

# Initiative Petitions

Boulder City Council

May 26, 2020



# Governor Polis' Order

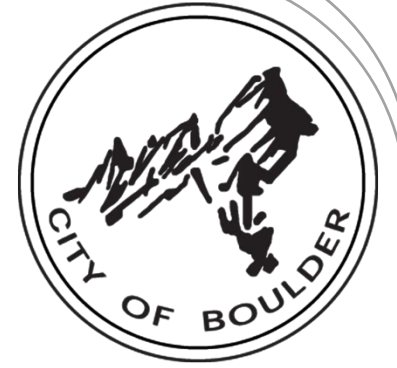
1. Applies only to State Initiatives.
2. Suspends the following provisions as applicable to state initiatives:
  - i. Provisions relating to form.
  - ii. Six month filing requirement.
  - iii. Requirement for signing in the circulator's presence.
3. Extends the deadline for submission.
4. Requires the Secretary of State to issue rules.



# The City's Power Over Charter Amendments

- Constitution Article XX, Section 6.
  - Home Rule Cities are hereby vested with, and they shall always have, power to make, **amend**, add to or replace the charter of said city or town, which shall be its organic law and extend to all its local and municipal matters,”
  - “Such charter and the ordinances made pursuant thereto in such matters shall supersede within the territorial limits and other jurisdiction of said city or town any law of the state in conflict therewith.”
  - “[A]ll matters pertaining to municipal elections in such city or town, and to electoral votes therein on measures submitted under the charter or ordinances thereof” as matters of local concern.

# Section 9 does not Supersede Section 6



“Notwithstanding any provision in sections 4, 5, and 6 of this article to the contrary, the registered electors of each city and county, city, and town of the state are hereby vested with the power to adopt, amend, and repeal a home rule charter.”

“The general assembly shall provide by statute procedures under which the registered electors of any proposed or existing city and county, city, or town **may** adopt, amend, and repeal a municipal home rule charter.”

Colo. Const. Art. XX, Section 9



# Charter Amendment Procedures

“[I]t is the intent of the general assembly that the provisions of this title shall apply to home rule municipalities except insofar as superseded by charter or ordinance passed pursuant to such charter . . .”

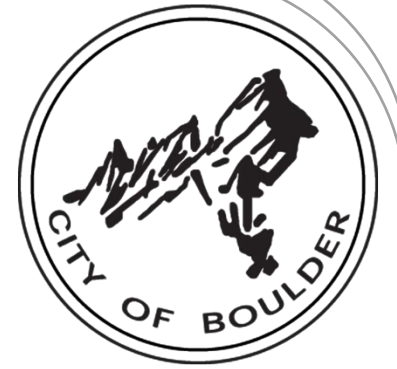
C.R.S. § 31-1-102



# Number of Signatures

- Initiative Petitions – Charter Section 38A
  - 10% of the average of the last two municipal elections
- Charter Amendments – C.R.S. § 31-2-210
  - 5% of the registered voters
- The Charter uses “special election” to mean an election held other than in November. Charter Section 41.
- The voters removed the provision allowing for petitioners to force a special election in 2017.

# Deadline



- Initiative Petitions – 150 days before the election – Charter Section 39
- Charter Amendments – 90 days before the election – C.R.S. § 31-2-210(1)(III).
- The Charter provides that petition signature gathers shall have 180 days to gather signatures. Charter Section 39.
- State law limits charte amendments to 90 days. C.R.S. § 31-2-220