



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: September 4, 2018

AGENDA TITLE

Ordinances 8272, 8273 and 8274 related to the work of the Campaign Finance and Elections Working Group:

1. Third reading and consideration of a motion to adopt Ordinance 8272 submitting to the registered electors of the City of Boulder at the municipal coordinated election to be held on Tuesday, November 6, 2018, the question of amending the Boulder City Charter Sections 29, 38A, 38B, 39, 40, 44, 48, 54, 56, and 177 regarding the city's initiative, referendum and recall processes; setting forth the ballot title; specifying the form of the ballot and other election procedures; and setting forth related details.
2. Third reading and consideration of a motion to adopt Ordinance 8273 submitting to the registered electors of the City of Boulder at the municipal coordinated election to be held on Tuesday, November 6, 2018, the question of amending Section 39, 46, and 57 of the Boulder City Charter to require the city clerk, to the extent reasonably possible and so as to ensure authenticity, compare the signatures on a petition to signatures with the election records of the Boulder County Clerk or the Secretary of State; setting forth the ballot title; specifying the form of the ballot and other election procedures; and setting forth related details.
3. Third reading and consideration of a motion to adopt Ordinance 8274 submitting to the registered electors of the City of Boulder at the municipal coordinated election to be held on Tuesday, November 6, 2018, the question of amending Sections 38, 45, and 56 of the Boulder City Charter to permit use of electronic petitions and to permit on-line electronic signing or endorsement of initiative, referendum, and recall petitions; setting forth the ballot title; specifying the form of the ballot and other election procedures; and setting forth related details.

PRESENTERS

Jane S. Brautigam, City Manager
Tom Carr, City Attorney
David Gehr, Chief Deputy City Attorney
Kathy Haddock, Senior Counsel
Lynnette Beck, City Clerk
Tammye Burnette, City Manager's Office

EXECUTIVE SUMMARY

At the September 4, 2018 council meeting, council will consider final approval of three potential ballot measures. On August 14, 2018, the council approved amendments that clarified ordinance and ballot question language and corrected minor typographical errors in the three ordinances. Staff redrafted each ordinance to more clearly reflect proposed changes to the Charter.

The three ordinances are related the working group's efforts on its review of election procedures.

1. Ordinance 8272 contains most of the working group's recommended charter amendments affecting Sections 29, 38A, 38B, 39, 40, 44, 48, 54, 56, and 177.
2. Ordinance 8273 includes charter amendments to Sections 39, 46, and 57 of the City Charter to require the city clerk to compare each signature on a petition to signatures on file with the Boulder County Clerk or the Secretary of State. Comparison of the signatures is intended to help further ensure authenticity of petitions.
3. Ordinance 8274 includes charter amendments to Section 38, 45, and 56 of the City Charter to allow the city council to adopt ordinances to permit use of electronic petitions and to permit on-line electronic signing or endorsement of initiative, referendum, and recall petitions.

STAFF RECOMMENDATION

Suggested Motion Language

Staff requests council consideration of this matter and action in the form of the following motions:

1. Motion to adopt Ordinance 8272 submitting to the registered electors of the City of Boulder at the municipal coordinated election to be held on Tuesday, November 6, 2018, the question of amending the Boulder City Charter Sections 29, 38A, 38B, 39, 40, 44, 48, 54, 56, and 177 regarding the city's initiative, referendum and recall processes; setting forth the ballot title; specifying the form of the ballot and other election procedures; and setting forth related details.
2. Motion to adopt Ordinance 8273 submitting to the registered electors of the City of Boulder at the municipal coordinated election to be held on Tuesday, November 6, 2018, the question of amending Section 39, 46, and 57 of the Boulder City Charter to require the city clerk, to the extent reasonably possible and so as to ensure authenticity, compare the signatures on a petition to signatures with the election records of the Boulder County Clerk or the Secretary of State; setting forth the ballot title; specifying the form of the ballot and other election procedures; and setting forth related details.
3. Motion to adopt Ordinance 8274 submitting to the registered electors of the City of Boulder at the municipal coordinated election to be held on Tuesday, November 6, 2018, the question of amending Sections 38, 45, and 56 of the Boulder City Charter to permit use of electronic petitions and to permit on-line electronic signing or endorsement of initiative, referendum, and recall petitions; setting forth the ballot title; specifying the form of the ballot and other election procedures; and setting forth related details.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic – No direct economic impacts are anticipated by these ballot measures.
- Environmental – No direct environmental impacts are anticipated.
- Social – Voter trust in the election process and the ability of the people to have an avenue to participate in direct democracy efforts is important to good governance.

OTHER IMPACTS

- Fiscal – Some of the recommendations of the working group may require additional staff and/or monetary resources to implement.
- Staff time – All of the recommendations of the working group can be accomplished within staff's existing work plan except for two of the recommendations.
 - The first is the change to require comparison of each signature to the Boulder County Clerk or the Secretary of State. That work may require

additional temporary employees and impact the clerk's office in the 10 days following submittal of petitions.

- If the city permits use of electronic petitions and on-line electronic signing, a second working group has been requested to provide recommendations to council on how to implement the new system. Such a working group is a large endeavor impacting the City Clerk's Office, City Attorney's Office, City Manager's Office, Communication Department and the Innovation and Technology Department. It would require modifications to the work plans for each department and perhaps affect other initiatives.

BACKGROUND

Council adopted proposed amendments to the three ordinances as provided in the Errata Memorandum at the August 14, 2018 council meeting, see **Attachment D**. Council made a few additional amendments to Ordinances 8272 and 8274 during the council meeting. Those amendments are outlined below. Revised ordinances with all amendments may be found in **Attachment A, B and C**.

- Council amendments to Ordinance 8272 are as follows:
 - **Sec. 38A** language was amended to include a different percentage of signatures required for initiative and referenda petitions, at ten percent, than recall petitions, at twenty percent:

Sec. 38A. —~~Five percent petition or fifteen percent petition~~ Signatures required for initiative, referenda and recall petitions.

~~Attached to every instrument filed as an initiative petition shall be a certificate signed by a majority of the committee of petitioners stating whether the petition is intended to be a "five per cent petition" or a "fifteen per cent petition." The ballot for a five percent petition in compliance with this charter will be placed on the ballot at an election held in November. The ballot for a fifteen percent petition in compliance with this charter will be placed on the ballot at the next available election, which may be a special election other than a November election called by the city.~~ **A petition signed by registered electors of the city of at least ten percent of the average of the number of registered electors of the city who voted in the previous two municipal candidate elections shall be required for an initiative and referendum petition to be sufficient. A petition signed by registered electors of the city of at least twenty percent of the average of the number of registered electors of the city who voted in the previous two municipal candidate elections shall be required for a recall petition to be sufficient.**

- **Sec. 44** language was amended to reflect that twenty percent of signatures is required for recall of a referendum petition:

If, within thirty calendar days after final passage of any measure by the council, a petition signed by at least twenty percent of the average of the number of registered

~~electors of the city who voted in the previous two municipal candidate elections~~ registered electors of the city to the number of at least ten percent of the registered electors of the city as of the day the petition is filed be filed with the city clerk requesting that any such measure, or any part thereof, be repealed or be submitted to a vote of the electors, it shall not, except in the case of an emergency measure, become operative until the steps indicated herein have been taken.

- **Sec. 56** language was amended to reflect that twenty percent of signatures is required for recall petitions:

Sec. 56. - Petition for recall.

A petition signed by electors registered to vote for a successor to the incumbent sought to be removed equal in number to at least ~~twenty five~~ twenty percent of the average of the number of registered electors of the city who voted in the previous two municipal candidate elections ~~last preceding vote cast within the city for all candidates for governor~~ shall be addressed to the council and filed with the city clerk.

- Council amendments to Ordinance 8274 are as follows:
 - **Sec. 38 (b)** language was amended to change the use of “shall” to “may”:

Sec. 38. - Preparation of initiative petitions.

Petitions shall be worded clearly and simply so the petition is not misleading or likely to cause confusion to voters. Petitions ~~drafts~~ shall be consistent with applicable law. The ~~draft~~ Petitions shall present the ballot measure in such 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.

- (a) For paper petitions that are circulated by a person Signatures to initiative petitions need not all be on one paper, but the circulator of every such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify the place, and the date the signer signed the petition. All such papers pertaining to any one measure shall have written or printed thereon the names and addresses of at least five registered electors who shall be officially regarded as filing the petition and shall constitute a committee of the petitioners for the purposes hereinafter named. All such papers shall be filed in the office of the city clerk as one instrument.
- (b) Electronic petitions and on-line electronic signing or endorsement of petitions **may** be allowed as permitted by the Boulder Revised Code.

- **Sec. 45** language was amended to change the use of “shall” to “may”:

Sec. 45. - Signatures to petition.

The signatures thereto need not all be on one paper, but the circulator of every such paper shall make an affidavit that each signature appended thereto is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify the place. All such papers shall be filed in the office of the city clerk as one instrument. A referendum petition need not contain the text of the measure designated therein and of which the repeal is sought. Electronic petitions and on-line electronic signing or endorsement of petitions **may** be allowed as permitted by the Boulder Revised Code.

- **Sec. 56** language was amended to change the use of “shall” to “may”:

...

The signatures to a recall petition need not all be appended to one paper, but each person shall add to such person's signature such person's place of residence, giving the street and number. The circulator of each such paper shall make affidavit before an officer competent to administer oaths that the statements contained therein are true and that each signature appended to the paper is the genuine signature of the person whose name it purports to be. All papers composing said petition shall be assembled and filed as one instrument, with endorsements thereon of the names and addresses of three persons designated as filing said petition; provided, that prior to the issuance of any blank forms of petitions for removal, an affidavit shall be made by one or more registered electors, which affidavit shall state the name of the officer or officers sought to be removed and the grounds upon which the removal is sought, and such affidavit shall be filed with the city clerk. Electronic petitions and on-line electronic signing or endorsement of petitions **may** be allowed as permitted by the Boulder Revised Code.

ATTACHMENTS

- A – Proposed Ordinance 8272 with amendments passed on August 14, 2018
- B – Proposed Ordinance 8273 with amendments passed on August 14, 2018
- C – Proposed Ordinance 8274 with amendments passed on August 14, 2018
- D – Errata Memorandum from the August 14, 2018 council meeting

ORDINANCE 8272

AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF BOULDER AT THE MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, THE QUESTION OF AMENDING THE BOULDER CITY CHARTER SECTIONS 29, 38A, 38B, 39, 40, 44, 48, 54, 56, AND 177 REGARDING THE CITY'S INITIATIVE, REFERENDUM AND RECALL PROCESSES; SETTING FORTH THE BALLOT TITLE; SPECIFYING THE FORM OF THE BALLOT AND OTHER ELECTION PROCEDURES; AND SETTING FORTH RELATED DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. A municipal coordinated election will be held in the City of Boulder, County of Boulder and state of Colorado, on Tuesday, November 6, 2018.

Section 2. At that election, a question shall be submitted to the electors of the City of Boulder that will allow voters to consider the following amendment to Sections 29, 38A, 38B, 39, 40, 44, 48, 54, 56, and 177 of the Boulder City Charter regarding the city's initiative, referendum and recall processes. The material to be added to the Charter is shown by double underlining and material to be deleted is shown stricken through with solid lines.

Section 3. Sections 29, 38A, 38B, 39, 40, 44, 48, 54, 56, and 177 shall be amended to read as follows:

Sec. 29. - Withdrawal from nomination.

Any person having been duly and regularly nominated as herein provided, may, ~~prior to the sixty-sixth day preceding the election for which such person has been nominated,~~ withdraw from such nomination by filing with the city clerk a sworn statement of such withdrawal. If a withdrawal occurs on the sixty-fifth day or any day thereafter preceding the election, before the ballots are finalized for printing, the name of the person shall not appear on the ballot. If the withdrawal occurs after ballots are finalized for printing, the votes cast for that person shall not be counted.

1 **Sec. 38A. – Five percent petition or fifteen percent petition. Signatures required for initiative,**
2 **referenda and recall petitions.**

3 ~~Attached to every instrument filed as an initiative petition shall be a certificate signed by a~~
4 ~~majority of the committee of petitioners stating whether the petition is intended to be a “five per-~~
5 ~~cent petition” or a “fifteen per cent petition.” The ballot for a five percent petition in compliance~~
6 ~~with this charter will be placed on the ballot at an election held in November. The ballot for a~~
7 ~~fifteen percent petition in compliance with this charter will be placed on the ballot at the next~~
8 ~~available election, which may be a special election other than a November election called by the~~
9 ~~city. A petition signed by registered electors of the city of at least ten percent of the average of the~~
10 ~~number of registered electors of the city who voted in the previous two municipal candidate~~
11 ~~elections shall be required for an initiative and referendum petition to be sufficient. A petition~~
12 ~~signed by registered electors of the city of at least twenty percent of the average of the number of~~
13 ~~registered electors of the city who voted in the previous two municipal candidate elections shall~~
14 ~~be required for a recall petition to be sufficient.~~

15 **Sec. 38B. - Submission of initiative form for comment.**

16 Prior to obtaining any signatures on the petition, the committee of the petitioners
17 shall submit the proposed petition form to the city manager for review and comment.
18 Within ten days, the time determined by the city manager, or if none is determined, the
19 time provided in the applicable state law, the city manager shall provide the committee of
20 the petitioners with comments concerning the format or contents of the petition. Where
21 appropriate, such comments may also contain suggested editorial changes to enhance the
22 clarity and simplicity of the language in the petition. The committee of petitioners may
23 amend the petition in response to some or all of the comments of the city manager and
24 resubmit it for review. Any additional comments from the city manager on these
25 amendments shall be provided within five calendar days. If any substantial amendment is
26 made to the petition, other than an amendment in direct response to the comments of the
27 city manager, the amended petition shall be resubmitted to the city manager in accordance
28 with this section. In the event the committee of the petitioners fails to submit the proposed
petition form, or any substantial amendment to the proposed petition form, prior to
obtaining signatures, the city clerk may refuse to accept the petition for filing.

29 **Sec. 39. – Filing of petition; protest.**

30 ~~Within the time determined by the city manager, or if none, the time in state law, the city clerk~~
31 ~~shall ascertain by examination the number of registered electors whose signatures are appended~~
32 ~~thereto, dated no more than one hundred eighty days prior to the date of filing, and whether this~~
33 ~~number is at least five percent of the number of registered electors of the city as of the day the~~
34 ~~petition is submitted for comment pursuant to section 38B. By the last business day on or before~~
35 ~~150 calendar days before the November election, the committee of petitioners shall submit its~~
36 ~~petition. The city clerk shall ascertain by examination the number of registered electors whose~~
37 ~~signatures are appended thereto, dated no more than 180 calendar days prior to the date of filing,~~
38 ~~and whether this number meets the requirements of section 38A. By 140 calendar days before the~~
November election ~~T~~ the clerk shall attach to said petition a certificate showing the result of said

1 examination. If by the city clerk's certificate, of which notice in writing shall be given to one or
2 more of the persons designated, the petition is shown to be insufficient, it may be amended within
3 ten days from the date of said certificate by filing supplementary petition papers with additional
4 signatures. The city clerk shall make like examination of the amended petition, with such
5 examination being completed by 120 calendar days before the November election, and shall certify
6 whether the petition is sufficient or insufficient on or before that day. ~~and if~~ If the clerk's certificate
shall show the same to be insufficient, the city clerk shall file the petition in the clerk's office and
shall notify each member of the committee of that fact. The final finding of the insufficiency of a
petition shall not prejudice the filing of a new petition for the same purpose.

7 When examining the signatures on petitions, the clerk may verify signatures to the extent
8 reasonably possible by comparison with the election records of the Boulder County Clerk as
9 available, and comparison of signatures on a petition for duplication. Protests of petitions may be
made as provided by Colorado law and rules adopted by the city manager.

10 **Sec. 40. - Submission of petition to council.**

11 If the petition shall be found to be sufficient, the city clerk shall so certify and submit the
12 measure to the council at its next regular meeting, ~~at which meeting the council shall read and~~
13 ~~refer the same to an appropriate committee, which may be a committee of the whole. Provision~~
14 ~~shall be made for public hearings upon the measure before the committee to which it is referred.~~
15 ~~Thereafter the committee shall report the measure to the council, with its recommendation thereon,~~
16 ~~not later than sixty days after the date upon which such measure was submitted to the council by~~
17 ~~the city clerk. Upon receiving the measure from the committee, the council shall at once proceed~~
18 ~~to consider it and shall take final action thereon within sixty days from the date of such committee~~
19 ~~report.~~ Unless the committee of petitioners withdraws the petition, the council shall take final
20 action, including setting the title, prior to 70 calendar days before the November election. Title
21 challenges shall be filed no later than seven calendar days after setting of the ballot title.

22 **Sec. 44. - Referendum petition.**

23 If, within thirty calendar days after final passage of any measure by the council, a petition
24 signed by at least twenty percent of the average of the number of registered electors of the city
25 who voted in the previous two municipal candidate elections ~~registered electors of the city to the~~
26 ~~number of at least ten percent of the registered electors of the city as of the day the petition is filed~~
27 be filed with the city clerk requesting that any such measure, or any part thereof, be repealed or be
28 submitted to a vote of the electors, it shall not, except in the case of an emergency measure, become
operative until the steps indicated herein have been taken.

29 **Sec. 48. - Title of ballots.**

30 Proposed measures and charter amendments shall be submitted by ballot title. There shall
31 appear upon the official ballot a ballot title which may be distinct from the legal title of any such
32 proposed measure or charter amendment and which shall be a clear, concise statement, without
33 argument or prejudice, descriptive of the substance of such measure or charter amendment. The
34 ballot title shall be prepared by a committee of the council which may be a committee of the whole.

1 If the proposed measure is an initiative, council shall seek the input of the committee of the
2 petitioners prior to setting the ballot title.

3 **Sec. 54. – Repeal or amendment of initiated or referred measures.**

4 No ordinance that has been passed by vote of the people under the initiative or has received
5 a favorable vote of the people under the referendum shall be repealed except by an ordinance
6 submitted to a vote of the people. An ordinance passed by vote of the people under the initiative
7 or has received a favorable vote of the people under the referendum may be amended by two-thirds
8 of the council members present provided that the amendments do not alter or modify the basic
9 intent of such ordinance or are necessary to come into compliance with state or federal law.

10 **Sec. 56. - Petition for recall.**

11 A petition signed by electors registered to vote for a successor to the incumbent sought to be
12 removed equal in number to at least ~~twenty-five~~twenty percent of the average of the number of
13 registered electors of the city who voted in the previous two municipal candidate elections last
14 preceding vote cast within the city for all candidates for governor shall be addressed to the council
15 and filed with the city clerk.

16 The city clerk shall make available sample forms to be utilized in formatting such petitions.
17 The form of a recall petition shall be approved or disapproved by the city clerk, prior to its
18 circulation, by the close of the second business day following the submission of the proposed
19 petition for review.

20 On the date on which a recall petition is approved, the clerk shall notify the officer sought to
21 be recalled by mail or by electronic communication.

22 All petitions shall be returned and filed with the city clerk within thirty days from the date on
23 which the clerk approves the form of a recall petition.

24 When submitted to the clerk, the petition shall contain a general statement, of not more than
25 two hundred words, listing the grounds on which the recall is sought. A copy of that statement,
26 along with a statement of no more than two hundred words, if submitted, from the official against
27 whom the recall petition is filed, shall be publicly posted or otherwise made available to members
28 of the public in electronic or hard copy form at least twenty days prior to the holding of any recall
election.

The signatures to a recall petition need not all be appended to one paper, but each person shall
add to such person's signature such person's place of residence, giving the street and number. The
circulator of each such paper shall make affidavit before an officer competent to administer oaths
that the statements contained therein are true and that each signature appended to the paper is the
genuine signature of the person whose name it purports to be. All papers composing said petition
shall be assembled and filed as one instrument, with endorsements thereon of the names and
addresses of three persons designated as filing said petition; provided, that prior to the issuance of
any blank forms of petitions for removal, an affidavit shall be made by one or more registered
electors, which affidavit shall state the name of the officer or officers sought to be removed and
the grounds upon which the removal is sought, and such affidavit shall be filed with the city clerk.

Sec. 177 - Disposal of open space land.

No open space land owned by the city may be sold, leased, traded, or otherwise conveyed, nor may any exclusive license or permit on such open space land be given, until approval of such disposal by the city council. Such approval may be given only after approval of such disposal by the affirmative vote of at least three members of the open space board of trustees after a public hearing held with notice published at least ten days in advance in a newspaper of general circulation in the city, giving the location of the land in question and the intended disposal thereof. No open space land owned by the city shall be disposed of until sixty days following the date of city council approval of such disposal. If, within such sixty-day period, a petition meeting the requirements of Section 45 above and signed by registered electors of the city to be at least ten percent of the average of the number of ~~at least five percent of the~~ registered electors of the city who voted in the previous two municipal candidate elections as of the day the petition is filed with the city clerk, requesting that such disposal be submitted to a vote of the electors, such disposal shall not become effective until the steps indicated in Sections 46 and 47 above have been followed.

This section shall not apply to agricultural leases for crop or grazing purposes for a term of five years or less.

This section is to be construed liberally in favor of providing opportunities for the citizens of the city to refer measures proposing the disposal of any open space land.

Section 4. The official ballot shall contain the following ballot title, which shall also be the designation and submission clause for the measure:

Ballot Question No. ____

Initiative, Referendum and Recall Process Charter Amendments

Shall Sections 29, 38A, 38B, 39, 40, 44, 48, 54, 56, and 177 of the City Charter be amended pursuant to Ordinance 8272 to:

- clarify the actions required to be taken if a candidate withdraws from a city council election;
- establish the number of signatures required for an initiative and referendum to be at least ten percent of the average number of registered electors of the city who voted in the previous two municipal candidate elections so as to return this number closer to the range that was in place prior to changes in federal law and registration procedures;
- establish the number of signatures required for a recall to be at least twenty percent of the average number of registered electors of the city who voted in the previous two municipal candidate elections;

- amend the process and establish a fixed schedule for filing, review and consideration of initiative, referendum, and recall petitions so that both petitioners and city staff will have clarity and certainty;
- set standards for the city clerk's examination of petitions so that this examination is completed in a timely fashion and that the possibility of fraud is minimized;
- provide for input from the petition committee to the city council prior to setting the ballot title to help ensure accuracy of the title; and
- require that an ordinance passed by vote of the people may only be amended by two-thirds of the council members present, and only if the amendments are consistent with the basic intent of the ordinance or are necessary to come into compliance with state or federal law?

For the Measure ____

Against the Measure ____

Section 5. If this ballot measure is approved by the voters, the Charter shall be so amended, and the City Council may adopt any necessary amendments to the Boulder Revised Code to implement this change.

Section 6. If any section, paragraph, clause, or provision of this ordinance shall for any reason be held to be invalid or unenforceable, such decision shall not affect any of the remaining provisions of this ordinance.

Section 7. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

Section 8. The city council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

1 INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
2 TITLE ONLY, this 19th day of June 2018.
3

4 _____
5 Suzanne Jones
6 Mayor

7 Attest:
8

9 _____
10 Lynnette Beck
11 City Clerk

12 READ ON SECOND READING, AMENDED AND PASSED, this 14th day of August
13 2018.
14

15 _____
16 Suzanne Jones
17 Mayor

18 Attest:
19

20 _____
21 Lynnette Beck
22 City Clerk

23 READ ON THIRD READING, PASSED AND ADOPTED, this 4th day of September
24 2018.
25

26 _____
27 Suzanne Jones
28 Mayor

Attest:

Lynnette Beck
City Clerk

ORDINANCE 8273

AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF BOULDER AT THE MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, THE QUESTION OF AMENDING SECTIONS 39, 46, AND 57 OF THE BOULDER CITY CHARTER TO REQUIRE THE CITY CLERK, TO THE EXTENT REASONABLY POSSIBLE AND SO AS TO ENSURE AUTHENTICITY, COMPARE THE SIGNATURES ON A PETITION TO SIGNATURES WITH THE ELECTION RECORDS OF THE BOULDER COUNTY CLERK OR THE SECRETARY OF STATE; SETTING FORTH THE BALLOT TITLE; SPECIFYING THE FORM OF THE BALLOT AND OTHER ELECTION PROCEDURES; AND SETTING FORTH RELATED DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. A municipal coordinated election will be held in the City of Boulder, County of Boulder and state of Colorado, on Tuesday, November 6, 2018.

Section 2. At that election, a question shall be submitted to the electors of the City of Boulder that will allow voters to consider the following amendment to Sections 39, 46, and 57 of the City Charter to require the city clerk, to the extent reasonably possible and so as to ensure authenticity, compare the signatures on a petition to signatures with the election records of the Boulder County Clerk or the Secretary of State. The material to be added to the Charter is shown by double underlining and material to be deleted is shown stricken through with solid lines.

Section 3. Section 39, 46, and 57 shall be amended to read as follows:

Sec. 39. - Filing of petition; protest.

Within the time determined by the city manager, or if none, the time in state law, the city clerk shall ascertain by examination the number of registered electors whose signatures are appended thereto, dated no more than one hundred eighty days prior to the date of filing, and

whether this number is at least five percent of the number of registered electors of the city as of the day the petition is submitted for comment pursuant to section 38B. The clerk shall attach to said petition a certificate showing the result of said examination. If by the city clerk's certificate, of which notice in writing shall be given to one or more of the persons designated, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate by filing supplementary petition papers with additional signatures. The city clerk shall make like examination of the amended petition, and if the clerk's certificate shall show the same to be insufficient, the city clerk shall file the petition in the clerk's office and shall notify each member of the committee of that fact. The final finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

When examining the signatures on petitions, the clerk ~~shall may~~ verify signatures to the extent reasonably possible by comparison with the election records of the Boulder County Clerk or the Secretary of State and ~~shall compare the signatures as available, and comparison of signatures on a petition for duplication. The clerk may use facilities of other cities to assist in this process.~~ Protests of petitions may be made as provided by Colorado law and ~~rules adopted by the city manager.~~ the Boulder Revised Code but must be submitted by 40 calendar days after submittal of the petition to the clerk.

Sec. 46. - Certificate of petition.

Within ten days after the filing of the petition the city clerk shall ascertain whether or not the petition is signed by registered electors of the city to the number of at least ten percent of the registered electors of the city as of the day the petition was filed, and the clerk shall attach to such petition a certificate showing the result of such examination. If by the city clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate by the filing of supplementary petition papers with additional signatures. The city clerk shall within ten days after such amendment make like examination of the amended petition and certify the result thereof. The City Clerk shall verify signatures to the extent reasonably possible by comparison with the election records of the Boulder County Clerk or the Secretary of State.

Sec. 57. - Petition may be amended or new petition made.

Within ten days from the filing of said petition the city clerk shall ascertain by examination thereof and of the registration books and election returns whether the petition is signed by the required number of registered electors and shall attach thereto a certificate showing the result of such examination. The clerk shall, if necessary, be allowed extra help.

If the certificate shows the petition to be insufficient, the clerk shall, within five days, so notify in writing one or more of the persons designated on the petition as filing the same; and the petition may be amended at any time within ten days from the filing of the certificate. The city clerk shall, within ten days after such amendment, make like examination of the amended petition and attach thereto a certificate of the result. If still insufficient or if no amendment is made, the clerk shall return the petition to one of the persons designated thereon as filing it, without prejudice, however, to the filing of a new petition for the same purpose. The City

Clerk shall verify signatures to the extent reasonably possible by comparison with the election records of the Boulder County Clerk or the Secretary of State.

Section 4. The official ballot shall contain the following ballot title, which shall also be the designation and submission clause for the measure:

Ballot Question No. ____

Charter Provisions Related to Signature Verification

Shall Sections 39, 46, and 57 of the City Charter be amended pursuant to Ordinance 8273 to require the city clerk, to the extent reasonably possible and so as to ensure authenticity, compare the signatures on a petition to signatures with the election records of the Boulder County Clerk or the Secretary of State?

For the Measure ____

Against the Measure ____

Section 5. If this ballot measure is approved by the voters, the Charter shall be so amended, and the City Council may adopt any necessary amendments to the Boulder Revised Code to implement this change.

Section 6. If any section, paragraph, clause, or provision of this ordinance shall for any reason be held to be invalid or unenforceable, such decision shall not affect any of the remaining provisions of this ordinance.

Section 7. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

Section 8. The city council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

1 INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
2 TITLE ONLY, this 19th day of June 2018.

3
4 _____
5 Suzanne Jones
6 Mayor

7 Attest:

8 _____
9 Lynnette Beck
10 City Clerk

11 READ ON SECOND READING, AMENDED AND PASSED, this 14th day of August
12 2018.

13 _____
14 Suzanne Jones
15 Mayor

16 Attest:

17 _____
18 Lynnette Beck
19 City Clerk

20 READ ON THIRD READING, PASSED AND ADOPTED, this 4th day of September
21 2018.

22 _____
23 Suzanne Jones
24 Mayor

25 Attest:

26 _____
27 Lynnette Beck
28 City Clerk

ORDINANCE 8274

AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF BOULDER AT THE MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, THE QUESTION OF AMENDING SECTIONS 38, 45, AND 56 OF THE BOULDER CITY CHARTER TO PERMIT USE OF ELECTRONIC PETITIONS AND TO PERMIT ON-LINE ELECTRONIC SIGNING OR ENDORSEMENT OF INITIATIVE, REFERENDUM, AND RECALL PETITIONS; SETTING FORTH THE BALLOT TITLE; SPECIFYING THE FORM OF THE BALLOT AND OTHER ELECTION PROCEDURES; AND SETTING FORTH RELATED DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. A municipal coordinated election will be held in the City of Boulder, County of Boulder and state of Colorado, on Tuesday, November 6, 2018.

Section 2. At that election, a question shall be submitted to the electors of the City of Boulder that will allow voters to consider the following amendment to Sections 38, 45, and 56 of the City Charter to permit use of electronic petitions and to permit on-line electronic signing or endorsement of initiative, referendum, and recall petitions. The material to be added to the Charter is shown by double underlining and material to be deleted is shown stricken through with solid lines.

Section 3. Sections 38, 45, and 56 shall be amended to read as follows:

Sec. 38. - Preparation of initiative petitions.

Petitions shall be worded clearly and simply so the petition is not misleading or likely to cause confusion to voters. Petitions ~~—drafts~~ shall be consistent with applicable law. The ~~draft~~ Petitions shall present the ballot measure in such 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.

(a) For paper petitions that are circulated by a person Signatures to initiative petitions need not all be on one paper, but the circulator of every such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify the place, and the date the signer signed the petition. All such papers pertaining to any one measure shall have written or printed thereon the names and addresses of at least five registered electors who shall be officially regarded as filing the petition and shall constitute a committee of the petitioners for the purposes hereinafter named. All such papers shall be filed in the office of the city clerk as one instrument.

(b) Electronic petitions and on-line electronic signing or endorsement of petitions may be allowed as permitted by the Boulder Revised Code.

Sec. 45. - Signatures to petition.

The signatures thereto need not all be on one paper, but the circulator of every such paper shall make an affidavit that each signature appended thereto is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify the place. All such papers shall be filed in the office of the city clerk as one instrument. A referendum petition need not contain the text of the measure designated therein and of which the repeal is sought. Electronic petitions and on-line electronic signing or endorsement of petitions may be allowed as permitted by the Boulder Revised Code.

Sec. 56. - Petition for recall.

...

The signatures to a recall petition need not all be appended to one paper, but each person shall add to such person's signature such person's place of residence, giving the street and number. The circulator of each such paper shall make affidavit before an officer competent to administer oaths that the statements contained therein are true and that each signature appended to the paper is the genuine signature of the person whose name it purports to be. All papers composing said petition shall be assembled and filed as one instrument, with endorsements thereon of the names and addresses of three persons designated as filing said petition; provided, that prior to the issuance of any blank forms of petitions for removal, an affidavit shall be made by one or more registered electors, which affidavit shall state the name of the officer or officers sought to be removed and the grounds upon which the removal is sought, and such affidavit shall be filed with the city clerk. Electronic petitions and on-line electronic signing or endorsement of petitions may be allowed as permitted by the Boulder Revised Code.

Section 4. The official ballot shall contain the following ballot title, which shall also be the designation and submission clause for the measure:

Ballot Question No. ____

Charter Amendments Related to Electronic Petitions

Shall Sections 38, 45, and 56 of the City Charter be amended pursuant to Ordinance 8274 to allow the Boulder City Council to adopt ordinances that permit use of electronic petitions and to permit on-line electronic signing or endorsement of initiative, referendum, and recall petitions?

For the Measure _____

Against the Measure _____

Section 5. If this ballot measure is approved by the voters, the Charter shall be so amended, and the City Council may adopt any necessary amendments to the Boulder Revised Code to implement this change.

Section 6. If any section, paragraph, clause, or provision of this ordinance shall for any reason be held to be invalid or unenforceable, such decision shall not affect any of the remaining provisions of this ordinance.

Section 7. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

Section 8. The city council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

1 INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
2 TITLE ONLY, this 19th day of June 2018.

3
4 _____
Suzanne Jones
Mayor

5 Attest:

6
7 _____
Lynnette Beck
City Clerk

9 READ ON SECOND READING, AMENDED AND PASSED, this 14th day of August
10 2018.

11
12 _____
Suzanne Jones
Mayor

13
14 Attest:

15
16 _____
Lynnette Beck
City Clerk

17
18 READ ON THIRD READING, PASSED AND ADOPTED, this 4th day of September
19 2018.

20
21 _____
Suzanne Jones
Mayor

22
23 Attest:

24
25 _____
Lynnette Beck
City Clerk



COUNCIL AGENDA ITEM
MEETING DATE: August 14, 2018

TO: City Council

FROM: David Gehr, Chief Deputy City Attorney

DATE: August 14, 2018

AGENDA

ITEM: 4B – 2nd Rdg Ordinance Campaign Finance and Elections Working Group –
Attachment E – *starting on page 64 of the City Council Special Meeting packet*

Below is revised language for **Attachment E** to the Agenda Memo regarding proposed amendments to Ordinance 8272 and Ordinance 8273:

Below is additional alternative ordinance title, ballot question and Section 2. ordinance language in Ordinance 8272 which also incorporates changes to Section 177 of the B.R.C. (for your convenience see attached revised Attachment E with highlighted changes).

ORDINANCE 8272

AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF BOULDER AT THE MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, THE QUESTION OF AMENDING CITY CHARTER SECTIONS 29, 38A, 38B, 39, 40, 44, 48, 54, ~~AND 56, AND 177~~ REGARDING THE CITY'S INITIATIVE, REFERENDUM AND RECALL PROCESSES; SETTING FORTH THE BALLOT TITLE; SPECIFYING THE FORM OF THE BALLOT AND OTHER ELECTION PROCEDURES; SETTING FORTH THE BALLOT TITLE; SPECIFYING THE FORM OF THE BALLOT AND OTHER ELECTION PROCEDURES; AND SETTING FORTH RELATED DETAILS.

Ballot Question No. ____

Initiative, Referendum and Recall Process Charter Amendments

Shall Sections 29, 38A, 38B, 39, 40, 44, 48, 54, ~~and 56, and 177~~ of the City Charter be amended pursuant to Ordinance 8272 to:

- clarify the actions required to be taken if a candidate withdraws from a city council election;
- establish the number of signatures required for an initiative, referendum or recall to be at least ten percent of the average number of registered electors of the city who voted in the previous two municipal candidate elections so as to return this number closer to the range that was in place prior to changes in federal law and registration procedures;
- amend the process and establish a fixed schedule for filing, review and consideration of ~~an~~ initiative, referendum, and recall petitions so that both petitioners and city staff will have clarity and certainty;
- set standards for the city clerk's examination of ~~initiative~~ petitions so that this examination is completed in a timely fashion and that the possibility of fraud is minimized;
- provide for input from the petition committee to the city council prior to setting the ballot title to help ensure accuracy of the title; and
- require that an ordinance passed` by vote of the people may only be amended by two-thirds of the council members present, and only if the amendments are consistent with the basic intent of the ordinance or are necessary to come into compliance with state or federal law?

For the Measure ____

Against the Measure ____

Section 2. At that election, a question shall be submitted to the electors of the City of Boulder that will allow voters to consider the following amendment to Sections 29, 38A, 38B, 39, 40, 44, 48, ~~and 54, 56, and 177~~ of the City Charter regarding the city's initiative, referendum and recall processes. The material to be added to the Charter is shown by double underlining and material to be deleted is shown stricken through with solid lines.

Sec. 177 - Disposal of open space land.

No open space land owned by the city may be sold, leased, traded, or otherwise conveyed, nor may any exclusive license or permit on such open space land be given, until approval of such disposal by the city council. Such approval may be given only after approval of such disposal by the affirmative vote of at least three members of the open space board of trustees after a public hearing held with notice published at least ten days in advance in a newspaper of general circulation in the city, giving the location of the land in question and the intended disposal

thereof. No open space land owned by the city shall be disposed of until sixty days following the date of city council approval of such disposal. If, within such sixty-day period, a petition meeting the requirements of Section 45 above and signed by registered electors of the city to be at least ten percent of the average number of the number of at least five percent of the registered electors of the city who voted in the previous two municipal candidate elections as of the day the petition is filed with the city clerk, requesting that such disposal be submitted to a vote of the electors, such disposal shall not become effective until the steps indicated in Sections 46 and 47 above have been followed.

This section shall not apply to agricultural leases for crop or grazing purposes for a term of five years or less.

This section is to be construed liberally in favor of providing opportunities for the citizens of the city to refer measures proposing the disposal of any open space land.

Below is additional alternative ordinance title, ballot question and Section 2. ordinance language for Ordinance 8273. The word “the” and two commas have been added (for your convenience see attached revised Attachment E with highlighted changes).

Ordinance title only –

...COMPARE THE SIGNATURES ON A PETITION TO SIGNATURES...

Ordinance title, ballot question and Section 2. –

...to require the city clerk, to the extent reasonably possible and so as to ensure authenticity, compare the signatures on a petition...

ORDINANCE 8273

AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF BOULDER AT THE MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, THE QUESTION OF AMENDING SECTIONS 39, 46, AND 57 OF THE BOULDER CITY CHARTER TO REQUIRE THE CITY CLERK, TO THE EXTENT REASONABLY POSSIBLE AND SO AS TO ENSURE AUTHENTICITY, COMPARE THE SIGNATURES ON A PETITION TO SIGNATURES WITH THE ELECTION RECORDS OF THE BOULDER COUNTY CLERK OR THE SECRETARY OF STATE ~~ON FILE IN THE STATEWIDE ELECTIONS DATABASE~~; SETTING FORTH THE BALLOT TITLE; SPECIFYING THE FORM OF THE BALLOT AND OTHER ELECTION PROCEDURES; AND SETTING FORTH RELATED DETAILS.

Ballot Question No. ____

Charter Provisions Related to Signature Verification

Shall Sections 39, 46 and 57 of the City Charter be amended pursuant to Ordinance 8273 to require the city clerk, to the extent reasonably possible and so as to ensure authenticity, ~~to compare the signatures on a petition to signatures~~ with the election records of the Boulder county Clerk or the Secretary of State ~~on file in the statewide election database to ensure authenticity?~~

Section 2. At that election, a question shall be submitted to the electors of the City of Boulder that will allow voters to consider the following amendment to Sections 39, 46, and 57 of the City Charter to require the city clerk, to the extent reasonably possible and so as to ensure authenticity, ~~to compare the~~ signatures on a petition to signatures with the election records of the Boulder Clerk or Secretary of State ~~on file in the statewide elections database.~~ The material to be added to the Charter is shown by double underlining and material to be deleted is shown stricken through with solid lines.

For your convenience, please see attached revised **Attachment E** that incorporates the above proposed changes which have been highlighted in yellow.

**AMENDMENTS THAT HAVE BEEN PROPOSED BY COMMUNITY MEMBERS
SINCE THE COMPLETION OF THE WORKING GROUP'S REPORT**

The below suggested revisions to Ordinance 8272 have been drafted to include proposed changes to the ordinance title, ballot question and Section 2. ordinance language.

ORDINANCE 8272

AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF BOULDER AT THE MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, THE QUESTION OF AMENDING CITY CHARTER SECTIONS 29, 38A, 38B, 39, 40, 44, 48, 54, ~~AND 56,~~ **AND 177** REGARDING THE CITY'S INITIATIVE, REFERENDUM AND RECALL PROCESSES; SETTING FORTH THE BALLOT TITLE; SPECIFYING THE FORM OF THE BALLOT AND OTHER ELECTION PROCEDURES; SETTING FORTH THE BALLOT TITLE; SPECIFYING THE FORM OF THE BALLOT AND OTHER ELECTION PROCEDURES; AND SETTING FORTH RELATED DETAILS.

Ballot Question No. ____

Initiative, Referendum and Recall Process Charter Amendments

Shall Sections 29, 38A, 38B, 39, 40, 44, 48, 54, ~~and 56,~~ **and 177** of the City Charter be amended pursuant to Ordinance 8272 to:

- clarify the actions required to be taken if a candidate withdraws from a city council election;
- establish the number of signatures required for an initiative, referendum or recall to be at least ten percent of the average number of registered electors of the city who voted in the previous two municipal candidate elections so as to return this number closer to the range that was in place prior to changes in federal law and registration procedures;
- amend the process and establish a fixed schedule for filing, review and consideration of ~~an~~ initiative, referendum, and recall petitions so that both petitioners and city staff will have clarity and certainty;
- set standards for the city clerk's examination of ~~initiative~~ petitions so that this examination is completed in a timely fashion and that the possibility of fraud is minimized;
- provide for input from the petition committee to the city council prior to setting the ballot title to help ensure accuracy of the title; and
- require that an ordinance passed` by vote of the people may only be amended by two-thirds of the council members

present, and only if the amendments are consistent with the basic intent of the ordinance or are necessary to come into compliance with state or federal law?

For the Measure _____

Against the Measure _____

Section 2. At that election, a question shall be submitted to the electors of the City of Boulder that will allow voters to consider the following amendment to Sections 29, 38A, 38B, 39, 40, 44, 48, ~~and 54, 56, and 177~~ of the City Charter regarding the city's initiative, referendum and recall processes. The material to be added to the Charter is shown by double underlining and material to be deleted is shown stricken through with solid lines.

Sec. 177 - Disposal of open space land.

No open space land owned by the city may be sold, leased, traded, or otherwise conveyed, nor may any exclusive license or permit on such open space land be given, until approval of such disposal by the city council. Such approval may be given only after approval of such disposal by the affirmative vote of at least three members of the open space board of trustees after a public hearing held with notice published at least ten days in advance in a newspaper of general circulation in the city, giving the location of the land in question and the intended disposal thereof. No open space land owned by the city shall be disposed of until sixty days following the date of city council approval of such disposal. If, within such sixty-day period, a petition meeting the requirements of Section 45 above and signed by registered electors of the city to be at least ten percent of the average of the number of ~~at least five percent of the~~ registered electors of the city who voted in the previous two municipal candidate elections as of the day the petition is filed with the city clerk, requesting that such disposal be submitted to a vote of the electors, such disposal shall not become effective until the steps indicated in Sections 46 and 47 above have been followed.

This section shall not apply to agricultural leases for crop or grazing purposes for a term of five years or less.

This section is to be construed liberally in favor of providing opportunities for the citizens of the city to refer measures proposing the disposal of any open space land.

The below suggested revisions to Ordinance 8273 have been drafted to include proposed changes to the ordinance title, ballot question and Section 2. ordinance language.

ORDINANCE 8273

AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF BOULDER AT THE MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, THE QUESTION OF AMENDING SECTIONS 39, 46, AND 57 OF THE BOULDER CITY CHARTER TO REQUIRE THE CITY CLERK TO THE EXTENT REASONABLY POSSIBLE AND SO AS TO ENSURE

AUTHENTICITY, COMPARE THE SIGNATURES ON A PETITION TO SIGNATURES WITH THE ELECTION RECORDS OF THE BOULDER COUNTY CLERK OR THE SECRETARY OF STATE ~~ON FILE IN THE STATEWIDE ELECTIONS DATABASE~~; SETTING FORTH THE BALLOT TITLE; SPECIFYING THE FORM OF THE BALLOT AND OTHER ELECTION PROCEDURES; AND SETTING FORTH RELATED DETAILS.

Ballot Question No. ____

Charter Provisions Related to Signature Verification

Shall Sections 39, 46, and 57 of the City Charter be amended pursuant to Ordinance 8273 to require the city clerk, to the extent reasonably possible and so as to ensure authenticity, ~~to compare the signatures on a petition to signatures with the election records of the Boulder County Clerk or the Secretary of State on file in the statewide election database to ensure authenticity?~~

For the Measure ____

Against the Measure ____

Section 2. At that election, a question shall be submitted to the electors of the City of Boulder that will allow voters to consider the following amendment to Sections 39, 46, and 57 of the City Charter to require the city clerk, to the extent reasonably possible and so as to ensure authenticity, ~~to compare the signatures on a petition to signatures with the election records of the Boulder Clerk or Secretary of State on file in the statewide elections database.~~ The material to be added to the Charter is shown by double underlining and material to be deleted is shown stricken through with solid lines.

Sec. 46. - Certificate of petition.

Within ten days after the filing of the petition the city clerk shall ascertain whether or not the petition is signed by registered electors of the city to the number of at least ten percent of the registered electors of the city as of the day the petition was filed, and the clerk shall attach to such petition a certificate showing the result of such examination. If by the city clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate by the filing of supplementary petition papers with additional signatures. The city clerk shall within ten days after such amendment make like examination of the amended petition and certify the result thereof. **The City Clerk shall verify signatures to the extent reasonably possible by comparison with the election records of the Boulder County Clerk or the Secretary of State.**

Sec. 57. - Petition may be amended or new petition made.

Within ten days from the filing of said petition the city clerk shall ascertain by examination thereof and of the registration books and election returns whether the petition is signed by the required number of registered electors and shall attach thereto a certificate showing the result of such examination. The clerk shall, if necessary, be allowed extra help.

If the certificate shows the petition to be insufficient, the clerk shall, within five days, so notify in writing one or more of the persons designated on the petition as filing the same; and the petition may be amended at any time within ten days from the filing of the certificate. The city clerk shall, within ten days after such amendment, make like examination of the amended petition and attach thereto a certificate of the result. If still insufficient or if no amendment is made, the clerk shall return the petition to one of the persons designated thereon as filing it, without prejudice, however, to the filing of a new petition for the same purpose. **The City Clerk shall verify signatures to the extent reasonably possible by comparison with the election records of the Boulder County Clerk or the Secretary of State.**

The below suggested revisions to Ordinance 8274 have been drafted to include proposed changes to ordinance Section 2., ordinance title, so as to be more consistent with the ballot title, ballot title and charter language associated with sections 38, 45, and 56. The language permits the referendum and recall processes to use electronic petitions or on-line electronic signing or endorsement of petitions.

ORDINANCE 8274

AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF BOULDER AT THE MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, THE QUESTION OF AMENDING SECTIONS 38, 45, AND 56 OF THE BOULDER CITY CHARTER TO ALLOW FOR PERMIT USE OF ELECTRONIC PETITIONS AND TO PERMIT ON-LINE ELECTRONIC SIGNING OR ENDORSEMENT OF INITIATIVE, REFERENDUM, AND RECALL PETITIONS ~~THE USE OF ELECTRONIC SIGNING OF INITIATIVE PETITIONS ONLINE;~~ SETTING FORTH THE BALLOT TITLE; SPECIFYING THE FORM OF THE BALLOT AND OTHER ELECTION PROCEDURES; AND SETTING FORTH RELATED DETAILS.

Ballot Question No. ____

**Charter Amendments Related to Electronic Petitions
and ~~Voter Identification~~**

Shall Sections 38, 45, and 56 of the City Charter be amended pursuant to Ordinance 8274 to allow the Boulder City Council to adopt ordinances that permit use of electronic petitions and to permit on-line electronic signing or endorsement of initiative, referendum, and recall petitions?

For the Measure ____

Against the Measure ____

Section 2. At that election, a question shall be submitted to the electors of the City of Boulder that will allow voters to consider the following amendment to Sections 38, 45, and 56 of the City Charter to ~~allow for~~permit use of electronic petitions and to permit on-line electronic signing or endorsement of initiative, referendum, and recall ~~the use of electronic signing of initiative petitions online~~. The material to be added to the Charter is shown by double underlining and material to be deleted is shown stricken through with solid lines.

Sec. 38. - Preparation of initiative petitions.

Petitions shall be worded clearly and simply so the petition is not misleading or likely to cause confusion to voters. Petitions ~~–drafts~~ shall be consistent with applicable law. The ~~draft~~Petitions shall present the ballot measure in such 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.

(a) For paper petitions that are circulated by a person ~~S~~signatures to initiative petitions need not all be on one paper, but the circulator of every such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify the place, and the date the signer signed the petition. All such papers pertaining to any one measure shall have written or printed thereon the names and addresses of at least five registered electors who shall be officially regarded as filing the petition and shall constitute a committee of the petitioners for the purposes hereinafter named. All such papers shall be filed in the office of the city clerk as one instrument.

(b) Electronic petitions and on-line electronic signing or endorsement of petitions shall be allowed as permitted by the Boulder Revised Code.

Sec. 45. - Signatures to petition.

The signatures thereto need not all be on one paper, but the circulator of every such paper shall make an affidavit that each signature appended thereto is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify the place. All such

papers shall be filed in the office of the city clerk as one instrument. A referendum petition need not contain the text of the measure designated therein and of which the repeal is sought. **Electronic petitions and on-line electronic signing or endorsement of petitions shall be allowed as permitted by the Boulder Revised Code.**

Sec. 56. - Petition for recall.

A petition signed by electors registered to vote for a successor to the incumbent sought to be removed equal in number to at least twenty-five percent of the last preceding vote cast within the city for all candidates for governor shall be addressed to the council and filed with the city clerk.

The city clerk shall make available sample forms to be utilized in formatting such petitions. The form of a recall petition shall be approved or disapproved by the city clerk, prior to its circulation, by the close of the second business day following the submission of the proposed petition for review.

On the date on which a recall petition is approved, the clerk shall notify the officer sought to be recalled by mail or by electronic communication.

All petitions shall be returned and filed with the city clerk within thirty days from the date on which the clerk approves the form of a recall petition.

When submitted to the clerk, the petition shall contain a general statement, of not more than two hundred words, listing the grounds on which the recall is sought. A copy of that statement, along with a statement of no more than two hundred words, if submitted, from the official against whom the recall petition is filed, shall be publicly posted or otherwise made available to members of the public in electronic or hard copy form at least twenty days prior to the holding of any recall election.

The signatures to a recall petition need not all be appended to one paper, but each person shall add to such person's signature such person's place of residence, giving the street and number. The circulator of each such paper shall make affidavit before an officer competent to administer oaths that the statements contained therein are true and that each signature appended to the paper is the genuine signature of the person whose name it purports to be. All papers composing said petition shall be assembled and filed as one instrument, with endorsements thereon of the names and addresses of three persons designated as filing said petition; provided, that prior to the issuance of any blank forms of petitions for removal, an affidavit shall be made by one or more registered electors, which affidavit shall state the name of the officer or officers sought to be removed and the grounds upon which the removal is sought, and such affidavit shall be filed with the city clerk. **Electronic petitions and on-line electronic signing or endorsement of petitions shall be allowed as permitted by the Boulder Revised Code.**