

Denver Elections Division  
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## ELECTION AND CAMPAIGN FINANCE RULES

### APPROVED AS TO FORM:

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1/2/19  
Date of Signature

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# ELECTION RULES

## RULE 1. Definitions.

**1.71** “**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.

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

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

**1.15.2** 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;

**1.15.3** 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

**1.15.4** 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.

**1.26** “**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>

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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)

**1.37 “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 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.

**1.48 “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.

**1.510 “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.

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

## **RULE 3. Campaign Finance.**

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

**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.**

**3.2.2 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.

**3.6 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.

### **3.67 Fines and Waivers**

#### **3.67.1 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.

**3.67.2 Payment.** Any person or committee who is fined under D.R.M.C. § 15-40.5 must pay the full balance within ~~five (5)~~ thirty (30) business 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 ~~fifth (5<sup>th</sup>)~~ business 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.

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## **RULE 4. Candidate Petitions.**

**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 temporary Colorado residential address (if not a Colorado resident) at which the circulator resides, to include street name and number, apartment or unit number, city or town, and county;~~

~~**iviii.** The date the circulator signed the affidavit;~~

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

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

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

~~**viii.** 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~~

~~**ixviii.** 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.~~

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

**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 ~~eighteen (18)~~ 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>12</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.

**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.

**4.4.4 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>12.1</sup>

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<sup>12</sup> Charter § 8.2.7

<sup>12.1</sup> D.R.M.C. § 15-11(a)(2)

## **RULE 5. Initiated Ordinance Petitions.**

**5.2 Petitions for Initiated Ordinance.** A petition for initiated ordinance may be filed at any time.<sup>14</sup> Such initiated ordinance will be placed on the ballot when a petition is verified containing signatures numbering at a minimum ~~five (5) percent of the total vote for the office of mayor in the last election at which a mayor was elected~~ two (2) percent of the total number of active registered electors as of January 1 each odd-numbered year.<sup>15</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>6</sup> Contact information for the primary contact ~~should~~ shall include an email address.

**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>7</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 temporary Colorado residential address (if not a Colorado resident) at which the circulator resides, including the street name and number, apartment or unit number, city or town, and county;~~
- CD.** The date the circulator signed the affidavit;
- DE.** That the circulator has read and understands the laws governing the circulation of petitions;
- EF.** That the circulator was sixteen (16) ~~eighteen (18)~~ years of age or older at the time the petition section was circulated and signed by the listed electors;
- EG.** That the circulator personally circulated the petition section;
- GH.** That all signatures were affixed in the circulator's presence;

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<sup>6</sup> Charter § 8.3.2(B)

<sup>7</sup> D.R.M.C. § 15-11(a)(4); C.R.S. § 31-11-106

- HI.** That each signature thereon is the signature of the person whose name it purports to be;
- IJ.** 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;
- JK.** 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
- KL.** That each signer had an opportunity to read the full text and ballot title of the initiative.

**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 ~~eighteen (18)~~ sixteen (16) years of age at the time the petition is circulated.<sup>8</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>9</sup> Each registered elector signing a petition should be encouraged by the circulator of the petition to sign the petition in ink.<sup>10</sup> Only the registered elector may withdraw or cross-out his or her own information.

**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.

**5.8.4 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>32.1</sup>

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<sup>8</sup> D.R.M.C. § 15-11(a)(4); C.R.S. § 31-11-107

<sup>9</sup> D.R.M.C § 15-11(a)(2); C.R.S. § 31-11-108

<sup>10</sup> C.R.S. § 31-11-108

<sup>32.1</sup> D.R.M.C. § 15-11(a)(2)

**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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## **RULE 6. Referendum Petitions.**

**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>50</sup> Such referendum will be placed on the ballot when a petition is verified containing signatures numbering at a minimum ~~five (5) percent of the total vote for the office of mayor in the last election at which a mayor was elected~~ two (2) percent of the total number of active registered electors as of January 1 each odd-numbered year.<sup>51</sup>

**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>60</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 temporary Colorado residential address (if not a Colorado resident) at which the circulator resides, including street name and number, apartment or unit number, city or town, and county;~~
- D.** The date the circulator signed the affidavit;
- D.E.** That the circulator has read and understands the laws governing the circulation of petitions;
- E.F.** That the circulator was ~~eighteen (18)~~ sixteen (16) years of age or older at the time the petition section was circulated and signed by the listed electors;
- F.G.** That the circulator personally circulated the petition section;
- G.H.** That all signatures were affixed in the circulator's presence;
- H.I.** That each signature thereon is the signature of the person whose name it purports to be;

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<sup>60</sup> D.R.M.C. § 15-11(a)(4)

**I.J.** 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.K.** 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>61</sup>

**K.L.** That each signer had an opportunity to read the full text and ballot title of the referendum.<sup>62</sup>

## **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 ~~eighteen (18)~~ sixteen (16) years of age at the time the petition is circulated.<sup>68</sup>

**6.6.2 Signing of Petitions - Hardcopy.** Petitions may be signed only by registered electors who are eligible to vote on the measure.<sup>69</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>70</sup> Each registered elector signing a petition should be encouraged by the circulator of the petition to sign the petition in ink.<sup>71</sup> Only the registered elector may withdraw or cross-out his or her own information.

**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.

**6.7.4 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>71.1</sup>

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<sup>61</sup> D.R.M.C. § 15-11(a)(4); C.R.S. §§ 31-11-106(3), 31-11-107

<sup>62</sup> D.R.M.C. § 15-11(a)(4)

<sup>68</sup> D.R.M.C. § 15-11(a)(4); C.R.S. §§ 31-11-106(e)(I), 31-11-107

<sup>69</sup> C.R.S. § 31-11-108

<sup>70</sup> C.R.S. § 31-11-108

<sup>71</sup> C.R.S. § 31-11-108

<sup>71.1</sup>D.R.M.C. § 15-11(a)(2)

## **RULE 7. Recall Petitions for Municipal Elected Officials.**

**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>104</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 temporary Colorado residential address (if not a Colorado resident) at which the circulator resides, including the street name and number, apartment or unit number, city or town, and county;~~
- D.** The date the circulator signed the affidavit;
- D.E.** That the circulator was ~~eighteen (18)~~ sixteen (16) years of age or older at the time the petition section was circulated and signed by the listed electors;
- E.F.** That the circulator personally circulated the petition section;
- F.G.** That all signatures were affixed in the circulator's presence;
- G.H.** That the circulator made no misrepresentation of the purpose of such petition to any signer of the petition;<sup>105</sup>
- H. I.** That each signature thereon is the signature of the person whose name it purports to be;
- I.J.** 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.K.** 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

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<sup>104</sup> D.R.M.C. § 15-11(a)(4)

<sup>105</sup> C.R.S. § 31-4-503(2)(C)

of inducing or causing such signer to affix the signer's signature to the petition, and

~~K.L.~~ That each signer had an opportunity to read the stated grounds for recall.<sup>106</sup>

## **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 ~~eighteen (18)~~ sixteen (16) years of age at the time the petition is circulated.<sup>111</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>112</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>113</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.

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

**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>127.1</sup>

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<sup>106</sup> D.R.M.C. § 15-11(a)(4)

<sup>111</sup> D.R.M.C. § 15-11(a)(4); C.R.S. § 31-4-503(2)(c)

<sup>112</sup> C.R.S. § 31-4-502(1)(d)

<sup>113</sup> D.R.M.C § 15-11(a)(2); C.R.S. § 31-4-503(2)(b)

<sup>127.1</sup> D.R.M.C § 15-11(a)(2)

## **RULE 8. Charter Amendment Petitions.**

**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 ~~should~~ shall include an email address.

**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 temporary Colorado residential address (if not a Colorado resident) at which the circulator resides, including the street name and number, apartment or unit number, city or town, and county;~~
- C.D.** The date the circulator signed the affidavit;
- D.E.** That the circulator was ~~eighteen (18)~~ sixteen (16) years of age or older at the time the petition section was circulated and signed by the listed electors;
- E.F.** That the circulator personally circulated the petition copy;
- F.G.** That all signatures were affixed in the circulator's presence;
- G.H.** That each signature thereon is the signature of the person whose name it purports to be;
- H.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; and
- I.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.<sup>145</sup>

## **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 ~~eighteen~~ 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>150</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>151</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.

**8.6.4 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.

**8.7.4 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>151.1</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>145</sup> C.R.S. § 31-2-220(2)

<sup>150</sup> C.R.S. § 31-2-220(1)

<sup>151</sup> C.R.S. § 31-2-220(2)

<sup>151.1</sup> D.R.M.C. § 15-11(a)(2)

## **RULE 10. Recount for Municipal Election.**

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

**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.**

**10.2.5 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.

**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.

**10.7 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 Central Count Scanners.~~**

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

**B.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 ~~prior to and on election day~~. All ballots will be counted on the

same devices and in the same batches as they were counted during the election ~~prior to and on election day.~~

**~~C.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 day 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.

#### **~~10.7.2 Touch Screen Voting Machines.~~**

**~~A. Database for Counting.~~** ~~A duplicate version of the WinEDS database, which is the tabulation database approved for use during the public logic and accuracy test (LAT) and used on election day, will be loaded onto the server.~~

**~~B. Counting of Cartridge Results.~~** ~~All results cartridges from the touch screen voting machines will be loaded into the duplicate recount database.~~

**~~C. Summary Reports.~~** ~~Election summary reports will be produced from the original election day database and the duplicate recount database and the results will be compared.~~

**~~D. Comparison of Summary Reports.~~** ~~If any discrepancies are found between the election summary reports, machine summary reports will be run from both the election day database and the duplicate recount database and the results will be compared.~~

**~~E. Hand Counts.~~** ~~If any discrepancies are found between the machine summary reports, a hand recount of the touch screen voting machine in question will be conducted using the voter verifiable printer audit trails (VVPATs). The results from the hand recount will be used as the official results for that touch screen voting machine.~~

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

**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.**

**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.

## **RULE 15. Election Audits.**

**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.