

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.¹ 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.²

¹ D.R.M.C. § 15-1

² C.R.S. § 31-10-302(6)

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 clerk and recorder a notarized *Candidate Withdrawal of Nomination Form*, and no name so withdrawn will be placed upon the ballot.³ 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.⁴ 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:

³ D.R.M.C. § 15-1

⁴ Charter § 8.2.7

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.

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 (91st) day before the election. The last date to circulate a petition will be the fifty-fifth (55th) day before the election.⁵
- 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.⁶ 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

⁵ Charter § 8.2.7

⁶ Charter § 8.2.7

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.⁷

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

⁷ C.R.S. § 1-4-904(4)

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.⁸

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

^{8.1} D.R.M.C. § 15-11(a)(2)

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.

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.⁹

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.¹⁰

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⁹ C.R.S. § 1-1-113

¹⁰ Charter § 8.2.21(F)