditures may be established by ordinance. It shall be unlawful to fail to comply with the provisions of this section and a violation of any of the provisions of this section by any candidate shall disqualify such candidate from holding the office for which he or she is a candidate.

(Charter 1960, C1.9; amended February 14, 1913; amended September 10, 1974; Ord. No. 428-02, § 1, 6-3-02, elec. 8-13-02; Ord. No. 679-02, § 1, 8-26-02, elec. 11-5-02)

~~**§ 8.2.16 Voting and counting equipment.**~~

Suggest striking 8.2.16

~~The Clerk and Recorder, unless otherwise provided by ordinance, may provide for the use of State certified voting and counting equipment.~~

~~(Charter 1960, C1.21; amended May 15, 1951; amended September 10, 1974; Ord. No. 679-02, § 1, 8-26-02, elec. 11-5-02; Ord. No. 851-06, § 1, 12-26-06, elec. 1-30-07)~~

Move to code. Preserve 15 day option?

~~**§ 8.2.17 Write-in votes.**~~

~~No write-in vote for any office shall be counted unless the candidate has filed an an affidavit of intent to accept the office with the Clerk and Recorder at least fifteen (15) days before the day of the election and meets the qualifications as provided in the Charter for the office.~~

(Charter 1960, C1.2-6; added August 11, 1992; Ord. No. 428-02, § 1, 6-3-02, elec. 8-13-02; Ord. No. 679-02, § 1, 8-26-02, elec. 11-5-02; Ord. No. 851-06, § 1, 12-26-06, elec. 1-30-07)

§ 8.2.18 Reserved.

Editor's note: Ord. No. 679-02, § 1, adopted August 26, 2002, and approved by the electorate November 5, 2002, repealed § 8.2.18, which pertained to sealing of voting machines and ballot boxes and derived from the Charter of 1960, C1.2-5; amended May 17, 1916; September 10, 1935; November 4, 1952; and September 10, 1974.

§ 8.2.19 Number of votes required for election.

To be elected Mayor, Auditor, Clerk and Recorder, or District Councilmember, a person shall have received a majority of the votes cast for such office at either a general City and County election or at a run-off election as herein provided. To be elected Councilmember-at-large, each person shall have received either the greatest number of votes or the next greatest number of votes at the general City and County election as herein provided. Present elected officials shall serve the term for which they are elected.

(Charter 1960, C1.2; amended May 17, 1916; amended September 10, 1935; amended November 4, 1952; amended September 10, 1974; Ord. No. 428-02, § 1, 6-3-02, elec. 8-13-02; Ord. No. 851-06, § 1, 12-26-06, elec. 1-30-07)

§ 8.2.20 Counting of votes; declaration of results.

Change first clause: 'After the official abstract of votes cast for all candidates, ballot issues and questions, has been certified,...'

As soon as the polls are closed after every general City and County election, the results shall be tabulated, and the following persons shall be declared elected and entitled to a certificate of election:

- (A) The candidate for the Office of Mayor who has received a majority of the votes cast for that office.
- (B) The candidate for the Office of Auditor who has received a majority of the votes cast for that office.
- (C) Each candidate for the office of District Councilmember who has received a majority of the votes cast for that office in the respective districts.
- (D) The two (2) candidates for the office of Councilmember-at-large who have received the greatest number of votes cast for that office.
- (E) The candidate for the Office of Clerk and Recorder who has received a majority of the votes cast for that office.

(Charter 1960, C1.2-2; amended May 17, 1916; amended September 10, 1935; amended November 4, 1952; amended September 10, 1974; Ord. No. 428-02, § 1, 6-3-02, elec. 8-13-02; Ord. No. 679-02, § 1, 8-26-02, elec. 11-5-02; Ord. No. 851-06, § 1, 12-26-06, elec. 1-30-07)

§ 8.2.21 Run-off elections.

If, at a general City and County election, no candidate receives a majority of the votes cast for Mayor, for Auditor, for Clerk and Recorder, or for district Councilmember in the respective districts, a run-off election shall be held on the first Tuesday in June following the general election. The run-off election shall be held in the same manner as a general election, except:

- (A) Certification of candidates and publication of election notice shall be on or before the tenth (10th) day before election.
- (B) If a run-off election for Mayor is required, the two (2) persons with the highest number of votes for Mayor in the general City and County election shall appear on the ballot as candidates for Mayor.
- (C) If a run-off election for Auditor is required, the names of the two (2) persons with the highest number of votes for Auditor in the general City and County election shall appear on the ballot as candidates for Auditor.
- (D) In each Council district in which a run-off election is required, the names of the two (2) persons

with the highest number of votes for district Councilmember of the respective district in the general City and County election shall appear on the ballot.

(E) If a run-off election for Clerk and Recorder is required, the names of the two (2) persons with the highest number of votes for Clerk and Recorder in the general City and County election shall appear on the ballot as candidates for Clerk and Recorder.

(F) The names of candidates shall be arranged in the same order as the candidates filed their nomination petitions, with the first name being that of the first person to file.

(G) As soon as the polls are closed after every run-off election, results shall be tabulated and the candidates receiving the greatest number of votes cast at said election for the respective offices shall be declared elected and entitled to a certificate of election.

(Charter 1960, C1.2-3, C1.2-4; amended May 17, 1916; amended September 10, 1935; amended November 4, 1952; amended September 10, 1974; amended August 9, 1988; amended August 11, 1992; Ord. No. 679-02, § 1, 8-26-02, elec. 11-5-02; Ord. No. 851-06, § 1, 12-26-06, elec. 1-30-07)

Change to same language as in 8.2.20, first clause. 'After the official abstract of votes cast for all candidates, ballot issues and questions, has been certified,..."

§ 8.2.22 Reserved.

Editor's note: Ord. No. 679-02, § 1, adopted August 26, 2002, and approved by the electorate November 5, 2002, repealed § 8.2.22, which pertained to canvass of returns, and derived from the Charter of 1960, C1.18; amended September 10, 1974.

§ 8.2.23 Conflicting ballot questions adopted at same election.

Should there be submitted at any election different amendments, measures, or alternative articles or propositions, with more than one to be adopted, and there be any conflict between the same, then the amendment, measure, alternative article or proposition receiving the largest number of adoptive votes shall prevail.

(Charter 1960, C1.10; amended February 14, 1913; amended September 10, 1974; Ord. No. 428-02, § 1, 6-3-02, elec. 8-13-02)

§ 8.2.24 Contested elections.

All cases of contested elections shall be tried under the procedure prescribed by Colorado Municipal Election Code, except as otherwise provided herein or by ordinance.

(Charter 1960, C1.22; amended September 10, 1974)

§ 8.2.25 Appointment of Hearing Officers.

The Clerk and Recorder shall appoint qualified persons as hearing officers to investigate and hold hearings to ascertain facts and information concerning elections; initiative, referendum and recall petitions; and the conduct of candidates.

(Ord. No. 851-06, § 1, 12-26-06, elec. 1-30-07)

§ 8.2.26 Subpoena powers.

The Clerk and Recorder or any hearing officer appointed by the Clerk and Recorder shall have authority to issue subpoenas to compel the attendance and testimony of witnesses, with or without documentary evidence, and the production of books and documents at any hearing held under Parts 2 or 3 of this Article VIII or under the authority of any provision of law. The Clerk and Recorder shall also have authority to issue subpoenas in conducting investigations authorized by this Article or under authority of any provision of law.

(Ord. No. 851-06, § 1, 12-26-06, elec. 1-30-07)

[§ 8.2.27 Reserved.]

~~§ 8.2.28 Clerk and Recorder as candidate~~

Suggest striking 8.2.28

~~The Clerk and Recorder shall not become a candidate for any elective office other than the office of Clerk and Recorder during his or her incumbency as Clerk and Recorder.~~

~~(Ord. No. 851-06, § 1, 12-26-06, elec. 1-30-07)~~

§ 8.2.29 Appropriations to support elections.

The Council shall appropriate sufficient funds to the Clerk and Recorder to enable the Clerk and Recorder to conduct elections and to obtain suitable offices, supplies, and employees to perform his or her duties.

(Ord. No. 851-06, § 1, 12-26-06, elec. 1-30-07)

PART 3. INITIATIVE, REFERENDUM AND RECALL

Add Sig requirements from 8.3.3 (A), 8.3.4 (A), and 8.4.5(A) to 8.3.1:
A) Initiated Ordinance
B) Referendum
C) Recall

§ 8.3.1 Rights of initiative, referendum and recall reserved to the people.

The people of the City and County of Denver reserve the right to propose and enact ordinances--by initiative; to require that existing ordinances be referred to a vote of the electorate--by referendum; and to recall elected officials. The right of initiative, referendum or recall shall be exercised by petition of the registered electors of the City and County of Denver. Such petitions shall be filed with the Clerk and Recorder as follows: a petition for an initiated ordinance may be filed at any time; a petition for referendum shall be filed within ninety (90) days after final passage and publication of an ordinance; and a petition for recall shall be filed no less than six (6) months after, nor less than one (1) year before a regularly scheduled municipal election in which the office in question has been or will be filled.

(Charter 1960, C2.1; amended May 15, 1979; amended August 11, 1992; Ord. No. 678-02, § 1, 8-26-02, elec. 11-5-02; Ord. No. 851-06, § 1, 12-26-06, elec. 1-30-07)

§ 8.3.2 Provisions applicable to all petitions.

(A) *Petitioners' committee.* Any five (5) registered electors of the City and County of Denver may begin proceedings for initiative, referendum or recall by filing with the Clerk and Recorder an affidavit constituting themselves as a petitioners' committee for such purpose and specifying the intent of the committee to circulate either an initiative, a referendum, or a recall petition. The petitioners' committee shall be responsible for circulating and filing the petition. For recall of a Councilmember from a council district, members of the petitioners' committee shall be residents of that district.

(B) *Contents of affidavit, ballot title, and petition sample.* The affidavit shall contain the notarized signatures of each member of the petitioners' committee; shall state the names, addresses, and telephone numbers of each member of the petitioners' committee and an address to which notices to the committee shall be sent; and shall specify one member of the committee to serve as the primary contact. Any affidavit for an initiative or referendum shall specify in full the text of the ordinance to be initiated or referred and shall include a ballot title which shall contain in summary form the major provisions of the ordinance, which shall be true and impartial and shall not be an argument, nor likely to create bias, either for or against the measure. The title for an initiative shall begin with the words: "Shall the voters for the City and County of Denver adopt..." unless different wording is required by the State Constitution. The title for a referendum shall begin with the words: "Shall the voters of the City and County of Denver repeal..." unless different wording is required by the State Constitution. Any affidavit for a recall shall state the name of the elected official to be recalled and a statement of the grounds upon which recall is sought. The petitioners' committee shall append to any affidavit a sample petition form in a style and format that complies with the requirements of this Charter and of the Clerk and Recorder.

(C) *Review and approval of affidavit, ballot title and petition sample by Clerk and Recorder.* The affidavit, ballot title, and petition sample shall be reviewed by the Clerk and Recorder: for a determination of compliance with the requirements of this Charter, with any and all other applicable State or City and County laws, and with the rules of the Clerk and Recorder. In reviewing the ballot title, the Clerk and Recorder shall consider the public confusion that might be caused by a misleading title. The Clerk and Recorder shall have three (3) full working days from the time of the filing of the affidavit to review the affidavit, petition sample, and ballot title. At the end of the three (3) working days, the Clerk and Recorder must either accept or reject the affidavit, petition sample, or ballot title. If the affidavit, petition sample, or ballot title is rejected, the Clerk and Recorder shall make written findings specifying the defects in the affidavit, petition sample, or ballot title. The petitioners' committee, if not satisfied with the decision of the Clerk and Recorder, may institute legal proceedings with the appropriate court. No petition shall be circulated nor shall any signatures be procured until such affidavit, petition sample, and ballot title are approved by the Clerk and Recorder.

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

(E) *Signing of petitions.* Each registered elector shall provide a signature, the date of signing, the registered elector's full residence address, and other pertinent information as deemed necessary by the Clerk and Recorder.

(F) *Procedures for verification of signatures and validity of petitions.* The Clerk and Recorder for good cause shown may verify the sufficiency of the signatures and the validity of the petitions. A method for determining the validity of the identity of the electors, including the signatures, full residence address, and the other information required on petitions may be enacted by ordinance. Where no ordinance expressly pertaining thereto is enacted, the Clerk and Recorder shall establish a method for determining the identity of the electors, including the signatures, full residence address, and the other information required on petitions by ordinance or rules and regulations. The method that applies at the time the petition is approved by the Clerk and Recorder shall continue to apply for that petition, regardless of changes either in ordinance or rules. No method for determining the validity of the signatures shall be established, amended, supplemented or changed until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard.

(G) *Affidavit of circulators.* When filed, the petition shall have attached a notarized affidavit of each circulator. The affidavit shall state that the circulator personally circulated the petition copy, that all signatures were affixed in the circulator's presence, that they are to the best of the circulator's knowledge genuine signatures of registered electors, and that each signer had an opportunity to read the full text and ballot title of the initiative or referendum or the stated grounds for recall. Each circulator shall be a qualified elector of the State of Colorado.

(H) *Filing of petitions; determination of sufficiency; protest and hearings.* After signatures have been obtained, the petitioners' committee shall file the completed petition with the Clerk and Recorder no later than close of business on a normal business day. All related petition sections shall be filed at the same time. The Clerk and Recorder shall record the same and shall hold the petition for a period of twenty-five days, during which time the Clerk and Recorder shall determine whether the petition is signed by the requisite number of registered electors. In the event the Clerk and Recorder determines that the petition contains an insufficient number of signatures, the Clerk and Recorder shall notify the petitioners' committee of the insufficiency, and the petitioners' committee may cure the insufficiency by filing an addendum to the original petition for the purpose of offering such number of additional signatures as will cure the insufficiency. Any addendum shall be filed within the time period allowed for the original petition as provided in this Charter. The Clerk and Recorder shall record and hold any addendum for an additional period of twenty-five days and verify the signatures on the addendum in the same manner as is provided for the original petition. Within the twenty-five-day period for review of the petition or any addendum thereto, a protest subscribed and sworn to under oath may be filed by a registered elector. A protestor shall identify by name the signers protested against or specify the factual and legal basis of any other alleged defects in the petition. The Clerk and Recorder shall consider the grounds of protest and may hear evidence, after giving notice of the hearings to the petitioners' committee, the protestors, and others the Clerk and Recorder may require for the hearings. Hearings shall be concluded and findings issued as soon as practicable but not more than fifty (50) days after the filing of a protest with the Clerk and

Move
8.3.2 D
through
J to
Code,
Keep A
through
C in
Charter

Recorder.

(I) *Submission to ballot.* Upon a final determination of sufficiency of any initiative or referendum petition pursuant to subsection (H) of this section, the Clerk and Recorder shall immediately notify the City Council of the determination in writing. Unless the City Council calls an earlier special municipal election, as provided in subsection 8.3.3(C) or 8.3.4(C), the Clerk and Recorder shall submit the initiative or referendum to the ballot at the next scheduled citywide election held not less than sixty days after the determination of sufficiency. Any recall petition finally determined to be sufficient by the Clerk and Recorder shall be immediately certified to the City Council for the scheduling of a recall election in accordance with subsection 8.3.5(D).

(J) *Public record.* From the time of filing, all petitions become public records. Upon completion of proceedings by City Council, they shall be preserved by the office of the Clerk and Recorder.

(Charter 1960, C2.2; amended May 15, 1979, amended August 11, 1992; Ord. No. 428-02, § 1, 6-3-02, elec. 8-13-02; Ord. No. 678-02, § 1, 8-26-02, elec. 11-5-02; Ord. No. 851-06, § 1, 12-26-06, elec. 1-30-07; Ord. No. 275-08, § 1(A), elec. 8-12-08)

Move 8.3.3 B and D to code. Reletter 8.3.3 C to B and 8.3.3 E to C.

Initiative procedures. Move A to 8.3.1

Signature requirements for initiative petitions. An ordinance may be initiated by petition of registered electors numbering at a minimum five (5) per cent of the total vote for the office of Mayor in the last election at which a Mayor was elected.

(B) *Time for filing.* A completed initiative petition shall be filed with the Clerk and Recorder no later than one hundred eighty days from the date of approval of the affidavit, ballot title, and petition form for the initiative as provided in Subsection 8.3.2(C).

(C) *Optional submission to special election.* Upon receipt of written notification that the Clerk and Recorder has determined an initiative petition to be sufficient as provided in subsection 8.3.2(I), in lieu of the Clerk and Recorder submitting the initiative to the next scheduled citywide election, the City Council may, at its discretion, call a special election to be held prior to the next scheduled citywide election for the purpose of submitting the initiated ordinance to the electorate, subject to the limitations set forth in Section 8.2.3.

(D) *Publication of proposed ordinance.* The Clerk and Recorder shall publish the proposed ordinance in a manner consistent with the publication of other ordinances before such election is held.

(E) *Restrictions on the repeal or amendment of initiated ordinances.* City Council shall not amend or repeal an initiated ordinance adopted by a vote of the people within six (6) months after final passage. After the first six months and within ten (10) years following final passage of any initiated ordinance adopted by a vote of the people, the initiated ordinance may be amended or repealed by City Council only by two-thirds (2/3) vote. Whenever City Council amends or repeals an initiated ordinance adopted by a vote of the people, City Council may do so only after it holds a public hearing.

(Charter 1960, C2.3; amended May 15, 1979; amended August 11, 1992; amended May 8, 2001; Ord. No. 678-02, § 1, 8-26-02, elec. 11-5-02; Ord. No. 851-06, § 1, 12-26-06, elec. 1-30-07; Ord. No. 275-08, § 1(B), elec. 8-12-08)

§ 8.3.4 Referendum procedures. Move A to 8.3.1

(A) *Signature requirements for referendum petitions.* An enacted ordinance may be referred by petition of registered electors numbering at a minimum five (5) per cent of the total vote for the office of Mayor in the last election at which a Mayor was elected.

(B) *Time for filing.* A completed referendum petition shall be filed with the Clerk and Recorder within ninety (90) days of passage of the ordinance to be referred.

(C) *Optional submission to special election.* Upon receipt of written notification that the Clerk and Recorder has determined a referendum petition to be sufficient as provided in subsection 8.3.2(I), in lieu of the Clerk and Recorder submitting the referendum to the next scheduled citywide election, the City Council may, at its discretion, call a special election to be held prior to the next scheduled citywide election for the purpose of submitting the ordinance to the electorate, subject to the limitations set forth in Section 8.2.3.

(D) *Publication of ordinance proposed for referendum.* The Clerk and Recorder shall publish the ordinance proposed for referendum in a manner consistent with the publication of other ordinances before such election

Move 8.3.4 B and D to code. Reletter 8.3.4 C to B and 8.3.4 E to C

is held.

(E) *Restrictions on the reenactment of any ordinance repealed by referendum.* City Council shall not reenact an ordinance repealed by a referendum within one (1) year after repeal by a vote of the people. After the first year and up to ten (10) years following repeal of an ordinance by a referendum, the repealed ordinance may be reenacted by City Council only by two-thirds (2/3) vote. Whenever City Council reenacts an ordinance repealed by a referendum, City Council may do so only after it holds a public hearing.

(Charter 1960, C2.4; amended May 15, 1979; amended August 11, 1992; amended May 8, 2001; Ord. No. 678-02, § 1, 8-26-02, elec. 11-5-02; Ord. No. 851-06, § 1, 12-26-06, elec. 1-30-07; Ord. No. 275-08, § 1(C), elec. 8-12-08)

§ 8.3.5 Recall procedures.

move A to 8.3.1

(A) *Signature requirements.* Recall may be exercised by petition of registered electors entitled to vote for a successor and numbering at a minimum twenty-five (25) per cent of the vote cast for that office in the municipal election in which the official was elected. For Councilmember-at-large, registered electors shall number at a minimum ten (10) per cent of the total vote cast for the offices of Councilmember-at-large at the election at which the official was elected.

(B) *Time for filing.* A petition for recall shall be filed with the Clerk and Recorder not later than ninety (90) days after filing of the affidavit of the petitioners' committee initiating recall proceedings. Failure to file a petition within this period shall render the recall petition null and void.

(C) *Resignation of incumbent.* Should the incumbent resign from office prior to the recall election and at least one other candidate is on the recall ballot, the election shall be held to fill the office. If no candidates are on the ballot, the office shall be declared vacant and filled by the Mayor for the remainder of the term.

(D) *Setting of recall election.* Within forty-five (45) days after certification of the petition the City Council shall call a special election to be held not less than sixty (60) days nor more than ninety (90) days after such certification, unless another Citywide election has been scheduled within one hundred twenty (120) days after certification.

(E) *Form of ballot and election procedures.* The name of the incumbent sought to be recalled shall be printed as a candidate on the official ballot, unless the incumbent declines or a vacancy exists. Nominations and election of candidates shall be conducted as at a general City and County election, including a run-off election where necessary.

(Charter 1960, C2.5; amended May 15, 1979; amended August 11, 1992; Ord. No. 428-02, § 1, 6-3-02, elec. 8-13-02; Ord. No. 851-06, § 1, 12-26-06, elec. 1-30-07)

§ 8.3.6 Charter amendment procedures.

Except as otherwise provided in this Charter, procedures for amendment of this Charter upon petition of the registered electors of the City and County of Denver or upon referral by the City Council shall be governed by the laws of the State adopted pursuant to the authority of Section 9 of Article XX of the Colorado Constitution.

(Ord. No. 678-02, § 1, 8-26-02, elec. 11-5-02)

§ 8.3.7 Review and comment procedures for initiated ordinances and Charter amendments.

A draft of the text of any proposed initiated Charter amendment or ordinance shall be submitted by the proponents to the City Council staff and the City Attorney for review and comment. No later than ten days after submission of the draft text, unless withdrawn by the proponents, the City Council staff and the City Attorney shall jointly render their comments to the proponents of the proposed measure at a meeting open to the public, which shall be held after full and timely notice to the public. Such meeting shall be held prior to submission of the measure by the proponents to the Clerk and Recorder as required by this Charter or by State Law. Neither the City Council staff nor the City Attorney shall have any power to require any amendment, modification, or other alteration of the text of any such proposed measure, or to impose any procedural requirements on the proponents whatsoever.

(Ord. No. 678-02, § 1, 8-26-02, elec. 11-5-02; Ord. No. 851-06, § 1, 12-26-06, elec. 1-30-07)

Move
8.3.5 B
and D to
code.
Reletter
8.3.5 C
to B and
8.3.5 E
to C.