



# Referendum Guidelines

July 2015



# **TABLE OF CONTENTS**

## **Introduction**

## **The Referendum Process**

- What is a Referendum?
- Who Can Use the Referendum Process?
- What Kinds of Ordinances Can Be Referred to the Voters?
- Beginning the Process: The Notice of Protest
- Petition Forms
- Approval of Form for Circulation
- Circulators
- Signature Requirements
- Submittal Requirements and Deadlines

## **Verification and Certification of the Petition**

- Examination of the Petition
- Reasons for Rejecting Signatures
- Insufficient Petition
- Sufficient Petition/Certification of Petition
- Protests

## **Council Action**

## **The Election**

- Submitting the Referred Measure to the Voters
- After the Election

## **Campaign Regulations**

## **Definitions**

## **City Charter and Code Provisions**

- City Charter, Article X
- City Code, Chapter 7, Article VI

## **Sample Petition Forms**

## **Supplemental Information**

- Signature Requirements

## ***INTRODUCTION***

The City of Fort Collins, Colorado is a home rule municipality. As such, the citizens of Fort Collins have adopted local provisions in the Charter of the City of Fort Collins (hereafter the "Charter") relating to referendum. The power of referendum is the power to refer a Council-adopted ordinance to the voters for approval or rejection.

Article X, Section 1 of the Charter states: "The registered electors of the city shall have the power at their option to approve or reject at the polls, any ordinance adopted by the Council, except ordinances making the annual property tax levy, making the annual appropriation, calling a special election, or ordering improvements initiated by petition and to be paid for by special assessments."

This guide is provided to assist electors in exercising the right to refer an ordinance to the voters through the "referendum process". The information contained herein is basic in nature and is not intended to be comprehensive in scope or depth, nor is it to be construed as legal advice. If you have questions regarding the interpretation of applicable laws and regulations for your particular situation, you may wish to consult with a private attorney who can provide you with that interpretation. If there is any inconsistency between these guidelines and the applicable provisions of the City Code, City Charter, or state law, the provisions of the Code, Charter, or state law take precedence.

### **How to Use this Guide**

The information provided herein is presented, to the extent possible, in the order of occurrence of actions and events. The Guide contains terminology not commonly used by the general public, and as such, may be interpreted differently by different individuals. However, such terminology has very specific meaning within the context of the referendum process and elections. A list of terms and their definitions, as applied herein, has been included at the end of this document.

### **Contact Information**

All questions or comments regarding this Guide should be directed to the City Clerk's Office. Although the entire staff of the City Clerk's Office has varying levels of familiarity with the referendum process, please direct your questions and/or comments to:

***INTRODUCTION continued***

---

Wanda Winkelmann, City Clerk

[wwinkelmann@fcgov.com](mailto:wwinkelmann@fcgov.com)

(970) 221-6515

Rita Knoll Chief Deputy City Clerk

[Rknoll@fcgov.com](mailto:Rknoll@fcgov.com)

(970) 221-6516

The City Clerk's Office is located at 300 LaPorte Avenue. Mail should be addressed to PO Box 580, Fort Collins, CO 80522.

# **THE REFERENDUM PROCESS**

## **What is a Referendum?**

The referendum process is the direct power of the electors to refer any ordinance adopted by the City Council to a vote of the people.

The referendum process is often confused with the initiative process. The power of initiative is the power of the electors to propose a **new** legislative measure or course of action, in the form of an ordinance or resolution, and secure its submission to the City Council or the electorate for approval.

## **Who Can Use the Referendum Process?**

The referendum process is available to all registered electors within the Fort Collins city limits.

The City Council also has the power of referendum under the City Charter. However, the term "referendum" will be used herein solely to refer to the ***citizen's*** power of referendum.

## **What Kinds of Ordinances Can Be Referred to the Voters?**

The City Charter states that the registered electors of the City have the power to approve or reject at the polls any ordinance adopted by the Council except ordinances making the annual property tax levy, making the annual appropriation, calling a special election, or ordering improvements initiated by petition and to be paid for by special assessment. However, Colorado case law indicates that, even under this kind of Charter provision, only those ordinances that are legislative in nature, as opposed to administrative, can be referred.

A legislative ordinance is one that is of permanent or general character, which establishes a new policy or rule of law. An administrative ordinance is one that is more temporary in nature and which carries out existing policy or makes a "business" decision for the City, such as an ordinance that sets utility rates or authorizes the sale of City property.

If you wish to refer a Council-adopted ordinance to a vote of the people, you should check with the City Clerk's office to determine the City's position as to whether that particular ordinance is referable. You may also wish to consult with your private attorney, since he or she may have a different opinion as to your ability to refer the ordinance in question.

## **Beginning the Process: the Notice of Protest**

A referendum is commenced by one or more registered electors filing with the City Clerk within ten days after final passage of the ordinance in question, a written notice of protest against the going into effect of the ordinance. The notice must be brief and need not state any reasons, but must identify the ordinance or part thereof, or code section it is proposed to have repealed. There is no form for filing a notice of protest.

## **Petition Forms**

No later than ten days after the filing of the notice of protest, the proponents of the referendum must present to the City Clerk the final form for the referendum petition. The City Charter requires a referendum petition to contain or have attached to each section, throughout its circulation, the full text of the ordinance sought to be referred, clearly identifying the protested portions if only a partial repeal is sought. In the case of a bond ordinance, the full text of the ordinance need not be set forth, but the petition must contain or have attached to each section, throughout its circulation, the title and summary of the ordinance in question as prepared by the City Clerk. The petition must designate by name and address at least three, but no more than five, persons who will act as petition representatives. The petition must also contain an affidavit to be completed by the petition circulator. (**Note:** It is **not** the responsibility of the petition representatives to draft ballot language. See below "The Election - Submitting the Referred Measure to the Voters" for information on ballot language.)

The form of the referendum petition is prescribed by ordinance of the Council. The petition form contains warning language printed in red ink. Therefore, it is necessary to assemble petition sections using original forms provided by the City Clerk. Alternate methods of assembling petition sections, such as assembling one original and having color copies made or obtaining the electronic file (in Pagemaker format) for printing color originals, may be available. It is recommended that you consult with the City Clerk's Office as early as possible on options for assembling petition sections.

A petition may be circulated and signed in sections, provided that each section contains all required information and is securely fastened at the top. (A typical method of fastening each section is by stapling across the top.) All sections must be filed as one instrument.

Upon receipt of a notice of protest, the City Clerk will provide blank petition

forms to be used in assembling petition sections. The City Clerk will need to know how many petition sections you plan to assemble, and how many signature lines you want to include in each section (each section can contain up to 100 signature lines, in increments of 10).

### **Approval of Form for Circulation**

Before circulation of the petition can begin, the City Clerk must approve the form of the petition. The City Clerk will examine each petition section to determine that it contains all required information (and *only* that information), that each section is numbered and the pages within each section are numbered, and that each section is securely fastened at the top. Any irregularities in the petition sections, if found, will be identified and the petition representatives will be given an opportunity to correct the irregularities. The City Clerk will prepare a certificate of approval, which will contain a list of the section numbers that have been approved for circulation. The date of the certificate of approval shall start the running of the time periods provided for circulation and filing of the petition.

If the petition representatives determine during the circulation period that more petition sections are needed, additional sections may be submitted to the City Clerk for approval. However, additional sections are subject to the original time periods started with the approval of the first petition sections.

A sample petition section is provided at the end of this guide.

### **Circulators**

Only persons who are eighteen years of age or older may circulate a petition for signatures. Each petition section must be carried by only one circulator, but a circulator may carry more than one petition section.

Nothing prohibits circulators from being paid to circulate a petition. Circulators do not have to be registered electors.

Circulators are prohibited from paying or offering to pay any money or other thing of value to any person for the purpose of inducing or causing the person to sign a petition.

Circulators are required to complete an affidavit, attached to each petition section, after the petition has been circulated. The affidavit must be signed, under oath, before a notary public. No additional signatures should be obtained on a petition section after completion of the affidavit.

## **Signature Requirements**

Only registered electors (persons registered to vote in city elections who reside within the city limits) may sign a petition. Each signer must sign his or her own signature, followed by the printed name, residence address, and date of signing. No person shall sign more than once (on the same section or on different sections). If the City Clerk finds more than one signature of the same person, the first signature verified will be counted and all other signatures of that person will be rejected.

The number of signatures required on a referendum petition is based on the number of ballots cast at the last regular city election (held in April of odd-numbered years). The petition must contain valid signatures equal in number to 10% of the total ballots cast in the last regular city election.

Based on statistics from prior petition efforts, 30-50% of the signatures on a petition are rejected for various reasons. Therefore, it is recommended that the total number of signatures collected far exceed the required number.

## **Submittal Requirements and Deadlines**

As previously mentioned, all sections of a petition must be filed as one instrument. A petition must be filed no more than 20 days after the City Clerk's approval of the petition for circulation. If a completed petition is not filed within the requisite time after the City Clerk's approval of the petition for circulation, the referendum effort is null and void and the petition cannot be circulated further.

At the time the petition is filed, the City Clerk will prepare a receipt for the petition, which will include a listing of all petition sections filed (by section number). It is very common that the petition will not contain all of the sections approved for circulation, usually because some petition circulators fail to return sections to the petition representatives in time to meet the filing deadline.

There are many actions required to move a referendum through the process to placement on the ballot. Therefore, it is imperative that you consult with the City Clerk during your planning process to determine when you must start your efforts and what dates are critical to the success of your effort.



## ***VERIFICATION AND CERTIFICATION OF THE PETITION***

### **Examination of the Petition**

When a petition is filed with the City Clerk, the Clerk has five working days to examine the petitions to determine if the petition is signed by the requisite number of registered electors and that the petition contains the required particulars and affidavits.

The City Clerk's Office uses a very detailed process for the examination of petitions. An Access database is used to check signatures against the voter registration records maintained by the Larimer County Elections Office. The database allows staff to search by name or address, or a portion of either one. This feature is useful when the handwriting of the signer is difficult to read. If the signer is found in the database, the information on the signature line is compared to the information in the database. Each signature line is assigned a code reflecting the results of the examination. Any discrepancy in information, such as a different address, or other information supporting the assigned code, is noted on the petition. If it can be determined that a signature on a petition is similar to a name in the voter registration database, with an address matching the address in the voter registration database, and no other similar names are found at the same address or any other address, an assumption will be made that a match has been found and the signature will be counted as valid.

Throughout the examination of the petition, the findings for each petition section are entered into a spreadsheet, and the total number of valid and rejected signatures are monitored. As soon as the requisite number of valid signatures is reached, the examination is stopped.

As earlier stated, the City Clerk has five working days to complete the examination. Although it is not unusual for the examination to take less time, the full five days will be used if necessary to complete a thorough examination. If the petition appears to be insufficient, a sampling of rejected signatures will be reexamined in an effort to reverse the rejection.

### **Reasons for Rejecting Signatures**

There are many reasons why signatures, and sometimes even entire petition sections, are rejected. Following is a list of the most common reasons for rejecting individual signatures:

- The individual is not registered to vote at the address given on the petition.
- The individual listed an address within the city limits, but is registered at an address outside of the city limits.
- The individual does not appear in the voter registration records.
- The individual failed to provide a residence address.
- The individual listed an address outside of the Fort Collins city limits.
- The individual signed more than once. (Only the first signature verified is counted, and all other signatures by that individual are rejected.)
- The signature is illegible and cannot be verified.
- The individual's date of registration is later than the date he or she signed the petition.
- There are multiple individuals with the same name registered, but none are registered at the address listed.

Whole petition sections, and the signatures contained therein, may be rejected because:

- The petition section was circulated by an individual who is not 18 years of age or older.
- The petition section does not contain a signed and properly notarized affidavit. (Common notary problems include absence of notary's commission expiration date and/or seal.)

- The petition section appears to have been disassembled/reassembled after the Clerk's approval of the form of the petition. (This indicates the possibility that a portion of the required information required to be attached to the petition section during its circulation was removed.)

The reasons listed above are common examples, based on actual experiences, and should not be construed as limiting the possible reasons for rejection.

A detailed accounting of the number of valid signatures on each petition section, as well as the number of rejected signatures, and the reasons therefor, will be prepared and will be provided upon request.

### **Insufficient Petition**

If a referendum petition is deemed insufficient after the examination or following protest proceedings (described below), the City Clerk will prepare a certificate of insufficiency, specifying the particulars of insufficiency, and will notify all of the petition representatives of such insufficiency, both verbally and by providing copies of the certificate of insufficiency. An insufficient petition may be amended by the submission of additional signatures collected after the City Clerk approved the form of the petition, but to be considered it must be amended within the 20-day period after the City Clerk's approval of the petition form for circulation. Within 5 days of the filing of an amended petition, the Clerk must examine the amended petition and certify the results. If the amended petition is still insufficient, or if no amendment was made before the expiration of the time permitted for amendment, the referendum petition is null and void and a new petition may not thereafter be filed for referendum of the same ordinance.

The only acceptable amendment of a petition is the submission of additional signatures on petition sections not previously submitted for examination. Nothing prohibits the collection of additional signatures during the period that the City Clerk is examining the petition. Amendments to previously submitted petition sections will not be accepted, since such amendment would take place after execution and notarization of the circulator's affidavit.

### **Sufficient Petition/Certification of Petition**

When a petition or amended petition is deemed sufficient, whether following the sufficiency determination by the City Clerk in the absence of a protest, or following protest proceedings, the City Clerk is required to certify and present the certified petition to the City Council at the next regularly

scheduled meeting. The Clerk's certification is the final determination as to the sufficiency of the petition, subject only to the protest procedure described below.

### **Protests**

Any registered elector may protest a determination by the City Clerk that a petition is either sufficient or insufficient by filing a written protest, under oath, in the City Clerk's office within 10 days of the original filing of the petition. The protest must set forth with particularity the grounds of protest and the names and defects in form protested. (Disagreeing with the subject of the referendum petition is not a valid reason for protest.)

If a protest is filed, the City Clerk must set a hearing date within 7 days of filing of the protest. At least 5 days prior to the hearing, the Clerk is required to mail a copy of the protest to all of the designated petition representatives, together with a notice of the time for hearing.

The City Manager will appoint a hearing officer for all protest hearings, who has the power to issue subpoenas to compel the attendance of witness and the production of documents. All records and hearings are public, and all testimony must be given under oath. The hearing must be summary in nature, and concluded within 30 days after the petition was filed. Within 10 days after the hearing is concluded, the hearing officer must decide and certify the results of the hearing. The City Clerk will make the final determination regarding the sufficiency or insufficiency of a petition and will base such determination on the protest hearing results certified by the hearing officer.

A petition for referendum which has been deemed insufficient after protest may not be amended or circulated further.

## ***COUNCIL ACTION***

The presentation to the City Council of a referendum petition certified to contain a sufficient number of signatures shall automatically suspend the operation of the ordinance in question pending repeal by Council or final determination by the electors. The Council must reconsider the ordinance at the next regular or special meeting of the Council following the receipt of the petition. If the ordinance, or that part sought to be repealed is not repealed, the Council must refer the same to a vote of the registered electors at the next regular or special city election scheduled for any other purpose. Alternatively, the Council may call a special election for that specific purpose.

## ***THE ELECTION***

### **Submitting the Referred Measure to the Voters**

Upon ordering an election on any referendum measure, the City Council is required to adopt by resolution, after receiving public input, a ballot title and submission clause for the measure. The submission clause must be brief, and must unambiguously state the principle of the provision sought to be repealed. In addition, the submission clause must not conflict with the language selected for any petition previously filed for the same election.

The official ballot shall have printed on it the ballot title and submission clause, and shall contain the words "Yes/For" and "No/Against".

Any registered elector may protest a proposed ballot title and/or submission clause by filing a written protest with the City Clerk. The notice of protest must be filed no later than 12:00 p.m. (noon) on the Monday before the Tuesday Council meeting at which the City Council will consider the resolution setting the ballot title and submission clause. The notice of protest shall set forth with particularity the grounds of the protest. The City Clerk will provide copies of the notice of protest to the City Council prior to the Tuesday meeting. The protest must be heard, considered and resolved by the City Council prior to the adoption of the resolution setting the ballot title and submission clause.

The proposed resolution setting the ballot title and submission clause is drafted by the City Attorney and is available to the public on the Thursday immediately preceding the Tuesday Council meeting.

### **After the Election**

If a majority of the registered electors voting on the referred measure vote in favor of the measure, it is adopted as an ordinance of the City upon certification of the election results. Certification occurs three days after the election.

If the referred measure is an ordinance amending provisions of the City Code, Land Use Code, or City Charter, the ordinance will be forwarded to the City's codifier for inclusion in the appropriate document.

## ***CAMPAIGN REGULATIONS***

Most referendum efforts include the formation of a committee (known as an issue committee) to support the repeal of the referred measure. There are very specific regulations with regard to issue committees and campaigns as set forth in Chapter 7 of the City Code.

A separate document entitled "Issue Committee Guidelines" is also available in the City Clerk's Office. It contains all of the regulations relating to issue committees, including all reporting forms.

## **DEFINITIONS**

**Ordinance** – A municipal law or regulation adopted as an ordinance of the City under the provisions of the City Charter.

**Resolution** – A formal expression of a decision, opinion, policy or directive of the City, expressed in a formally drafted document and voted upon by the City Council, that does not have the force of law.

**Registered elector** – A person residing in the city who has registered to vote in city elections in the manner required by law.

**Petition** – a formal document, addressed to the City Council, requesting the repeal of an ordinance, or part thereof, which is signed by a requisite number of registered electors of the city of Fort Collins.

**Petition representative** – A registered elector who shall represent the signers of a petition in all matters affecting the petition.

**Circulator** – A person who is 18 years of age or older, who carries one or more sections of a petition for the purpose of obtaining signatures in support of the subject of the petition from registered electors of the city of Fort Collins.

**Ballot issue, ballot question or issue** – Any measure put to a vote of the registered electors of the city by the City Council at any election held under the provisions of the Charter. *Ballot issue, ballot question or issue* shall also mean any measure for which recall, initiative or referendum proceedings have been commenced pursuant to Article IX, Section 1(b), Article X, Section 1(b), and Article X, Section 2(b), respectively, of the Charter.

**Issue committee** – Two or more persons who are elected, appointed or chosen, or have associated themselves, for the purpose of accepting contributions and making expenditures to support or oppose any ballot issue or ballot question; or any partnership, committee, association, corporation, labor organization or other organization or group of persons that has accepted contributions or made expenditures to support or oppose any ballot issue or ballot question.



## ***CITY CHARTER AND CODE PROVISIONS***

Relevant provisions relating to elections and referendums can be found in Article X of the City Charter and Chapter 7 of the Code of the City of Fort Collins.

# **SAMPLE PETITION**

# PETITION FOR REFERENDUM

TO: The City Council of the City of Fort Collins

## GENERAL STATEMENT OF PURPOSE



**WARNING:  
IT IS AGAINST THE LAW**

For anyone to sign any referendum 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 such petition when not a registered elector.

**DO NOT SIGN THIS PETITION UNLESS YOU ARE A REGISTERED ELECTOR.**

**TO BE A REGISTERED ELECTOR, YOU MUST BE A CITIZEN OF THE STATE OF COLORADO AND A RESIDENT OF THE CITY OF FORT COLLINS AND REGISTERED TO VOTE IN FORT COLLINS MUNICIPAL ELECTIONS.**

Do not sign this petition unless you have read or had read to you the proposed referred measure or the summary of the referred measure in its entirety and understand its meaning.

### PETITION REPRESENTATIVES

**Name** (not less than 3, no more than 5) **Address**

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_

**NOTE:** Throughout its circulation, each petition section shall contain or have attached immediately following this page the ordinance sought to be referred.

**DO NOT SIGN THIS PETITION UNLESS YOU ARE A RESIDENT OF FORT COLLINS  
AND REGISTERED TO VOTE AT YOUR CURRENT ADDRESS**

Before signing this petition, you are encouraged to read the full text of the initiated or referred measure, or the purpose statement in the case of a recall petition, which immediately precedes these signature pages.

1	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
2	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
3	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
4	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
5	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
6	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
7	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
8	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
9	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
10	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	

**SAMPLE**

**SAMPLE**

**SAMPLE**

**DO NOT SIGN THIS PETITION UNLESS YOU ARE A RESIDENT OF FORT COLLINS  
AND REGISTERED TO VOTE AT YOUR CURRENT ADDRESS**

Before signing this petition, you are encouraged to read the full text of the initiated or referred measure, or the purpose statement in the case of a recall petition, which immediately precedes these signature pages.

11	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
12	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
13	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
14	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
15	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
16	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
17	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
18	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
19	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
20	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	

**SAMPLE**  
**SAMPLE**  
**SAMPLE**

**DO NOT SIGN THIS PETITION UNLESS YOU ARE A RESIDENT OF FORT COLLINS  
AND REGISTERED TO VOTE AT YOUR CURRENT ADDRESS**

Before signing this petition, you are encouraged to read the full text of the initiated or referred measure, or the purpose statement in the case of a recall petition, which immediately precedes these signature pages.

21	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
22	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
23	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
24	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
25	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
26	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
27	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
28	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
29	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
30	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	

**SAMPLE**  
**SAMPLE**  
**SAMPLE**

**DO NOT SIGN THIS PETITION UNLESS YOU ARE A RESIDENT OF FORT COLLINS  
AND REGISTERED TO VOTE AT YOUR CURRENT ADDRESS**

Before signing this petition, you are encouraged to read the full text of the initiated or referred measure, or the purpose statement in the case of a recall petition, which immediately precedes these signature pages.

31	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
32	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
33	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
34	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
35	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
36	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
37	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
38	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
39	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
40	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	

**SAMPLE**  
**SAMPLE**  
**SAMPLE**

**DO NOT SIGN THIS PETITION UNLESS YOU ARE A RESIDENT OF FORT COLLINS  
AND REGISTERED TO VOTE AT YOUR CURRENT ADDRESS**

Before signing this petition, you are encouraged to read the full text of the initiated or referred measure, or the purpose statement in the case of a recall petition, which immediately precedes these signature pages.

41	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
42	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
43	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
44	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
45	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
46	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
47	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
48	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
49	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
50	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	

**SAMPLE**

**SAMPLE**

**SAMPLE**



**DO NOT SIGN THIS PETITION UNLESS YOU ARE A RESIDENT OF FORT COLLINS  
AND REGISTERED TO VOTE AT YOUR CURRENT ADDRESS**

Before signing this petition, you are encouraged to read the full text of the initiated or referred measure, or the purpose statement in the case of a recall petition, which immediately precedes these signature pages.

51	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
52	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
53	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
54	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
55	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
56	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
57	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
58	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
59	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
60	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	

**SAMPLE**

**SAMPLE**

**SAMPLE**

**DO NOT SIGN THIS PETITION UNLESS YOU ARE A RESIDENT OF FORT COLLINS  
AND REGISTERED TO VOTE AT YOUR CURRENT ADDRESS**

Before signing this petition, you are encouraged to read the full text of the initiated or referred measure, or the purpose statement in the case of a recall petition, which immediately precedes these signature pages.

61	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
62	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
63	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
64	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
65	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
66	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
67	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
68	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
69	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
70	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	

**SAMPLE**  
**SAMPLE**  
**SAMPLE**

**DO NOT SIGN THIS PETITION UNLESS YOU ARE A RESIDENT OF FORT COLLINS  
AND REGISTERED TO VOTE AT YOUR CURRENT ADDRESS**

Before signing this petition, you are encouraged to read the full text of the initiated or referred measure, or the purpose statement in the case of a recall petition, which immediately precedes these signature pages.

71	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
72	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
73	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
74	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
75	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
76	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
77	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
78	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
79	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
80	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	

**SAMPLE**

**SAMPLE**

**SAMPLE**

**DO NOT SIGN THIS PETITION UNLESS YOU ARE A RESIDENT OF FORT COLLINS  
AND REGISTERED TO VOTE AT YOUR CURRENT ADDRESS**

Before signing this petition, you are encouraged to read the full text of the initiated or referred measure, or the purpose statement in the case of a recall petition, which immediately precedes these signature pages.

81	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
82	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
83	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
84	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
85	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
86	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
87	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
88	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
89	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
90	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	

**SAMPLE**

**SAMPLE**

**SAMPLE**

**DO NOT SIGN THIS PETITION UNLESS YOU ARE A RESIDENT OF FORT COLLINS  
AND REGISTERED TO VOTE AT YOUR CURRENT ADDRESS**

Before signing this petition, you are encouraged to read the full text of the initiated or referred measure, or the purpose statement in the case of a recall petition, which immediately precedes these signature pages.

91	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
92	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
93	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
94	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
95	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
96	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
97	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
98	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
99	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
100	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	

**SAMPLE**

**SAMPLE**

**SAMPLE**

STATE OF COLORADO )  
 )  
 )  
COUNTY OF LARIMER )  
 )

ss. **AFFIDAVIT OF PETITION CIRCULATOR**

The undersigned petition circulator, being first duly sworn and upon oath, states that he or she is eighteen (18) years of age or older, that he or she personally circulated the attached petition; that each signature thereon was affixed in the presence of the petition circulator; that each signature thereon is the signature of the person whose name it purports to be; that to the best of the knowledge and belief of the affiant each of the persons signing said petition was, at the time of signing, a registered elector in the City of Fort Collins; that each signer had an opportunity before signing to read the full text of the petition; and that the petition circulator has not paid or will not in the future 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 such petition.

**SAMPLE**

**AFFIANT:**

\_\_\_\_\_  
Signature of Petition Circulator

\_\_\_\_\_  
Printed Name of Circulator

\_\_\_\_\_  
Street Address of Petition Circulator

\_\_\_\_\_  
City/State

\_\_\_\_\_  
Date

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
—

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Address of Notary Public

**ARTICLE X**  
**CITY CHARTER**

**ARTICLE X.  
INITIATIVE AND REFERENDUM**

**Section 1. The initiative.**

(a) Power. The registered electors of the city shall have the power at their option to propose ordinances or resolutions to the Council, and, if the Council fails to adopt a measure so proposed, to adopt or reject such ordinance or resolution at the polls. The procedure for initiative shall be as provided in this Article.

(b) Commencement of proceedings; notice. One (1) or more registered electors may commence initiative proceedings by filing with the City Clerk a written notice of intent to circulate an initiative petition. The notice commencing proceedings shall contain the full text of the proposed ordinance or resolution and shall state whether a special election is requested. After such notice has been filed, the City Clerk shall approve the petition for circulation in accordance with Section 5(b) of this Article. The petition shall be circulated, signed, verified, and filed in the manner prescribed in Section 5 of this Article.

(c) Number of signatures required. The petition must be signed by registered electors of the city equal in number to at least ten (10) percent of the total ballots cast in the last regular city election, except when a special election is requested by the petitioners, the petition must be signed by registered electors equal in number to at least fifteen (15) percent of the total ballots cast in the last regular city election.

(d) Petition deadlines. The initiative petition shall be filed no more than sixty (60) days after the City Clerk's approval of the form for circulation. Unless a special election is requested, the petition must also be filed at least ninety (90) days prior to the next regular city election. If the petition requests a special election in conjunction with a Larimer County Coordinated or General Election, the City Clerk shall establish a submittal deadline for the petition that will enable the measure to be considered at such election, which deadline shall be consistent with all pertinent provisions of the Colorado Revised Statutes governing the conduct of such elections, and, if applicable, with Article X, Section 20 of the Colorado Constitution, and shall advise the petition representatives in writing as to the submittal deadline.

(e) Action by Council. Upon presentation of an initiative petition certified as sufficient by the City Clerk, the Council shall either (1) adopt the proposed ordinance or resolution without alteration within thirty (30) days, or (2) submit such proposed measure, in the form petitioned for, to the registered electors of the city; provided,

however, that if the proposed measure requires voter approval in advance under Article X, Section 20 of the Colorado Constitution, alternative (1) above shall not be available to the Council and the proposed measure shall instead be submitted to a vote of the registered electors. If the initiative petition proposing such a measure requests a special election, the proposed measure shall be submitted to a vote of the registered electors on the first possible date permitted by Article X, Section 20 of the Colorado Constitution. If a special election is not requested, the proposed measure shall be submitted to a vote of the registered electors at the next regular city election. In the case of a proposed measure that does not require voter approval in advance under Article X, Section 20 of the Colorado Constitution, the proposed measure, if not adopted by the Council under alternative (1) above, shall be submitted to a vote of the registered electors at the next regular city election or, if the initiative petition proposing such measure requests a special election, the proposed measure shall be submitted to a vote of the registered electors at a special election to be called by the Council within one hundred twenty (120) days of the presentation of the certified petition to the Council, unless any other regular or special city election is to occur within said period, in which case the proposed measure shall be submitted at such other regular or special city election. All ordinances submitted to the Council by initiative petition and adopted by Council without the vote of the electors shall be subject to the referendum in the same manner as other ordinances.

(Ord. No. 6, 1980, 1-16-80, approved, election 2-26-80; Res. No. 83-22, 1-18-83, approved, election 3-8-83; Ord. No. 199, 1986, § 1, Part B, § 1, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87; Ord. No. 21, 1993, § 1, 2-16-93, approved, election 4-6-93; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 127, 1999, § 1, 8-17-99, approved, election 11-2-99; Ord. No. 101, 2002, § 1, 8-20-02, approved, election 11-5-02; Ord. No. 004, 2015, § 1, 1-20-15, approved, election of 4-7-15)

**Section 2. The referendum.**

(a) Power. The registered electors of the city shall have the power at their option to approve or reject at the polls, any ordinance adopted by the Council, except ordinances making the annual property tax levy, making the annual appropriation, calling a special election, or ordering improvements initiated by petition and to be paid for by special assessments.

(b) Commencement of proceedings. One (1) or more registered electors may commence referendum proceedings by filing with the City Clerk within ten (10) days after final passage of the ordinance in question, a notice of protest against the going into effect of the ordinance.



The notice shall be brief and need not state any reasons, but shall identify the ordinance or part thereof, or code section it proposes to have repealed. Not later than ten (10) days after the filing of the notice, the proponents shall present to the City Clerk the final form for the referendum petition conforming to the requirements of the Article. If the notice and petition form are timely presented, the City Clerk shall approve the petition form for circulation, in accordance with Section 5(b) of this Article. The petition shall be circulated, signed, verified, and filed in the manner prescribed by Section 5 of this Article.

(c) Number of signatures required. The petition must be signed by registered electors of the city equal in number to at least ten (10) percent of the total ballots cast in the last regular city election.

(d) Petition deadlines. The referendum petition shall be filed within twenty (20) days after the City Clerk's approval of the petition for circulation. If a completed petition is not subsequently filed within the requisite time after the City Clerk's approval of the petition for circulation, the referendum effort is null and void and the petition shall not be circulated further.

(e) Action by Council. The presentation to Council of a petition certified by the City Clerk as sufficient for referendum shall automatically suspend the operation of the ordinance in question pending repeal by Council or final determination by the electors. The Council shall reconsider the ordinance at the next regular or special meeting of the Council following the receipt of the petition by the City Clerk. If the ordinance, or that part sought to be repealed, is not repealed, the Council shall refer the same to a vote of the registered electors at the next regular or special city election scheduled for any other purpose. Alternatively, the Council may call a special election for that specific purpose.

(Ord. No. 6, 1980, 1-16-80, approved, election 2-26-80; Ord. No. 199, 1986, § 1, Part B, § 2, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 127, 1999, § 1, 8-17-99, approved, election 11-2-99)

### Section 3. Council use of initiative and referendum.

The Council may submit any question or proposed ordinance or resolution, or refer any adopted ordinance or resolution, to the vote of the people at a regular or special election in the same manner and with the same force and effect as is provided for citizen initiated and referred measures.

(Ord. No. 6, 1980, 1-16-80, approved, election 2-26-80; Res. No. 83-22, 1-18-83, approved, election 3-8-83; Ord. No. 199, 1986, § 1,

Part B, § 3, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97)

### Section 4. Repeal or amendment of initiated measure.

An initiated measure submitted to the registered electors of the city by the Council, with or without a petition therefor, and adopted by electoral vote cannot be repealed or amended except by a subsequent electoral vote. This provision shall not apply to ordinances or resolutions adopted by the City Council and referred to the voters.

(Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97)

### Section 5. Petitions.

(a) Separate petitions required. A separate petition shall be circulated and filed for each measure sought to be initiated or referred to the vote of the electors.

(b) Form and content.

(1) Approval of form for circulation. No petition shall be circulated until the City Clerk has approved the form for circulation. The City Clerk shall first determine that the petition form contains only the matters required by this Article. The Council shall prescribe by ordinance, upon recommendation of the City Clerk, a general form of petition which shall contain warnings and notices to signers as necessary. The City Clerk's approval under this Section shall not constitute an approval of the content of the petition, but rather, shall start the running of the time periods provided for circulation and filing of petitions.

(2) Petition content. The petition shall be addressed to Council.

a. Initiative. The petition shall contain or have attached to each section throughout its circulation the full text of the proposed ordinance or resolution and shall contain a general statement of purpose fairly and accurately summarizing the proposed ordinance or resolution, indicating that the petition is to be circulated in support of the initiated ordinance or resolution and specifying whether a special election is requested.

b. Referendum. The petition shall contain or have attached to each section throughout its circulation the full text of the ordinance sought to be referred, clearly identifying the protested portions if only a partial repeal is sought. In the case of bond ordinances, the full text of the ordinance need not be set forth but the petition

shall contain or have attached to each section throughout its circulation the title and summary of the ordinance in question as prepared by the City Clerk.

(3) Signatures. Only registered electors may sign the petitions authorized under this Article. Each signer must sign his or her own signature and each signature shall be followed by the printed name of the signer, the street and number address of his or her residence, and the date of signing. No person shall knowingly sign an initiative or referendum petition more than once. In the event that the signature of any person appears more than once on a petition authorized under this Article, the first signature verified shall be counted and all other signatures of that person shall be rejected.

(c) Circulation of petition. The petition may be circulated and signed in sections with each section consisting of one (1) or more sheets securely fastened at the top, provided that each section contains a full and accurate copy of the text of the petition and the names and addresses of the designated representatives for the petition. All sections shall be filed as one (1) instrument. Only persons eighteen (18) years of age or older may circulate the petition for signatures. The circulation of any petition by any medium other than personally by a circulator is prohibited. No person shall receive any compensation whatever for signing an initiative or referendum petition.

(d) Affidavit of circulator. A circulator shall attach to each section of the petition circulated an affidavit signed by the circulator under oath before a notary public stating the following:

- (1) the circulator's address of residence;
- (2) that the circulator is eighteen (18) years of age or older;
- (3) that he or she personally circulated the section;
- (4) that each signature was affixed in the circulator's presence;
- (5) that to the best of the circulator's knowledge and belief each signer was at the time of signing a registered elector of the city;
- (6) that to the best of the circulator's knowledge and belief each signature is the genuine signature of the person whose name it purports to be;
- (7) that each signer had an opportunity before signing to read the full text of the petition; and

(8) that the circulator has not paid or offered to pay any money or other thing of value to any signer for the purpose of inducing or causing the signer to affix his or her signature to the petition.

A petition verified by the valid affidavits of its circulators in each of its sections shall be prima facie evidence that the signatures thereon are genuine and true.

(e) Time limits; petition representatives. Petitions for initiative and referendum shall be filed with the City Clerk within the requisite time limits or they will be deemed null and void. Each petition shall designate by name and address not less than three (3) nor more than five (5) registered electors who shall represent the signers of the petition in all matters affecting the petition.

(f) Sufficiency of petition.

(1) Examination. Within five (5) working days of the filing of a petition the City Clerk shall ascertain by examination of the petition and the registration books whether the petition is signed by the requisite number of registered electors and contains the required particulars and affidavits. If the petition is insufficient, the City Clerk shall so certify and forthwith notify all of the designated petition representatives in writing, specifying the particulars of insufficiency.

(2) Insufficient petition; amendment.

(i) If an initiative petition is deemed insufficient, whether following the initial determination by the City Clerk, or following protest proceedings, it may be amended by the submission of additional signatures collected after the City Clerk approved the form of the petition and within fifteen (15) days from the filing of the Clerk's certificate of insufficiency. Such signatures must be collected consistent with the requirements for collecting petition signatures as described in this Article. Within five (5) working days after such amendment, the City Clerk shall make examination of the amended petition and certify the result. If the amended petition is still insufficient, or if no amendment was made before the expiration of the time permitted for amendment, the petition shall be null and void without prejudice to the filing of a new petition for the same purpose.

(ii) If a referendum petition is deemed insufficient, it may be amended by the submission of additional signatures collected consistent with the requirements of this Article, but to be con-

sidered, must be amended within the twenty-day circulation period after the City Clerk's approval of the petition form for circulation. Within five (5) days after such amendment, the City Clerk shall make like examination of the amended petition and certify the result. If the amended petition is still insufficient, or if no amendment was made before the expiration of the time permitted for amendment, said referendum petition is null and void and a new petition may not thereafter be filed for referendum of the same ordinance.

(3) Protests. Registered electors desiring to protest a determination by the City Clerk that a petition is either sufficient or insufficient may file a written protest, under oath, in the office of the City Clerk within ten (10) days of the filing of the petition. The protest shall set forth with particularity the grounds of protest and the names and defects in form protested. Upon the filing of a protest, the City Clerk shall set a time for hearing such protest, which shall be no more than seven (7) days thereafter. At least five (5) days prior to the hearing, the City Clerk shall mail a copy of the protest to all of the designated petition representatives together with a notice of the time for hearing. All hearings shall be before a hearing officer appointed by the City Manager who shall have the power to issue subpoenas to compel the attendance of witnesses and the production of documents. All records and hearings shall be public, and all testimony shall be under oath. The hearing shall be summary in nature and concluded within thirty (30) days after the petition was filed. Said hearing officer shall decide and certify the results of the hearing within ten (10) days after the hearing is concluded. The City Clerk shall make any final determination regarding the sufficiency or insufficiency of a petition and shall base such determination on the protest hearing results certified by the hearing officer. A petition for referendum which has been deemed insufficient after protest may not be amended or circulated further.

(4) Certification and presentation to Council. When and if a petition or amended petition is deemed sufficient, whether following the sufficiency determination by the City Clerk in the absence of a protest, or following protest proceedings, the City Clerk shall so certify and present the certified petition to the Council at the next regularly scheduled meeting. The City Clerk's certificate shall then be a final determination as to the sufficiency of the petition.

(Res. No. 83-22, 1-18-83, approved, election 3-8-83; Ord. No. 199, 1986, § 1, Part B, § 4, 12-16-86, approved, election 3-3-87; Ord. No.

202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87; Ord. No. 158, 1988, 12-20-88, approved, election 3-7-89; Ord. No. 21, 1993, § 1, 2-16-93, approved, election 4-6-93; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 88, 2000, § 1, 8-15-00, approved, election 11-7-00; Ord. No. 004, 2015, § 1, 1-20-15, approved, election of 4-7-15)

## Section 6. Elections.

(a) Generally. Elections on initiative and referendum measures shall be conducted in the same manner as provided generally for regular or special city elections in this Charter.

(b) Ballots. Upon ordering an election on any initiative or referendum measure, the Council shall, after public hearing, adopt by resolution a ballot title and submission clause for each measure. The ballot title shall contain information identifying the measure as a city initiated or citizen initiated measure. The submission clause shall be brief, shall not conflict with those selected for any petition previously filed for the same election, and shall unambiguously state the principle of the provision sought to be added. The official ballot used when voting upon each proposed or referred measure shall have printed on it the ballot title and submission clause and shall contain the words, "Yes/For" and "No/Against" in response to each measure.

(c) Publication; notice of election.

(1) Initiative. An initiated measure being considered for adoption by Council shall be published in like manner as other proposed ordinances and resolutions. If the initiated measure is submitted to a vote of the people, the City Clerk shall publish a notice of election in conformity with the laws of the State of Colorado relating to municipal elections, together with the ballot title, submission clause and full text of the proposed ordinance or resolution. The text of a successful initiative measure need not be published in full after the election.

(2) Referendum. If the referred measure is to be submitted to a vote of the people, the City Clerk shall publish a notice of election in conformity with the laws of the State of Colorado relating to municipal elections, together with the ballot title, submission clause and full text of the referred ordinance. If the ordinance in question is a bond ordinance, the summary from the petition may be published in place of the full text. The full text of an ordinance passed on referendum need not be published after the election.

(d) Election results. If a majority of the registered electors voting on the initiated measure vote in favor, the measure is adopted as an ordinance or resolution of the city upon certification of the election results. If a majority of the registered electors voting on a referred ordinance, vote in favor of the ordinance, the ordinance shall go into effect without further publication upon certification of the election results, or at such later date as may be set forth in the ordinance itself. If the provisions of two (2) or more proposed or referred measures adopted or approved at the same election conflict, the measure receiving the highest affirmative vote shall become effective.

(e) Frequency of elections. Any number of proposed ordinances or resolutions or referred ordinances may be submitted at the same election. Not more than one (1) special election on citizen-initiated measures shall be held in any twelve (12) months. This limitation does not apply to the Council which on its own motion may at any time call a special election for the purpose of considering any measure initiated, or adopted and referred, by the Council.

(Res. No. 83-22, 1-18-83, approved, election 3-8-83; Ord. No. 199, 1986, § 1, Part B, § 5, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 004, 2015, § 1, 1-20-15, approved, election of 4-7-15)

### **Section 7. Further regulations.**

The Council may, by ordinance, make such further rules and regulations as are consistent with this Charter and the Colorado Constitution in order to carry out the provisions of this Article.

(Res. No. 83-22, 1-18-83, approved, election 3-8-83; Ord. No. 199, 1986, § 1, Part B, § 6, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97)

## **ARTICLE XI.**

### **FRANCHISES AND PUBLIC UTILITIES**

#### **Section 1. Franchise granted by ordinance.**

The Council may grant a franchise relating to any street, alley, or other public place within the city by ordinance, subject to the initiative and referendum powers reserved to the electors of the city. No exclusive franchise shall ever be granted. Every franchise ordinance shall require for its adoption the concurrence of a majority of all the members of the Council.

A franchise may be awarded only after a public hearing on the application or proposal. The applicant for the franchise shall publish a notice of the hearing in a local newspaper of general circulation once a week for three

(3) successive weeks immediately prior to the date of the hearing. Such notice shall specify the meeting of the Council at which it is intended to apply for the franchise, the name of the applicant, a general description of the rights and privileges to be applied for, and the time for and terms upon which the franchise is desired. The hearing on the franchise application shall not be held unless a publisher's affidavit of publication proving the applicant's compliance with the notice requirements has been presented to the Council. Publication of the franchise ordinance by the City Clerk shall be in the same manner as for other proposed ordinances.

The procedure for initiative and referendum of an ordinance granting a franchise shall be as otherwise provided in this Charter, except that the signatures required for referendum shall be equal in number to five (5) percent of the registered electors, or ten (10) percent of the total ballots cast in the last regular city election, whichever is less. If the franchise ordinance is referred to the vote of the electors, the grantee of the franchise shall deposit with the city's Financial Officer an amount determined by said Officer to be sufficient to pay for the cost of the election. No franchise election shall be ordered until the grantee deposits such costs.

(Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87; Ord. No. 204, 1986, § 1, Part A, 12-16-86, approved, election 3-3-87; Ord. No. 19, 1997, § 1, 2-4-97, approved, election 4-8-97)

#### **Section 2. Franchises to specify streets.**

All franchises or privileges hereafter granted to railroads or other transportation systems shall plainly specify the particular streets, alleys, avenues, and other public property, or parts thereof, to which they shall apply. All other franchises may be in general terms and may apply to the city generally.

(Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87)

#### **Section 3. Regulation of public utilities.**

The right to regulate the rates, fares, and rentals of public utilities and carriers serving the residents of the city shall always be reserved to the city to be exercised by ordinance. Every person or corporation operating under a franchise or grant from the city shall annually submit to the Council a report verified by the oath of the president, the treasurer, or the general manager thereof. Such reports shall be in the form, contain such detailed information, and cover the period prescribed by the Council. The Council shall have the power, either through its members or by authorized experts or employees, to examine the books and affairs of any such person, persons,

# **SUPPLEMENTAL INFORMATION**

## **SIGNATURE REQUIREMENTS**

At the last regular biennial election on April 4, 2017, 29,908 ballots were cast. The number of valid signatures required on a referendum petition between April 5, 2017 and the next regular biennial election on April 2, 2019 is:

10% of the ballots cast: 2,991