

INITIATIVE GUIDELINES



February 2023

(Updated with November 2022 Election Results)

CONTENTS

| | |
|--|------------------------|
| <i>Introduction</i> | <i>Page No.</i> |
| How to Use this Guide | 3 |
| Contact Information | 3 |
| <i>The Citizen Initiative Process</i> | |
| What is a Citizen Initiative? | 4 |
| Who Can Use the Citizen Initiative Process? | 4 |
| Beginning the Process: The Notice of Intent | 4 |
| Approval of Form for Circulation | 4 |
| Petition Forms | 5 |
| Circulators | 7 |
| Signature Requirements | 8 |
| Submittal Requirements and Deadlines | 8 |
| <i>Verification and Certification of the Petition</i> | |
| Examination of the Petition | 9 |
| Reasons for Rejecting Signatures | 9 |
| Insufficient Petition | 10 |
| Sufficient Petition/Certification of Petition | 11 |
| Protests | 11 |
| <i>Council Action</i> | |
| Submitting the Initiative to Voters | 12 |
| After the Election | 13 |
| <i>Definitions</i> | 14 |
| <i>Sample Initiative Petition</i> | 15 |

Introduction

The City of Grand Junction, Colorado governs its elections according to its Charter, Municipal Code, and the Colorado Municipal Code of 1965. As such, 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.

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 at (970) 244-1509, cityclerk@gjcity.org.

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 Grand Junction city limits.

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

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

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 | |
|---|--|
| John Smith 123 Main Street Anytown, USA 12345 | Jane Doe 456 Central Avenue Anytown, USA 12345 |

- C. "Warning language" as described in 31-11-106(3)(a) and included on subsequent pages if the full text of the proposed measure or ordinance exceeds one page.

| |
|---|
| <p>WARNING: IT IS AGAINST THE LAW: For anyone to sign any initiative or referendum petition with any name other than his or her own or to knowingly sign his or her name more than once for the same measure or to knowingly sign 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 REGISTERED TO VOTE. Do not sign this petition unless you have read or have had read to you the proposed initiative or referred 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.

| |
|--|
| <p>SUMMARY: (The summary is prepared by the City Clerk. Petition representatives must leave space available for the summary to be inserted).</p> |
|--|

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 Section 134). The ordinance reads as follows:

Petition for an ordinance that...

F. Signature pages that include ruled lines numbered consecutively for registered electors' signatures. Each registered elector shall sign his or her own signature, print his or her name, the address at which he or she resides, 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/Town | County | Date Signed |

G. The petition must also contain an affidavit to be completed by the petition circulator.

1. The affiant's printed name, the address at which the affiant resides, including the street name and number, the municipality, the county, and the date the affiant signed the affidavit;
 - 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.

| Affidavit of Circulator | | | |
|--|--------------|--------|-------------|
| Affiant's Printed Name | | | |
| Residence Address (Street Name and Number) | Municipality | County | Date Signed |
| <ol style="list-style-type: none"> 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's Official Signature)

_____ (Commission Expiration)

Notary
Seal

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 as "Attachment A" at the end of these guidelines.

Circulators

It is recommended that petition representatives and circulators review the Secretary of State's online guidelines for petition circulators.

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

Upon the request of any person to whom the petition is presented for signature, a petition circulator is required to read aloud the entire text of the initiated measure.

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. 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.

If a petition is signed by at least 5% but less than 10% of the voters in the City voting in the last preceding gubernatorial election, then the City Council has forty days to submit the petitioned ordinance to an election. If a petition is signed by at least 10% of the voters, then the City Council has twenty days to either pass the petitioned ordinance without alteration or call a special election (City Charter sections 133-135), unless a general or special municipal election is to be held within 90 days thereafter.

| Number of Grand Junction Voters in 2022 Gubernatorial Election | 5% Petition Signature Requirement | 10% Petition Signature Requirement |
|--|-----------------------------------|------------------------------------|
| 30,896 | 1,545 | 3,090 |

Based on statistics from prior petition efforts, 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 City Clerk’s approval of the form for circulation.

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 ten days to examine the petitions (City Charter Section 29). A signature-by-signature check of the petitions will be conducted against a list of registered municipal voters provided by the Mesa County Elections Office. 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. All petition sections are examined, even if the requisite number of valid signatures is reached prior to examining all petitions.

As earlier stated, the City Clerk has ten days to complete the examination. Although it is not unusual for the examination to take less time, the full ten 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. 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 Grand Junction 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 he or she 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 additional signatures collected after the City Clerk approved the form of the petition and within 10 days of the date of the Clerk's certificate of insufficiency. Such signatures must be collected consistent with the requirements for collecting petition signatures. Within 10 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.

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

Sufficient Petition/Certification of Petition

When a petition or amended petition is deemed sufficient, whether following the sufficiency determination by the City Clerk in the absence of a protest, or following protest proceedings, the City Clerk is required to certify and present the certified petition to the City Council at the next regularly scheduled meeting. The Clerk's certification is the final determination as to the sufficiency of the petition, subject only to the protest procedure described below.

Protests

Any registered elector may protest a determination by the City Clerk that a petition is either sufficient or insufficient by filing a written protest, under oath, in the City Clerk's office within 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 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.

If the results of the protest hearing result in the petition being deemed insufficient, the petition representatives have an opportunity to amend the petition as described above under "Insufficient Petition".

Council Action

As noted previously, if a petition is signed by at least 5% but less than 10% of the voters in the City voting in the last preceding gubernatorial election, then the City Council has forty days to adopt the ordinance without alteration or shall submit to electoral vote at the next general municipal election, if any, occurring within sixty days thereafter. If filed before 60 days, or within 40 days of such election, said petition shall be invalid.

If a petition is signed by at least 10% of the voters, then the City Council has twenty days to either pass the petitioned ordinance without alteration or call a special election unless a general or special election is to be held within 90 days (City Charter sections 133-135).

Submitting the Initiative to Voters

Upon ordering an election on any initiative measure, the City Council is required to adopt by resolution, after receiving public input, a ballot title and submission clause for each measure. The ballot title must contain information identifying the measure as a city-initiated or citizen-initiated measure. The submission clause must be brief, and must unambiguously state the principle of the provision sought to be added. In addition, the submission clause must not conflict with the language selected for any petition previously filed for the same election.

The official ballot shall have printed on it the ballot title and submission clause “For the Ordinance” and “Against the Ordinance” (Municipal Charter Section 139). Pursuant to Article X, Section 20 of the state Constitution, the appropriate vote for measures involving tax or bonded debt increases is “Yes” or “No”.

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

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

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, Land Use Code, or City Charter, the ordinance will be forwarded to the City's codifier for inclusion in the appropriate document.

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 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 Grand Junction.

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 formal document, addressed to the City Council, requesting the enactment of an ordinance, which is signed by a requisite number of registered electors of the city of Grand Junction.

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.

Attachment A – Sample Initiative Petition

| | | | | |
|---|---------------------------------------|--|--------------|--------|
| Petition Section No. _____ | | | | |
| Petition Representatives | | | | |
| John Smith 123 Main Street Anytown, USA 12345 | | Jane Doe 456 Central Avenue Anytown, USA 12345 | | |
| <p>WARNING: IT IS AGAINST THE LAW:</p> <p>For anyone to sign any initiative or referendum petition with any name other than his or her own or to knowingly sign his or her name more than once for the same measure or to knowingly sign 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.</p> <p>TO BE A REGISTERED ELECTOR, YOU MUST BE A CITIZEN OF COLORADO AND REGISTERED TO VOTE.</p> <p>Do not sign this petition unless you have read or have had read to you the proposed initiative or referred measure or the summary in its entirety and understand its meaning.</p> | | | | |
| <p>SUMMARY:</p> <p style="color: red;">(The summary is prepared by the City Clerk. Petition representatives must leave space available for the summary to be inserted).</p> | | | | |
| <p>This petition requests that the ordinance presented be submitted to a vote of the people if not passed by the City Council (City Charter Section 134). The ordinance reads as follows:</p> <p>Petition for an ordinance that...</p> <p style="color: red;">(Insert the full text of the ordinance here).</p> | | | | |
| 1 | Signature | | Printed Name | |
| | Residence Address (Street # and Name) | | City/Town | County |
| 2 | Signature | | Printed Name | |
| | Residence Address (Street # and Name) | | City/Town | County |

Note: petition sections can have as many or as few signature lines that the petition representatives deem appropriate. Typical practice is 50 – 100 signature lines.

| | | | | |
|-----|---------------------------------------|--------------|--------|-------------|
| 100 | Signature | Printed Name | | |
| | Residence Address (Street # and Name) | City/Town | County | Date Signed |

Affidavit of Circulator

Affiant's Printed Name

Residence Address (Street Name and Number) Municipality 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's Official Signature)

(Commission Expiration)

Notary

Seal

(This sample is for illustrative purposes only)