

Affidavit of Petitioners' Committee Petition for Denver Initiated Ordinance

We, the undersigned, registered electors of the City And County of Denver, Colorado, pursuant to C&R Election Rule 5.3 and Section 8.3.2 of the Charter of the City and County of Denver, Colorado, hereby file this Affidavit constituting ourselves as the Petitioners' Committee, with the intention to circulate a petition for an Initiated Ordinance, and being duly sworn upon oath, depose and state as follows:

1. The following five (5) registered electors of the City and County of Denver shall constitute the Petitioners' Committee:

Name	Address	Phone Number
DIANNE V. THIEL	1355 E. AMHERST CIR DENVER CO 80210	303692-0684
SUSAN HODAPP	99 S. DOWNING ST DENVER CO 80209	303249-9078
Owen Perkins	2560 S. JACKSON ST DENVER CO 80210	3038818881
JERRY BURTON	2330 S. UNIVERSITY BLVD DENVER CO 80210	7205924712
Anthony Robinson	3008 S. Grape Way Denver CO 80222	303-847-5792

2. The Petitioners' Committee shall be responsible for circulating and filing the petition.

3. Primary contact for the Petitioners' Committee is:

DIANNE V. THIEL 3036920684 oellen668@windia.com
(Name) (Daytime Phone) (Email)

Address to which notices will be sent: PO BOX 195 ENGLEWOOD CO 80151

4. The Ballot Title for the Initiated Ordinance shall be as follows: (State Ballot Title in full in space provided or attach typewritten copy.)

SEE ATTACHED

5. The Initiated Ordinance full text shall be as follows: (State ordinance in full in space provided or attach typewritten copy to this page.)

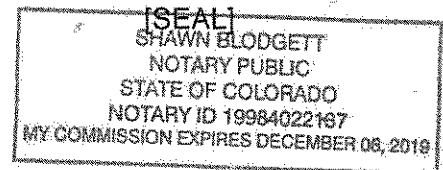
SEE ATTACHED

<p><u><i>Dianne V. Thiel</i></u> (Legible Signature of Committee Member)</p> <p><u><i>Susan Hodapp</i></u> (Legible Signature of Committee Member)</p> <p><u><i>[Signature]</i></u> (Legible Signature of Committee Member)</p>	<p><u><i>Jerry Burton</i></u> (Legible Signature of Committee Member)</p> <p><u><i>[Signature]</i></u> (Legible Signature of Committee Member)</p>
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STATE OF COLORADO
CITY AND COUNTY Denver

Subscribed and sworn to me on this
28 day of March, 2018

My commission expires: 12/06/2019
Shawn Blodgett
(Signature of Notary Public)



The Denver Right to Survive Initiative - BALLOT TITLE

Shall the voters of the City and County of Denver adopt a measure that secures and enforces basic rights for all people within the jurisdiction of the City and County of Denver, including the right to rest and shelter oneself from the elements in a non-obstructive manner in outdoor public spaces, to eat, share accept or give free food in any public space where food is not prohibited, to occupy one's own legally parked motor vehicle, or occupy a legally parked motor vehicle belonging to another, with the owner's permission, and to have a right and expectation of privacy and safety of or in one's person and property?

The Denver Right to Survive Initiative

A law securing and enforcing basic rights for all people within the City and County of Denver, including the right to rest and shelter oneself from the elements in a non-obstructive manner in public spaces, to eat, share, accept or give food in any public space where food is not prohibited, to occupy one's own legally parked motor vehicle, or occupy a legally parked motor vehicle belonging to another, with the owner's permission, and to have a right and expectation of privacy and safety of or in one's person and property.

Be it enacted and ordained by people of the City and County of Denver:

Section 1. The Revised Municipal Code of Denver, Colorado, Title I, Chapter 28, is hereby amended to include a new Article IX:

Chapter 28 - HUMAN RIGHTS¹¹¹

ARTICLE IX. - RIGHT TO SURVIVE IN PUBLIC SPACES

Sec. 28-254. Protected Rights of People.

(a) *Purpose.* The purpose of this section is to secure and enforce basic rights for all people within the jurisdiction of the City and County of Denver, including the right to rest and shelter oneself from the elements in a non-obstructive manner in public spaces, to eat, share, accept or give food in any public space where food is not prohibited, to occupy one's own legally parked motor vehicle or occupy a legally parked motor vehicle belonging to another, with the owner's permission, and to have a right and expectation of privacy and safety of or in one's person and property.

(b) *Definitions.*

- (1) "Public space" means any outdoor property that is owned or leased, in whole or in part, by the City and County of Denver and is accessible to the public, or any city property upon which there is an easement for public use.
- (2) "Rest" means the state of not moving, and holding certain postures including but not limited to sitting, standing, leaning, kneeling, squatting, sleeping or lying down.
- (3) "Non-Obstructive Manner" means a manner that does not render passageways impassable or hazardous.
- (4) "Motor Vehicle" includes vehicles defined in Colorado Revised Statutes Sections 42-1-102 (58), Camper coach 42-1-102 (13), trailer coach 42-1-102 (106) (a), or noncommercial or recreational vehicle 42-1-102 (61).
- (5) "Ceiling preemption" means any limitation on local law-making that limits the amount of protection local law may extend to municipal residents that exceeds state or federal protections.
- (6) "Municipal Subordination" means any exercise of "Dillon's Rule," preemption, or other mechanism used to usurp the right of the people of Denver to use their City and County government for the protection of residents' rights.

(c) *Rights.*

- (1) The right to rest in a non-obstructive manner in public spaces.
- (2) The right to shelter oneself from the elements in a non-obstructive manner in outdoor public spaces.
- (3) The right to eat, share, accept, or give free food in any public space where food is not prohibited.
- (4) The right to occupy one's own legally parked motor vehicle or occupy a legally parked motor vehicle belonging to another, with the owner's permission.
- (5) The right and expectation of safety and privacy of or in one's person and belongings while occupying public spaces.
- (6) The right to have the City and County government of Denver enforce and defend this law on the basis that a constitutional right of initiative, which is an expression of local community self-government, exists. This law is an assertion of that right as it seeks to expand and secure the rights of the people of Denver. The exercise of the legal doctrines of Dillon's Rule, ceiling preemption or municipal subordination to state government would unconstitutionally and illegitimately violate the right of the residents of the City and County of Denver to local community self-government.

(d) *Prohibitions and Obligations.*

- (1) It shall be unlawful for the City and County of Denver to enforce any ordinance, resolution, regulation, rule or policy that limits, prohibits or penalizes the rights secured by this ordinance.
- (2) It shall be unlawful for any public law enforcement officer, private security employee or agent, corporation, business or other entities to violate the rights recognized and secured by this law.
- (3) It shall be unlawful for an employee or agent of any government agency, corporation, business, or other entity to harass, terrorize, threaten, or intimidate any natural person exercising the rights secured by this ordinance.

(e) *Enforcement.*

- (1) Any law enforcement officer or other agent of the City and County of Denver who detains, causes to move, or violates the protected rights in Section (c) of this ordinance has committed a civil rights violation(s) under color of law. This prohibition includes, but is not limited to, requesting identification by any person unless supported by reasonable suspicion of a crime.
- (2) The City and County of Denver, or any resident of the City and County of Denver, may enforce the rights and prohibitions of this law through an action brought in any court possessing jurisdiction over activities occurring within the City and County. In such an action, the City and County of Denver or the resident shall be entitled to recover as a prevailing party all costs of litigation, including, without limitation, expert and attorney's fees.

(3) All laws adopted by the legislature of Colorado shall be the law of the City and County of Denver only to the extent that they do not violate the rights or prohibitions of this law. Where state or federal law is more protective of human rights and civil rights than this local law, the state or federal law controls.

(f) *Severability.*

(1) The provisions of this law are severable. If any court decides that any section, clause, sentence, part, or provision of this law is illegal, invalid, or unconstitutional, such decision shall not affect, impair, or invalidate any of the remaining sections, clauses, sentences parts, or provisions, of the law. This law would have been enacted without the invalid sections.

(g) *Repealer.*

(1) All inconsistent provisions of prior laws adopted by the City and County of Denver are hereby repealed, but only to the extent necessary to remedy the inconsistency.

(h) *Effective Date.*

(1) All provisions of this act shall take effect immediately.

ENACTED AND ORDAINED this _____ day of _____, 2019, by the City and County of Denver, Colorado.

Instructions to Circulators

Petition for Denver Initiated Ordinance

1. How To Circulate a Petition

- A. An initiated ordinance petition may consist of multiple petition sections. There must only be one circulator for each petition section.
- B. Each petition section is bound in a blue manuscript cover and contains: A) an *Affidavit of Petitioners' Committee* containing ballot title and full text, B) an *Instructions to Circulators* page, C) several numbered *Signature Pages* that contain a Warning section at the top of each page, and D) an *Affidavit of Circulator* page.
- C. Read the Warning in this petition section to be aware of who may sign this petition and other legal restrictions on signers of this petition.
- D. A petition section may not be left unattended on a counter or desk for voters to sign.

2. Who May Sign a Petition

- A. Signers must be residents of the City and County of Denver and registered to vote in Denver.
- B. Circulators may not sign their own petition section. Notaries may not notarize a petition section they have signed.

3. How To Sign a Petition. Signers Must:

- A. Print clearly.
- B. Use blue or black ink. Do not use ditto marks ("") to provide information on a signature line.
- C. Fill out every required field completely, date it and sign it in the presence of the circulator.
- D. Sign their own signature and print their own legal name in the same manner as the person is registered: last name, first name, and middle initial. (For example: Mary Doe, not Mrs. John Doe)
- E. Use the residence address where they reside and are registered to vote, including street name and street number, city and county. Post office boxes may not be used as a place of residence.
- F. Place their initials on all minor corrections. If a major correction is required, the signer should cross out the entire pair of lines containing the error and use the next pair of blank lines.
- G. Not sign for another signer. However, any person **except the circulator** may assist a signer who has limited literacy or is physically unable to write the required information on the petition. The signer must make his or her mark in the signature space and the person giving assistance must provide their signature and a statement that assistance was given. This statement must be provided on the petition immediately following the name of the elector who received assistance.

4. What To Do After Petition Section is Completed

- A. Do not disassemble petition sections. If the original staples are removed, all names on the section are disqualified.
- B. A petition section does not have to be completely filled for the listed names to be valid.
- C. The *Affidavit of Circulator* must be properly signed and notarized. Do not sign or date your *Affidavit of Circulator* until in the presence of the notary.
- D. No additional signatures may be collected after the *Affidavit of Circulator* is notarized. Any subsequent signatures are invalid.
- E. All petition sections must be filed with the Elections Division at one time.

Warning and Signature Page

Petition for Denver Initiated Ordinance

**“WARNING:
IT IS AGAINST THE LAW:**

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

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

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

Ballot Title:

1.	Date:	Last Name:	First Name:	MI:	Year of Birth (Optional):
	Address – Number, Street, Unit #:		City/County:	Signature:	
2.	Date:	Last Name:	First Name:	MI:	Year of Birth (Optional):
	Address – Number, Street, Unit #:		City/County:	Signature:	
3.	Date:	Last Name:	First Name:	MI:	Year of Birth (Optional):
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4.	Date:	Last Name:	First Name:	MI:	Year of Birth (Optional):
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	Address – Number, Street, Unit #:		City/County:	Signature:	
7.	Date:	Last Name:	First Name:	MI:	Year of Birth (Optional):
	Address – Number, Street, Unit #:		City/County:	Signature:	
8.	Date:	Last Name:	First Name:	MI:	Year of Birth (Optional):
	Address – Number, Street, Unit #:		City/County:	Signature:	
9.	Date:	Last Name:	First Name:	MI:	Year of Birth (Optional):
	Address – Number, Street, Unit #:		City/County:	Signature:	
10.	Date:	Last Name:	First Name:	MI:	Year of Birth (Optional):
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Warning and Signature Page Petition for Denver Initiated Ordinance

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10.	Date:	Last Name:	First Name:	MI:	Year of Birth (Optional):
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Warning and Signature Page

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Section 0001, Page 4

Warning and Signature Page Petition for Denver Initiated Ordinance

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Affidavit of Circulator Petition for Denver Initiated Ordinance

Denver Elections
Division

I, _____, being duly sworn
(Circulator's Printed Name)

on oath depose and say that I have read and understand the laws governing the circulation of petitions; that

1. I was a citizen of the United States, and at least 18 years of age at the time this petition section was circulated and signed by the listed electors;
2. I personally circulated this section of the petition;
3. All signatures on this petition section were affixed in my presence;
4. Each signature hereon is the genuine signature of the person whose name it purports to be;
5. To the best of my knowledge and belief, each of the persons signing this petition section was, at the time of signing, a registered elector of the City and County of Denver;
6. I have not paid and will not in the future pay and that I believe 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 affix the signer's signature to the petition; and
7. Each signer had an opportunity to read the full text and ballot title of this initiative.

(Signature of Circulator)

(Date)

(Circulator's Permanent Residential Address)

(Circulator's Temporary Colorado Residential Address, if applicable)

STATE OF COLORADO
CITY AND COUNTY _____

Subscribed and sworn to me on this _____ day of _____,

[SEAL]

My commission expires: _____

(Signature of Notary Public)