



Charter Amendment Initiative Petition Guidelines

MUNICIPAL ELECTION

November 3, 2020

City of Boulder

Office of the City Clerk

This document provides general guidelines only and is not intended to be either an exhaustive study of the petitioning process nor legal advice. Residents who are considering the petition process are advised to consult independent legal counsel and to review the Boulder Home Rule Charter and statutory provisions cited below.

What is the difference between a Municipal Initiative, a Charter Amendment and a Referendum?

Municipal Initiative: A municipal initiative proposes an ordinance, resolution or other measure to the City Council. The City Council can choose to adopt the ordinance, resolution or measure or submit the ordinance, resolution or measure to a vote of the electors. *Procedures for municipal initiatives are found in Article IV of the Boulder Home Rule Charter, sections 37-42, and C.R.S. section 31-11-101, et seq.*

Charter Amendment Initiative: A charter amendment changes the City of Boulder’s Home Rule Charter. All charter amendments must be submitted to a vote of the electors. A charter amendment can be initiated by electors through an initiative process that is different than the process for initiating other matters. *Procedures for Charter amendment petitions are found in C.R.S. section 31-2-210 and 31-2-220 through 225 in balance with Article IV of the Boulder Home Rule Charter, sections 37-42. For anything not addressed in 31-2 or the Charter, see C.R.S. section 31-11-101, et seq.*

Referendum: A referendum gives the people of the City of Boulder the power, through an election, to approve or reject legislative measures previously passed by the City Council or submitted by the Council to a vote of the electors. *Procedures for the referendum process are found in Article IV of the Boulder Home Rule Charter, sections 43-50, and C.R.S. section 31-11-101, et seq.*

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	<i>Boulder Home Rule Charter</i>	<i>C.R.S. 31-2-210; 31-2-220 through 225</i>	<i>C.R.S. 31-11-101, et seq.</i>
Municipal Initiative	1	X	2
Charter Amendment Initiative	2	1	3
Referendum	1	X	2

1 = Primary authority; follow first
 2 = Second authority; follow second
 X = Not followed

THE CHARTER AMENDMENT PETITION

A. Preparing a Charter Amendment Petition

The process for a charter amendment is commenced by filing a Statement of Intent to circulate a Petition, together with the Petitions to be circulated, with the city clerk. The statement of intent to circulate a Petition for an initiative to amend the charter must be signed by at least five registered electors of the municipality. When preparing your Petition draft, please use the Petition format and Cover Sheet provided for you at <https://bouldercolorado.gov/elections> and included at the end of this document. This Petition format has been approved to conform to applicable law.

The Petition shall contain the text of the proposed amendment and shall state whether the proposed amendment is sought to be submitted at the next November election or at a special election. If a special election is requested, the Petition shall state the approximate date for such special election.

Generally, the form of a Petition and circulator affidavit shall be as prescribed in sections 31-2-220 and 31-2-221, C.R.S. unless otherwise noted here. Petitions shall be printed on pages eight and one-half inches wide by eleven inches long, with a margin of two inches at the top for binding; the sheets for signature shall have their ruled lines numbered consecutively and shall be attached to a complete copy of what is proposed, printed in plain block letters no smaller than 8-point font. The form of Warning to be printed on each page of the Petition shall be as follows, in plain red letters and 10-point or larger font:

WARNING: IT IS AGAINST THE LAW: For anyone to sign any 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 sign such petition when not a registered elector. **DO NOT SIGN THIS PETITION UNLESS YOU ARE A REGISTERED ELECTOR:** Do not sign this petition unless you have read or had read to you the text of the proposal in its entirety and understand its meaning.

Additionally, each Petition shall designate by name and address five registered electors who shall represent the signers in all matters regarding the Petition.

Petitions shall be worded clearly and simply so the Petition is not misleading or likely to cause confusion to voters. Petition drafts shall be consistent with applicable law. The draft shall present the ballot measure in such a manner that a vote for the measure would be a vote for the proposition and that a vote against the measure would be a vote against the proposition. Petitions shall contain a circulator affidavit signed in the presence of a notary or other qualified official.

Prior to printing, publishing or circulating a Petition, the city clerk shall approve it as to form. The clerk will approve or disapprove the Petition form within five working days of submission by the petition committee. Pursuant to Boulder Home Rule Charter section 38B, the petitioners may amend the Petition in response to some or all of the comments received by the city clerk. If substantial amendments are made to the Petition that are not in response to the city clerk comments, the amended Petition shall be re-submitted for comment. If the petitioners fail to

submit the proposed Petition form, or any substantial amendment to the proposed form, prior to obtaining signatures, the city clerk may refuse to accept the Petition for filing.

B. Circulating a Charter Amendment Petition

Once the Petition has been approved, it may be circulated for signatures. To be valid, each signature on the Petition must be that of a registered elector of the City of Boulder. Each registered elector shall sign and 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. Circulators must be at least 18 years of age at the time a Petition section is circulated for signatures.

A Petition to submit an amendment at the next regular election must be signed by at least five percent of the registered electors of the municipality registered on the date of filing the Statement of Intent. A petition to submit an amendment at a special election must be signed by at least ten percent of the registered electors of the municipality on the date of filling the Statement of Intent.

The Boulder Home Rule Charter and C.R.S. 31-2-210(1)(a)(I) differ in the number of days a petition may be circulated. The statute limits the circulation period to not more than ninety days from the date of filing of the Statement of Intent. To resolve this difference and balance all interpretations for the benefit of the petitioners where reasonably possible, the committees shall have up to 180 days to gather signatures. Be aware that the circulation period must be balanced with the statutory deadline for filing (90 days prior to the election), the time frame for determining sufficiency and the city council's regular meeting schedule.

C. Filing a Charter Amendment Petition

Charter amendment Petitions must be filed with the city clerk no later than 90 days prior to the election: **Wednesday, August 5, 2020.**

To submit a completed Petition, please call 303-441-4222 to schedule an appointment with the city clerk's office. Allow two hours for the appointment. All sections of the Petition must be complete and filed together, along with the Initiative Petition Cover Sheet. The clerk will reject any attempt to file more signatures until after a certificate of insufficiency has been issued. The clerk will inspect the filed Petitions and attached affidavits to ensure compliance with C.R.S. 31-2-220(2). The inspection may consist of examining the information on the signature lines for patent defects, comparing the information on the signature lines with a list of registered electors provided by the county, or any other method of inspection reasonably expected to ensure compliance. Within 15 working days of filing, if the Petition is found to be sufficient, the city clerk will certify to the governing body as to the validity and sufficiency of the Petition. If the Petition is found to be insufficient, it may be withdrawn by a majority of the petition committee members. Pursuant to C.R.S. Section 31-2-210(3), the Petition may be amended or signed by additional registered electors of the municipality and refiled as an original Petition within 15 working days after being declared insufficient. Petitions containing supplemental signatures must

conform to all of the requirements of initiative Petitions, including the requirement that all section be completed and filed at one time.

D. Submission to City Council

When a Petition is certified as sufficient by the city clerk, it will be submitted to the city council at its next regular meeting. City council will read the petition, set the ballot title and hold a public hearing. The final action includes placing the issue on the ballot.

E. Important Dates for 2020

The timeline for when Petitions must be certified as complete and placed on the ballot is calculated by measuring backward from the date of the next election as well as forward from the date the Petition is submitted. Regular meetings of the city council are generally held on the first and third Tuesdays of each month, except for the first Tuesday in July when council is on recess. Taking these dates and the calendar for council proceedings into account, this is the 2020 schedule:

Initiative Requirement	Time Requirement for City and Petitioners
City Review of Petition Form Submitted by Petition Committee Before Obtaining Signatures	The city must submit written comments to the petition committee by the fifth business day after the first submittal of the Petition form by the committee. Deadlines that fall on a weekend or holiday will be the due the next business day.
Petition Committee Files Signed Petition with the City DUE by August 5, 2020	The petition committee submits the signed Petition to the city on or before the 90th day prior to the election.
Determination of Sufficiency of Signatures on Submitted Petition	The city must submit its written determination of whether the Petition is sufficient by the 15th working day after the Petition is submitted.
Petition Committee May Submit Additional Signatures (Called a “Cure”) if Original Petition Deemed Insufficient	A majority of members of the petition committee may withdraw the Petition and obtain additional signatures within 15 calendar days from the date of the city clerk’s Determination of Insufficiency. The Petition may be refiled as an original Petition.
Last Day for City Clerk to Certify Petitions to City Council DUE: August 26, 2020	The city clerk must certify Petitions to the city council within 15 working days after the 90th day prior to the election.
Protests	Any protest of the Petition must be filed with the city by the 30th day after the Petition is submitted to the clerk. If the 30th day falls on a weekend or holiday, the protest must be filed by the last business day before the 30th day.
Ballot Content Submitted to Boulder County DUE: September 4, 2020	Final content for the 2020 ballot must be submitted by the city clerk to Boulder County by the 60th day before the election.

Provided by the Boulder City Clerk
January 2020

Email: Cityclerkstaff@bouldercolorado.gov



Initiative Petition Cover Sheet

Office of the City Clerk

Please check the relevant areas below and turn in a copy of this cover sheet when you submit your Petition form for review. Submit another updated copy when you file your Petition after circulation.

This is an initiative Petition for a: _____ Municipal Initiative _____ Charter Amendment

Submitted on: _____, 20_____

The City Clerk has provided forms and guidelines at <https://bouldercolorado.gov/elections> and will attempt to facilitate the initiative petition process. However, an initiative petition involves a legal process. The city cannot provide legal advice to you, and you should consult your own attorney.

_____ Use the Petition forms provided by the Clerk’s Office or follow the applicable law to include all necessary information, warnings, signature blocks, etc.

_____ Include the names and addresses of at least five City of Boulder registered electors on all communications to the city pertaining to this measure. Please include email addresses.

_____ Call 303-441-4222 to schedule an appointment to file your Petition with the City Clerk’s Office. Allow two hours for the appointment.

ADDITIONAL REQUIREMENTS FOR CHARTER AMENDMENTS

_____ The Petition shall state whether the proposed amendment is sought to be submitted at the next November election or at a special election. If a special election is requested, the Petition shall state the approximate date for such special election.

_____ Include a Statement of Intent to circulate a petition. The Statement of Intent must be signed by at least five City of Boulder registered electors.

Petition Section Number _____

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The following five registered electors shall represent the signers in all matters related to the petition:

Name:

Mailing Address:

[Text of Measure – to be filled in by Petition Committee]

Petition Section Number _____

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1	Signature	Residence Address (Street & Number)	
	Printed Name	City/Town	Date of Signing
2	Signature	Residence Address (Street & Number)	
	Printed Name	City/Town	Date of Signing
3	Signature	Residence Address (Street & Number)	
	Printed Name	City/Town	Date of Signing
4	Signature	Residence Address (Street & Number)	
	Printed Name	City/Town	Date of Signing
5	Signature	Residence Address (Street & Number)	
	Printed Name	City/Town	Date of Signing
6	Signature	Residence Address (Street & Number)	
	Printed Name	City/Town	Date of Signing
7	Signature	Residence Address (Street & Number)	
	Printed Name	City/Town	Date of Signing

AFFIDAVIT OF CIRCULATOR

I do solemnly affirm under penalty of perjury that:

- I was at least 18 years of age at the time this section of the petition was circulated and signed by the listed electors;
- I circulated this section of the petition;
- Each signature on this petition was affixed in my presence;
- Each signature on this petition is the signature of the person whose name it purports to be;
- 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; and
- I have not paid or will not in the future pay and 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 such signer to affix his or her signature to the petition.

Circulator Name (please print)

Last Name

First Name

Permanent Residence Address (or location if homeless)

Street Name and Number

City/Town

State

Zip Code

Sign and Date in the Presence of a Notary

Signature of Circulator

Date of Signing

A NOTARY PUBLIC MUST COMPLETE THE FOLLOWING SECTION

STATE OF COLORADO

COUNTY OF _____

Subscribed and affirmed before me this _____ day of _____, 20____,
by _____ [Circulator named above].

Signature of Notary

(S E A L)