



## Office of the Clerk and Recorder City and County of Denver

### ELECTION RULES

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**2019 Editors' Note:** The Election Rules were adopted and amended, in part, to permanently adopt emergency rules from August 2018, including the enforcement of campaign finances, petition requirements, and the creation of a new municipal ballot information booklet. These Rules also now permit cryptocurrency contributions to campaigns, outline requirements for the 2019 May municipal general election, and establish a risk-limiting audit of the election.

**2018 Editors' Note:** The Election Rules relating to campaign finance were amended, in part, to establish uniformity and ensure proper administration of legislation passed by the Denver City Council, remove obsolete provisions, and clarify the language of existing provisions in rules and the Denver Revised Municipal Code. Amendments to Elections Rules 5 and 8 address procedures to submit amended drafts of proposed initiated ordinances or charter amendments.

**2014 Editor’s Note:** The Election Rules relating to definitions, candidate petitions, petitions for initiated ordinance, referendum, recall, and amendment of the Charter of the City and County of Denver were amended, in part, to conform to changes in the Denver Charter, Denver Revised Municipal Code, and State statute, relocate and provide new sections to clarify election procedures concerning the petition process, and make technical changes to legal citations and footnotes. The Election Rules relating to computation of time, canvass board, and recount for municipal elections were amended to correct legal citations and footnotes. Election Rule 11, entitled “UOCAVA Ballot Access Program”, readopts Emergency Election Rule 11 which expired on September 11, 2011. Election Rule 12, entitled “Digital Petition Application – Pilot system for the circulation and submission of certain digital petitions”, is new. For the 2014 Comparative Table, see the end of these rules.

**2012 Editor’s Note:** The Election Rules, adopted on October 20, 1993, and entitled “Denver Election Commission Procedures for Verification of Initiative/Referendum Petitions” were repealed. Campaign Finance Rules 1 to 3, Rules Concerning the Interpretation, Administration, and Enforcement of Article III of Chapter 15 Concerning Campaign Finances, effective January 1, 2011 were, in part, amended and repealed. Other existing rules relating to municipal candidate nomination petitions, canvass and recount of municipal elections were relocated, repealed, or amended. Election rules relating to definitions, computation of time, petition for initiative, referendum, recall and amendment of the Charter of the City and County of Denver are new. On September 11, 2011, pursuant to D.R.M.C. § 2-98, Emergency Election Rule 11, entitled “UOCAVA Ballot Access Program”, expired. For the Comparative Table, see the end of these rules.

## **RULE 1. Definitions.** (Adopted 1/2/2019)

**1.1 “Clerk and Recorder”** – Means the chief elections officer of the City and County of Denver, or his or her designee.<sup>1</sup> For the purposes of these rules, any communications with or the filing or obtaining of any documents with the clerk and recorder shall mean that the communications with or documents to be filed shall be with the Denver Elections Division, 200 W. 14th Ave., Suite 100, Denver, Colorado 80204.

**1.2 “Cryptocurrency”** means a digital or virtual currency with its own metric for value outside of legal tender that uses cryptography to secure transactions.

**1.3 “D.R.M.C.”** means the Denver Revised Municipal Code.

**1.4 “He or She”** is the third-person pronoun phrase used solely to reflect the legal drafting of the D.R.M.C. This phrase should be read to include all gender identities and expressions.

**1.5 “Interested Party”** – An interested party is defined as:

**1.5.1** the candidate(s) who lost the election;

**1.5.2** any member of a petition committee for an initiated ordinance, Charter amendment, referendum, or recall of a city elected official that did not pass at the election;

**1.5.3** the governing body that referred a ballot question or ballot issue to the electorate if such ballot question or issue did not pass at the election; or

**1.5.4** the agent of an issue committee that is required to report contributions pursuant to Article III of Chapter 15 of the Denver Revised Municipal Code concerning campaign finances, that either supported or opposed the ballot issue or question.

**1.6 “Next Citywide Election”** – For the purpose of a proposed initiated ordinance, recall or referendum, refers to state general, coordinated, and odd-year elections, and general municipal elections, but does not include state primary elections or municipal runoff elections unless a state primary election or municipal runoff election contains another citywide ballot measure or candidate race for which all registered electors of the City and County of Denver are eligible to vote.<sup>2</sup>

**1.7 “Next Regular Election”** – For the purpose of an amendment by petition to the Denver Charter, refers to the next regularly-scheduled general municipal election to be held on the first Tuesday in May of every odd-numbered year.<sup>3</sup> If any proposed petition for charter amendment

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<sup>1</sup> Charter § 8.1.2; C.R.S. § 1-1-110

<sup>2</sup> D.R.M.C. §§ 15-11(a)(6), 15-11(b)(2), 15-11(c)(2), and 15-11(c)(3)

<sup>3</sup> Charter §§ 8.2.2 and 8.2.3; C.R.S. § 31-2-210(1)(a)(II)

is submitted at an election other than the next regular election, then such election will be a “special election” as set forth in Denver Charter § 8.2.3.

**1.8 “Passage”** – For the purpose of referendum petitions, refers to the ordinance effective date following final publication.

**1.9 “Primary contact”** is the committee member designated by the petitioners’ committee to represent the committee in all matters affecting its petition and to whom all notices or information concerning the petition shall be delivered.

**1.10 “Qualified Elector”** – Means a person who is a United States citizen, has attained the age of eighteen (18) years and has resided in the state of Colorado for at least twenty-two (22) days and is, therefore, qualified to vote in the City and County of Denver.

**1.11 “Reasonable business hours”** for a Voter Service and Polling Center means at least eight (8) hours per day Monday through Friday and at least four (4) hours on Saturday.

**1.12 “Recount”** means a re-tabulation of the ballots.

**1.13 “Registered Elector”** – Means an elector who has complied with the applicable voter registration provisions and who resides within, and is eligible to vote in, the applicable jurisdiction.

**1.14 “VSPC”** means a Voter Service and Polling Center that offers the services described in § 1-5-102.9, C.R.S.

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## **RULE 2. Computation of Time.** (Adopted 1/8/15)

**2.1 Conduct of Municipal Elections.** In computing time for any act to be done concerning conduct of any municipal election, the following rules will control:

**2.1.1 Calendar Days to be Used.** Calendar days, unless otherwise provided, will be used in all computations of time made under the provisions of the Denver Charter, the Denver Revised Municipal Code or these Rules.

**2.1.2 Days Included and Excluded.** In computing any period of days prescribed by any applicable laws or rules, the day of the act or event from which the designated period of days begins to run will not be included and the last day will be included. Saturdays, Sundays, legal holidays, city furlough days, and days when the city is fully or partially closed for business will be included, except as provided in Rule 2.1.4 below.

**2.1.3 Computing Months.** If a number of months is to be computed by counting the months from a particular day, the period will end on the same numerical day in the concluding month as the day of the month from which the computation is begun; except that, if there are not that many days in the concluding month, the counting period will end on the last day of the concluding month.

**2.1.4 Deadlines on Non-Business Days.** If the last day for any act to be done or the last day of any period is a Saturday, Sunday, a legal holiday, a city furlough day, or a day when the city is fully or partially closed for business and completion of such act involves a filing or other action during business hours, the period is extended to include the next day that is not a Saturday, Sunday, legal holiday, city furlough day, or day when the city is fully or partially closed for business.

**2.1.5 Shortening of Time.** If any applicable law or rule requires doing an act in “not less than” or “no later than” or “at least” a certain number of days or “prior to” a certain number of days or a certain number of months “before” the date of an election, or any phrase that suggests a similar meaning, the period is shortened to and ends on the prior business day that is not a Saturday, Sunday, legal holiday, city furlough day or day when the city is fully or partially closed for business, except that nothing in this subsection 2.1.5 will modify the deadline to register to vote as provided in C.R.S. § 1-2-201.

**2.2 Petitions for Initiative, Referendum, Recall, and Charter Amendment.** In computing time for any act to be done regarding petitions for initiative, referendum, recall, or to amend the Denver Charter, the following rules will control:

**2.2.1 Calendar Days to be Used.** Calendar days, unless otherwise provided, shall be used in all computations of time made under the provisions of the Denver Charter, the Denver Revised Municipal Code or these Rules.

**2.2.2 Days Included and Excluded.** In computing any period of days prescribed by any applicable laws or rules regarding an initiative, referendum, recall, or Charter amendment, the first day will be included and the last or election day will be excluded. Except when computing business days, Saturdays, Sundays, legal holidays, city furlough days, and days when the city is fully or partially closed for business shall be included, except as provided in subsection 2.2.4 below.

**2.2.3 Computing Months.** If a number of months is to be computed by counting the months from a particular day, the period will end on the same numerical day in the concluding month as the day of the month from which the computation is begun; except that, if there are not that many days in the concluding month, the counting period will end on the last day of the concluding month.

**2.2.4 Deadlines on Non-Business Days.** If the time for any act to be done or the last day for any act to be done is a Saturday, Sunday, legal holiday, city furlough day, or day when the city is fully or partially closed for business, the period is extended to include the next day that is not a Saturday, Sunday, legal holiday, city furlough day, or day when the city is fully or partially closed for business.

**2.2.5 Deadlines on Business or Working Days.** If the time for an act to be done under the Charter of the City and County of Denver and/or applicable statute is referred to in business or working days, the time shall be computed by excluding Saturdays, Sundays, legal holidays, city furlough days, and days when the city is fully or partially closed for business.

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## **RULE 3. Campaign Finance.** (Adopted 7/12/2019)

### **3.1 Committees and Contributions.**

**3.1.1 Transfers between Candidate Committees.** For the purposes of transferring money between candidate committees that are authorized by the same candidate, it is not a violation of D.R.M.C. § 15-32(b) if a candidate creates a new candidate committee for another city office, transfers money from the original committee to the new committee, and then closes the original committee no later than ten (10) days after such transfer is made.

**3.1.2 No Joint Candidate Committees.** Because of D.R.M.C. § 15-32(b), a candidate may not have a joint candidate committee in addition to their candidate committee. If two or more candidates have a joint candidate committee, neither of the candidates may have a standalone candidate committee.

**3.1.3 Unexpended Contributions.** As presented in D.R.M.C. § 15-38(e) “a political committee organized to support or oppose a city ballot question or ballot issue” means an issue committee as defined by D.R.M.C. § 15-32(l).

**3.1.4 Political and Issue Committees.** “Political Committee” as presented in D.R.M.C. § § 15-37(e) and (f) includes issue and candidate committees. “Political Committee” as presented in D.R.M.C. § 15-38(a) includes an issue committee.

**3.1.5 Bank Account.** A candidate or committee may only have a single campaign bank account unless the D.R.M.C. specifically permits a second bank account. A committee does not violate this rule if it has a wallet for the sole purpose of receiving a cryptocurrency contribution and liquidating it into cash for deposit in the campaign’s bank account in accordance with Rule 3.1.6.

**3.1.6 Contributions of Cryptocurrencies to Committees.** A contributor may contribute a cryptocurrency to any committee in accordance with the following rules:

- A.** Immediately upon receipt, the committee must liquidate the cryptocurrency contribution into United States currency and deposit the funds into its official campaign bank account designated in D.R.M.C. § 15-34(b). A committee may not make an expenditure, contribution, or otherwise acquire goods or services using cryptocurrency.
- B.** The cryptocurrency’s value is based on the market value of the contribution the exact time that the committee receives it.
- C.** A cryptocurrency contribution to a candidate committee may not exceed the contribution limit in D.R.M.C. § 15-37(a). If the market value of the cryptocurrency contribution exceeds the limits located in D.R.M.C. § 15-37(a)

by the time it is liquidated and deposited in the candidate committee's bank account, the committee must return the excess amount to the contributor within seventy-two (72) hours of deposit.

- D.** The receiving committee must report the cryptocurrency contribution as a contribution instead of a contribution in-kind.
- E.** The treasurer must examine each contribution for evidence of illegality. If the treasurer determines at any time that the cryptocurrency contribution came from an illegal source, the treasurer must cancel the transaction. If the transaction cannot be canceled and the funds are deposited into the committee's bank account, the treasurer must refund the contribution within seventy-two (72) hours of the discovery of illegality. Any refund under this Rule must be made in United States currency.
- F.** When reporting the cryptocurrency contribution to the clerk and recorder, the treasurer must affirm that he or she has personal knowledge that the contributor is a citizen of the United States and not a foreign national.
- G.** Regardless of the cryptocurrency's value, the treasurer must ask the contributor for his or her name, address, occupation, and employer. The committee may only accept the cryptocurrency contribution after it receives this information from the contributor. The treasurer must retain this record for as long as the committee possesses the contribution or the campaign closes, whichever is longer.

**3.1.7 Currency or Coin.** For the purposes of D.R.M.C. § 15-37(e) and this Rule 3, "currency or coin" means the coin or paper money of the United States that is designated as legal tender, is circulated, and is customarily used and accepted as a medium of exchange.

**3.1.8 Office Space.** The limitations imposed by § 15-37(a) and (b) D.R.M.C. shall not apply to contribution of office equipment or space.

## **3.2 Reports.**

**3.2.1 Lack of Bank, Financial Institution, or Other Depository for funds.** Committees are required to file certain reports that identify any bank, financial institution, or other depository used by the committee. If a committee does not use a bank, financial institution, or other depository to receive contributions or to make expenditures, then the committee will disclose on each such report the committee's lack of a bank, financial institution, or other depository.

**3.2.2 Withdrawal of Candidacy.** If a candidate delivers a signed notarized letter to the clerk and recorder's office stating that he or she is no longer a candidate for office, the candidate must file annual reports for each year of the election cycle instead of the more frequent reporting under D.R.M.C. § 15-35(b). Each report shall

cover the period beginning January 1 and ending December 31 of the year in question and shall be filed no later than January 31 of the following calendar year. If the candidate closes his or her account, the candidate is no longer required to file campaign finance reports.

**3.2.3 Incumbent Not Seeking Election or Re-election.** If a current officeholder delivers a signed notarized letter to the clerk and recorder's office stating that he or she will not seek re-election or election to another municipal office, the officeholder need only file annual reports for each year of the election cycle in accordance with D.R.M.C. § 15-35(b)(3). Such an officeholder may subsequently close his or her account and will not be considered a candidate for reporting purposes as defined under D.R.M.C. § 15-32(a)(2) if he or she: 1) does not receive contributions or contributions in-kind; 2) has a zero-cash balance; and 3) has no debt or deficit.

**3.2.4 Pre-election Reports for Issue Committees.** For the purposes of D.R.M.C. § 15-35(c), an issue committee need not file a pre-election report if the report would account for zero days.

**3.2.5 Issue Committees Beyond the Election Cycle.** An issue committee should terminate its committee at the end of the election cycle. If an issue committee does not close its campaign finance account by the end of its election cycle as defined by D.R.M.C. § 15-32(h)(5), the committee must file a report for each month after the election cycle until it has a zero-cash balance, no outstanding debts, and terminates its account. Such reports are due on the fifth day of the following month. (For example: the January report is due on February 5<sup>th</sup>). An issue committee that re-dedicates itself to advocate for or against another ballot issue or ballot question need not terminate its committee and account.

### **3.3 Electronic Filing**

**3.3.1 Definition.** For the purposes of this Rule 3, "electronic filing" is defined as the filing of required reports, affidavits, complaints, and waiver requests utilizing the online reporting database designated by the clerk and recorder.

**3.3.2 Electronic Filing.** All disclosure reports required by D.R.M.C. §§ 15-35 and 15-35.5, affidavits, complaints, and waiver requests must be filed electronically. Reports required to be filed electronically with the clerk and recorder that are delivered or presented to the clerk for manual filing in hard-copy form will not be accepted.

**3.3.3 Use of Prescribed File Format.** All electronic filings must be filed using the form prescribed by the clerk and recorder.

**3.3.4 Method of Submission.** Electronic filings must be submitted to the clerk and recorder via the online reporting database designated by the clerk and recorder. Electronic filings are received and processed by the Denver Elections Division.

**3.3.5 Exceptions to Electronic Filing Requirement.** The clerk and recorder may accept electronic filings in hard-copy form or in an alternative electronic format substantially similar to the clerk and recorder’s designated format under the following circumstances:

- A. Hardship Circumstance.** The clerk and recorder may grant an exception to the electronic filing requirement upon receipt and approval of a written request based on hardship or for other good cause shown. All requests for an exception must include a brief statement of the hardship or good cause for which the exception is sought. The clerk and recorder must receive requests for an exception to electronic filing at least thirty (30) days before the applicable filing deadline unless the exception is based on emergency circumstances arising within thirty (30) days of the filing deadline. In this event, the nature of the emergency must be described in the request. Neither the filing of a request for an exception to the electronic filing requirement based on emergency circumstances, nor any subsequent approval of such request, will extend applicable reporting deadlines. The clerk and recorder will timely review and respond in writing to all requests for an exception.
- B. Hardship Exception Period.** If a request is filed at least thirty (30) days before the filing deadline for an electronic filing requirement exception based on hardship or other good cause, the exception period will be one (1) year from the date of the clerk’s notice of exception being granted.
- C. Emergency Circumstance.** If a request is filed for an exception based on emergency circumstances, the exception period will be extended to the next reporting deadline only.
- D. Hard Copy Format.** If granted an exception, a committee or filer will instead file disclosure reports, affidavits, complaints, and waiver requests typewritten on paper. Each filing must contain the original signature of the committee treasurer or the treasurer’s designated agent, or of the candidate if no treasurer has been previously designated. Each independent expenditure or electioneering communication report or filing must contain the filer’s original signature. Faxed filings will not be accepted.

**3.3.6 Committee or Filer Responsibility.** Each person or committee filing disclosure reports, affidavits, complaints, and waiver requests will remain solely responsible for compliance with Article III of Chapter 15, D.R.M.C., and these Rules in all respects regardless of any actions or inactions of the clerk and recorder or the clerk’s employees, officers, and agents in interpreting, administering, and implementing applicable laws and rules.

### **3.4 Extension of Reporting Deadlines**

**3.4.1 Extension Due to City Office Closure.** For purposes of D.R.M.C. § 15-35(i), if a reporting day falls on a day when the city is fully or partially closed for business, then the report must be filed by the next business day.

**3.4.2 Extension Due to City Technology Failure.** If the clerk and recorder’s online reporting database is unavailable to accept filings for a total of more than one (1) hour on the filing’s due date, then the clerk may extend the due date. If a due date is extended, the clerk and recorder will provide notice of the extension through the online reporting database and the clerk and recorder’s website.

### **3.5 Unexpended Campaign Funds**

**3.5.1 Definitions.** For the purposes of this Rule, the following words and phrases shall have the following meanings:

- A. “Charitable organization” as presented in D.R.M.C. § 15-38 means any organization that has been exempted from federal income tax as a nonprofit organization in good standing under section 501(c)(3) of the United States Internal Revenue Code of 1986, as amended.
- B. “Immediate family” is defined in the same manner as presented in the City’s Code of Ethics, D.R.M.C. § 2-52(c).

**3.5.2 Required Disclosure.** If a candidate committee donates unexpended campaign contributions to a charitable organization in accordance with D.R.M.C. § 15-38(b)(4), the committee must disclose, via the clerk and recorder’s online reporting database, any relationship that the candidate, treasurer, or any other committee member has with the charitable organization’s creator, the creator’s immediate family, shareholders, or other designated individuals.

**3.5.3 Restricted Uses.** The use of unexpended campaign funds is restricted to the permissible uses set forth in D.R.M.C. § 15-38. In particular, and not by way of limitation, a candidate committee may use unexpended campaign contributions only for the purposes specified in D.R.M.C. § 15-38(b) and, if the candidate is elected to a city office, for the purposes specified in D.R.M.C. § 15-38 (d). The restrictions specified in D.R.M.C. § 15-38(b) mean, and not by way of limitation, that a candidate committee may not contribute unexpended campaign contributions to a candidate or candidate’s committee for election to state or federal office.

**3.6 Advisory Opinions.** Any person may request an advisory opinion from the clerk and recorder’s office regarding the applicability of Article III of Chapter 15 of the D.R.M.C. or the clerk’s campaign finance rules concerning a specific transaction with which the requestor is involved.

**3.6.1** The clerk and recorder will determine, at his or her discretion and within a reasonable amount of time, whether to issue the advisory opinion. In making the determination, the clerk will consider:

- A. Whether the advisory opinion will terminate a controversy or remove uncertainties as to the application of the requestor of any law;

**B.** Whether the request involves a subject, question, or issue that concerns a complaint currently pending before the clerk and recorder, a hearing officer, or court; and

**C.** Whether the request seeks a ruling on a moot or hypothetical question.

**3.6.2** The clerk and recorder will issue the advisory opinion in a reasonable amount of time after determining whether to issue it.

**3.6.3** The requesting party may rely on the clerk and recorder's advisory opinion as an affirmative defense to any complaint filed under D.R.M.C. § 15-40.

**3.6.4** The clerk and recorder will make available on his or her official website:

**A.** Each request for an advisory opinion;

**B.** Each determination of whether to issue the advisory opinion; and

**C.** Each advisory opinion the clerk issues.

### **3.7 Fines and Waivers**

#### **3.7.1 Review and Appeal**

**A.** If the filer wishes to waive multiple fines at the same time, the filer may submit a single request. The clerk and recorder will use the single request as the basis for each decision.

**B.** In considering a request, the clerk and recorder, or the clerk's designee, may request additional information, including without limitation, financial or other records or reports maintained by the filer.

**C.** Failure by the clerk and recorder to respond to a waiver request within five (5) business days does not constitute an approval of the request.

**D.** Before the clerk and recorder will consider a request, the report must be filed.

**3.7.2 Payment.** Any person or committee who is fined under D.R.M.C. § 15-40.5 must pay the full balance within thirty (30) days from the date of the decision. Fines must be made payable to the Manager of Finance and delivered to the Denver Department of Finance or its successor department. If on the thirtieth (30<sup>th</sup>) day the fine has not been paid, the penalty imposed may be collected in accordance with D.R.M.C. §§ 15-40.5(d) and 53-4.

**3.8 Complaints.** The clerk and recorder shall review each complaint for completeness. If the clerk determines that the complainant is not a resident of the City and County of Denver or

that the complaint was not filed timely in accordance with D.R.M.C. § 15-40(a), the clerk will dismiss the complaint and not send any notice to the respondent.

### **3.9 Fair Election Campaign Funding Program.**

**3.9.1 Applicability.** This Rule 3.9 applies to candidates running in a general or special election for the office of Mayor, City Council, Clerk and Recorder, Judge, and Auditor who choose to participate in the Fair Election Campaign Funding program.

**3.9.2 Definitions.** As used in this Part 9 of Rule 3, the following terms have the following meanings.

- A. “Address Verification Service” means the system used by credit card processors to verify that the address provided by a person using the credit card is the billing address for the credit card account.
- B. “Home Address” means the principal or primary home or place of abode of a person. A principal or primary home or place of abode is that home or place in which a person's habitation is fixed and to which that person, whenever absent, has the present intention of returning after a departure or absence, regardless of the duration of the absence.
- C. “Qualifying Contribution Receipt” means a receipt that includes the contributor’s printed name, home address, telephone number, if any, name of the candidate on whose behalf the contribution is made and an attestation that the contributor understands the purpose of the contribution is to help the candidate qualify for Fair Elections campaign funding, that the contribution up to \$50 will be matched by the Fund by 900 percent, and that the contribution is made without coercion or reimbursement.
- D. “Resident” means any individual who is living within the city and county other than temporarily.
- E. “Seeking certification” means a candidate that has informed the clerk and recorder that he or she intends to participate in the Fair Elections Fund.

### **3.9.3 Certification of Participating Candidates**

- A. **Intent to Seek Certification.** A candidate may file an intent to seek certification with the clerk and recorder at any time after the beginning of the qualifying period specified in section D.R.M.C. § 15-49(a)(5). The candidate must file such intent through the clerk’s online reporting database before soliciting or collecting qualifying contributions. Any contribution made before the candidate files his or her intent is not a qualifying contribution.

1. The clerk and recorder will offer online and in-person training for candidates seeking certification. A candidate seeking certification must complete the training no later than twenty (20) days after filing his or her intent. If the candidate fails to attend a training, the clerk will not consider a reduction or waiver to any fine assessed under D.R.M.C. or this Rule 3.
2. In accordance with section D.R.M.C. § 15-54(i), a candidate seeking certification must establish a separate bank account for public monies and register the account on a form approved by the clerk and recorder.
3. A candidate may withdraw an intent to seek certification at any time before submitting an application for certification.

**B. Reporting Before Certification.** A candidate seeking certification must report qualified contributions on any disclosure report required by D.R.M.C. § 15-35.

1. The report must include a copy of the qualifying contribution receipt and other information required in the format approved by the clerk and recorder.
2. A candidate that receives a contribution not in compliance with the qualifying contribution limits must return the amount above such contribution limit before applying for certification.

**C. Application for Certification.** A candidate may apply for certification at any time during the qualifying period and after the candidate believes that he or she collected the requisite number of qualifying contributions from unique contributors as described in D.R.M.C. § 15-53(a)(2).

1. The application must be in a format approved by the clerk and recorder and contain all the required elements of D.R.M.C. § 15-53.
2. A candidate applying for certification must provide an email address and agree to receive notice by email at that email address.
3. If the clerk and recorder determines that a candidate's application is deficient, the candidate must inform the clerk and recorder whether the candidate will cure and re-apply for certification.
  - a. A candidate who intends to re-apply must cure the deficient application before the close of the qualifying period. During this cure period, the candidate must still comply with the requirements of the Denver Fair Elections Act and this Rule 3.9.

- b. A candidate who does not intend to re-apply is no longer bound by the Denver Fair Elections Act and this Rule 3.9. The candidate may not seek certification again during the election cycle.

**D. De-certification.** If at the time of ballot certification, a candidate that was otherwise certified does not have an opponent, then the candidate is de-certified. The clerk and recorder will send electronic notice to the candidate within 48 hours of ballot certification.

1. A de-certified candidate may not spend or commit to spend any public matching funds, except to satisfy obligations entered before de-certification.
2. A de-certified candidate must return any unexpended money received from the Fund back to the Fund no later than sixty (60) days after the date of the de-certification notice from the clerk.

#### **3.9.4 Supporting Material Required for Qualifying and Match-eligible**

**Contributions.** A candidate must maintain and make available for inspection supporting material for each qualifying and match-eligible contribution. Supporting material must be maintained for two years from the final day of the election cycle and must include the following:

- A. A copy of the deposit slip and deposit receipt for each qualifying or matching contribution.
- B. Documentation showing that a contribution was made, such as:
  1. For contributions made by check, a copy of the check itself;
  2. For contributions made by credit card or a payment intermediary, a receipt showing the accountholder's name, the accountholder's billing address, the date the transaction was initiated, and the amount of the contribution;  
or
  3. For cash contributions, a signed and dated receipt that includes the committee's name, the amount of the contribution, and the contributor's name and home address in Denver.
- C. A record of the contributor's voter identification number. Or, if a contributor is not a registered voter, then an attestation from the treasurer that the contributor's home address is a Denver address.

#### **3.9.5 Administration of the Separate Bank Account.**

- A.** A participating candidate must maintain a separate bank account to be used for all public monies received from the Fund. Account access must be limited to the candidate, treasurer, and assistant treasurer, if applicable. Any person with access to the bank account must also complete the training required in Rule 3.9.3(A)(3).
- B.** All matching funds provided to a participating candidate must be segregated from, and may not be commingled with, any other funds.
  - 1. A participating candidate must obtain and keep a record for each food and beverage expenditure from the Fund.
    - a. For any food and beverage expenditure over \$50 the record must include an itemized receipt.
    - b. For any food and beverage expenditure over \$50 a participating candidate must report meal expenditure information required by the clerk and recorder at the same time as any disclosure report required by D.R.M.C. § 15-35.
    - c. A participating candidate must provide a specific campaign-related purpose for the food and beverage purchase.
  - 2. A participating candidate must obtain and keep a record of any travel-related expenditures from the Fund.
    - a. A participating candidate must report travel expenditure information required by the clerk and recorder at the same time as any disclosure report required by D.R.M.C. § 15-35.
    - b. A participating candidate must provide a specific campaign related purpose for the travel.
    - c. Mileage reimbursement from public monies may not exceed the standard mileage rate prescribed for employees of the City. A record must be maintained showing the dates of travel, the number of miles traveled, purpose of travel, and total amount claimed for reimbursement.
- C.** Fines assessed under D.R.M.C §§ 15-59(c), 15-40, or 15-40.5 may not be paid with monies from the Fund.
- D.** Participating candidates must participate in-person at least two debates or forums held in accordance with D.R.M.C. § 15-54(e) unless otherwise

excused by the Clerk and Recorder due to emergency or hardship. The candidate must request an excuse in writing before the clerk will consider it.

- E.** Any time a participating candidate withdraws, is disqualified, or dies before an election, the candidate or the candidate's agent may not spend or commit to spend any public matching funds, except to satisfy obligations entered into before the termination of the candidacy. The candidate or the candidate's agent must return all funds distributed to the candidate within sixty (60) days.
- F.** Except for de minimis purchases under \$50 (e.g. yard signs, shirts, flyers) property that has been purchased with the Fund must be liquidated at its fair market value and the proceeds reimbursed to the Fund as unspent funds.
- G.** After the last election where a candidate's name appears on the ballot, a participating candidate may not spend or commit to spend any public matching funds, except to satisfy obligations entered before the termination of the candidacy.

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## **RULE 4. Candidate Petitions.** (Adopted 1/2/2019)

### **4.1 City Elective Offices**

**4.1.1 Qualifications for Office.** The qualifications for city elective offices are as follows:

A. **Mayor.** Denver Charter § 2.1.1 provides as follows:

#### **§ 2.1.1 – Term and qualifications.**

The Mayor shall be elected for a term of four (4) years, and until a successor is elected and qualified. The Mayor shall be a citizen of the United States; a resident of the City and County of Denver for the two (2) years immediately preceding the election; a qualified elector of the City and County of Denver; at-least thirty (30) years of age and shall devote full time to the duties of the office.

B. **Clerk and Recorder.** Denver Charter § 8.1.1 provides as follows:

#### **§ 8.1.1 – Office of the 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 (25) years of age.

C. **Auditor.** Denver Charter § 8.2.4 provides as follows:

#### **§ 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 at-least twenty-five (25) years of age.

D. **City Councilmember (At-Large and District Office).** Denver Charter § 3.1.3 provides as follows:

#### **§ 3.1.3 – Qualifications.**

Each Councilmember shall be a citizen of the United States; a resident of the City and County of Denver for the two (2) years immediately preceding the member's election; a qualified elector of the City and County of Denver; at-least twenty-five (25) years of age and if elected from a Council District, the second year of residency shall have been within the district.

**4.1.2 Applicable Date of Age Qualification.** The determination of whether a candidate meets applicable age qualifications contained in Denver Charter §§ 2.1.1, 3.1.3, 8.1.1, and 8.2.4 will be made as of the date of the municipal general, vacancy, or recall election, as appropriate.

**4.1.3 Write-in Candidates.** Write-in candidates are subject to the same qualification requirements set forth in the Denver Charter for the office designated.

**4.1.4 Running for Two Different Elective City Offices at the Same Time Prohibited.** A person may not be a candidate for more than one city elective office at the same time.

## **4.2 Candidate Acceptance and Withdrawal of Nomination.**

**4.2.1 Acceptance.** Candidates for municipal elective office must file a signed and completed *Candidate Acceptance of Nomination Form* along with the completed candidate petitions of nomination with the clerk and recorder at least fifty-five (55) days before the day of election and in the absence of such acceptance the name of the candidate will not be placed on the ballot.<sup>4</sup> The *Candidate Acceptance of Nomination Form* must contain the following information:

- A. Candidate's printed name as the candidate wishes it to appear on the ballot;
- B. Candidate's residential address;
- C. Candidate's signature and date signed;
- D. A certified statement of acceptance of the office for which signer is a candidate;
- E. A certified statement verifying the candidate meets all qualifications for the office prescribed by law;
- F. A certified statement verifying the candidate is or will be as of election day: a citizen of the United States; a resident of the City and County of Denver for the time period applicable to the office sought; a qualified elector of the City and County of Denver; and of sufficient age to qualify for the office sought as required in the Charter.

**4.2.2 Form of Name on Ballot.** The candidate's name may be a nickname or include a nickname but shall not contain any title or degree designating the business or profession of the candidate.<sup>5</sup>

**4.2.3 Withdrawal.** Any person who has been nominated may, not later than forty-eight (48) days before the day of election, withdraw by filing with the

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<sup>4</sup> D.R.M.C. § 15-1

<sup>5</sup> C.R.S. § 31-10-302(6)

clerk and recorder a notarized *Candidate Withdrawal of Nomination Form*, and no name so withdrawn will be placed upon the ballot.<sup>6</sup> If the withdrawal form is received after the ballots have been printed, then any votes cast for the candidate will be deemed invalid and will not be counted.

### 4.3 Candidate Petitions of Nomination.

**4.3.1 Petitions of Nomination.** The name of a candidate for district councilmember will be placed upon the ballot when a verified petition of not fewer than one hundred (100) signatures of registered electors, who reside in the district in which the candidate resides, has been filed in the candidate's behalf at least fifty-five (55) days before the day of election.<sup>7</sup> The name of a candidate for mayor, auditor, clerk and recorder or councilmember-at-large will be placed upon the ballot when a verified petition of not less than three hundred (300) signatures of registered electors has been filed in the candidate's behalf at least fifty-five (55) days before the day of election.

**4.3.2 Form of Petition.** The form of candidate petitions of nomination may consist of multiple petition sections. Each section is to consist of multiple sheets fastened together with a blue manuscript cover. Each section must have a consecutive four-digit number. The number may be printed by a printer, hand-stamped with a manual stamp or legibly handwritten. No petition may contain the name of more than one candidate for the same office. The form of candidate petitions of nomination must contain the following:

- A. **Instructions to Circulators.** To each petition section must be attached *Instructions to Circulators* which must be in substantial compliance with the sample *Instructions to Circulators* contained in the candidate information packet that may be obtained from the clerk and recorder.
- B. **Signature Pages.** To each petition section must be attached *Signatures Pages* that must be in substantial compliance with the sample *Signature Page* contained in the Information Packet that may be obtained from the clerk and recorder. The signature pages must contain the following information:

- i. At the top of each signature page within a petition section the following is to be printed in bold:

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

**For anyone to sign this petition with any name other than one's own or to knowingly sign one's name more than once for the same candidate.**

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<sup>6</sup> D.R.M.C. § 15-1

<sup>7</sup> Charter § 8.2.7

**Do not sign this petition unless you are a registered elector in the City and County of Denver, and within the candidate's district, if applicable.**

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

**Petition to nominate (name of person sought to be elected) to the office of (title of office).**

**ii.** All signature pages must contain ruled lines numbered consecutively for registered electors' signatures, and have up to 10 signature lines on each page. Each signature line must have space provided for date, last name, first name, and middle initial, year of birth, street address, city, and signature.

**iii.** If a petition section contains multiple signature pages, all *Signature Pages* must be sequentially numbered starting with page 1 at the bottom of the first signature page.

**C. Affidavit of Circulator.** To each petition section must be attached a signed, notarized and dated affidavit executed by the person who circulated the petition section. The *Affidavit of Circulator* must be in substantial compliance with the sample *Affidavit of Circulator* contained in the candidate information packet that may be obtained from the clerk and recorder's office, and must include the following information for the affiant (the circulator):

**i.** The circulator's printed name and signature;

**ii.** The permanent address at which the circulator resides, including the street name and number, apartment or unit number, city or town, county, and state (if outside Colorado);

**iii.** The date the circulator signed the affidavit;

**iv.** A statement that the circulator was a citizen of the United States, and at least sixteen (16) years of age at the time the petition section was circulated and signed by the listed electors;

**v.** A statement that the circulator personally circulated the petition section;

**vi.** A statement that each signature on the petition section is the signature of the person whose name it purports to be;

**vii.** A statement that to the best of the circulator’s knowledge and belief each of the persons signing the petition section was, at the time of signing, a registered elector of the City and County of Denver; and

**viii.** A statement that the circulator has not paid or will not in the future pay and that the circulator believes that no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing the signer to sign the petition.

**D. Review and Approval of Form of Petition of Nomination.** Candidates may obtain petitions of nomination prior to circulation in one of two methods that are set forth in more detail below. However, in both instances, the documents referenced in these Rules may be subject to legal protest. It is the sole responsibility of the candidate and his or her candidate committee to determine and comply with any and all applicable state or local laws, statutes, ordinances, rules, regulations and policies in order to run for and be elected to a Denver municipal office.

**i. Petition Blanks Created by the Clerk and Recorder.**

a. **Hardcopy Petition:** A candidate may obtain pre-printed blank petition sections from the clerk and recorder at no charge to the candidate or candidate’s treasurer who requests them. The candidate’s name and the office sought must be filled in on each page of the petition section prior to circulation. The name stated on the petition must be identical to the name listed on the candidate’s *Candidate Acceptance of Nomination Form*. Pre-printed petition sections provided by the clerk and recorder will be deemed to be approved as to form as of the date they are issued by the clerk and recorder.

b. **Digital Petition Application Opt-in for Circulation.** A candidate may opt-in to use a digital application format in accordance with Rule 12.

**ii. Petition Blanks Created by the Candidate.**

A candidate may submit his or her own petition sections, observing all requirements contained in these Rules, for the clerk and recorder’s review and approval as to form. Failure to comply with any and all styles and formats specified in these Rules may result in the rejection of the petition. No petition may be circulated until it has been approved as meeting the requirements of the clerk and recorder and applicable laws as to form. The clerk and recorder will approve or reject a petition section by the close of business of the second business day following submission of the proposed petition and will notify the candidate in writing.

**iii. Method of Filing Petition Sample Materials.** All petition sample materials must be filed for review in original paper format via hand

or mail delivery, and may not be filed with the clerk and recorder by facsimile, email or other electronic means.

#### **4.3.3 Circulation of Candidate Petitions of Nomination.**

- A. Municipal General Election.** The earliest date a petition may be circulated is the ninety-first (91<sup>st</sup>) day before the election. The last date to circulate a petition will be the fifty-fifth (55<sup>th</sup>) day before the election.<sup>8</sup>
- B. Special Vacancy Election.** For a special vacancy election, petitions of nomination may not be circulated for signatures by Denver electors until a vacancy has first been declared by the City Council by resolution.
- C. Circulators.** No person may circulate a petition section to nominate a candidate unless the person is a citizen of the United States, and at least sixteen (16) years of age at the time the petition is circulated.
- D. Signing of Petitions - Hardcopy.** Petitions may be signed only by registered electors who reside in the City and County of Denver or as applicable, the councilmember district.<sup>9</sup> Each registered elector must sign his or her own signature and must print his or her name, the address at which he or she resides, including the street number and name, the city or town, the county, and the date of signing. Each registered elector signing a petition should be encouraged by the circulator of the petition to sign the petition in ink. Only the registered elector may withdraw or cross-out his or her own information.
- E. Signing of Petitions – Digital.** Petitions may be signed only by registered electors who reside in the City and County of Denver or as applicable, the councilmember district. Each registered elector must sign his or her own signature and must enter his or her name, the address at which he or she resides, including the street number and name, the city or town, the county, and the date of signing. Each registered elector signing a petition must sign the petition using a stylus or other specialized marking device.
- F. Assistance to Signers.** In the event a registered elector is physically disabled or has limited literacy and wishes to sign the petition, the elector must sign or make his or her mark in the space so provided. Any person except a circulator may assist an elector who is physically disabled or has limited literacy in completing the remaining information required by this section. The person providing assistance must sign his or her name and address directly below the elector’s signature line and must state that such assistance was given to the elector.<sup>10</sup>

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<sup>8</sup> Charter § 8.2.7

<sup>9</sup> Charter § 8.2.7

<sup>10</sup> C.R.S. § 1-4-904(4)

**G. List of Circulators and Notaries.** The candidate shall maintain a list that accurately identifies the circulator's name and address, notary public, and section number of each petition. A copy of the list shall be filed with the clerk and recorder along with the petition.

**4.4 Verification of Candidate Petitions of Nomination.** This rule sets forth the methodology of the clerk and recorder for verification of signatures and validity of petitions, including the identity and residence address of the petition signers and other information required on the petitions.

**4.4.1 General Procedures for Submission of Completed Petitions of Nomination to the Clerk and Recorder.**

**A. Receipt of Petitions of Nomination.** When the petition sections are received by the clerk and recorder, each section will be date stamped and if sections were printed by the clerk and recorder, the unique number on each section will be recorded. If the petition sections were not printed by the clerk and recorder, a unique number will be assigned and recorded by the clerk and recorder.

**B. Method of Filing Hardcopy Petitions.** All completed hardcopy petitions must be filed in their original paper format via hand or mail delivery and may not be filed with the clerk and recorder by facsimile, email or other electronic means.

**C. Method of Filing Digital Petitions.** All completed digital petitions must be filed in paper format, with attached completed *Affidavits of Circulator*, printed, signed, notarized, and dated at the Denver Elections Division, and may not be filed with the clerk and recorder by any other means, including facsimile, email or other electronic means.

**D. Disassembly.** Each petition section will be reviewed for evidence of disassembly. If it appears that the petition section was disassembled, all entries in the section will be rejected.

**E. Recording of Number of Entries.** The number of entries for each petition section will be recorded. If the number of entries is fewer than the total number of signatures required to certify the candidate to the ballot, a statement of insufficiency will be issued. The block of information that consists of the date, last name, first name, middle initial, year of birth, street address, city and signature, is considered a line. Each line with writing will be counted on each petition section and will be considered an entry for sufficiency review.

**i.** A line that has no writing or marks on it will not be considered an entry.

ii. A line that has writing on it but is completely crossed out will not be considered an entry.

iii. A line that has writing on it but is incomplete or that is partially crossed out will be considered an entry to be included in this count.

**4.4.2 Verification of the Affidavit of Circulator.** Each petition of nomination section will be reviewed for the following:

**A. Compliance with Completion Requirements.** Each petition section will be reviewed to verify that it contains an *Affidavit of Circulator*. The *Affidavit of Circulator* will be reviewed for each petition section to ensure it has been completed in accordance with these Rules.

**B. Compliance with the Notary Public Requirement.** The *Affidavit of Circulator* for each petition section must be completed and signed in the presence of a notary public who will witness the affidavit and stamp it with a seal. The notary clause at the end of the *Affidavit of Circulator* will be reviewed for each petition section.

i. If any information is missing in the notary clause, all entries in the petition section will be rejected.

ii. If the date on the notary clause is not the same date as the date the circulator signed the affidavit, all entries in the petition section will be rejected.

**4.4.3 Verification of Signature Pages.** Every signature on circulated petitions will be verified by comparison with the signatures on file the master voter registration files to ensure that each elector was registered in the City and County of Denver and within the candidate's district, if applicable, at the time the petition was signed.

**A. Date of Signing.**

i. If a signature was placed on the petition section prior to the circulation period or prior to the final approval of the petition format by the clerk and recorder, the entry will be rejected.

ii. If the signer was not a registered elector in the City and County of Denver and the candidate's district, if applicable, at the time of signing, the entry will be rejected.

iii. If a signature is placed on the petition section after the date on the circulator's affidavit, the entry will be rejected.

**B. Match of Name to Voter Record.** To be accepted, the name on the entry must be in a form similar to that found on the master voter registration

files. Signatures that are common variants of the name found on the voter record will be counted.

**i.** If the middle initial or middle name is not a part of either the petition section signature line or the master voter registration files the entry will be accepted if the first and last name are the same on both records.

**ii.** If the middle initial or middle name on the petition section signature line is different than the middle initial or middle name on the master voter registration files, the entry will be rejected.

**iii.** If an indicator such as Jr., Sr., or II is not part of either the petition section signature line or the master voter registration files, the entry will be accepted.

**iv.** If two persons with the same name reside at the same address as found on the master voter registration files, the entry will be rejected unless the identity of the signer can be determined conclusively from the petition section or the master voter registration files.

**C. Match of Voter Information to Record.** If the information on the master voter registration files does not match the information on the entry, the elector's voter registration history will be checked to determine if the information on the entry matches the master voter registration files at the time the entry was signed.

**i.** If the address on the petition section signature line either includes or omits a letter or number identifying an apartment or the directional location of a street, such as "E" for east, "SW" for southwest, etc., the entry will be accepted.

**ii.** If the petition section signer gives a post office box for the address, the entry will be rejected.

**D. No Match Found.** If the signer of the petition is not found on the master voter registration files, the entry will be rejected.

**E. Signature Line.**

**i.** Except as provided in subsection (C) above, if the petition section signature line is incomplete, with at least one piece of information omitted, the entry will be rejected.

**ii.** If the signature and printed name are illegible so that the master voter registration files cannot be verified, the entry will be rejected.

**iii.** If the elector has previously signed the same petition, the first valid entry will be counted and all other entries will be rejected

**F. Electors Who Sign More Than One Petition for the Same Office.**

**i** If an elector signs more than one petition for the same office, the signature on the first petition that was filed with the clerk and recorder will be the signature that will be counted.

**ii.** For councilmember-at-large petitions of nomination, registered electors may sign up to two petitions. If an elector signs more than two petitions of nomination for councilmember-at-large, for purposes of determining sufficiency, the signatures on the first two petitions filed with the clerk and recorder are the signatures that will be counted.

**G. Assistance to Signer.** If assistance appears to have been given to the signer and a statement of assistance does not accompany the signature or mark explaining the variance in the script as required in these Rules, the entry will be rejected.

**H. Reason Codes.** Each reason for rejection of an entry will be recorded by separate code and a master record of the rejected entries will be maintained. A master record will also be maintained of each entry that is accepted.

**4.4.4 Withdrawing a Signature.** A registered elector who provided information for the petition may withdraw his or her signature from it by filing a written request with the clerk and recorder up to the time the clerk and recorder determines the petition's sufficiency.<sup>11</sup>

**4.5 Notification of Sufficiency Decision of Candidate Petitions, and Cure.**

**4.5.1 Sufficiency.** After verification of the candidate petition of nomination, if the petition is deemed to contain a sufficient number of valid signatures, the clerk and recorder will notify the candidate in writing. Upon determining that the petition of nomination is sufficient and after the time for protest has passed, the clerk and recorder will certify the candidate to the ballot.

**4.5.2 Insufficiency.** In the event the clerk and recorder determines that the petition contains an insufficient number of signatures and/or there is a defective circulator's affidavit, the clerk and recorder will notify the candidate of the insufficiency, and the candidate may cure the insufficiency by filing an addendum to the original petition for the purpose of offering such number of additional signatures and/or offering a corrected circulator's affidavit as will cure the insufficiency. Any addendum or correction must be filed at any time prior to fifty-five (55) days before the day of election.

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<sup>11</sup> D.R.M.C. § 15-11(a)(2)

**4.6 Protest of Candidate Petitions of Nomination.** A petition of nomination that has been verified and appears to be sufficient under these Rules will be deemed valid unless a petition for a review of the validity of the petition is filed with the district court within five (5) days after the clerk and recorder’s statement of sufficiency is issued.<sup>12</sup>

**4.7 Placement of Candidate Names on Ballot.**

**4.7.1 Placement by Lot.** The arrangement of candidate names on the ballot for the municipal general election or vacancy election will be determined by lot at any time prior to the certification of the ballot. The clerk and recorder will notify the candidates of the time and place of the lot drawing for the ballot. The lot drawing is open to the public.

**4.7.2 Placement by Timing of Filing.** In a municipal run-off election, the names of the candidates will be arranged in the same order as the candidates filed their petitions of nomination, with the first name being that of the first person to file.<sup>13</sup>

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<sup>12</sup> C.R.S. § 1-1-113

<sup>13</sup> Charter § 8.2.21(F)

## **RULE 5. Initiated Ordinance Petitions.** (Adopted 1/2/2019)

**5.1 Certification of Compliance.** Upon receipt of written notice from the director of city council staff and the city attorney certifying the proponents' compliance with the review and comment hearing requirement, the clerk and recorder may receive and act upon any affidavit or notice of intent commencing the initiation of ordinance.<sup>14</sup>

**5.1.1 Amendments to original draft submitted for review and comment meeting.** If, after the review and comment meeting required in Denver Charter § 8.3.7 and D.R.M.C. § 15-3, the proponents amend the text of a proposed ordinance, an amended draft of the proposed ordinance with changes highlighted or otherwise indicated and a copy of an original final draft that gives the final, complete language of the proposed ordinance will be resubmitted to the director of city council staff and the city attorney for comment or other response in accordance with D.R.M.C. § 15-3(b).

**5.2 Petitions for Initiated Ordinance.** A petition for initiated ordinance may be filed at any time.<sup>15</sup> Such initiated ordinance will be placed on the ballot when a petition is verified containing signatures numbering at a minimum two (2) percent of the total number of active registered electors as of January 1 each odd-numbered year.<sup>16</sup>

**5.2.1 Deadline to File Completed Petition.** A completed petition for initiated ordinance must be filed with the clerk and recorder no later than one hundred eighty (180) days from the date of approval of the affidavit, ballot title, and petition sample by the clerk and recorder.<sup>17</sup>

**5.2.2 Ballot Title and Text.** Any petition for an initiative shall specify in full the text of the ordinance to be initiated and shall contain a ballot title, which shall contain in summary form the major provisions of the ordinance, and which shall be true and impartial and shall not be an argument, nor likely to create bias, either for or against the measure.<sup>18</sup>

**5.2.3 Wording of Title.** The title for an initiated ordinance shall begin with the words: "Shall the voters of the City and County of Denver adopt ..." unless different wording is required by the state constitution.<sup>19</sup>

**5.3 Petitioners' Committee.** Any five (5) registered electors of the City and County of Denver may begin proceedings for initiative by filing with the clerk and recorder an

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<sup>14</sup> Charter § 8.3.7, D.R.M.C § 15-3

<sup>15</sup> Charter § 8.3.1(A)

<sup>16</sup> Charter § 8.3.1(B)

<sup>17</sup> D.R.M.C. § 15-11(b)(1)

<sup>18</sup> Charter § 8.3.2(B)

<sup>19</sup> Charter § 8.3.2(B)

affidavit constituting themselves as a petitioners' committee for such purpose and specifying the intent to circulate an initiative petition.<sup>20</sup>

**5.3.1 Affidavit of Petitioners' Committee.** 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 will be sent; and shall specify one member of the committee to serve as primary contact.<sup>21</sup> Contact information for the primary contact shall include an email address.

**5.3.2 Sample Petition.** The petitioners' committee must append to any affidavit a sample petition form in the style and format that complies with the Charter of the City and County of Denver, Denver Revised Municipal Code, and the requirements of the clerk and recorder.<sup>22</sup>

**5.4 Form of Petition.** The form of petitions for initiated ordinance may consist of multiple petition sections. Each section is to consist of multiple sheets fastened together with a blue manuscript cover. Each section must have a consecutive four-digit number.<sup>23</sup> The number may be printed by a printer, hand-stamped with a manual stamp or legibly handwritten. The order of each petition section will be: 1) the affidavit of the petitioners' committee on which the title and full text of the proposed initiated ordinance that is the subject of the petition is printed; 2) instructions to circulators; 3) signature pages; and 4) affidavit of circulator.

**5.4.1 Instructions to Circulators.** To each petition section, following the affidavit of petitioners' committee and immediately preceding the signature pages, must be attached the *Instructions to Circulators*, which must be in substantial compliance with the sample instructions to circulators contained in the initiated ordinance information packet that may be obtained from the clerk and recorder.

**5.4.2 Signature Pages.** To each petition section must be attached *Signature Pages* that must be in substantial compliance with the sample signature page contained in the initiated ordinance information packet that may be obtained from the clerk and recorder.

**A. Warning.** At the top of each signature page of every initiative petition section, the following warning statement must be printed in bold:

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

**For anyone to sign any initiative petition with any name other than his or her own or to knowingly sign his or her name more than once**

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<sup>21</sup> Charter § 8.3.2(B)

<sup>22</sup> Charter § 8.3.2(B)

<sup>23</sup> Charter §§ 8.3.2(B) and (C); D.R.M.C. § 15-11(a)(1); C.R.S. § 31-11-106(4)

**for the same measure or to knowingly sign a petition when not a registered elector who is eligible to vote on the measure.**

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

**Do not sign this petition unless you have read or have had read to you the proposed initiative in its entirety and understand its meaning.**<sup>24</sup>

- B. Signature Lines.** All signature pages must contain ruled lines numbered consecutively for registered electors' signatures, and have up to ten (10) signature lines on each page. Each signature line must have space provided for date, last name, first name, middle initial, year of birth, street address, city and signature.
- C. Signature Page Numbering.** If a petition section contains multiple signature pages, all signature pages must be sequentially numbered starting with page 1 at the bottom of the first signature page.<sup>25</sup>

**5.4.3 Affidavit of Circulator.** When filed, each petition section must be attached a signed, notarized, and dated affidavit executed by the person who circulated the petition section.<sup>26</sup> The *Affidavit of Circulator* must be in substantial compliance with the sample affidavit of circulator contained in the initiated ordinance information packet that may be obtained from the clerk and recorder, and must include the following information for the affiant (the circulator):

- A.** The circulator's printed name and signature,
- B.** The permanent address at which the circulator resides, including the street name and number, apartment or unit number, city or town, county, and state (if outside Colorado);
- C.** The date the circulator signed the affidavit;
- D.** That the circulator has read and understands the laws governing the circulation of petitions;
- E.** That the circulator was sixteen (16) years of age or older at the time the petition section was circulated and signed by the listed electors;

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<sup>24</sup> C.R.S. § 31-11-106(3)(a)

<sup>25</sup> C.R.S. § 31-11-106(3)(c)

<sup>26</sup> D.R.M.C. § 15-11(a)(4); C.R.S. § 31-11-106

- F. That the circulator personally circulated the petition section;
- G. That all signatures were affixed in the circulator's presence;
- H. That each signature thereon is the signature of the person whose name it purports to be;
- I. That, to the best of the circulator's knowledge and belief, each of the persons signing the petition section was, at the time of signing, a registered elector of the city and county of Denver;
- J. That the circulator has not paid or will not in the future pay and that the circulator believes that no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix the signer's signature to the petition, and
- K. That each signer had an opportunity to read the full text and ballot title of the initiative.

**5.5 Review and Approval of Affidavit, Ballot Title, and Petition Sample.** The affidavit, ballot title, and petition sample will be reviewed by the clerk and recorder for a determination of compliance with the requirements of the Charter of the City and County of Denver, 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 will consider the public confusion that might be caused by a misleading title.<sup>27</sup>

**5.5.1 Review Period.** The clerk and recorder will have three (3) full working days from the time of the filing of the affidavit, petition sample, and ballot title to review these materials. At the end of the three (3) working days, the clerk and recorder will 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 will make written findings specifying the defects.<sup>28</sup>

**5.5.2 Method of Filing Petition Sample Materials.** All petition sample materials must be filed for review in original paper format via hand or mail delivery, and may not be filed with the clerk and recorder by facsimile, email or other electronic means.

**5.5.3 Approval Requirement.** No petition may be circulated nor may any signatures be procured until such affidavit, petition sample, and ballot title are approved by the clerk and recorder.<sup>29</sup>

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<sup>27</sup> Charter § 8.3.2(C)

<sup>28</sup> Charter § 8.3.2(C)

<sup>29</sup> Charter § 8.3.2(C)

**5.5.4 No Extraneous Material.** Petition sections submitted for approval will contain only those elements required by applicable laws and may not contain any extraneous material.<sup>30</sup>

**5.5.5 Rejection for Failure to Propose Municipal Legislation.** The clerk and recorder may reject a petition sample on the grounds that the petition does not propose municipal legislation.<sup>31</sup>

**5.6 Digital Petition Application Opt-in for Circulation.** A petition for an initiated ordinance must be circulated in either hardcopy format in accordance with Rule 5.7 and 5.8, or a petitioner’s committee may opt-in to use a digital application format in accordance with Rule 12.

**5.7 Circulation of Approved Petition for Initiated Ordinance.**

**5.7.1 Circulators.** No person may circulate an approved petition section for an initiated ordinance unless the person is a citizen of the United States and at least sixteen (16) years of age at the time the petition is circulated.<sup>32</sup>

**5.7.2 Signing of Petitions - Hardcopy.** Petitions may be signed only by registered electors who are eligible to vote on the measure. Each registered elector must sign his or her own signature and must print his or her name, the address at which he or she resides, including the street number and name, the city or town, the county, and the date of signing.<sup>33</sup> Each registered elector signing a petition should be encouraged by the circulator of the petition to sign the petition in ink.<sup>34</sup> Only the registered elector may withdraw or cross-out his or her own information.

**5.7.3 Signing of Petitions – Digital.** Petitions may be signed only by registered electors who are eligible to vote on the measure. Each registered elector must sign his or her own signature and must enter his or her name, the address at which he or she resides, including the street number and name, the city or town, the county, and the date of signing.<sup>35</sup> Each registered elector signing a petition must sign the petition using a stylus or other specialized marking device.

**5.7.4 Assistance to Signers.** In the event a registered elector is physically disabled or has limited literacy and wishes to sign the petition, the elector must sign or make his or her mark in the space so provided. Any person except a circulator may assist an elector who is physically disabled or has limited literacy in completing the remaining information required by this section. The person providing assistance must sign his or her name and address directly below the elector’s signature line and must state that such assistance was given to the elector.<sup>36</sup>

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<sup>30</sup> C.R.S. § 31-11-106(1)

<sup>31</sup> C.R.S. § 31-11-106(1)

<sup>32</sup> D.R.M.C. § 15-11(a)(4); C.R.S. § 31-11-107

<sup>33</sup> D.R.M.C § 15-11(a)(2); C.R.S. § 31-11-108

<sup>34</sup> C.R.S. § 31-11-108

<sup>35</sup> D.R.M.C § 15-11(a)(2)

<sup>36</sup> C.R.S. § 31-11-108

**5.7.5 List of Circulators and Notaries.** The petitioners' committee shall maintain a list that accurately identifies the circulator's name and address, notary public, and section number of each petition. A copy of the list shall be filed with the clerk and recorder along with the petition.

**5.8 Verification of Petitions for Initiated Ordinance.** This rule sets forth the methodology of the clerk and recorder for verification of signatures and validity of petitions, including the identity and residence address of the petition signers and other information required on the petitions.<sup>37</sup>

**5.8.1 General Procedures for Submission of Completed Petitions for Initiated Ordinance to the Clerk and Recorder.**

- A. When Petition May be Filed.** After signatures have been obtained, the petitioners' committee must file the completed hardcopy petition with the clerk and recorder no later than close of business on a normal business day. All petition sections must be filed at the same time.<sup>38</sup>
- B. Method of Filing Hardcopy Petitions.** All completed hardcopy petitions must be filed in their original paper format via hand or mail delivery and may not be filed with the clerk and recorder by facsimile, email or other electronic means.
- C. Method of Filing Digital Petitions.** All completed digital petitions must be filed in paper format, with attached completed *Affidavits of Circulator*, printed, signed, notarized, and dated at the Denver Elections Division, and may not be filed with the clerk and recorder by any other means, including facsimile, email or other electronic means.
- D. Receipt of Petitions.** When the petition sections are received by the clerk and recorder, each section will be date stamped and a unique number will be assigned to the petition and recorded by the clerk and recorder.
- E. Holding Period.** The clerk and recorder will hold the petition for a period of twenty-five (25) days following receipt, during which time the clerk and recorder will determine whether the petition is signed by the requisite number of registered electors.
- F. Disassembly.** Each petition section will be reviewed for evidence of disassembly. If it appears that the petition section was disassembled, all entries in the section will be rejected.<sup>39</sup>

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<sup>37</sup> D.R.M.C. § 15-11(a)(3)

<sup>38</sup> D.R.M.C. § 15-11(a)(5)

<sup>39</sup> C.R.S. § 31-11-106(3)(e)(II)

**G. Recording of Number of Entries.** The number of entries for each petition section will be recorded. If the number of entries is fewer than the total number of signatures required to certify the initiated ordinance to the ballot, a statement of insufficiency will be issued. The block of information that consists of the date, last name, first name, middle initial, year of birth, street address, city and signature is considered a line. Each line with writing will be counted on each petition section and will be considered an entry for sufficiency review.<sup>40</sup>

**i.** A line that has no writing or marks on it will not be considered an entry.

**ii.** A line that has writing on it but is completely crossed out will not be considered an entry.

**iii.** A line that has writing on it but is incomplete or that is partially crossed out will be considered an entry to be included in this count.

**5.8.2 Verification of the Affidavit of Circulator.** Each petition section will be reviewed for the following:

**A. Compliance with Completion Requirements.** Each petition section will be reviewed to verify that it contains an *Affidavit of Circulator*.

**i.** The *Affidavit of Circulator* will be reviewed for each petition section to ensure it has been completed in accordance with these Rules.

**ii.** The clerk and recorder will not accept for filing any section of a petition that does not have attached to it the notarized affidavit as required by these Rules.<sup>41</sup>

**B. Compliance with Notary Public Requirement.** The *Affidavit of Circulator* for each petition section must be completed and signed in the presence of a notary public who will witness the affidavit and stamp it with a seal. The notary clause at the end of the *Affidavit of Circulator* will be reviewed for each petition section.

**i.** If any information is missing in the notary clause, all entries in the petition section will be rejected.

**ii.** If the date on the notary clause is not the same date as the date the circulator signed the affidavit, all entries in the petition section will be rejected.<sup>42</sup>

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<sup>40</sup> D.R.M.C. § 15-11(a)(5); C.R.S. § 31-11-109

<sup>41</sup> D.R.M.C. § 15-11(a)(4); C.R.S. § 31-11-106(3)

<sup>42</sup> D.R.M.C. § 15-11(a)(4); C.R.S. § 31-11-106(3)

**5.8.3 Verification of Signature Pages.** Every signature on circulated petitions will be verified by comparison with the signatures on file in the master voter registration files to ensure that each elector was registered in the City and County of Denver at the time the petition was signed.

**A. Date of Signing.**

**i.** If a signature was placed on the petition section prior to the circulation period or prior to the final approval of the petition format by the clerk and recorder, the entry will be rejected.<sup>43</sup>

**ii.** If the signer was not a registered elector in the City and County of Denver at the time of signing, the entry will be rejected.<sup>44</sup>

**iii.** If a signature is placed on the petition section after the date on the circulator's affidavit, the entry will be rejected.<sup>45</sup>

**B. Match of Name to Voter Record.** To be accepted, the name on the entry must be in a form similar to that found on the master voter registration files. Signatures that are common variants of the name found on the voter record will be counted.

**i.** If the middle initial or middle name is not a part of either the petition section signature line or the master voter registration files the entry will be accepted if the first and last names are the same on both records.

**ii.** If the middle initial or middle name on the petition section signature line is different than the middle initial or middle name on the master voter registration files, the entry will be rejected.

**iii.** If an indicator such as Jr., Sr., or II is not part of either the petition section signature line or the master voter registration files, the entry will be accepted.

**iv.** If two persons with the same name reside at the same address as found on the master voter registration files, the entry will be rejected, unless the identity of the signer can be determined conclusively from the petition section or the master voter registration files.

**C. Match of Voter Information to Record.** If the information on the master voter registration files does not match the information on the entry, the elector's voter registration history will be checked to determine if the information on the entry matches the master voter registration files at the time the entry was signed.

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<sup>43</sup> Charter § 8.3.2(C); D.R.M.C. § 15-11(b)(1); C.R.S. § 31-11-106(1)

<sup>44</sup> D.R.M.C. § 15-11(a)(2); C.R.S. §§ 31-11-108, 31-11-109

<sup>45</sup> C.R.S. § 31-11-106(3)(e)(III)

i. If the address on the petition section signature line either includes or omits a letter or number identifying an apartment or the directional location of a street, such as “E” for east, “SW” for southwest, etc., the entry will be accepted.

ii. If the petition section signer gives a post office box for the address, the entry will be rejected.

**D. No Match Found.** If the signer of the petition is not found on the master voter registration files, the entry will be rejected.

**E. Signature Line.**

i. Except as provided in subsection (C) above, if the petition section signature line is incomplete, with at least one piece of information omitted, the entry will be rejected.

ii. If the signature and printed name are illegible so that the master voter registration files cannot be verified, the entry will be rejected.

iii. If the elector has previously signed the same petition, the first valid entry will be counted and all other entries will be rejected.

**F. Assistance to Signer.** If assistance appears to have been given to the signer and a statement of assistance does not accompany the signature or mark explaining the variance in the script as required in these Rules, the entry will be rejected.<sup>46</sup>

**G. Reason Codes.** Each reason for rejection of an entry will be recorded by separate code and a master record of the rejected entries will be maintained. A master record will also be maintained of each entry that is accepted.

**5.8.4 Withdrawing a Signature.** A registered elector who provided information for the petition may withdraw his or her signature from it by filing a written request with the clerk and recorder up to the time the clerk and recorder determines the petition’s sufficiency.<sup>47</sup>

**5.9 Notification of Sufficiency Decision for Initiated Ordinance Petitions, and Cure.**

**5.9.1 Sufficiency.** Once the twenty-five (25) day holding period has passed, if the petition is deemed to contain a sufficient number of valid signatures, the clerk and recorder will notify the petitioners’ committee in writing.<sup>48</sup>

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<sup>46</sup> C.R.S. § 31-11-108

<sup>47</sup> D.R.M.C. § 15-11(a)(2)

<sup>48</sup> D.R.M.C. § 15-11(a)(5)

**5.9.2 Insufficiency.** In the event the clerk and recorder determines that the petition contains an insufficient number of signatures and/or there is a defective circulator's affidavit, the clerk and recorder will 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 and/or offering a corrected circulator's affidavit as will cure the insufficiency. Any addendum must be filed within the time period allowed for the original petition. The clerk and recorder will record and hold any addendum for an additional period of twenty-five (25) days and will verify the signatures on the addendum in the same manner as provided for in the original petition.<sup>49</sup>

**5.10 Protest of Petition for Initiated Ordinance.** Within the twenty-five (25) day holding period of the petition or any addendum thereto, a protest subscribed and sworn to under oath may be filed by a registered elector of the City and County of Denver. A protestor must 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 will appoint a hearing officer who will 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 will 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 recorder.<sup>50</sup>

**5.11 Placement of Petition for Initiated Ordinance on Ballot.** The alphabetical and/or numeric designation of an initiated ordinance on the ballot for an election will be in the order in which the measure is certified to the ballot after the protest period has ended or, if a protest was filed, in order of the date of the issuance of the written findings of fact by the hearing officer.<sup>51</sup>

**5.12 Withdrawal of a Petition Determined Sufficient.** The primary contact of the petitioners' committee of an initiative petition may withdraw the petition from consideration as a ballot measure by filing a letter with the clerk and recorder requesting that the petition not be placed on the ballot. The letter shall be signed and notarized by the primary contact and shall be filed no later than sixty (60) days before the election at which the initiative is to be voted upon.

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<sup>49</sup> D.R.M.C. § 15-11(a)(5); C.R.S. § 31-11-109

<sup>50</sup> D.R.M.C. § 15-11(a)(5); C.R.S. § 31-11-110

<sup>51</sup> D.R.M.C. § 15-11(a)(5); C.R.S. § 1-5-407(5)(a)

## **RULE 6. Referendum Petitions.** (Adopted 1/2/2019)

**6.1 Petitions for Referendum.** A completed referendum petition shall be filed with the clerk and recorder within ninety (90) days of passage of the ordinance to be referred.<sup>52</sup> Such referendum will be placed on the ballot when a petition is verified containing signatures numbering at a minimum two (2) percent of the total number of active registered electors as of January 1 each odd-numbered year.<sup>53</sup>

**6.1.1 Ballot Title and Text.** Any petition for a referendum shall specify in full the text of the ordinance to be referred and shall contain 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.<sup>54</sup>

**6.1.2 Wording of Title.** 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.<sup>55</sup>

**6.2 Petitioners’ Committee.** Any five (5) registered electors of the City and County of Denver may begin proceedings for a referendum by filing with the clerk and recorder an affidavit constituting themselves as a petitioners’ committee for such purpose and specifying the intent to circulate a referendum petition.<sup>56</sup>

**6.2.1 Affidavit of Petitioners’ Committee.** 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 will be sent; and shall specify one member of the committee to serve as primary contact.<sup>57</sup> Contact information for the primary contact should include an email address.

**6.2.2 Sample Petition.** The petitioners’ committee must append to any affidavit a sample petition form in the style and format that complies with the Charter of the City and County of Denver and the requirements of the clerk and recorder.<sup>58</sup>

**6.3 Form of Petition.** The form of petitions for referendum may consist of multiple petition sections. Each section is to consist of multiple sheets fastened together with a blue manuscript cover. Each section must have a consecutive four-digit number.<sup>59</sup> The number may be printed by a printer, hand-stamped with a manual stamp or legibly handwritten. The order

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<sup>52</sup> Charter § 8.3.1(A); D.R.M.C. § 15-11(c)(1)

<sup>53</sup> Charter § 8.3.1(B)

<sup>54</sup> Charter § 8.3.2(B)

<sup>55</sup> Charter § 8.3.2(B)

<sup>56</sup> Charter § 8.3.2(A)

<sup>57</sup> Charter § 8.3.2(B)

<sup>58</sup> Charter § 8.3.2(B)

<sup>59</sup> Charter §§ 8.3.2(B) and (C); D.R.M.C. § 15-11(a)(1); C.R.S. § 31-11-106(4)

of each petition section will be: 1) the affidavit of the petitioners' committee on which the title and full text of the proposed referendum that is the subject of the petition is printed; 2) instructions to circulators; 3) signature pages; and 4) affidavit of circulator.

**6.3.1 Instructions to Circulators.** To each petition section, following the affidavit of petitioners' committee and immediately preceding the signature pages, must be attached the *Instructions to Circulators*, which must be in substantial compliance with the sample instructions to circulators contained in a referendum information packet that may be obtained from the clerk and recorder.<sup>60</sup>

**6.3.2 Signature Pages.** To each petition section must be attached *Signature Pages* that must be in substantial compliance with the sample signature page contained in the referendum information packet that may be obtained from the clerk and recorder.

**A. Warning.** At the top of each signature page of every referendum petition section, the following warning statement must be printed in bold:

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

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

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

**Do not sign this petition unless you have read or have had read to you the proposed referred measure in its entirety and understand its meaning.**<sup>61</sup>

**B. Signature Lines.** All signature pages must contain ruled lines numbered consecutively for registered electors' signatures, and have up to ten (10) signature lines on each page. Each signature line must have space provided for date, last name, first name, middle initial, year of birth, street address, city and signature.

**C. Signature Page Numbering.** If a petition section contains multiple signature pages, all signature pages must be sequentially numbered starting with page 1 at the bottom of the first signature page.

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<sup>60</sup> D.R.M.C. § 15-11(a)(4)

<sup>61</sup> C.R.S. § 31-11-106(3)

**6.3.3 Affidavit of Circulator.** When filed, each petition section must be attached a signed, notarized, and dated affidavit executed by the person who circulated the petition section.<sup>62</sup> The *Affidavit of Circulator* must be in substantial compliance with the sample affidavit of circulator contained in a referendum information packet that may be obtained from the clerk and recorder and must include the following information for the affiant (the circulator):

- A. The circulator's printed name and signature;
- B. The permanent address at which the circulator resides, including the street name and number, apartment or unit number, city or town, county, and state (if outside Colorado);
- C. The date the circulator signed the affidavit;
- D. That the circulator has read and understands the laws governing the circulation of petitions;
- E. That the circulator was sixteen (16) years of age or older at the time the petition section was circulated and signed by the listed electors;
- F. That the circulator personally circulated the petition section;
- G. That all signatures were affixed in the circulator's presence;
- H. That each signature thereon is the signature of the person whose name it purports to be;
- I. That, to the best of the circulator's knowledge and belief, each of the persons signing the petition section was, at the time of signing, a registered elector of the City and County of Denver;
- J. That the circulator has not paid or will not in the future pay and that the circulator believes that no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix the signer's signature to the petition, and<sup>63</sup>
- K. That each signer had an opportunity to read the full text and ballot title of the referendum.<sup>64</sup>

**6.4 Review and Approval of Affidavit, Ballot Title, and Petition Sample.** The affidavit, ballot title, and petition sample will be reviewed by the clerk and recorder for a

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<sup>62</sup> D.R.M.C. § 15-11(a)(4)

<sup>63</sup> D.R.M.C. § 15-11(a)(4); C.R.S. §§ 31-11-106(3), 31-11-107

<sup>64</sup> D.R.M.C. § 15-11(a)(4)

determination of compliance with the requirements of the Charter of the City and County of Denver, 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 will consider the public confusion that might be caused by a misleading title.<sup>65</sup>

**6.4.1 Review Period.** The clerk and recorder will 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 will 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 will make written findings specifying the defects.<sup>66</sup>

**6.4.2 Method of Filing Petition Sample Materials.** All petition sample materials must be filed for review in original paper format via hand or mail delivery and may not be filed with the clerk and recorder by facsimile, email or other electronic means.

**6.4.3 Approval Requirement.** No petition may be circulated nor may any signatures be procured until such affidavit, petition sample, and ballot title are approved by the clerk and recorder.<sup>67</sup>

**6.4.4 No Extraneous Material.** Petition sections submitted for approval will contain only those elements required by applicable laws and may not contain any extraneous material.<sup>68</sup>

**6.4.5 Rejection for Failure to Propose Municipal Legislation.** The clerk and recorder may reject a petition sample on the grounds that the petition does not propose to repeal municipal legislation.<sup>69</sup>

**6.5 Digital Petition Application Opt-in for Circulation.** A petition for an referendum must be circulated in either hardcopy format in accordance with Rule 6.6 and 6.7, or a petitioner's committee may opt-in to use a digital application format in accordance with Rule 12.

## **6.6 Circulation of Petition for Referendum.**

**6.6.1 Circulators.** No person may circulate a petition section for a referendum unless the person is a citizen of the United States and at least sixteen (16) years of age at the time the petition is circulated.<sup>70</sup>

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<sup>65</sup> Charter § 8.3.2(C)

<sup>66</sup> Charter § 8.3.2(C)

<sup>67</sup> Charter § 8.3.2(C)

<sup>68</sup> C.R.S. § 31-11-106(1)

<sup>69</sup> C.R.S. § 31-11-106(1)

<sup>70</sup> D.R.M.C. § 15-11(a)(4); C.R.S. §§ 31-11-106(e)(I), 31-11-107

**6.6.2 Signing of Petitions - Hardcopy.** Petitions may be signed only by registered electors who are eligible to vote on the measure.<sup>71</sup> Each registered elector must sign his or her own signature and must print his or her name, the address at which he or she resides, including the street number and name, the city or town, the county, and the date of signing.<sup>72</sup> Each registered elector signing a petition should be encouraged by the circulator of the petition to sign the petition in ink.<sup>73</sup> Only the registered elector may withdraw or cross-out his or her own information.

**6.6.3 Signing of Petitions – Digital.** Petitions may be signed only by registered electors who are eligible to vote on the measure. Each registered elector must sign his or her own signature and must enter his or her name, the address at which he or she resides, including the street number and name, the city or town, the county, and the date of signing.<sup>74</sup> Each registered elector signing a petition must sign the petition using a stylus or other specialized marking device.

**6.6.3 Assistance to Signers.** In the event a registered elector is physically disabled or has limited literacy and wishes to sign the petition, the elector must sign or make his or her mark in the space so provided. Any person except a circulator may assist an elector who is physically disabled or has limited literacy in completing the remaining information required by this section. The person providing assistance must sign his or her name and address directly below the elector’s signature line and must state that such assistance was given to the elector.<sup>75</sup>

**6.6.4 List of Circulators and Notaries.** The petitioners shall maintain a list that accurately identifies the circulator’s name and address, notary public, and section number of each petition. A copy of the list shall be filed with the clerk and recorder along with the petition.

**6.7 Verification of Petitions for Referendum.** This rule sets forth the methodology of the clerk and recorder for verification of signatures and validity of petitions, including the identity and residence address of the petition signers and other information required on the petitions.<sup>76</sup>

**6.7.1 General Procedures for Submission of Completed Petitions for Referendum to the Clerk and Recorder.**

**A. When Petition May be Filed.** After signatures have been obtained, the petitioners’ committee must file the completed petition with the clerk

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<sup>71</sup> C.R.S. § 31-11-108

<sup>72</sup> C.R.S. § 31-11-108

<sup>73</sup> C.R.S. § 31-11-108

<sup>74</sup> D.R.M.C § 15-11(a)(2)

<sup>75</sup> C.R.S. § 31-11-108

<sup>76</sup> D.R.M.C. § 15-11(a)(3)

and recorder no later than close of business on a normal business day. All petition sections must be filed at the same time.<sup>77</sup>

- B. Method of Filing Hardcopy Petitions.** All completed hardcopy petitions must be filed in their original paper format via hand or mail delivery and may not be filed with the clerk and recorder by facsimile, email or other electronic means.
- C. Method of Filing Digital Petitions.** All completed digital petitions must be filed in paper format, with attached completed *Affidavits of Circulator*, printed, signed, notarized, and dated at the Denver Elections Division, and may not be filed with the clerk and recorder by any other means, including facsimile, email or other electronic means.
- C. Receipt of Petitions.** When the petition sections are received by the clerk and recorder, each section will be date stamped and a unique number will be assigned to the petition and recorded by the clerk and recorder.
- E. Holding Period.** The clerk and recorder will hold the petition for a period of twenty-five (25) days following receipt, during which time the clerk and recorder will determine whether the petition is signed by the requisite number of registered electors.<sup>78</sup>
- F. Disassembly.** Each petition section will be reviewed for evidence of disassembly. If it appears that the petition section was disassembled, all entries in the section will be rejected.<sup>79</sup>
- G. Recording of Number of Entries.** The number of entries for each petition section will be recorded. If the number of entries is fewer than the total number of signatures required to certify the referendum to the ballot, a statement of insufficiency will be issued. The block of information that consists of the date, last name, first name, middle initial, year of birth, street address, city and signature is considered a line. Each line with writing will be counted on each petition section and will be considered an entry for sufficiency review.<sup>80</sup>
- i.** A line that has no writing or marks on it will not be considered an entry.
  - ii.** A line that has writing on it but is completely crossed out will not be considered an entry.

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<sup>77</sup> D.R.M.C. § 15-11(a)(5)

<sup>78</sup> D.R.M.C. § 15-11(a)(5)

<sup>79</sup> C.R.S. § 31-11-106(3)(e)(II)

<sup>80</sup> D.R.M.C. § 15-11(a)(5); C.R.S. § 31-11-109

iii. A line that has writing on it but is incomplete or that is partially crossed out will be considered an entry to be included in this count.

**6.7.2 Verification of the Affidavit of Circulator.** Each petition section will be reviewed for the following:

**A. Compliance with Completion Requirements.** Each petition section will be reviewed to verify that it contains an *Affidavit of Circulator*.

i. The *Affidavit of Circulator* will be reviewed for each petition section to ensure it has been completed in accordance with these rules.

ii. The clerk and recorder will not accept for filing any section of a petition that does not have attached to it the notarized affidavit as required by these Rules.<sup>81</sup>

**B. Compliance with Notary Public Requirement.** The *Affidavit of Circulator* for each petition section must be completed and signed in the presence of a notary public who will witness the affidavit and stamp it with a seal. The notary clause at the end of the *Affidavit of Circulator* will be reviewed for each petition section.

i. If any information is missing in the notary clause, all entries in the petition section will be rejected.

ii. If the date on the notary clause is not the same date as the date the circulator signed the affidavit, all entries in the petition section will be rejected.<sup>82</sup>

**6.7.3 Verification of Signature Pages.** Every signature on circulated petitions will be verified by comparison with the signatures on file in the master voter registration files to ensure that each elector was registered in the City and County of Denver at the time the petition was signed.<sup>83</sup>

**A. Date of Signing.**

i. If a signature is placed on the petition section prior to the circulation period or prior to the final approval of the petition format by the clerk and recorder, the entry will be rejected.<sup>84</sup>

ii. If the signer was not a registered elector in the City and County of Denver at the time of signing, the entry will be rejected.<sup>85</sup>

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<sup>81</sup> D.R.M.C. § 15-11(a)(4); C.R.S. § 31-11-106(3)(e)

<sup>82</sup> D.R.M.C. § 15-11(a)(4); C.R.S. § 31-11-106(3)(e)

<sup>83</sup> C.R.S. §§ 31-11-108, 31-11-109

<sup>84</sup> Charter § 8.3.2(C); D.R.M.C. § 15-11(c)(1); C.R.S. § 31-11-106(1)

<sup>85</sup> D.R.M.C. § 15-11(a)(2); C.R.S. §§ 31-11-108, 31-11-109

**iii.** If a signature was placed on the petition section after the date on the circulator’s affidavit, the entry will be rejected.<sup>86</sup>

**B. Match of Name to Voter Record.** To be accepted, the name on the entry must be in a form similar to that found on the master voter registration files. Signatures that are common variants of the name found on the voter record will be counted.

**i.** If the middle initial or middle name is not a part of either the petition section signature line or the master voter registration files the entry will be accepted if the first and last names are the same on both records.

**ii.** If the middle initial or middle name on the petition section signature line is different than the middle initial or middle name on the master voter registration files, the entry will be rejected.

**iii.** If an indicator such as Jr., Sr., or II is not part of either the petition section signature line or the master voter registration files, the entry will be accepted.

**iv.** If two persons with the same name reside at the same address as found on the master voter registration files, the entry will be rejected, unless the identity of the signer can be determined conclusively from the petition section or the master voter registration files.

**C. Match of Voter Information to Record.** If the information on the master voter registration files does not match the information on the entry, the elector’s voter registration history will be checked to determine if the information on the entry matches the master voter registration files at the time the entry was signed.

**i.** If the address on the petition section signature line either includes or omits a letter or number identifying an apartment or the directional location of a street, such as “E” for east, “SW” for southwest, etc., the entry will be accepted.

**ii.** If the petition section signer gives a post office box for the address, the entry will be rejected.

**D. No Match Found.** If the signer of the petition is not found on the master voter registration files, the entry will be rejected.

**E. Signature Line.**

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<sup>86</sup> C.R.S. § 31-11-106(3)(e)(III)

i. Except as provided in subsection (C) above, if the petition section signature line is incomplete, with at least one piece of information omitted, the entry will be rejected.

ii. If the signature and printed name are illegible so that the master voter registration files cannot be verified, the entry will be rejected.

iii. If the elector has previously signed the same petition, the first valid entry will be counted and all other entries will be rejected.

**F. Assistance to Signer.** If assistance appears to have been given to the signer and a statement of assistance does not accompany the signature or mark explaining the variance in the script as required in these Rules, the entry will be rejected.<sup>87</sup>

**G. Reason Codes.** Each reason for rejection of an entry will be recorded by separate code and a master record of the rejected entries will be maintained. A master record will also be maintained of each entry that is accepted.

**6.7.4 Withdrawing a Signature.** A registered elector who provided information for the petition may withdraw his or her signature from it by filing a written request with the clerk and recorder up to the time the clerk and recorder determines the petition's sufficiency.<sup>88</sup>

## **6.8 Notification of Sufficiency Decision for Referendum Petitions, and Cure.**

**6.8.1 Sufficiency.** Once the twenty-five (25) day holding period has passed, if the petition is deemed to contain a sufficient number of valid signatures, the clerk and recorder will notify the petitioners' committee in writing.<sup>89</sup>

**6.8.2 Insufficiency.** In the event the clerk and recorder determines that the petition contains an insufficient number of signatures and/or there is a defective circulator's affidavit, the clerk and recorder will 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 and/or offering a corrected circulator's affidavit as will cure the insufficiency. Any addendum must be filed within the time period allowed for the original petition. The clerk and recorder will record and hold any addendum for an additional period of twenty-five (25) days and will verify the signatures on the addendum in the same manner as provided for in the original petition.<sup>90</sup>

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<sup>87</sup> C.R.S. § 31-11-108

<sup>88</sup> D.R.M.C. § 15-11(a)(2)

<sup>89</sup> D.R.M.C. § 15-11(a)(5)

<sup>90</sup> D.R.M.C. § 15-11(a)(5); C.R.S. § 31-11-109

**6.9 Protest of Petition for Referendum.** Within the twenty-five (25) day holding period of the petition or any addendum thereto, a protest subscribed and sworn to under oath may be filed by a registered elector of the City and County of Denver. A protestor must 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 will appoint a hearing officer who will 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 will 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 recorder.<sup>91</sup>

**6.10 Placement of Petition for Referendum on Ballot.** The alphabetical and/or numeric designation of a referendum on the ballot for an election will be in the order in which the measure is certified to the ballot after the protest period has ended or, if a protest was filed, in order of the date of the issuance of the written findings of fact by the hearing officer.<sup>92</sup>

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<sup>91</sup> D.R.M.C. § 15-11(a)(5); C.R.S. § 31-11-110

<sup>92</sup> D.R.M.C. § 15-11(a)(5); C.R.S. § 1-5-407(5)(a)

**RULE 7. Recall Petitions for Municipal Elected Officials.** (Adopted 1/2/2019)

**7.1 Petitions for Recall.** A petition for recall must 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.<sup>93</sup> A completed petition to recall an elected official shall be filed with the clerk and recorder not later than ninety (90) days after the filing of the affidavit of the petitioner’s committee initiating the recall proceedings.<sup>94</sup> Such recall may be exercised by a petition of registered electors entitled to vote for a successor, containing verified signatures numbering at a minimum twenty-five (25) percent of the total vote cast for that office in the municipal election in which the official was elected. For councilmember-at-large, verified signatures of registered electors shall number at a minimum ten (10) percent of the total vote cast for the offices of councilmember-at-large at the election at which the official was elected.<sup>95</sup>

**7.1.1 Statement of Grounds.** Any petition for a recall shall include a statement of the grounds upon which recall is sought.<sup>96</sup> The statement shall not be more than two hundred words and the electors shall be the sole and exclusive judges of the legality, reasonableness, and sufficiency of the grounds assigned for recall, and said grounds shall not be open for review.<sup>97</sup>

**7.1.2 Ballot Title.** The title for a recall petition shall begin with the words: “Shall (name of person against whom recall petition is filed) be recalled from the office of (title of office)?”<sup>98</sup> The petition must include the name of only one person to be recalled and must demand an election of a successor to the official named in the petition.<sup>99</sup>

**7.2 Petitioners’ Committee.** Any five (5) registered electors of the City and County of Denver may begin proceedings for a recall by filing with the clerk and recorder an affidavit constituting themselves as a petitioners’ committee for such purpose and specifying the intent to circulate a recall petition. For recall of a councilmember from a council district, members of the petitioners’ committee shall be residents of that district, using district boundaries in effect at the time the affidavit and sample petition is filed with the clerk and recorder.<sup>100</sup>

**7.2.1 Affidavit of Petitioners’ Committee.** 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 will be sent; and shall

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<sup>93</sup> Colo. Const., art. XXI, § 4; Charter § 8.3.1(A)

<sup>94</sup> D.R.M.C. § 15-11(d)(1)

<sup>92</sup> Colo. Const., art. XXI, § 4; Charter § 8.3.1(D)

<sup>96</sup> Charter § 8.3.2(B)

<sup>97</sup> C.R.S. § 31-4-502(1)(a)(I)

<sup>98</sup> Charter § 8.3.2(B); C.R.S. § 31-4-504(3)(b)

<sup>99</sup> C.R.S. § 31-4-502(1)(a)(I)

<sup>100</sup> Charter § 8.3.2(A)

specify one member of the committee to serve as primary contact.<sup>101</sup> Contact information for the primary contact should include an email address.

**7.2.2 Sample Petition.** The petitioners' committee must append to any affidavit a sample petition in the style and format that complies with the Charter of the City and County of Denver and the requirements of the clerk and recorder.<sup>102</sup>

**7.3 Form of Petition.** The form of petitions for recall may consist of multiple petition sections. Each section is to consist of multiple sheets fastened together with a blue manuscript cover. Each section must have a consecutive four-digit number. The number may be printed by a printer, hand-stamped with a manual stamp or legibly handwritten. The order of each petition section will be: 1) the affidavit of the petitioners' committee on which the title and statement of grounds of the proposed recall is printed; 2) instructions to circulators; 3) signature pages; and 4) affidavit of circulator.<sup>103</sup>

**7.3.1 Instructions to Circulators.** To each petition section, following the affidavit of petitioners' committee and immediately preceding the signature pages, must be attached the *Instructions to Circulators*, which must be in substantial compliance with the sample instructions to circulators contained in any recall information packet that may be offered by the clerk and recorder.<sup>104</sup>

**7.3.2 Signature Pages.** To each petition section must be attached *Signature Pages* that must be in substantial compliance with the sample signature page contained in any recall information packet that may be offered by the clerk and recorder.

**A. Warning.** At the top of each signature page of every recall petition section, the following warning statement must be printed, in bold-faced type:

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

**For anyone to sign this petition with any name other than one's own or to knowingly sign one's name more than once for the same measure or to sign such petition when not a registered elector.**

**Do not sign this petition unless you are a registered elector. To be a registered elector, you must be a citizen of Colorado and registered to vote in the City and County of Denver and within the district of the incumbent sought to be recalled, if applicable.**

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<sup>101</sup> Charter § 8.3.2(B)

<sup>102</sup> Charter § 8.3.2(B)

<sup>103</sup> Charter §§ 8.3.2(B),(C); D.R.M.C. § 15-11(a)(1); C.R.S. §§ 31-4-502, 31-4-503

<sup>104</sup> D.R.M.C. § 15-11(a)(4)

**Do not sign this petition unless you have read or have had read to you the proposed measure in its entirety and understand its meaning.**<sup>105</sup>

- B. Name of Person Sought to be Recalled.** Directly following the warning shall be printed in bold-faced type the following:

**Petition to recall (name of person sought to be recalled) from the office of (title of office).**<sup>106</sup>

- C. Signature Lines.** All signature pages must contain ruled lines numbered consecutively for registered electors' signatures, and have up to ten (10) signature lines on each page. Each signature line must have space provided for date, last name, first name, and middle initial, year of birth, street address, city and first signature page.
- D. Signature Page Numbering.** If a petition section contains multiple signature pages, all signature pages must be sequentially numbered starting with page 1 at the bottom of the page.

**7.3.3 Affidavit of Circulator.** When filed, each petition section must be attached a signed, notarized and dated affidavit executed by the person who circulated the petition section.<sup>107</sup> The *Affidavit of Circulator* must be in substantial compliance with the sample affidavit of circulator contained in any recall information packet that may be offered by the clerk and recorder and must include the following information for the affiant (the circulator):

- A.** The circulator's printed name and signature;
- B.** The permanent address at which the circulator resides, including the street name and number, apartment or unit number, city or town, county, and state (if outside Colorado);
- C.** The date the circulator signed the affidavit;
- D.** That the circulator was sixteen (16) years of age or older at the time the petition section was circulated and signed by the listed electors;
- E.** That the circulator personally circulated the petition section;
- F.** That all signatures were affixed in the circulator's presence;

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<sup>105</sup> C.R.S. § 31-4-502(1)(a)(II)

<sup>106</sup> C.R.S. § 31-4-502(1)(b)

<sup>107</sup> D.R.M.C. § 15-11(a)(4)

- G. That the circulator made no misrepresentation of the purpose of such petition to any signer of the petition;<sup>108</sup>
- H. That each signature thereon is the signature of the person whose name it purports to be;
- I. That, to the best of the circulator's knowledge and belief, each of the persons signing the petition section was, at the time of signing, a registered elector;
- J. That the circulator has not paid or will not in the future pay and that the circulator believes that no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix the signer's signature to the petition, and
- K. That each signer had an opportunity to read the stated grounds for recall.<sup>109</sup>

**7.4 Review and Approval of Affidavit, Ballot Title, and Petition Sample.** The affidavit, ballot title, and petition sample will be reviewed by the clerk and recorder for a determination of compliance with the requirements of the Charter of the City and County of Denver, with any and all other applicable state or city and county laws, and with the rules of the clerk and recorder.<sup>110</sup>

**7.4.1 Review Period.** The clerk and recorder will have three (3) full working days from the time of the filing of the affidavit, petition sample, and ballot title to review these materials. At the end of the three (3) working days, the clerk and recorder will 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 will make written findings specifying the defects.<sup>111</sup>

**7.4.2 Method of Filing Petition Sample Materials.** All petition sample materials must be filed for review in original paper format via hand or mail delivery and may not be filed with the clerk and recorder by facsimile, email or other electronic means.

**7.4.3 Approval Requirement.** No petition may be circulated nor may any signatures be procured until the affidavit, petition sample, and ballot title are approved by the clerk and recorder.<sup>112</sup>

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<sup>108</sup> C.R.S. § 31-4-503(2)(C)

<sup>109</sup> D.R.M.C. § 15-11(a)(4)

<sup>110</sup> Charter § 8.3.2(C)

<sup>111</sup> Charter § 8.3.2(C)

<sup>112</sup> Charter § 8.3.2(C); C.R.S. § 31-4-502(1)(c)

**7.4.4 No Extraneous Material.** Petition sections submitted for approval will contain only those elements required by applicable laws and may not contain any extraneous material.<sup>113</sup>

**7.5 Digital Petition Application Opt-in for Circulation.** A petition for a recall must be circulated in either hardcopy format in accordance with Rule 7.6 and 7.7, or a petitioner's committee may opt-in to use a digital application format in accordance with Rule 12.

## **7.6 Circulation of Petition for Recall.**

**7.6.1 Circulators.** No person may circulate a petition section for a recall unless the person is a citizen of the United States and at least sixteen (16) years of age at the time the petition is circulated.<sup>114</sup>

**7.6.2 Signing of Petitions - Hardcopy.** Petitions may be signed only by registered electors entitled to vote for a successor of the elected official sought to be recalled.<sup>115</sup> Each registered elector must sign his or her own signature and must print his or her name, the address at which he or she resides, including the street number and name, the city or town, and the date of signing.<sup>116</sup> Each registered elector signing a petition should be encouraged by the circulator of the petition to sign the petition in ink. Only the registered elector may withdraw or cross-out his or her own information.

**7.6.3 Signing of Petitions – Digital.** Petitions may be signed only by registered electors entitled to vote for a successor of the elected official sought to be recalled. Each registered elector must sign his or her own signature and must enter his or her name, the address at which he or she resides, including the street number and name, the city or town, the county, and the date of signing.<sup>117</sup> Each registered elector signing a petition must sign the petition using a stylus or other specialized marking device.

**7.6.4 Assistance to Signers.** In the event a registered elector is physically disabled or has limited literacy and wishes to sign the petition, the elector must sign or make his or her mark in the space so provided. Any person except a circulator may assist an elector who is physically disabled or has limited literacy in completing the remaining information required by this section. The person providing assistance must sign his or her name and address directly below the elector's signature line and must state that such assistance was given to the elector.<sup>118</sup>

**7.6.5 List of Circulators and Notaries.** The candidate shall maintain a list that accurately identifies the circulator's name and address, notary public, and section

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<sup>113</sup> C.R.S. § 31-11-106(1)

<sup>114</sup> D.R.M.C. § 15-11(a)(4); C.R.S. § 31-4-503(2)(c)

<sup>115</sup> C.R.S. § 31-4-502(1)(d)

<sup>116</sup> D.R.M.C § 15-11(a)(2); C.R.S. § 31-4-503(2)(b)

<sup>117</sup> D.R.M.C § 15-11(a)(2); C.R.S. § 31-4-503(2)(b)

<sup>118</sup> C.R.S. § 1-12-108

number of each petition. A copy of the list shall be filed with the clerk and recorder along with the petition.

**7.7 Verification of Petitions for Recall.** This rule sets forth the methodology of the clerk and recorder for verification of signatures and validity of petitions, including the identity and residence address of the petition signers and other information required on the petitions.<sup>119</sup>

**7.7.1 General Procedures for Submission of Completed Petitions for Recall to the Clerk and Recorder.**

- A. When Petition May be Filed.** After signatures have been obtained, the petitioners' committee must file the completed petition with the clerk and recorder no later than close of business on a normal business day. All petition sections must be filed at the same time.<sup>120</sup>
- B. Method of Filing Hardcopy Petitions.** All completed hardcopy petitions must be filed in its original paper format, via hand or mail delivery, and may not be filed with the clerk and recorder by facsimile, email or other electronic means.
- C. Method of Filing Digital Petitions.** All completed digital petitions must be filed in paper format, with attached completed *Affidavits of Circulator*, printed, signed, notarized, and dated at the Denver Elections Division, and may not be filed with the clerk and recorder by any other means, including facsimile, email or other electronic means.
- D. Receipt of Petitions.** When the petition sections are received by the clerk and recorder, each section will be date stamped and a unique number will be assigned to the petition and recorded by the clerk and recorder.
- E. Holding Period.** The clerk and recorder will hold the petition for a period of twenty-five (25) days following receipt, during which time the clerk and recorder will determine whether the petition is signed by the requisite number of registered electors.<sup>121</sup>
- F. Disassembly.** Each petition section will be checked for evidence of disassembly. If it appears that the petition section was disassembled, all entries in the section will be rejected.<sup>122</sup>
- G. Recording of Number of Entries.** The number of entries for each petition section will be recorded. If the number of entries is fewer than the total number of signatures required to certify the recall to the ballot, a

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<sup>119</sup> D.R.M.C. § 15-11(a)(3)

<sup>120</sup> D.R.M.C. § 15-11(a)(5)

<sup>121</sup> D.R.M.C. § 15-11(a)(5)

<sup>122</sup> C.R.S. § 31-4-503(2)(d)

statement of insufficiency will be issued. The block of information that consists of the date, last name, first name, middle initial, year of birth, street address, city and signature is considered a line. Each line with writing will be counted on each petition section and will be considered an entry for sufficiency review.<sup>123</sup>

**i.** A line that has no writing or marks on it will not be considered an entry.

**ii.** A line that has writing on it but is completely crossed out will not be considered an entry.

**iii.** A line that has writing on it but is incomplete or that is partially crossed out will be considered an entry to be included in this count.

**7.7.2 Verification of the Affidavit of Circulator.** Each petition section will be reviewed for the following:

**A. Compliance with Completion Requirements.** Each petition section will be reviewed to verify that it contains an *Affidavit of Circulator*.

**i.** The *Affidavit of Circulator* will be reviewed for each petition section to ensure it has been completed in accordance with these rules.

**ii.** The clerk and recorder will not accept for filing any section of a petition that does not have attached to it the notarized affidavit as required by these Rules.<sup>124</sup>

**B. Compliance with Notary Public Requirement.** The *Affidavit of Circulator* for each petition section must be completed and signed in the presence of a notary public who will witness the affidavit and stamp it with a seal. The notary clause at the end of the *Affidavit of Circulator* will be reviewed for each petition section.

**i.** If any information is missing in the notary clause, all entries in the petition section will be rejected.

**ii.** If the date on the notary clause is not the same date as the date the circulator signed the affidavit, all entries in the petition section will be rejected.<sup>125</sup>

**7.7.3 Verification of Signature Pages.** Every signature on circulated petitions will be verified by comparison with the signatures on file in the master voter registration files to ensure that each elector was registered in the City and County

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<sup>123</sup> D.R.M.C. § 15-11(a)(5)

<sup>124</sup> D.R.M.C. § 15-11(a)(4); C.R.S. § 31-4-503(2)(c)

<sup>125</sup> D.R.M.C. § 15-11(a)(4); C.R.S. § 31-4-503(2)(c)

of Denver and eligible to vote for the incumbent's successor, if applicable, at the time the petition was signed.<sup>126</sup>

**A. Date of Signing.**

**i.** If a signature is placed on the petition section prior to the circulation period or prior to the final approval of the petition format by the clerk and recorder, the entry will be rejected.<sup>127</sup>

**ii.** If the signer was not a registered elector in the City and County of Denver, and the official's district, if applicable, at the time of signing, the entry will be rejected.<sup>128</sup>

**iii.** If a signature was placed on the petition section after the date on the circulator's affidavit, the entry will be rejected.<sup>129</sup>

**B. Match of Name to Voter Record.** To be accepted, the name on the entry must be in a form similar to that found on the master voter registration files. Signatures that are common variants of the name found on the voter record will be counted.

**i.** If the middle initial or middle name is not a part of either the petition section signature line or the master voter registration files the entry will be accepted if the first and last name are the same on both records.

**ii.** If the middle initial or middle name on the petition section signature line is different than the middle initial or middle name on the master voter registration files, the entry will be rejected.

**iii.** If an indicator such as Jr., Sr., or II is not part of either the petition section signature line or the master voter registration files, the entry will be accepted.

**iv.** If two persons with the same name reside at the same address as found on the master voter registration files, the entry will be rejected, unless the identity of the signer can be determined conclusively from the petition section or the master voter registration files.

**C. Match of Voter Information to Record.** If the information on the master voter registration files does not match the information on the entry, the elector's voter registration history will be checked to determine if the information on the entry matches the master voter registration files at the time the entry was signed.

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<sup>126</sup> C.R.S. § 31-4-502(1)(d)

<sup>127</sup> Charter §8.3.2(C); D.R.M.C. § 15-11(d)(1); C.R.S. § 31-4-502(1)(c)

<sup>128</sup> D.R.M.C. § 15-11(a)(2)

<sup>129</sup> C.R.S. § 31-11-106(3)(e)(III)

i. If the address on the petition section signature line either includes or omits a letter or number identifying an apartment or the directional location of a street, such as “E” for east, “SW” for southwest, etc., the entry will be accepted.

ii. If the petition section signer gives a post office box for the address, the entry will be rejected.

**D. No Match Found.** If the signer of the petition is not found on the master voter registration files, the entry will be rejected.

**E. Signature Line.**

i. Except as provided in subsection (C) above, if the petition section signature line is incomplete, with at least one piece of information omitted, the entry will be rejected.

ii. If the signature and printed name are illegible so that the master voter registration files cannot be verified, the entry will be rejected.

iii. If the elector has previously signed the same petition, the first valid entry will be counted and all other entries will be rejected.

**F. Assistance to Signer.** If assistance appears to have been given to the signer and a statement of assistance does not accompany the signature or mark explaining the variance in the script as required in these Rules, the entry will be rejected.<sup>130</sup>

**G. Reason Codes.** Each reason for rejection of an entry will be recorded by separate code and a master record of the rejected entries will be maintained. A master record will also be maintained of each entry that is accepted.

**7.7.4 Withdrawing a Signature.** A registered elector who provided information for the petition may withdraw his or her signature from it by filing a written request with the clerk and recorder up to the time the clerk and recorder determines the petition’s sufficiency.<sup>131</sup>

## **7.8 Notification of Sufficiency Decision for Recall Petitions, and Cure.**

**7.8.1 Sufficiency.** Once the twenty-five (25) day holding period has passed, if the petition is deemed to contain a sufficient number of valid signatures, the clerk and recorder will notify the petitioners’ committee in writing.<sup>132</sup>

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<sup>130</sup> C.R.S. § 31-11-108

<sup>131</sup> D.R.M.C § 15-11(a)(2)

<sup>132</sup> D.R.M.C. § 15-11(a)(5); C.R.S. § 31-4-503(3)(a)

**7.8.2 Insufficiency.** In the event the clerk and recorder determines that the petition contains an insufficient number of signatures and/or there is a defective circulator's affidavit, the clerk and recorder will 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 and/or offering a corrected circulator's affidavit as will cure the insufficiency. Any addendum must be filed within the time period allowed for the original petition. The clerk and recorder will record and hold any addendum for an additional period of twenty-five (25) days, from the date of the filing of the addendum, and will verify the signatures on the addendum in the same manner as provided for the original petition.<sup>133</sup> In the case of a determination of insufficiency that is not cured, the petitioners' committee may appeal the insufficiency determination in the manner provided in C.R.S. § 1-1-113 to the district court. No person other than a member of the petitioners' committee has standing to appeal an insufficiency determination.<sup>134</sup>

**7.9 Protest of Petition for Recall.** Within the twenty-five (25) day holding period of the petition or any addendum thereto, a protest subscribed and sworn to under oath may be filed by a registered elector of the City and County of Denver. A protestor must 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 will appoint a hearing officer who will 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 will 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 recorder.<sup>135</sup>

**7.10 Placement of Petition for Recall on Ballot.** The alphabetical and/or numeric designation of a recall on the ballot for an election will be in the order in which the measure is certified to the ballot after the protest period has ended or, if a protest was filed, in order of the date of the issuance of the written findings of fact by the hearing officer.<sup>136</sup>

**7.11 Statement of Justification.** The officer sought to be recalled may submit to the clerk and recorder a statement of two hundred words or fewer justifying the official's course of conduct.

**7.12 Successor Candidate Petitions.** Candidates for the municipal elected office that is the subject of the recall may be nominated by petition as provided in § 8.2.7 of the Charter of the City and County of Denver, the Denver Revised Municipal Code, and Clerk and Recorder Rule 4.

**7.12.1 Deadline to File Successor Candidate Petitions.** Notwithstanding the above, nominating petitions for successor candidates may be circulated

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<sup>133</sup> D.R.M.C. § 15-11(a)(5); C.R.S. § 31-11-109

<sup>134</sup> C.R.S. § 1-12-108(8)(c)

<sup>135</sup> D.R.M.C. § 15-11(a)(5)

<sup>136</sup> D.R.M.C. § 15-11(a)(5); C.R.S. § 1-5-407(5)(a)

beginning on the day the clerk and recorder has determined the sufficiency of the recall petition. The completed nominating petitions of successor candidate(s) must be filed with the clerk and recorder no later than sixty (60) days prior to such recall election.<sup>137</sup>

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<sup>137</sup> Charter § 8.3.5(B)

## **RULE 8. Charter Amendment Petitions.** (Adopted 1/2/2019)

**8.1 Certification of Compliance.** Upon receipt of written notice from the director of the city council staff and the city attorney certifying the proponents' compliance with the review and comment hearing requirement, the clerk and recorder may receive and act upon any affidavit or statement of intent commencing the initiation of a Charter amendment petition.<sup>138</sup>

**8.1.1 Amendments to original draft submitted for review and comment meeting.** If, after the review and comment meeting required in Denver Charter § 8.3.7 and D.R.M.C. § 15-3, the proponents amend the text of a proposed charter amendment, an amended draft of the proposed charter amendment with changes highlighted or otherwise indicated and a copy of an original final draft that gives the final, complete language of the proposed charter amendment will be resubmitted to the director of city council staff and the city attorney for comment or other response in accordance with D.R.M.C. § 15-3(b).

**8.2 Petitions for Charter Amendment.** No proposal for a Charter amendment shall be initiated within twelve (12) months after rejection of a substantially similar proposal at an election.<sup>139</sup>

**8.2.1 Placement on Ballot at Next Regular Election and Deadline.** A petition to submit a Charter amendment at the next regular election must be signed by at least five (5) percent of the registered electors of the City and County of Denver registered on the date of the filing of the statement of intent and must be filed with the clerk and recorder at least ninety (90) days prior to the date of said election.<sup>140</sup>

**8.2.2 Placement on Ballot at Requested Special Election and Deadline.** A petition to submit an amendment at a special election must be signed by at least ten (10) percent of the registered electors of the City and County of Denver registered on the date of filing the statement of intent and must be filed with the clerk and recorder at least ninety (90) days prior to the approximate date of the special election stated in the petition.<sup>141</sup>

**8.2.3 Deadline to File Completed Petition.** The petition for Charter amendment shall be circulated for a period not to exceed ninety (90) days from the date of filing of the statement of intent and shall be filed with the clerk and recorder before the close of business on the ninetieth (90<sup>th</sup>) day or on the next business day when said ninetieth day is a Saturday, Sunday or legal holiday (90<sup>th</sup>).<sup>142</sup>

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<sup>138</sup> Charter § 8.3.7, D.R.M.C. § 15-3

<sup>139</sup> C.R.S. § 31-2-214

<sup>140</sup> C.R.S. § 31-2-210(1)(a)(III)

<sup>141</sup> C.R.S. § 31-2-210(1)(a)(IV)

<sup>142</sup> C.R.S. § 31-2-210(1)(a)(I)

**8.2.4 Ballot Text.** Any petition for a Charter amendment shall specify in full the text of the amendment, which shall not be misleading or likely to cause confusion among voters.<sup>143</sup>

**8.3 Petitioners' Committee.** Proceedings for a Charter amendment may be commenced by filing with the clerk and recorder a statement of intent to circulate a petition, signed by at least five (5) registered electors of the City and County of Denver.<sup>144</sup>

**8.3.1 Statement of Intent and Petitioners' Committee.** The statement of intent 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 will be sent; and shall specify one member of the committee to serve as primary contact. Contact information for the primary contact shall include an email address.

**8.3.2 Sample Petition.** The petitioners' committee must append to any statement of intent a sample petition form in the style and format that complies with the Charter of the City and County of Denver, state statute, and the requirements of the clerk and recorder.<sup>145</sup>

**8.4 Form of Petition.** The form of petitions for Charter amendment may consist of multiple petition sections. Each section is to consist of multiple sheets fastened together with a blue manuscript cover. Each section must have a consecutive four-digit number.<sup>146</sup> The number may be printed by a printer, hand-stamped with a manual stamp or legibly handwritten. The order of components of each petition section must be: 1) instructions to circulators; 2) warning to petition signers; 3) name and address of not less than three nor more than five registered electors who shall represent the signers of the petition in all matters; 4) statement whether proposed amendment is sought to be submitted at the next regular election or at a special election. If the amendment is sought to be submitted at a special election, the petition shall state an approximate date for such a special election; 5) full text of Charter amendment; 6) signature pages, and 7) affidavit of circulator.<sup>147</sup>

**8.4.1 Instructions to Circulators.** The *Instructions to Circulators* must be in substantial compliance with the sample instructions to circulators contained in any Charter amendment information packet that may be obtained from the clerk and recorder.

**8.4.2 Signature Pages.** To each petition section must be attached *Signature Pages* that must be in substantial compliance with the sample signature page contained in any Charter amendment information packet that may be obtained from the clerk and recorder.

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<sup>143</sup> D.R.M.C. § 15-3(c)

<sup>144</sup> C.R.S. § 31-2-210(1)(a)(I)

<sup>145</sup> C.R.S. § 31-2-221(1)

<sup>146</sup> C.R.S. § 31-2-221(1)

<sup>147</sup> C.R.S. §§ 31-2-210(1)(a)(II), 31-2-219, 31-2-220, 31-2-221(1), 31-2-223

- A. **Warning.** At the top of each signature page of every Charter amendment petition section, the following warning statement must be printed in plain red letters no smaller than the impression of ten-point, bold-faced type:

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

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

**DO NOT SIGN THIS PETITION UNLESS YOU ARE A REGISTERED ELECTOR in the City and County of Denver.**

**Do not sign this petition unless you have read or had read to you the text of the proposal in its entirety and understand its meaning.”<sup>148</sup>**

- B. **Signature Lines.** All signature pages must contain ruled lines numbered consecutively for registered electors’ signatures, and have up to ten (10) signature lines on each page. Each signature line must have space provided for date, last name, first name, middle initial, year of birth, street address, city and signature.
- C. **Signature Page Numbering.** If a petition section contains multiple signature pages, all signature pages must be sequentially numbered starting with page 1 at the bottom of the first signature page.

**8.4.3 Affidavit of Circulator.** To each petition section must be attached a signed, notarized, and dated affidavit executed by the person who circulated the petition section. The *Affidavit of Circulator* must be in substantial compliance with the sample affidavit of circulator contained in any Charter amendment information packet that may be obtained from the clerk and recorder, and must include the following information for the affiant (the circulator):

- A. The circulator’s printed name and signature;
- B. The permanent address at which the circulator resides, including the street name and number, apartment or unit number, city or town, county, and state (if outside Colorado);
- C. The date the circulator signed the affidavit;
- D. That the circulator was sixteen (16) years of age or older at the time the petition section was circulated and signed by the listed electors;

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<sup>148</sup> C.R.S. § 31-2-220(1)

- E. That the circulator personally circulated the petition copy;
- F. That all signatures were affixed in the circulator's presence;
- G. That each signature thereon is the signature of the person whose name it purports to be;
- H. That, to the best of the circulator's knowledge and belief, each of the persons signing the petition section was, at the time of signing, a registered elector; and
- I. That the circulator has not paid or will not in the future pay and that the circulator believes that no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix the signer's signature to the petition.<sup>149</sup>

**8.5 Review and Approval of Statement of Intent and Petition Sample.** The statement of intent and petition sample will be reviewed by the clerk and recorder for a determination of compliance with the requirements of the Charter of the City and County of Denver, with any and all other applicable state or city and county laws, and with the Rules of the clerk and recorder.<sup>150</sup>

**8.5.1 Review Period.** The clerk and recorder will have five (5) full working days from the time of the filing of the statement of intent and petition sample to review these materials as to form. At the end of the five (5) working days, the clerk and recorder will either accept or reject the statement of intent and petition sample.<sup>151</sup> If the petition sample or statement of intent is rejected, the clerk and recorder will make written findings specifying the defects.<sup>152</sup>

**8.5.2 Method of Filing Petition Sample Materials.** All petition sample materials must be filed for review in original paper format, via hand or mail delivery, and may not be filed with the clerk and recorder by facsimile, email or other electronic means.

**8.5.3 Approval Requirement.** No petition may be circulated nor may any signatures be procured until such statement of intent and petition sample are approved as to form only by the clerk and recorder.<sup>153</sup>

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<sup>149</sup> C.R.S. § 31-2-220(2)

<sup>150</sup> C.R.S. §§ 31-2-210(1), 31-2-221(1)

<sup>151</sup> C.R.S. § 31-2-221(1)

<sup>152</sup> C.R.S. § 31-2-221(1)

<sup>153</sup> C.R.S. § 31-2-221(1)

**8.5.4 No Extraneous Material.** Petition sections submitted for approval will contain only those elements required by applicable laws and may not contain any extraneous material.

## **8.6 Circulation of Petitions for Charter Amendment.**

**8.6.1 Circulators.** No person may circulate a petition section for a charter amendment unless the person is a citizen of the United States and at least sixteen (16) years of age at the time the petition is circulated.

**8.6.2 Signing of Petitions.** Petitions may be signed only by registered electors of the City and County of Denver.<sup>154</sup> Each registered elector must sign his or her own signature and must print his or her name, the address at which he or she resides, including the street number and name, the city and county and the date of signing.<sup>155</sup> Each registered elector signing a petition should be encouraged by the circulator of the petition to sign the petition in ink. Only the registered elector may withdraw or cross-out his or her own information.

**8.6.3 Assistance to Signers.** In the event a registered elector is physically disabled or has limited literacy and wishes to sign the petition, the elector must sign or make his or her mark in the space so provided. Any person, except a circulator, may assist an elector who is physically disabled or has limited literacy in completing the remaining information required by this section. The person providing assistance must sign his or her name and address directly below the elector's signature line and must state that such assistance was given to the elector.

**8.6.4 List of Circulators and Notaries.** The petitioners' committee shall maintain a list that accurately identifies the circulator's name and address, notary public, and section number of each petition. A copy of the list shall be filed with the clerk and recorder along with the petition.

**8.7 Verification of Petitions for Charter Amendment.** This rule sets forth the methodology of the clerk and recorder for verification of signatures and validity of petitions,<sup>156</sup> including the identity and residence address of the petition signers and other information required on the petitions.

### **8.7.1 General Procedures for Submission of Completed Petition for Charter Amendment to the Clerk and Recorder.**

**A. When Petition May be Filed.** After signatures have been obtained, the petitioners' committee must file the completed petition with the clerk and recorder no later than close of business on a normal business day. All petition sections must be filed at the same time.

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<sup>154</sup> C.R.S. § 31-2-220(1)

<sup>155</sup> C.R.S. § 31-2-220(2)

<sup>156</sup> C.R.S. § 31-2-220(4)

- B. Method of Filing Petition.** All completed petitions must be filed in their original paper format via hand or mail delivery and may not be filed with the clerk and recorder by facsimile, email or other electronic means.
- C. Receipt of Petition.** When the petition sections are received by the clerk and recorder, each section will be date stamped and a unique number will be assigned to the petition and recorded by the clerk and recorder.
- D. Verification Period.** Within fifteen (15) working days following receipt, the clerk and recorder will determine whether the petition is signed by the requisite number of registered electors.<sup>157</sup>
- E. Disassembly.** Each petition section will be reviewed for evidence of disassembly. If it appears that the petition section was disassembled, all entries in the section will be rejected.<sup>158</sup>
- F. Recording of Number of Entries.** The number of entries for each petition section will be recorded. If the number of entries is fewer than the total number of signatures required to certify the referendum to the ballot, a statement of insufficiency will be issued. The block of information that consists of the date, last name, first name, middle initial, year of birth, street address, city and signature is considered a line. Each line with writing will be counted on each petition section and will be considered an entry for sufficiency review.<sup>159</sup>
  - i.** A line that has no writing or marks on it will not be considered an entry.
  - ii.** A line that has writing on it but is completely crossed out will not be considered an entry.
  - iii.** A line that has writing on it but is incomplete or that is partially crossed out will be considered an entry to be included in this count.

**8.7.2 Verification of the Affidavit of Circulator.** Each petition section will be reviewed for the following:

- A. Compliance with Completion Requirements.** Each petition section will be reviewed to verify that it contains an *Affidavit of Circulator*.
  - i.** The *Affidavit of Circulator* will be reviewed for each petition section to ensure it has been completed in accordance with these Rules.

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<sup>157</sup> C.R.S. § 31-2-210(3)

<sup>158</sup> C.R.S. § 31-2-221(2)

<sup>159</sup> C.R.S. § 31-2-220(4)

ii. The clerk and recorder will not accept for filing any section of a petition that does not have attached to it the notarized *Affidavit of Circulator* as required by these Rules.<sup>160</sup>

**B. Compliance with Notary Public Requirement.** The *Affidavit of Circulator* for each petition section must be completed and signed in the presence of a notary public who will witness the affidavit and stamp it with a seal. The notary clause at the end of the *Affidavit of Circulator* will be reviewed for each petition section.

i. If any information is missing in the notary clause, all entries in the petition section will be rejected.

ii. If the date on the notary clause is not the same date as the date the circulator signed the affidavit, all entries in the petition section will be rejected.

**8.7.3 Verification of Signature Pages.** Every signature on circulated petitions will be verified by comparison with the signatures on file in the master voter registration files to ensure that each elector was registered in the City and County of Denver at the time the petition was signed.<sup>161</sup>

**A. Date of Signing.**

i. If a signature is placed on the petition section prior to the circulation period or prior to the final approval of the petition form by the clerk and recorder, the entry will be rejected.<sup>162</sup>

ii. If the signer was not a registered elector in the City and County of Denver at the time of signing, the entry will be rejected.<sup>163</sup>

iii. If a signature was placed on the petition section after the date on the circulator's affidavit, the entry will be rejected.<sup>164</sup>

**B. Match of Name to Voter Record.** To be accepted, the name on the entry must be in a form similar to that found on the master voter registration files. Signatures that are common variants of the name found on the voter record will be counted.

i. If the middle initial or middle name is not a part of either the petition section signature line or the master voter registration files the entry will be accepted if the first and last name are the same on both records.

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<sup>160</sup> C.R.S. §§ 31-2-220(2), 31-2-223

<sup>161</sup> C.R.S. § 31-2-220(4)

<sup>162</sup> C.R.S. § 31-2-221

<sup>163</sup> C.R.S. § 31-2-220

<sup>164</sup> C.R.S. § 31-2-220(2)

**ii.** If the middle initial or middle name on the petition section signature line is different than the middle initial or middle name on the master voter registration files, the entry will be rejected.

**iii.** If an indicator such as Jr., Sr., or II is not part of either the petition section signature line or the master voter registration files, the entry will be accepted.

**iv.** If two persons with the same name reside at the same address as found on the master voter registration files, the entry will be rejected, unless the identity of the signer can be determined conclusively from the petition section or the master voter registration files.

**C. Match of Voter Information to Record.** If the information on the master voter registration files does not match the information on the entry, the elector's voter registration history will be checked to determine if the information on the entry matches the master voter registration files at the time the entry was signed.

**i.** If the address on the petition section signature line either includes or omits a letter or number identifying an apartment or the directional location of a street, such as "E" for east, "SW" for southwest, etc., the entry will be accepted.

**ii.** If the petition section signer gives a post office box for the address, the entry will be rejected.

**D. No Match Found.** If the signer of the petition is not found on the master voter registration files, the entry will be rejected.

**E. Signature Line.**

**i.** Except as provided in subsection (C) above, if the petition section signature line is incomplete, with at least one piece of information omitted, the entry will be rejected.

**ii.** If the signature and printed name are illegible so that the master voter registration files cannot be verified, the entry will be rejected.

**iii.** If the elector has previously signed the same petition, the first valid entry will be counted and all other entries will be rejected.

**F. Assistance to Signer.** If assistance appears to have been given to the signer and a statement of assistance does not accompany the signature or mark explaining the variance in the script as required in these Rules, the entry will be rejected.

**G. Reason Codes.** Each reason for rejection of an entry will be recorded by separate code and a master record of the rejected entries will be maintained. A master record will also be maintained of each entry that is accepted.

**8.7.4 Withdrawing a Signature.** A registered elector who provided information for the petition may withdraw his or her signature from it by filing a written request with the clerk and recorder up to the time the clerk and recorder determines the petition's sufficiency.<sup>165</sup>

## **8.8 Notification of Sufficiency Decision for Charter Amendment Petitions, and Cure.**

**8.8.1 Sufficiency.** If the petition is deemed to contain a sufficient number of valid signatures, the clerk and recorder will notify the petitioners' committee in writing.<sup>166</sup>

**8.8.2 Insufficiency.** In the event the clerk and recorder determines that the petition contains an insufficient number of signatures and/or there is a defective circulator's affidavit, the clerk and recorder will notify the petitioners' committee of the insufficiency.

- A.** The petitioners' committee may cure the insufficiency by withdrawing or amending the original petition for the purpose of offering such number of additional signatures and/or offering a corrected circulator's affidavit as will cure the insufficiency.
- B.** Any amendment or addendum and/or correction must be filed within fifteen (15) days after such insufficiency is declared, and may be refiled as an original petition.
- C.** The clerk and recorder will verify the signatures on the amended petition or addendum within fifteen (15) working days in the same manner as provided for the original petition.<sup>167</sup>

**8.9 Protest of Petition for Charter Amendment.** A protest in writing, under oath, may be filed by any registered elector of the City and County of Denver within thirty (30) days after such petition is filed setting forth with particularity the grounds of such protest and the names protested. The clerk and recorder will appoint a hearing officer who will 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, which will be scheduled not less than five (5) nor more than twenty (20) days after such notice of hearing is mailed.<sup>168</sup>

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<sup>165</sup> D.R.M.C. § 15-11(a)(2)

<sup>166</sup> C.R.S. § 31-2-210(3)

<sup>167</sup> C.R.S. § 31-2-210(3)

<sup>168</sup> C.R.S. § 31-2-223(1)

**8.10 Setting of Title.** If, after the petition is filed, it is determined by the clerk and recorder to be sufficient, the title of the proposed amendment will be set by the City Council.<sup>169</sup>

**8.11 Placement of Petition for Charter Amendment on Ballot.** The alphabetical and/or numeric designation of a Charter amendment on the ballot for an election will be in the order in which the measure is certified to the ballot after the protest period has ended or, if a protest was filed, in order of the date of the issuance of the written findings of fact by the hearing officer.<sup>170</sup>

**8.12 Withdrawal of a Petition Determined Sufficient.** The primary contact of the petitioners' committee of a charter amendment may withdraw the petition from consideration as a ballot measure by filing a letter with the clerk and recorder requesting that the petition not be placed on the ballot. The letter shall be signed and notarized by the primary contact and shall be filed no later than sixty (60) days before the election at which the measure is to be voted upon.

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<sup>169</sup> C.R.S. § 31-2-210(3)

<sup>170</sup> C.R.S. § 1-5-407(5)(a)

## **RULE 9. Canvass Board for Municipal Election.** (Adopted 1/8/15)

**9.1 Members.** At least fifteen (15) days before the municipal general election, the clerk and recorder will appoint at least two registered electors of the City and County of Denver to serve as members of the canvass board. The persons so appointed and the clerk and recorder, or his or her designee, will constitute the canvass board for the election. If the election is coordinated between two or more governing bodies, the canvass board will be appointed in accordance with the intergovernmental agreement between the governing bodies.

**9.2 Direct Interest.** To the fullest extent possible, no member of the canvass board nor the member's spouse may have a direct interest in the election.

**9.3 Substitute Members.** If for any reason any person appointed as a member of the canvass board refuses, fails, or is unable to serve, that appointed person must notify the clerk and recorder, who will appoint another person with the same qualifications, if available, to the canvass board.

**9.4 Members Fees.** Each canvass board member who is not a member of the governing body will receive a fee for each day of service. The fee will be set by the clerk and recorder and will be paid in accordance with the city's policies and procedures concerning requests for payment.

**9.5 Oath of Office.** Prior to assuming their duties, the members of the canvass board will swear or affirm the following: "I, \_\_\_\_\_, do solemnly swear (or affirm) that I am a registered elector in the City and County of Denver and of the State of Colorado and that I will faithfully perform the duties required of a member of the canvass board."

**9.6 Certification Deadline.** No later than nine (9) days after the municipal general election and the municipal run-off election, the canvass board will certify to the designated election official the official abstract of votes cast for all candidates, ballot issues, and ballot questions in that election.

**9.7 Determinations.** If the canvass board finds that the method of making or certifying returns from any precinct does not conform to the requirements of law, the returns of the votes cast in that precinct will nevertheless be canvassed if the returns are sufficiently explicit to enable the canvass board to determine how many votes were cast for each candidate, ballot question, or ballot issue.

**9.8 Discrepancies.** If the canvass board finds a clerical error or omission in the returns, the board will resolve the discrepancies. The canvass board may adjourn from day to day.

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## **RULE 10. Recount for Municipal Election.** (Adopted 1/2/2019)

### **10.1 Automatic Recount for the Municipal General Election.**

**10.1.1 Rules Review.** After the canvass board has certified the official results, the requirements for conducting a recount will be reviewed.

#### **10.1.2 Automatic Recount Where Winner Has Attained Majority.**

An automatic recount of the races for mayor, auditor, clerk and recorder, or city council district office will be conducted if: 1) the candidate with the highest number of votes receives a majority of the votes cast for the respective race; and 2) the difference between the candidate who received the highest number of votes in that election contest and the candidate who received the second highest number of votes in that election contest is less than or equal to one half of one percent of the votes for the candidate who received the highest number of votes in that election contest.

#### **10.1.3 Automatic Recount Where Winner Has Not Attained Majority.**

An automatic recount of the races for mayor, auditor, clerk and recorder, or city council district office will be conducted if: 1) the candidate with the highest number of votes fails to receive a majority of the votes cast for the respective race; and 2) the difference between the number of votes for the candidate who received the second highest number of votes in that election contest and the candidate who received the third highest number of votes in that election contest is less than or equal to one half of one percent of the votes for the candidate who received the second highest number of votes in that election contest.

#### **10.1.4 Automatic Recount for Councilmember-At-Large.**

An automatic recount of the races for city councilmember -at-large will be conducted if the difference between the number of votes cast for the candidate who received the second highest number of votes in that election contest and the number of votes for the candidate who received the third highest number of votes in that election contest is less than or equal to one half of one percent of the votes for the candidate who received the second highest number of votes in that election contest.

#### **10.1.5 Automatic Recount for Ballot Issue.**

An automatic recount will be conducted for a ballot issue or ballot question if the difference between the highest number of votes cast in that election contest and the next highest number of votes cast in that election contest is less than or equal to one-half of one percent of the highest number of votes cast in that election contest.

#### **10.1.6 Clerk to Order Recount.**

If it appears, as evidenced by the abstract of votes cast, that a recount is required for any office, ballot question or ballot issue, the clerk and recorder will order a recount of the votes cast for the office, ballot issue or ballot question no later than the tenth (10<sup>th</sup>) day after the election.

#### **10.1.7 Deadline to Complete Recount.**

Any recount conducted under this Rule 10.1 will be completed no later than fourteen (14) days after the municipal

general election.<sup>171</sup>

**10.1.8 Waiver of Automatic Recount for a Ballot Measure.** A political subdivision that referred a ballot issue or ballot question to the electors may waive the automatic recount provisions of this Rule if the ballot issue or ballot question fails by giving written notice to the clerk and recorder within eleven (11) days after the election. Upon receipt of such notice, the clerk and recorder will cancel the automatic recount.

**10.1.9 Waiver of Automatic Recount for a Candidate Race.** The losing candidate with the most votes may waive an automatic recount by giving written notice to the clerk and recorder within eleven (11) days after the election. Upon receipt of such notice, the clerk and recorder will cancel the automatic recount.

## **10.2 Automatic Recount for the Municipal Run-Off Election.**

**10.2.1 Rules Review.** After the canvass board has certified the official results, the requirements for conducting a recount will be reviewed.

**10.2.2 Automatic Recount Criteria.** An automatic recount of the races for mayor, auditor, clerk and recorder, or city council district office will be conducted if the difference between the number of votes cast for the candidate who received the highest number of votes in that election contest and the number of votes cast for the candidate who received the second highest number of votes in that election contest is less than or equal to one half of one percent of the votes for the candidate who received the highest number of votes cast in that election contest.

**10.2.3 Clerk and Recorder to Order Recount.** If it appears, as evidenced by the abstract of votes cast, that a recount is required for any office, ballot question or ballot issue, the clerk and recorder will order a recount of the votes cast for the office, ballot issue or ballot question no later than the tenth (10<sup>th</sup>) day after the election.

**10.2.4 Deadline to Complete Recount.** Any recount conducted under this Rule 10.2 will be completed no later than fourteen (14) days after the run-off election.<sup>172</sup>

**10.2.5 Waiver of Automatic Recount for a Ballot Measure.** A political subdivision that referred a ballot issue or ballot question to the electors may waive the automatic recount provisions of this Rule if the ballot issue or ballot question fails by giving written notice to the clerk and recorder within eleven (11) days after the election. Upon receipt of such notice, the clerk and recorder will cancel the automatic recount.

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<sup>171</sup> D.R.M.C. § 15-4(b)

<sup>172</sup> D.R.M.C. § 15-4(b)

**10.2.6 Waiver of Automatic Recount for a Candidate Race.** The losing candidate with the most votes may waive an automatic recount by giving written notice to the clerk and recorder within eleven (11) days after the election. Upon receipt of such notice, the clerk and recorder will cancel the automatic recount.

### **10.3 Request for Recount From an Interested Party.**

**10.3.1 Interested Party May Request Recount.** Whenever an automatic recount is not required, an interested party may submit a notarized written request for a recount to be conducted at the expense of the interested party making the request.

**10.3.2 Submitting a Request for Recount.** The written request must be filed with: Clerk and Recorder, Attn: Director of Elections, 200 West 14th Avenue, Suite 100, Denver, CO 80204. A request for a recount may be delivered by hand delivery, U.S. mail, fax, or email at [elections@denvergov.org](mailto:elections@denvergov.org).

**10.3.3 Deadline to Request Recount.** Any request for a recount must be submitted no later than ten (10) days after the municipal general or run-off election.<sup>173</sup>

**10.3.4 Clerk and Recorder to Provide Statement of Costs.** Before conducting the recount, the clerk and recorder will, within twenty-four (24) hours of receiving the request for recount, provide a statement of the costs and expenses to the interested party who requested the recount.

**10.3.5 Makeup of Costs.** Costs and expenses for the recount will include, but are not limited to, the cost of overtime incurred by full-time employees, all temporary staff salaries including overtime, supplies, equipment, and any other expenses related to conducting the recount.

**10.3.6 Deadline to Pay Costs.** If the interested party decides to proceed with the recount, he or she must pay the cost of the recount by delivering payment in full with certified funds to: Clerk and Recorder, Attn: Director of Elections, 200 West 14th Avenue, Suite 100, Denver, CO 80204. Payment must be delivered within twenty-four (24) hours of receiving the election official's cost determination. The funds will be placed in escrow for payment of all expenses incurred in the recount. If, after the recount, the result of the election is reversed in favor of the interested party who requested the recount or if the amended election count is such that a recount would have been required, the payment for expenses will be refunded to the interested party who requested the recount. If, after the recount, the result of the election is not reversed in favor of the interested party who requested the recount or if the amended election count is such that a recount otherwise was not required, the payment for expenses will be retained by the City and County of Denver and deposited into the city's general fund.

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<sup>173</sup> D.R.M.C. § 15-4(b)

**10.3.7 Clerk and Recorder to Order Recount.** No later than twenty-four (24) hours after receipt of payment, the clerk and recorder will order a recount of the votes cast for that election contest.

**10.4 Notice of Recount.** Once the recount has been ordered, the clerk and recorder will provide written notice to all affected candidates. In the case of an initiated ordinance, Charter amendment, referendum, or recall of a city elected official, the clerk and recorder will provide written notice to all members of the affected petition committee or any agent of an issue committee, if such committee is required to report contributions pursuant to Article III of Chapter 15 of the Denver Revised Municipal Code concerning campaign finances that is affected by the result of that election contest.

**10.5 Canvass Board for Recount.** The clerk and recorder will contact and schedule canvass board members for a recount. The canvass board will consist of the same members who officiated in certifying the official abstract of votes. If any member of the canvass board cannot participate in the recount, another person will be appointed by the clerk and recorder. All other requirements of the canvass board are contained in Rule 9.

**10.6 Observers During a Recount.** Any member of the public may observe the recount in authorized locations designated by clerk and recorder.

**10.7 Recount Procedures.** To perform a recount, the clerk and recorder will re-adjudicate the ballot images for voter intent. The clerk may, at his or her discretion, opt to re-scan the ballots in accordance with this Rule.

**10.7.1 Testing of Central Count Scanners.** All central count scanners to be used in the recount must be tested before the recount to assure that they perform to the standards as found during the public logic and accuracy test (LAT) conducted before the election.

**10.7.2 Counting Procedures Standardized.** The procedures for recounting of ballots will be the same as those used for the counting of ballots during the election. All ballots will be counted on the same devices and in the same batches as they were counted during the election.

**10.7.3 Results of Central Count Scanner Testing.** If substantial changes are found in the total count of the recounted race, the batch reports from the election will be compared to the batch reports from the recount. If substantial changes are found between batches, the ballots will be recounted on another machine.

## **10.8 Reporting the Results From a Recount.**

**10.8.1 Review and Certification of Recount Results.** At the conclusion of the recount, the canvass board will review and certify an amended abstract of votes cast for the election contest that is the subject of the recount. The clerk and recorder will provide a copy of the amended abstract to the interested persons or groups, as described in Rules 10.1 and 10.2 above.

**10.8.2 Announcement of Recount Results.** The clerk and recorder will post the official summary of the recount on the clerk and recorder’s website and notify news media organizations.

## **10.9 Challenge to a Recount.**

**10.9.1 Interested Party May Challenge Recount Results.** Any interested party who requested a recount of an election contest who has reasonable grounds to believe that the recount is not being conducted in a fair, impartial and uniform manner may apply to the district court of the City and County of Denver for an order requiring the clerk and recorder to stop the recount and to give the secretary of state access to all pertinent election records used in conducting the recount, and requiring the secretary of state to conduct the recount.

**10.9.2 Clerk and Recorder to Observe State Recount.** The clerk and recorder or designee will be an official observer during any recount conducted by the secretary of state.

**10.9.3 Payment for State Recount.** All expenses incurred by the secretary of state in conducting a recount must be paid from the state general fund.<sup>174</sup> Expenses incurred prior to a court order requiring the secretary of state to conduct the recount will be paid by the county or political subdivision conducting the recount.

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<sup>174</sup> C.R.S. § 1-10.5-109

## **RULE 11. UOCAVA Ballot Access Program.** (Adopted 1/8/15)

**11.1 Purpose.** The Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973ff to -7 (UOCAVA), as amended by the Military and Overseas Voter Empowerment (MOVE) Act, Pub. L. No. 111-84, Subtitle H, § § 575-589, 123 Stat. 2195, 2318-2335 (2009), requires local election officials to transmit validly-requested absentee ballots to UOCAVA voters no later than forty-five (45) days before a federal election.

Section 8.2.21 of the Denver Charter requires that if no candidate receives a majority of the votes cast for mayor, auditor, clerk and recorder, or for district city councilmember in the respective districts in a municipal general election, a runoff election will be held on the first Tuesday in June, approximately thirty (30) days following the municipal general election. As a result, the thirty (30) day time frame between the elections creates a significant challenge for UOCAVA voters to receive, vote, and return their voted ballots in a timely manner.

Therefore, in order to: 1) ensure that absent uniformed services members and overseas voters have sufficient time to receive and return their ballots and to have their votes counted for the municipal elections; 2) improve the rate of return of ballots by UOCAVA voters; and 3) assure uniformity and consistency in the application and enforcement of the election law for municipal elections, the clerk and recorder hereby chooses to adopt an “opt-in” program for the electronic delivery, marking, and return of ballots from UOCAVA voters registered in the City and County of Denver.

**11.2 UOCAVA Ballot Access Program Description.** There is hereby created an “opt-in” pilot program to allow the electronic delivery, marking, and return of ballots by UOCAVA voters registered in the City and County of Denver (the “UOCAVA Ballot Access Program”).

**11.2.1 Minimum Requirements.** At a minimum, the UOCAVA ballot access program will:

- A.** Ensure that voter authorization to use the system is limited to absent uniformed services members and overseas electors registered to vote in the City and County of Denver.
- B.** Provide security.
  - i. The system will transmit encrypted information over a secure network;
  - ii. The system will provide for secure identification and authentication of any information transmitted on the system;
  - iii. Provide protection against abuse, including tampering, fraudulent use, and illegal manipulation of the online system by electors, election officials, or any other individual or group.

- C. Ensure proper delivery of ballots.
  - i. Ensure that authorized voters are provided with instructions and authorizing credentials to access and use the program;
  - ii. Ensure that authorized voters receive the applicable ballot style for the respective election.
- D. Ensure voter's ability to mark ballots by providing authorized voters with the means to inspect the ballot content and to make changes to the selections made on the electronic ballot before the ballot is cast.
- E. Ensure secure return of ballots.
  - i. Verify that ballots cast are private and secure and have not been viewed or altered by election officials, the online system, officials or employees of the provider of the online system, or any third party such as hackers or intruders between the point of origin of the voting location and the vote-counting destination;
  - ii. Provide authorized voters with notice that his or her ballot has been cast and received;
  - iii. Verify that all votes cast by authorized voters were cast by 7:00 p.m. mountain time on the day of the respective election;
  - iv. Ensure that no more than one ballot is counted for any authorized voter, including providing a procedure to limit the number of ballots a voter may cast, to detect if a voter has submitted multiple ballots, and to remove any duplicate ballots from being tabulated;
  - v. Provide a method to store and re-examine the ballots cast to allow a later recount, if a recount is to be conducted.

**11.3 Additional Procedures.** The clerk and recorder has authority to adopt and implement procedures as necessary to implement this rule.

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## **RULE 12. Digital Petition Application – Pilot system for the circulation and submission of certain digital petitions.** (Adopted 1/8/15)

**12.1 Purpose and Application of Rule.** This rule provides a framework for those persons seeking to submit municipal petitions of nomination of candidates, initiatives, referendum, or recall to circulate and submit digital versions of petitions, previously approved as to form by the clerk and recorder, through an internet based system for tablets. The digital petition application is intended to provide an alternative circulation choice, increased accessibility to the ballot, enhanced voter accessibility options, and improved voter validation. The clerk and recorder will establish an alternative, “opt-in” method that allows the collection of digital signatures of registered electors and submit completed petitions for determination of sufficiency. The digital petition application is an electronic version of the hardcopy paper petition.

**12.1.1 Description.** The digital petition application will:

- A. Maintain compliance with applicable provisions in the Denver Charter, Revised Municipal Code, and state statutes concerning the circulation and determination of sufficiency of petitions for petitions of nomination of municipal candidates, initiatives, referendum, and recall;
- B. Serve as alternative method for the collection of signatures from registered electors for petitions of nomination of candidates, initiatives, referendum, and recall and will not supplant existing method of collecting signatures with hardcopy petitions;
- C. Apply only to the collection of signatures for petitions approved as to form by the Clerk and Recorder pursuant to Rule 4 (Candidate Petitions), Rule 5 (Initiated Ordinance Petitions), Rule 6 (Referendum Petitions), or Rule 7 (Recall Petitions);
- D. Maintain applicable provisions in the Denver Charter, Revised Municipal Code, and state statutes protecting against fraud and mistake in the circulation and submission of petitions;
- E. Preserve the integrity and security of the signature gathering process to ensure that petitions are circulated in person and signed only by registered electors of the City and County of Denver, and for candidate petitions, electors registered within the candidate’s district, if applicable, at the time the petition was signed;
- F. Provide protection against tampering, fraudulent use, and illegal manipulation of approved petitions by secure access to the digital petition application with an authorization code provided by the clerk and recorder;
- G. Capture only digitized, manual signatures, as set forth in Rule 12.1.1.G.i below, utilizing a stylus or other specialized marking device.

i. For purposes of these rules, a digitized, manual signature means a graphical image created by the elector in affixing his or her handwritten signature to the digital petition.

ii. Except as permitted in Rule 12.1.1.G. no other form of digital or electronic signatures will be allowed on or in the digital petition application.

H. Transmit all information contained in the digital petition application over a secure network.

**12.2 Additional Procedures.** The clerk and recorder has authority to adopt and implement additional procedures as necessary to implement this rule including without limitation requirements for submission of user security agreements.

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## **RULE 13. Voter Service and Polling Centers at the Municipal Election**

(Adopted 1/2/2019)

**13.1 Municipal General VSPCs.** For the May 7, 2019 Municipal General Election the clerk and recorder will designate and open the minimum number of VSPCs outlined in Section 1-7.5-107(4.5)(a)(I), C.R.S. The clerk and recorder may add additional VSPCs as he or she determines necessary to ensure voter access for eligible electors. The clerk and recorder may designate and open a mobile VSPC.

**13.2 Run-Off VSPCs.** For the June 4, 2019 Municipal Run-Off Election, the clerk and recorder will designate and open VSPCs as necessary depending on the location(s) of the run-off race(s).

**13.3 VSPC Hours.** The VSPCs in this Rule will be open during reasonable business hours for the minimum number of days and 7:00 a.m. through 7:00 p.m. on Election day.

**13.4 Reasonable Accommodation.** Any eligible elector may request a reasonable accommodation from the Denver Elections Division if, by reason of a disability, he or she cannot mark a paper ballot privately and independently or utilize a VSPC privately and independently. In such cases the Denver Elections Division will make available the online marking tool referenced in Rule 11 to the requesting elector.

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## **RULE 14. Municipal ballot information booklet.** (Adopted 1/2/2019)

**14.1 Applicability.** The municipal ballot information booklet applies to each municipal initiated petition and referred ordinance, submitted by the City Council under Denver Charter § 3.3.6 for a vote of the people, that is not subject to the provisions of section 20 of article X of the state constitution.

**14.2 Ballot Information Booklet Composition.** The clerk and recorder may include general introductory information as he or she deems necessary in the municipal ballot information booklet described in D.R.M.C. § 15-11(e). The clerk may also include election information and voter registration information as appropriate. The following statement must be printed for each initiated or referred measure: “A ‘yes/for’ vote on any ballot issue is a vote in favor of changing current law or existing circumstances, and a ‘no/against’ vote on any ballot issue is a vote against changing current law or existing circumstances.”

**14.2.1** For each initiated or referred measure, the ballot information booklet shall be limited to the following items:

- A.** The initiated or referred measure’s subject;
- B.** The initiated or referred measure’s letter and number designation for the ballot;
- C.** For referred measures, the following explanation: "The ballot title below was drafted by the professional legal staff for the Denver City Council for ballot purposes only. The ballot title will not appear in the Denver Revised Municipal Code. The text of the measure that will appear in the Denver Revised Municipal Code below was referred to the voters by the Denver City Council."
- D.** For initiated measures, the following explanation: "The ballot title below was drafted by the proponents of the initiative for ballot purposes only. The ballot title will not appear in the Denver Revised Municipal Code. The text of the measure that will appear in the Denver Revised Municipal Code below was drafted by the proponents of the initiative. The initiated measure is included on the ballot as a proposed change to current law because the proponents gathered the required amount of petition signatures."
- E.** The initiated or referred measure’s approved ballot title;
- F.** The fiscal impact estimate created by the Department of Finance or its designee;
- G.** The written comments in favor of the measure;
- H.** The written comments against the measure; and
- I.** The text of the measure.

**14.3 Fiscal Impact Estimate.** The Department of Finance, or its designee, shall solicit input for the fiscal impact estimate. The Department is solely responsible for its compliance with D.R.M.C. § 15-11(e)(3). For the purposes of calculating the fiscal impact estimate, the Department of Finance shall consider only the direct costs to the government to administer the law as well as any impact on Denver’s revenues, expenditures, taxes, and fiscal liabilities.

**14.4 Written Comments for Each Measure.** Written comments for and against each initiated or referred measure shall be limited to 500 words each. Each comment must relate to a specific measure and no comment may mention the names of persons or private groups, or any endorsements for or resolutions against the proposal. A commenter must include his or her legal name, residential address, original signature, and may include the name of one organization with which the commenter is affiliated. Comments submitted by the petitioners’ committee need not include the legal name, residence address, or original signature of petitioners’ committee. Comments submitted by the City Council need not include the legal name, residence address, or original signature of councilmembers or city employees who assisted the City Council in submitting written comments.

**14.4.1** If multiple persons submit written comments to the clerk and recorder against an initiated or referred measure and the combined comments exceed the 500-word limit, the clerk shall summarize the comments into one comment.

**14.4.2** The clerk and recorder may not alter the comments submitted in favor of an initiated or referred measure except to ensure the comments are compliant with this rule. If the clerk alters the comments under the Rule, he or she will as promptly as possible inform the commenter.

**14.4.3** The clerk and recorder shall not accept or consider anonymous comments.

**14.5 Delivery to Voters.** When the clerk and recorder elects to mail the ballot information booklet through the United States Postal Service, the clerk must mail one booklet to each address of one or more active registered electors who reside in the City and County of Denver.

**14.5.1** If the clerk elects not to mail the printed booklet under Rule 14.5 and determines to make it available electronically pursuant to D.R.M.C. § 15-11(e)(8), the clerk will post a copy of the booklet on the clerk’s home webpage. The clerk may inform the public of the booklet’s URL through the official website, social media, or a post card mailed to each active registered voter. The clerk will also provide information to request a copy of the booklet by mail.

**14.5.2** The clerk must mail the booklet to any registered elector who subsequently requests it from the clerk at no cost to the elector.

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## **RULE 15. Election Audits.** (Adopted 1/2/2019)

**15.1 Audits.** The clerk and recorder shall perform a risk-limiting audit for both the general municipal election and the municipal run-off election. During the risk-limiting audit, the audit board will examine and report to the clerk and recorder voter markings on randomly selected ballot cards, then compares them to the voting system’s tabulation as reflected in the corresponding cast vote records.

### **15.2 Definitions.**

15.2.1 “Ballot Cards” means the individual pieces of paper that together constitute a single ballot containing all of the contests an elector is eligible to vote.

15.2.2 “Election Day” for the purposes of the risk-limiting audits means the first Tuesday in May for the general municipal election and the first Tuesday in June for the run-off election held for the purpose of electing a Mayor, an Auditor, thirteen (13) Councilmembers, and the Clerk and Recorder.

15.2.3 “Reported tabulation outcome” means the presumed winning and losing candidates or voting choices of a ballot contest as reflected in preliminary results.

15.2.4 “Risk Limit” means the largest statistical probability than an incorrect reported tabulation outcome is not detected and corrected in a risk-limiting audit.

15.2.5 “Risk-limiting audit” or “RLA” means a post-election audit of votes on paper cards which has a pre-specified minimum chance of requiring a full hand count if the outcome of a full hand count would differ from the reported tabulation outcome.

15.2.6 “RLA tabulation” means the tabulation of all in-person and accepted mail ballots cast by electors registered in the City and County of Denver, and any accepted provisional and property owner ballots that the county opts to include on the second (2<sup>nd</sup>) day after election day.

15.2.7 “RLA Tool” means the software and user interfaces used to conduct RLAs.

15.2.8 “Target contest” means the contest for Mayor, Auditor, Clerk and Recorder, or any ballot measure randomly selected by the clerk and recorder for a risk-limiting audit. The target contest with the closest diluted margin determines the number of ballot cards that must be examined during the RLA.

### **15.3 Preparing for the audit**

15.3.1 Risk Limit. No later than thirty-two (32) days before the municipal general election, the clerk and recorder will establish the risk limits that will apply in the RLA. The risk limit will not exceed ten (10) percent.

15.3.2 Selection of target contest. The clerk and recorder will host a public meeting on the tenth (10<sup>th</sup>) day before election day to select the target contest. The clerk and recorder will randomly select three contests, as outlined in Rule 15.2.8, by lot. Of the three contests selected, the target contest that will be used for the risk-limiting audit will be the race which has the slimmest margin of victory as of the second (2<sup>nd</sup>) day after Election Day.

15.3.3 Audit boards. No later than eight (8) days before election day, the clerk and recorder will appoint audit boards to conduct the risk-limiting audit. The audit boards must consist of eligible electors. Clerk and recorder staff and other duly appointed election judges may assist the audit boards in conducting the audit.

15.3.4 Ballot Manifest. The clerk and recorder will produce an accurate ballot manifest independently from the voting system that lists how the ballots are organized and stored. The ballot manifest will uniquely identify each tabulated ballot card, the scanner that scanned the ballot card, the ballot batch, the number of ballot cards in the batch, and the storage container that the ballot batch is stored in after tabulation.

15.3.5 RLA tabulation. On the second (2<sup>nd</sup>) day after election day, the clerk and recorder will conclude the RLA tabulation and produce a summary results report, a results file export, and a cast vote record (CVR) report.

15.3.6 Random Seed. The clerk and recorder will have a public meeting on the third (3<sup>rd</sup>) day after election day to establish a random seed for use with the Secretary of State's RLA tool's pseudo-random number generator. The clerk and recorder will designate individuals to roll a 10-sided die to produce the 20-digit seed.

15.3.7 Number of ballot cards to audit. The clerk and recorder will then use a pre-approved formula to determine the number of ballot cards to audit to satisfy the risk limit.

15.3.8 Random selection of ballot cards for audit. The clerk and recorder will then use a pseudo-random number generator with the seed established under this Rule to identify individual ballot cards to audit.

## 15.4 Conducting the audit.

15.4.1 The audit board must observe the location and retrieval of each randomly selected ballot card from the appropriate storage container. The audit board must verify uninterrupted chain of custody for the storage containers.

15.4.2 The audit board must examine each randomly selected ballot card and report the voter markings or choices in all contests using the RLA Tool. The audit board may refer to the digital image of the audited ballot card captured by the voting system in order to confirm it retrieved the correct ballot card randomly selected for audit. If the scanned ballot card was duplicated before tabulation, the audit board must retrieve, compare, and report the markings on the original ballot card rather

than on the duplicated ballot card. The audit board must complete its reports of all ballot cards randomly selected for audit no later than the day before the canvass deadline.

15.4.3 The audit board must interpret voter markings on ballot cards selected for audit in accordance with the voter intent guide that was used during adjudication. If the audit board members cannot unanimously agree on the voter's intent, they may request to review how the original adjudication team interpreted the mark. If the audit board does not believe that the adjudication team reasonably interpreted the voter's intent, the audit board must indicate so in the appropriate contest in the RLA Tool.

15.4.4 The RLA will continue until the risk limit for the target contests is met or until a full hand count results. If the audit reports reflect that the risk limit has not been satisfied in a target contest, the clerk and recorder will randomly select additional ballots for audit.

15.4.5 The audit board must sign and date the results of the risk-limiting audit before the canvass deadline.

15.5 Run-off Election Audit. If a run-off election is required, the targeted contest shall be the contest with the closest margin between the candidate with the highest number of votes and the candidate with the second highest number of votes.

15.6 If the clerk and recorder determines that performing a risk-limiting audit is an impossibility or if there is a run-off election without a citywide race on it, the clerk may order a manual audit instead of a risk-limiting audit. To conduct a manual audit:

15.6.1 The clerk and recorder will select two (2) central count scanners at random to test.

15.6.2 Clerk and recorder staff members may assist the audit board with the audit.

15.6.3 The audit board must select 500 ballots to audit. The audit board must verify that the votes on the audit ballots match the results of the central count scanners.

15.6.4 If the audit board discovers a discrepancy, it must confirm that the manual count of the audited ballots is correct before investigating other causes of the discrepancy.

15.6 The clerk and recorder may remove an audit board member for failure or refusal to perform required functions.

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## 2012 Clerk and Recorder Election Rules Comparative Table

This table gives the location of those sections of the January 31, 2011 (Rules 1 through 9) and April 27, 2011 (Recount – Rule 10) Election Rules and January 1, 2011 Rules Concerning Interpretation, Administration, and Enforcement of Article III of Chapter 15 Concerning Campaign Finances, that were relocated, as amended, into the currently enacted Clerk and Recorder Election Rules. The October 20, 1993 Election Rules entitled “Procedures for Verification of Initiative/Referendum Petitions” were repealed. Any rules not expressly adopted are superseded.

Old Rules		New Rules	
		Rule 1	Definitions
Rule 1	Computation of Time	Rule 2	Computation of Time
Rules 1, 2, 3	Rules Concerning Interpretation, Administration, and Enforcement of Art. III of Ch. 15 Concerning Campaign Finances (effective January 1, 2011)	Rule 3	Campaign Finance
			Rule 3.1 Reports
			Rule 3.2 Electronic Filing
			Rule 3.3 Extension of Reporting Deadlines
		Rule 4	Candidate Petitions
Rule 2	City Elective Offices		Rule 4.1 City Elective Offices
Rule 3	Candidate Acceptance and Withdrawal of Nomination		Rule 4.2 Candidate Acceptance and Withdrawal of Nomination
Rule 4	Candidate Petitions of Nomination		Rule 4.3 Candidate Petitions of Nomination
Rule 5	Verification of Candidate Petitions of Nomination		Rule 4.4 Verification of Candidate Petitions of Nomination
Rule 6	Notification of Sufficiency Decision		Rule 4.5 Notification of Sufficiency Decision
Rule 7	Protest of Candidate Petitions of Nomination		Rule 4.6 Protest of Candidate Petitions of Nomination
Rule 8	Placement of Candidate Names on Ballot		Rule 4.7 Placement of Candidate Names on Ballot
		Rule 5	Initiated Ordinance Petitions
		Rule 6	Referendum Petitions
		Rule 7	Recall Petitions for Municipal Elected Officials
		Rule 8	Charter Amendment Petitions
Rule 9	Canvass Board	Rule 9	Canvass Board
Appendix A	Referenced Laws	Repealed	
Appendix B	Petition Elements	Repealed	
Appendix C	Candidate Forms	Repealed	
Rule 10	Recount (enacted April 27, 2011)	Rule 10	Recount for Municipal Election
Rule 11	UOCAVA Ballot Access Program - Emergency Rule that expired on September 11, 2011	Expired	
No Number	Procedures for Verification of Initiative/Referendum Petitions (effective October 20, 1993)	Repealed	

## 2014 Clerk and Recorder Election Rules Comparative Table

This table gives the location of those sections of the Clerk and Recorder Election Rules enacted June 6, 2012 that were amended or adopted into the currently enacted Clerk and Recorder Election Rules.

Rules enacted 6/6/2012		Amended and New Rules		
Rule 1	Definitions	Rule 1	Definitions	
Rule 2	Computation of Time		<i>Amend. 1.5</i>	
Rule 3	Campaign Finance	Rule 2	Computation of Time	
	Rule 3.1	Reports	Rule 3	Campaign Finance
	Rule 3.2	Electronic Filing		<i>Amend. 3.2</i>
	Rule 3.3	Extension of Reporting Deadlines	Rule 4	Candidate Petitions
Rule 4	Candidate Petitions			<i>Amend. 4.1, 4.3, 4.4</i>
	Rule 4.1	City Elective Offices	Rule 5	Initiated Ordinance Petitions
	Rule 4.2	Candidate Acceptance and Withdrawal of Nomination		<i>Amend. 5.3, 5.6, 5.7, 5.8, 5.9, 5.10, 5.11</i>
	Rule 4.3	Candidate Petitions of Nomination	Rule 6	Referendum Petitions
	Rule 4.4	Verification of Candidate Petitions of Nomination		<i>Amend. 6.5, 6.6, 6.7, 6.8, 6.9, 6.10</i>
	Rule 4.5	Notification of Sufficiency Decision	Rule 7	Recall Petitions for Municipal Elected Officials
	Rule 4.6	Protest of Candidate Petitions of Nomination		<i>Amend. 7.5, 7.6, 7.7, 7.8, 7.9, 7.10, 7.11, 7.12</i>
	Rule 4.7	Placement of Candidate Names on Ballot	Rule 8	Charter Amendment Petitions
Rule 5	Initiated Ordinance Petitions			<i>Amend. 8.4</i>
Rule 6	Referendum Petitions	Rule 9	Canvass Board	
Rule 7	Recall Petitions for Municipal Elected Officials	Rule 10	Recount for Municipal Election	
Rule 8	Charter Amendment Petitions	Rule 11	UOCAVA Ballot Access Program	
Rule 9	Canvass Board			<i>Added</i>
Repealed		Rule 12	Digital Petition Application - System for the circulation and submission of certain digital petitions	
Repealed				<i>Added</i>
Repealed				
Rule 10	Recount for Municipal Election			
Expired				
Repealed				

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## 2018 Clerk and Recorder Election Rules Comparative Table

This table gives the location of those sections of the Clerk and Recorder Election Rules enacted February 5, 2018 that were amended or adopted into the currently enacted Clerk and Recorder Election Rules.

Rules enacted 1/8/15		Amended and New Rules	
Rule 1	Definitions	Rule 1	Definitions
Rule 2	Computation of Time	Rule 2	Computation of Time
Rule 3	Campaign Finance	Rule 3	Campaign Finance <i>Add 3.1, 3.5, 3.6; Amend 3.2, 3.3, 3.4</i>
Rule 4	Candidate Petitions	Rule 4	Candidate Petitions
Rule 5	Initiated Ordinance Petitions	Rule 5	Initiated Ordinance Petitions <i>Add 5.1.1</i>
Rule 6	Referendum Petitions	Rule 6	Referendum Petitions
Rule 7	Recall Petitions for Municipal Elected Officials	Rule 7	Recall Petitions for Municipal Elected Officials
Rule 8	Charter Amendment Petitions	Rule 8	Charter Amendment Petitions <i>Add 8.1.1</i>
Rule 9	Canvass Board	Rule 9	Canvass Board
Rule 10	Recount for Municipal Election	Rule 10	Recount for Municipal Election
Rule 11	UOCAVA Ballot Access Program	Rule 11	UOCAVA Ballot Access Program
Rule 12	Digital Petition Application – System for the circulation and submission of certain digital petitions	Rule 12	Digital Petition Application – System for the circulation and submission of certain digital petitions
Rule 13	Voter and Service Polling Centers		

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