

Denver Elections Division
200 W 14th Ave, Ste 100
Denver, CO 80204



Debra Johnson
Denver Clerk & Recorder
Public Trustee



EMERGENCY ELECTION AND CAMPAIGN FINANCE RULES

APPROVED AS TO FORM:

Kristen M. Bronson
Attorney for the City and County of Denver

By: Victoria Ortega
Assistant City Attorney

8/23/18
Date of Signature

APPROVED AND ADOPTED:

Debra Johnson
Denver Clerk and Recorder

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Date of Signature/Adoption

Subject and Intent of Emergency Rules:

The Clerk and Recorder has determined that certain amendments to existing campaign finance and election rules must be adopted and effective immediately to ensure the uniform and proper administration and enforcement of the city's laws during the 2018 election cycle. Temporary adoption is necessary both to comply with law and to preserve the public welfare generally. Adoption of these rules on a temporary basis is necessary to implement legislation recently passed by the City Council (Ord. No. 18-0661 and Ord. No. 18-0747), to provide technical amendments to existing rules, and to provide clear guidance to interested parties, including, but not limited to: campaign finance complaints, circulators, and the ballot information booklet given the proximity of the November 6, 2018 General/Coordinated Election.

ELECTION RULES

RULE 3. Campaign Finance.

3.7 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.

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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;

~~**vi.** 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.

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.⁹ 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.

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.^{9.1}

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⁹ Charter § 8.2.7

^{9.1} D.R.M.C. § 15-11(a)(2)

RULE 5. Initiated Ordinance Petitions.

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~~ the designated representative.²⁰ Contact information for the ~~primary contact~~ designated representative should shall include an email address. The designated representative shall represent the petitioners' committee in all matters affecting the petition and to whom all notices or information concerning the petition shall be mailed.

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.²⁵ 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;
- FG.** That the circulator personally circulated the petition section;
- GH.** That all signatures were affixed in the circulator's presence;

²⁰ Charter § 8.3.2(B)

²⁵ D.R.M.C. § 15-11(a)(4); C.R.S. § 31-11-106

- 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;
- 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
- L.** 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.

5.7.2 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.³² Each registered elector signing a petition should be encouraged by the circulator of the petition to sign the petition in ink.³³ Only the registered elector may withdraw or cross-out his or her own information.

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.^{32.1}

5.12 Withdrawal of a Petition Determined Sufficient. The designated representative 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 designated representative and shall be filed no later than sixty days before the election at which the initiative is to be voted upon.

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³² D.R.M.C § 15-11(a)(2); C.R.S. § 31-11-108

³³ C.R.S. § 31-11-108

^{32.1} D.R.M.C. § 15-11(a)(2)

RULE 6. Referendum Petitions.

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.⁶⁰ 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;
- ~~E.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;
- ~~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 ⁶¹

⁶⁰ D.R.M.C. § 15-11(a)(4)

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

~~K.L.~~ That each signer had an opportunity to read the full text and ballot title of the referendum.⁶²

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.⁶⁸

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

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.^{71.1}

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⁶² D.R.M.C. § 15-11(a)(4)

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

⁶⁹ C.R.S. § 31-11-108

⁷⁰ C.R.S. § 31-11-108

⁷¹ C.R.S. § 31-11-108

^{71.1} 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.¹⁰⁴ 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;¹⁰⁵
- 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

¹⁰⁴ D.R.M.C. § 15-11(a)(4)

¹⁰⁵ 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.¹⁰⁶

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.¹¹¹

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.¹¹² 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.¹¹³ 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.

7.7.4 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.^{127.1}

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¹⁰⁶ D.R.M.C. § 15-11(a)(4)

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

¹¹² C.R.S. § 31-4-502(1)(d)

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

^{127.1} 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~~ designated representative. Contact information for the ~~primary contact~~ designated representative ~~should~~ shall include an email address. The designated representative shall represent the petitioners' committee in all matters affecting the petition and to whom all notices or information concerning the petition shall be mailed.

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.¹⁴⁵

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.¹⁵⁰ 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.¹⁵¹ 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.

8.7.4 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.^{151.1}

8.12 Withdrawal of a Petition Determined Sufficient. The designated representative 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 designated representative and shall be filed no later than sixty days before the election at which the measure is to be voted upon.

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¹⁴⁵ C.R.S. § 31-2-220(2)

¹⁵⁰ C.R.S. § 31-2-220(1)

¹⁵¹ C.R.S. § 31-2-220(2)

^{151.1} D.R.M.C. § 15-11(a)(2)

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 and in the following order:

- A. The initiated or referred measure's subject;
- B. The initiated or referred measure's letter and number designation;
- 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.