

Citizen Initiative Guidelines



City Clerk's Office
749 Main Street
Louisville CO 80027

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INTRODUCTION

The City of Louisville, Colorado is a home rule municipality and governs its elections in accordance with the [Home Rule Charter](#), [Louisville Municipal Code](#), and the [Colorado Revised Statutes](#). Relevant provisions of the City Charter relating to initiatives can be found in Article 7. Citations provided are to the Colorado Revised Statutes, the Home Rule Charter, and the Louisville Municipal Code, as amended through 2020.

Individuals seeking to exercise the right to initiate an ordinance through the “initiative process” may wish to seek legal advice regarding the interpretation of applicable laws and regulations.

Most initiative efforts include the formation of a committee (known as an issue committee) to support the passage of the ballot measure. There are very specific regulations with regard to campaigns and issue committees (including small-scale issue committees) and more information can be found on [Colorado Secretary of State’s website](#) or the [City’s Campaign Finance Primer](#).

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 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 initiative process and elections. A list of terms and their definitions, as applied herein, has been included at the end of this document.

CONTACT INFORMATION

Questions or comments regarding this Guide should be directed to the City Clerk’s Office, 749 Main Street, Louisville CO 80027.

Meredyth Muth, City Clerk
MeredythM@LouisvilleCO.gov
303.335.4536

THE CITIZEN INITIATIVE PROCESS

WHAT IS A CITIZEN INITIATIVE?

The citizen initiative process is the direct power of the voters to propose a new legislative measure or course of action, in the form of an ordinance, and secure its submission to the City Council or the electorate for approval.

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

WHO CAN USE THE CITIZEN INITIATIVE PROCESS?

The citizen initiative process is available to all registered electors within the City of Louisville.

The City Council also has the power of initiative under the City Charter. However, the term “initiative” will be used herein solely to refer to the citizen’s power of initiative.

BEGINNING THE PROCESS: NOTICE OF INTENT

An initiative is commenced by one or more registered electors filing with the City Clerk a written notice of intent to circulate an initiative petition (CRS 31-11-104). Where possible, it is preferable that the notice contain, or have attached to it, the full text of the proposed ordinance. There is no form for filing a notice of intent.

APPROVAL OF FORM FOR CIRCULATION

The form of the initiative petition is prescribed by CRS 31-11-106. Before circulation of the petition can begin, the City Clerk must approve the form of the petition.

The City Clerk shall approve or reject the first printer’s proof of the petition no later than five (5) business days from the date of submittal. The City Clerk will also prepare the required summary to be printed on the petition.

When an initiative petition is presented to the City Clerk for approval as to form, the City Clerk shall reject the form and disapprove its circulation if, in addition to any other applicable grounds, the proposed ordinance contains more than one subject. The City Clerk shall determine that the ordinance contains more than one subject if the matters addressed in the ordinance are not necessarily or properly connected, or are disconnected or incongruous. (City Charter Section 7-1(b)).

PETITION FORMS

The following examples are illustrative only. Petition representatives are required to submit a petition that contains the elements listed in CRS 31-11-106.

- A. All sections of any petition shall be prenumbered serially.

Petition Section No. _____

- B. The name and mailing address of two persons who shall represent the proponents thereof in all matters affecting the petition and to whom all notices or information concerning the petition shall be mailed.

Petition Representatives	
Joe Smith 789 Main Street Louisville, CO 80027	Jane Doe 456 Second Street Louisville CO 80027

- C. "Warning language" as described in 31-11-106(3)(a) and included at the top of each page (except if the full text of the proposed measure or ordinance exceeds one page, the warning and summary need not appear at the top of other than the initial text page).

<p>WARNING: IT IS AGAINST THE LAW:</p> <p>For anyone to sign any initiative petition with any name other than his or her own or to knowingly sign his or her name more than once for the same measure or to knowingly sign a petition when not a registered elector who is eligible to vote on the measure.</p> <p>DO NOT SIGN THIS PETITION UNLESS YOU ARE A REGISTERED ELECTOR AND ELIGIBLE TO VOTE ON THIS MEASURE. TO BE A REGISTERED ELECTOR, YOU MUST BE A CITIZEN OF COLORADO AND A RESIDENT OF LOUISVILLE AND REGISTERED TO VOTE].</p> <p>Do not sign this petition unless you have read or have had read to you the proposed initiative measure or the summary in its entirety and understand its meaning.</p>

D. A summary of the proposed initiative or ordinance, which is prepared by the City Clerk.

SUMMARY:

(The summary is prepared by the City Clerk. Petition representatives must leave space available for the summary to be inserted).

E. The full text of the proposed initiated measure or ordinance.

This petition requests that the ordinance presented be submitted to a vote of the people if not passed by the City Council (City Charter Article 7). The ordinance reads as follows:

Petition for an ordinance that...

F. Signature pages that include ruled lines numbered consecutively for registered electors' signatures. If a petition section contains multiple signature pages, all signature lines shall be numbered consecutively, from the first signature page through the last. Each registered elector shall sign their own signature, print their name, the address at which they reside, including the street number and name, the city or town, the county, and the date of signing.

1	Signature	Printed Name		
	Residence Address (Street # and Name)	City	County	Date Signed

G. The petition must also contain an affidavit to be completed by the petition circulator including all of the information below.

Affidavit of Circulator			
Affiant's Printed Name			
Residence Address (Street # and Name)	City	County	Date Signed
<p>a. That the affiant has read and understands the laws governing the circulation of petition;</p> <p>b. That the affiant was eighteen years of age or older at the time the section of the petition was circulated and signed by the listed electors;</p> <p>c. That the affiant circulated the section of the petition;</p> <p>d. That each signature thereon was affixed in the affiant's presence;</p> <p>e. That each signature thereon is the signature of the person whose name it purports to be;</p> <p>f. That, to the best of the affiant's knowledge and belief, each of the persons signing the petition section was, at the time of signing, a registered elector; and</p>			

<p>g. That the affiant has not paid or will not in the future pay and that the affiant believes that no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix the signer's signature to the petition.</p>
<p>Affiant's Signature</p>
<p>Subscribed and sworn to me in the county of _____, State of Colorado, this _____ day of _____, 20 ____</p> <p style="text-align: right; margin-right: 100px;"><i>Notary seal</i></p> <p>_____ Notary's Official Signature</p> <p>_____ Commission Expiration</p>

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.

A sample initiative petition is included at the end of these guidelines.

CIRCULATORS

Only persons who are eighteen years of age or older may circulate a petition for signatures. Circulators do not have to be registered electors.

Nothing prohibits circulators from being paid to circulate a petition. At the time the petitions are filed with the City Clerk, proponents shall file a report disclosing the amount paid per signature and the total amount paid to each circulator (CRS 31-11-113). Any payment made to circulators is an expenditure under article 45 of Title 1, CRS.

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 and sworn 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 (including street number and name), the city or town, the county, and date of signing. The circulator shall encourage a signer to sign the petition in ink. 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.

A registered elector who is disabled or illiterate may sign a petition by making their mark in the space provided. Any person (other than a circulator) may assist the disabled or illiterate elector in completing the remaining information. The person providing assistance shall their name and address and state that such assistance was provided to the disabled or illiterate elector.

To be sufficient an initiative petition must be signed by at least five (5) percent of the total number of electors registered to vote as of the date the Clerk receives the Notice of Intent from the proponents. As an example, if a Notice of Intent was filed in August of 2020, 830 signatures would have been required for an initiative petition as there were 16,612 registered voters at that time. Please check with the City Clerk to determine the exact number of signatures currently required.

Based on statistics from petition efforts around the state, 20-50% 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 amounts.

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 180 days after the form of petition is approved by the City Clerk.

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.

VERIFICATION AND CERTIFICATION OF THE PETITION

EXAMINATION OF THE PETITION

When a petition is filed with the City Clerk, the Clerk has 30 calendar 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 detailed process for the examination of petitions. A signature-by-signature check of the petitions will be conducted against a list of registered municipal voters provided by the Boulder County Elections Office. If the signer is found in the database, the information on the signature line is compared to the information in the database. Any discrepancy in information, such as a different address, 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 30 calendar days to complete the examination. Although it is not unusual for the examination to take less time, the full 30 days will be used if necessary to complete a thorough examination.

REASONS FOR REJECTING SIGNATURES

There are many reasons why signatures, and sometimes even entire petition sections, are rejected. The 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 that is different than the address in the voter registration records.
- The individual does not appear in the voter registration records.
- The individual omitted any one of the following: signature, printed name, residence address, city/town, county, or date signed.
- The individual listed an address outside of the Louisville 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 and printed name are illegible and cannot be verified.
- The individual's date of registration is later than the date they signed the petition.

- There are multiple individuals with the same name registered, but none are registered at the address listed.

OR

- There are multiple individuals registered with the same name at the same address, but it cannot be determined which individual signed the petition.

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 an initiative 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 the petition representatives of such insufficiency. An insufficient petition may be amended by the submission of any required information related to signers or by the attachment of proper circulator affidavits within 15 days of the date of the Clerk's certificate of insufficiency. A petition cannot be amended and refiled more than once. Within 4 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 petition shall be returned to the petition representatives and considered null and void without prejudice to the filing of a new petition for the same purpose. Any protest concerning the refiled petition shall be filed within 5 business days of the date the petition was refiled. (City Charter Section 7-3).

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 within 20 days of it being certified as sufficient. 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 40 days of the original filing of the petition (CRS 31-11-110(1)). 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 initiative petition is not a valid reason for protest.) If an elector wants to challenge a signature, the elector must identify the signature by section and line number in the protest.

If a protest is filed, the Clerk is required to mail a copy of the protest to both designated petition representatives, and to the protestor, together with a notice of the time for hearing, not less than five or more than ten days after such notice is mailed.

The City Clerk shall serve as the hearing officer unless some other person is designated by City Council. The hearing officer 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 60 days after the petition was filed. Within 5 days after the hearing is concluded, the hearing officer must decide and certify the results of the hearing.

COUNCIL ACTION

Upon the City Clerk's presentation of an initiative petition certified to contain a sufficient number of signatures, the City Council shall either:

1. Adopt the proposed ordinance without alteration within 20 days (unless an election is required for passage of the measure under Article X, Section 20 of the Colorado Constitution); or
2. If not adopted, City Council shall publish the ordinance and refer the ordinance to the voters at a regular or special election to be held no less than 60 nor more than 150 days after the final determination of petition sufficiency (unless otherwise required by the Colorado Constitution).

All ordinances submitted to the Council by initiative petition and adopted by the Council without the vote of the electors are subject to the referendum in the same manner as other ordinances.

THE ELECTION

SUBMITTING THE INITIATIVE TO VOTERS

Upon ordering an election on any initiative measure, the City Clerk is required to set the ballot title for an initiated ordinance. Prior to setting the ballot title, the City Clerk will conduct at least one public hearing and will take into consideration any comments received at the public hearing in setting the title. (City Charter Section 7-4(c)).

Any person presenting an initiative petition or any registered elector of the City who is not satisfied with the ballot title for an initiative measure as fixed by the City Council, and who claims that the ballot title does not conform to the criteria of state law, may file with the City Clerk within 48 hours after the title is fixed a motion for a rehearing on the ballot title. The hearing shall be held within ten days after the motion for rehearing is filed. Written notice of the hearing shall be hand-delivered to the person filing the motion and, if applicable, to the persons designated in the initiative petition as representing the proponents thereof. If hand-delivery cannot be made, notice shall be provided by posting at the addresses designated by such persons or by regular mailing to such addresses. At least 24 hours prior to the hearing, the person filing the motion shall file with the City Clerk a written statement describing how the title fixed does not comply with applicable legal requirements and suggesting alternative wording. After the hearing, the body that fixed the ballot title may affirm or modify the title previously fixed. (Louisville Municipal Code 1.16.045)

AFTER THE ELECTION

If a majority of the registered electors voting on the initiative measure vote in favor of the measure, it is adopted as an ordinance of the City upon certification of the election results. Unofficial election results are generally released the day after the election.

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

STEPS AND TIMELINE

1. Proponents submit Notice of Intent to File Petition.
2. Proponents submit draft of petition forms to the City Clerk. Within five days the City Clerk must:
 - a. approve or reject the petition forms first printer's proof
 - b. assure the petition contains only those elements required by statute and no extraneous information
 - c. prepare the required summary to be printed on the petition.
3. Proponents circulate petitions as approved by the City Clerk and that meet all statutory requirements.
4. Within 180 days after the form of petition is approved by the City Clerk, petitions must be submitted to the City Clerk with signatures of at least five percent of registered voters.
5. Clerk reviews petitions for sufficiency. A petition must have valid signature from at least five (5) percent of the number of registered voters in Louisville at the time the Notice of Intent was filed.
6. Anyone wishing to file a protest to the petition must do so within 40 days of the petitions being filed with the City Clerk.
7. No later than 30 days from date petitions are filed, the Clerk will issue a statement of sufficiency or insufficiency. In the event of a protest, the Clerk will issue a statement of sufficient or insufficiency no later than five days after the conclusion of the protest hearing.
8. Within 20 days of the statement of sufficiency, the Clerk forwards the ordinance to the City Council for consideration.
9. If the ordinance is not adopted by the City Council, it shall be referred to the voters at a regular or special election held not less than 60 nor more than 150 days from the statement of sufficiency. (No special election may be held within 32 days before or after the date of a primary, general, or congressional vacancy election but may be held in conjunction with one of those elections.)
10. City Clerk sets a ballot title for the election.

DEFINITIONS

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 City Charter.

Circulator/Affiant – 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 Louisville.

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.

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

Petition – A document requesting the enactment of an ordinance, which is signed by a requisite number of registered electors of the City of Louisville and contains the information described in CRS 31-11-106.

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

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

SAMPLE INITIATIVE PETITION

Petition Section No. _____				
Petition Representatives				
Joe Smith 789 Main Street Louisville, CO 80027		Jane Doe 456 Second Street Louisville CO 80027		
WARNING: IT IS AGAINST THE LAW:				
For anyone to sign any initiative petition with any name other than his or her own or to knowingly sign his or her name more than once for the same measure or to knowingly sign a petition when not a registered elector who is eligible to vote on the measure.				
DO NOT SIGN THIS PETITION UNLESS YOU ARE A REGISTERED ELECTOR AND ELIGIBLE TO VOTE ON THIS MEASURE. TO BE A REGISTERED ELECTOR, YOU MUST BE A CITIZEN OF COLORADO AND A RESIDENT OF LOUISVILLE AND REGISTERED TO VOTE.				
Do not sign this petition unless you have read or have had read to you the proposed initiative measure or the summary in its entirety and understand its meaning.				
SUMMARY: (The summary is prepared by the City Clerk. Petition representatives must leave space available for the summary to be inserted).				
This petition requests that the ordinance presented be submitted to a vote of the people if not passed by the City Council (City Charter Article 7). The ordinance reads as follows:				
Petition for an ordinance that... (insert FULL text of ordinance here)				
1	Signature		Printed Name	
	Residence Address (Street # and Name)	City	County	Date Signed

2	Signature	Printed Name		
	Residence Address (Street # and Name)	City	County	Date Signed
3	Signature	Printed Name		
	Residence Address (Street # and Name)	City	County	Date Signed
100	Signature	Printed Name		
	Residence Address (Street # and Name)	City	County	Date Signed

Affidavit of Circulator

Affiant's Printed Name

Residence Address (Street # and Name)	City	County	Date Signed
---------------------------------------	------	--------	-------------

- a. That the affiant has read and understands the laws governing the circulation of petition;
- b. That the affiant was eighteen years of age or older at the time the section of the petition was circulated and signed by the listed electors;
- c. That the affiant circulated the section of the petition;
- d. That each signature thereon was affixed in the affiant's presence;
- e. That each signature thereon is the signature of the person whose name it purports to be;
- f. That, to the best of the affiant's knowledge and belief, each of the persons signing the petition section was, at the time of signing, a registered elector; and
- g. That the affiant has not paid or will not in the future pay and that the affiant believes that no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix the signer's signature to the petition.

Affiant's Signature

Subscribed and sworn to me in the county of _____, State of Colorado,
this _____ day of _____, 20 ____

Notary seal

Notary's Official Signature

Commission Expiration

This sample is for illustrative purposes only.