

# Broomfield Resident's Guide to Placing a Question...

# Broomfield Resident's Guide to Placing a Question on the Ballot



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# Introduction

As a resident of Broomfield, you may petition to amend the [Home Rule Charter](#), or propose a new ordinance to the [Municipal Code](#). This guide will help you through both processes.

## Overview of the Process

The processes to amend the Home Rule Charter versus the Municipal Code are different. This guide will explain those differences. However, the general approach to both is the same:

1. Identify an issue that affects your community;
2. Propose an amendment or ordinance and prepare a petition; and
3. Collect enough signatures to place your question on the ballot.

## Contact

For more information, contact the Elections Division at **303.464.5857** or by email at [electionsdivision@broomfield.org](mailto:electionsdivision@broomfield.org).

If you are interested in placing a statewide question on the ballot, contact the Colorado Department of State, Elections Division at **303.894.2200 ext. 6333**, or email [ballot.access@coloradosos.gov](mailto:ballot.access@coloradosos.gov). To place a school district question on the ballot, contact your local school board.

This guide is for reference only. It was created to assist Broomfield residents with the municipal initiative process. Please refer to the appropriate sections of the Broomfield Home Rule Charter and Colorado Revised Statutes as you begin your process. Although not required, we recommend you seek legal counsel when placing a question on the ballot.

# The Home Rule Charter and the Municipal Code

The Broomfield Home Rule Charter (Charter) and the Broomfield Municipal Code (Code) are two distinct documents that govern the City and County of Broomfield.

The Charter sets forth City Council procedures, initiative and referendum powers, municipal administration guidelines, boards and commissions, finances and budget, inter-governmental relations, and more.

The Code deals with local law enforcement, business licenses, animals, health and safety, public peace, vehicles and traffic, and more.

To help decide whether you want to change the Charter or Code you may:

- Consult with a city councilmember;
- Consult an attorney;
- Talk to Broomfield staff who are subject matter experts in your area of interest; and/or
- Familiarize yourself with the Code and Charter to better understand each.

	Overview	Changes initiated by City Council	Changes initiated by the residents
Charter	<ul style="list-style-type: none"> <li>• Establishes the City and County of Broomfield</li> <li>• Defines the city's authorities and role of elected officials</li> </ul>	<ul style="list-style-type: none"> <li>• Council may only amend the Charter with voter approval</li> <li>• Council can approve a ballot question via ordinance to submit to the voters.</li> </ul>	<ul style="list-style-type: none"> <li>• Residents may only amend the Charter with voter approval.</li> <li>• Residents may petition for a Charter amendment or lobby Council to approve a ballot question.</li> </ul>
Code	<ul style="list-style-type: none"> <li>• Establishes enforceable ordinances (curfews, building codes)</li> <li>• Organizes the city's administration (establishes a sales tax, creates a library)</li> </ul>	<ul style="list-style-type: none"> <li>• Council may change the Code with or without voter approval</li> </ul>	<ul style="list-style-type: none"> <li>• Residents may lobby Council to make the Code change, or</li> <li>• Residents may petition to place a question on the ballot and voters have ultimate approval on an initiated change</li> </ul>

## Limits on Timing of Future Changes

An ordinance adopted by the electorate may not be amended or repealed for six months after the election. However, an ordinance may be amended/repealed by another vote of the electorate.<sup>1</sup>

No Charter amendment shall be initiated within twelve months after rejection of a substantially similar proposal.<sup>2</sup>

## Restrictions on Types of Questions

There are several general restrictions when placing a question on the ballot.

- Questions should be a single subject. For example, a ballot question should not ask, “Shall there be a 7:00 p.m. noise curfew *and* shall the City eliminate restrictions on overnight recreation vehicle parking?”
- Questions must be **legislative**. The question must be something the City can implement and/or enforce. For example, a ballot question may not ask voters’ opinions on a topic.<sup>3</sup>
- Proposed ordinances **may not address** the City budget, appropriation of funds, levy of taxes, salaries and tenure of city officials or employees, zoning or rezoning of property, and acquisition or disposition of municipal properties.<sup>4</sup>
- Questions concerning the prohibition of **marijuana** facilities and stores may only appear on the general election ballot in even-numbered years<sup>5</sup>

Tax, mill levy, and debt increases (**TABOR** issues) must be referred to the ballot by City Council. The petition process may not compel Council to place a TABOR issue on the ballot.<sup>6</sup>

<sup>1</sup>Section 7.4 Broomfield Home Rule Charter.

<sup>2</sup>§ 31-2-214 C.R.S.

<sup>3</sup>CO. Const. art. V § 1 cl. 9.

<sup>4</sup>Section 7.1, Broomfield Home Rule Charter.

<sup>5</sup>CO. Const. art. XVIII § 16 cl. 5(f).

<sup>6</sup>Section 7.2 Broomfield Home Rule Charter.

## Overview of Process Differences

Table 2 shows the main differences when attempting to amend the Charter or change the Code.

Table 2. Ballot Access Process and Timeline Differences for the Charter and Code		
Event	Amending the Charter	Changing the Code
File "Statement of Intent"	Required <sup>7</sup>	Not applicable
Submit amendment / ordinance for approval	Not applicable	Required; Submitted on the petition form and subject to approval <sup>8</sup>
Submit petition form for approval	Required; Clerk has 5 business days to review <sup>9</sup>	
Collect signatures	5% <sup>10</sup> of the registered voters as of the day the statement of intent was filed <sup>11</sup>	15% of the voters who cast a vote in the last general municipal election <sup>12</sup>
Deadline to file petition	No more than 90 days from filing statement of intent; no less than 90 days prior to Election Day <sup>13</sup>	At least sixty days prior to any general or special municipal election <sup>14</sup>
Clerk to review petition within...	15 business days <sup>15</sup>	10 calendar days <sup>16</sup>
Cure period for insufficient petitions	15 days to refile <sup>17</sup>	10 calendar days to cure and 5 calendar days for staff to review cured petition <sup>18</sup>
Sufficient petition referred to Council	Council will set ballot title at next regular meeting <sup>19</sup>	Council has 30 days to decide whether to adopt or refer to ballot <sup>20</sup>
Ballot content certified to Clerk for placement on ballot	Required; 60 days prior to Election Day <sup>21</sup>	

7§ 31-2-210 C.R.S.

8Section 7.1, Broomfield Home Rule Charter.

9§ 31-11-106 C.R.S.

1010% if pursuing a special election, § 31-2-210 (1)(a)(IV) C.R.S.

11§ 31-2-210 (1)(a)(III) C.R.S.

12Section 7.1(b), Broomfield Home Rule Charter.

13§ 31-2-210 (1)(a)

14Section 7.1(b), Broomfield Home Rule Charter.

15§ 31-2-210 (3) C.R.S.

16Section 7.3, Broomfield Home Rule Charter

17§ 31-2-210 (3) C.R.S.

18Section 7.3, Broomfield Home Rule Charter

19§ 31-2-210 (3) C.R.S.

20Section 7.1 (b), Broomfield Home Rule Charter

21§ 1-5-203 (3)

# Campaign Finance

Any contributions or expenditures made during the petition process must be reported under Colorado’s campaign finance laws. Contact for more information and to receive the appropriate forms and reports.

## Section 1. Amending the Home Rule Charter

### 1.1 Timeline

A proposed amendment to the Charter must be put to a vote at either a regular election or a special election. You will specify one or the other on your petition.

#### 1.1.1 Timeline for a Regular Election

Table 3 shows the order of events to place an amendment on a regular November election ballot.

Table 3. Timeline to Amend the Home Rule Charter	
Event	Authority
Electors file a statement of intent to circulate a petition and also a petition form for approval.	§ 31-2-210 (1)(a) (I) C.R.S.
The clerk has five working days to approve the petition as to form. Once the petition is approved one may begin collecting signatures.	§ 31-2-221 (1) C.R.S.
The petition shall be circulated for a period not to exceed ninety days from the date of filing of the statement of intent.	§ 31-2-210 (1)(a) (I) C.R.S.
The petition must be filed with the clerk at least ninety days prior to the date of said regular election.	§ 31-2-210 (1)(a) (III) C.R.S.
The clerk has 15 working days to review the petition and verify it has a sufficient number of valid signatures.	§ 31-2-210 (3) C.R.S.
City Council sets ballot title at its next regular meeting <sup>22</sup>	§ 31-2-210 (3) C.R.S.
Clerk certifies proposed ballot question to the Clerk 60 days prior to election.	§ 31-2-210 (3.5) C.R.S.

<sup>22</sup>Regular City Council meetings are held on the second and fourth Tuesday each month.

## When is my petition due: 90 days before the election or 90 days after I file my statement of intent?

There are two 90-day periods on the petition calendar.

1. **No matter how early you begin**, you must turn your completed petition into the Clerk no later than 90 days after you filed your statement of intent.<sup>23</sup>
2. **No matter how late you begin**, you must turn your completed petition into the Clerk no later than 90 days prior to Election Day.

*If you want the full 90 days to collect signatures, you need to begin the process by early May.*

## What if there is a protest filed against our petition?

A registered Broomfield voter may file a protest within 40 days after the signed petition is filed.

The Clerk will notify the petition representatives of the protest and schedule a hearing within 20 days. The protest hearing must be concluded within 60 days. No later than 5 days after the conclusion of the hearing, the hearing officer/Clerk shall issue a written determination of whether the petition is sufficient or not sufficient.<sup>24</sup>

Protests do not hinder the regular process or timeline. The Clerk will continue the petition review process even if a protest is filed.

### 1.1.2 Timeline for a Special Election

A special election can be held on any Tuesday, except it cannot be held within 90 days prior to a regular election.<sup>25</sup>

If you are pursuing a special election, you must designate an approximate date for the election on your petition.

<sup>26</sup>The same general timeline outlined above applies to a special election with these additional considerations.

- Special elections must be held no later than 90 days before a regular municipal election.
- Special elections may not be held within the 32 days before or after a primary or general election.<sup>27</sup>
- Once your petition is deemed sufficient, Council has up to 30 days to publish a notice of special election.<sup>28</sup>
- The election shall then be held between 60 and 120 days of the published notice.<sup>29</sup>
- No proposal for a charter amendment shall be initiated within 12 months after rejection of a substantially similar proposal.<sup>30</sup>

## 1.2 The Petition Approval Process

### 1.2.1 Research the issue

Although it is not required, it is **recommended you seek legal counsel**. The Broomfield City Attorney's Office cannot offer advice on petitioning City Council.

It will help to become familiar with the [Charter](#) so you can identify specifically what you want to see amended. If you are using a printed version of this guide, you may find the Charter online at

<https://www.broomfield.org/169/City-Charter-and-Codes>.

23§ 31-2-210 (1)(a)(III) C.R.S. and Section 7.1 (b), Broomfield Home Rule Charter

24§ 31-11-110 C.R.S.

25§ 31-10-108 C.R.S.

26§ 31-2-210 (1)(a)(II) C.R.S.

27§ 31-10-108 C.R.S.

28Section 7.1 (b), Broomfield Home Rule Charter

29 § 31-2-210 (4) C.R.S.

30§ 31-2-214 C.R.S.

### 1.2.2 Draft your proposed amendment language

Once you have a specific goal, you need to prepare your amendment as a question in typewritten form. Ballot questions should be a single subject and must be legislative. There are several areas of the Charter which may not be addressed by petition, including TABOR issues.

Your question will eventually be placed on your petition form. You do **not** submit the language in advance for approval. The City Attorney does not approve/disapprove proposed amendments.

How you word your question may impact how City Council words the ballot question. If your amendment passes, the wording will impact not only how it is implemented, but also what challenges it may face in the future.

### 1.2.3 Assemble your team

Circulating a petition takes effort and a committed team. Before you turn anything into the Clerk for approval, it is recommended you identify several individuals that will help along the way:

- At least **five persons**<sup>31</sup> who sign the statement of intent to circulate a petition (see below). Signers have no specific duties. The Clerk will notify the signers whether the petition form is approved for circulation.
- **Three to five persons**<sup>32</sup> whose names and addresses will appear on the petition as petition representatives. If there is a protest filed, the Clerk will notify the petition representatives.
- Sufficient petition circulators to collect signatures. There is more information on circulators below.

### 1.2.4 File your statement of intent and blank petition form

Before you begin circulating a petition, you must file a statement of intent. The statement must be signed by at least five (5) Broomfield registered voters, declaring that you intend to begin circulating a petition.<sup>33</sup> There are no formatting requirements: a short letter or memo is sufficient.

At the same time, you will file your blank petition form for approval **prior to collecting signatures**. The Elections Division has five (5) business days to approve your petition.<sup>34</sup> If approved, you may begin collecting signatures. If the petition does not meet the statutory requirements, the Clerk will notify you of the irregularities, and you may resubmit.

The 90-day petition circulation period begins when you file the statement of intent, not when the petition is approved as to form.<sup>35</sup>

A sample approved petition from a previous election is available from the Elections Division upon request. However, the Elections Division does not have a standard, blank petition form. For more detailed requirements, see §§ 31-2-220 and 221 C.R.S.

#### General Requirements<sup>36</sup>

Petitions shall meet these general requirements and contain no extraneous material:

31§ 31-2-210 (1)(a)(I) C.R.S.

32§ 31-2-221 (1) C.R.S.

33§ 31-2-210 (1)(a)(I) C.R.S.

34§ 31-11-106 C.R.S.

35§ 31-2-210 (1)(a)(I) C.R.S.

36§ 31-2-221 (1) C.R.S.

- Pages must be 8.5 x 11 inches, with a 2-inch margin at the top of each page for binding;
- Sheets for signatures shall have their ruled lines numbered consecutively and shall be attached to a complete copy of what is proposed, printed in plain block letters no smaller than the impression of eight-point type;
- Numbered fields must be included for voters to provide their name, signature, address (including city) and date of signing;
- Each petition shall designate by name and address not less than three nor more than five registered electors who shall represent the signers thereof in all matters affecting the same; and
- Each petition section shall be pre-numbered serially.

#### **Affidavit of Circulator<sup>37</sup>**

An affidavit of circulator must be affixed to each section. The affidavit must state:

- The circulator’s name and address;
- That the circulator is eighteen years of age or older;
- That the circulator circulated the said petition;
- That each signature thereon was affixed in the circulator’s presence;
- That each signature thereon is the signature of the person whose name it purports to be;
- That to the best of the knowledge and belief of the circulator each of the persons signing said petition was at the time of signing a registered elector; and
- That the circulator has not paid or will not in the future pay and that the circulator believes that no other person has so 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 such petition.<sup>38</sup>

#### **Warning Language<sup>39</sup>**

The following warning shall appear at the top of each page in red, bold, and no less than 10-point size.

**WARNING:  
IT IS AGAINST THE LAW:**

For anyone to sign any petition with any name other than his or her own or to knowingly sign his or her name more than once for the same measure or to sign such petition when not a registered elector.

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

Do not sign this petition unless you have read or had read to you the text of the proposal in its entirety and understand its meaning.

## **1.3 Collecting Signatures**

Once your petition is approved, you may begin collecting signatures. You may circulate your petition for a period not to exceed 90 days from the date of filing the statement of intent.<sup>40</sup>

### **1.3.1 Number of Signatures Required**

The number of signatures needed depends whether you are seeking to be on the November ballot or a special election. See Table 4. Voter counts are determined based on the statewide voter registration system at the time you file your statement of intent.

<sup>37</sup>§ 31-11-106 (3)(e)(I)

<sup>38</sup>§ 31-2-220 (2) C.R.S.

<sup>39</sup>§ 31-2-220 C.R.S.

<sup>40</sup>§ 31-2-210(1)(a)(I) C.R.S.

Table 4. <u>SAMPLE</u> Signature Requirements for a Home Rule Charter Amendment Ballot Question				
Election Type	% Registered Voters Needed	Registered Voters as of the day you file. Example:	Number of Valid Signatures Needed <sup>41</sup>	Recommended Number of Signatures to Collect (+20%)
Regular November	5% <sup>42</sup>	60,000	3,000	3,600
Special	10% <sup>43</sup>	60,000	6,000	7,200

### 1.3.2 Petition Circulators<sup>44</sup>

Petition circulators must be citizens of the US and be at least 18 years old at the time of circulation. There are no additional requirements for the persons collecting signatures.

### 1.3.3 Petition Signers<sup>45</sup>

To sign the petition, a person must be a registered voter in Broomfield and provide their:

- Printed name;
- Signature;
- Address at which they are registered to vote; and
- The date of signing.

## 1.4 Filing Your Petition and Council Action

### 1.4.1 Turn in Your Petition

Notarized petitions are filed with the Elections Division. You must file all petition sections at once: you may not turn in additional sections later. Your petition must be filed with the Elections Division by 5:00 p.m. the earlier of the following:

- No later than 90 days after you filed your statement of intent;<sup>46</sup> or
- No later than 90 days prior to Election Day (or your proposed special election date).<sup>47</sup>

Each section must be notarized in the presence of the circulator.<sup>48</sup> You may have them notarized in advance or notary services are available at the George Di Ciero City and County Building. Please let us know in advance if you will need notary services.

- The circulator must be present to sign in front of the notary.
- The notarization date should be the same as the signer date.
- No additional voters may sign the petition section once it has been notarized.

Allow for time to check in your petition sections, especially if you need notarization. Staff will complete an initial check for patent defects and/or disassembly and also number each section serially. Staff and a petition representative will sign a receipt affirming the total number of sections filed.

<sup>41</sup>Voter registration counts change daily. Staff will provide an updated number when you file your statement of intent and petition form.

<sup>42</sup>§ 31-2-210 (1)(a)(III) C.R.S.

<sup>43</sup>§ 31-2-210 (1)(a)(IV) C.R.S.

<sup>44</sup>§ 31-11-106 C.R.S.

<sup>45</sup>§ 31-11-108 C.R.S.

<sup>46</sup>§ 31-2-210 (1)(a)(I) C.R.S.

<sup>47</sup>§ 31-2-210 (1)(a)(III) C.R.S.

<sup>48</sup>§ 1-40-111 (2) C.R.S.

### 1.4.2 Petition Review

The Elections Division has 15 **working** days (excludes weekends and legal holidays) to review your petition.<sup>49</sup> Petitions are reviewed on a first-come, first-serve basis if more than one group is circulating petitions for different ballot questions.

The Elections Division will review to check for the following<sup>50</sup>:

- Only the approved petition form was used.
- Petition sections are intact (no staples removed).
- Circulator affidavits are complete and notarized by a current notary.
- The circulator affidavit is signed the same date as the notary.

Individual signature lines will be rejected if

- The signature line is incomplete;
- The signer is not a registered Broomfield voter, as shown in the statewide voter registration database;
- The signer dated his/her entry before the circulation period began or after the section was notarized; or
- The person already signed the petition (the first signature will still count).

If your petition is sufficient, you will be notified and the Clerk will refer your petition to City Council.<sup>51</sup> If your petition is insufficient, you may obtain additional signatures and refile your petition within fifteen days after such insufficiency is declared.<sup>52</sup>

### 1.4.3 City Council and Ballot Title Setting

If the petition is sufficient, the Clerk will notify the City Council. At their next regular meeting, City Council will set the actual language that appears on the ballot, also known as the ballot title.<sup>53</sup> City Council's regular meetings are the second and fourth Tuesdays of the month at 6:00 p.m. at the George DiCiero City and County Building.<sup>54</sup>

You may provide public comment, please visit <https://www.broomfield.org/128/City-Council> to review how one submits public comments.

## 1.5 Protests

A registered Broomfield voter may file a protest within 40 days after the signed petition is filed. The Clerk will notify the petition representatives of the protest and schedule a hearing within 20 days. The protest hearing must be completed within 60 days after the petition is filed.

Protests do not hinder the regular process or timeline. The Clerk will continue the petition review even if a protest is filed.

49§ 31-2-210 (3) C.R.S

50§§ 31-11-109, 1-40-111 C.R.S.

5131-11-109(2)

52§ 31-2-210 (3)

53§ 31-2-210 (3)

54Section 5.1, Broomfield Home Rule Charter and Section 2.2, Council Procedures

## Section 2. Changing the Broomfield Municipal Code

### Remember: Petitions Not (Necessarily) Required

City Council may adopt an ordinance and change the Municipal Code without putting it to the voters. If you have an issue that you feel strongly about, you may wish to contact your Councilmember or the Mayor directly.

If Council is not ready to take up your issue, you may petition them. If you successfully petition Council, they must either adopt your ordinance or put it to the vote of the people.

Authority for proposing an ordinance is provided in Chapter VII of the Charter.

### 2.1 Timeline

There are several tasks that must be completed within specified timelines. As listed here, it can easily take 6 months for the Clerk, City Council, and circulators to complete all the required tasks and collect signatures. Consider that:

- The Clerk has 5 days to approve the petition to form including a review of the proposed ordinance<sup>55</sup>;
- There is no limit to the number of days to circulate. Staff suggest allowing at least 60 days to circulate your petitions and collect signatures;
- The Clerk has 10 days to review signatures once you submit your petition;
- If insufficient, you are allowed another 10 days to amend your petition;
- The Clerk has another 5 business days to review your amended petition;<sup>56</sup>
- Council has 30 days to decide whether to adopt your ordinance or refer it to the ballot;<sup>57</sup>
- Regular Council meetings are held the second and fourth Tuesdays each month<sup>58</sup>; and
- Council must send the Clerk the certified ballot content no later than 60 days prior to Election Day.<sup>59</sup>

Table 5 displays a general timeline. Remember, even though the election is not until November, Council must approve the ballot content by the end of August. An early start increases your chance for success.

Table 5. Timeline for Municipal Code Initiatives	
Event	Authority
Submit your petition for approval as to form. The Clerk has 5 business days to review, including review of the proposed ordinance.	§ 31-11-106 (1) C.R.S.
Circulate your petition. The petition must be filed with the Clerk at least 60 days prior to the election.	§ 7.1 (b) Home Rule Charter

<sup>55</sup> § 31-11-106 C.R.S.

<sup>56</sup>Section 7.3, Broomfield Home Rule Charter

<sup>57</sup>Section 7.1 (b), Broomfield Home Rule Charter

<sup>58</sup>Section 5.1, Broomfield Home Rule Charter and Section 2.2, Council Procedures

<sup>59</sup>The 60-day deadline is both statutory and also practical as ballot programming, layout, proofing, printing, and mailing take significant time. The Clerk must begin mailing ballots to military and overseas voters no later than 45 days prior to Election Day.

The Clerk has 10 days to review the petition for sufficiency.	§ 7.3 Home Rule Charter
Circulators have 10 days to amend a petition.	
The Clerk has 5 working days to review an amended petition.	
Clerk submits the statement of sufficiency to Council. Council will within 30 days decide to either pass the ordinance without alteration or call a special election (unless a general municipal election will occur within 90 days thereafter).	§ 7.1 (b) Home Rule Charter
No later than 60 days before election the proposed ballot content shall be certified to the Clerk.	§ 1-5-203 (3)(a) C.R.S.

## 2.2 The Petition Approval Process

### 2.2.1 Preliminary Research

Begin by identifying an issue in your community that could be improved and would be enforceable by the City and County of Broomfield. The City enforces local ordinances regarding retail marijuana<sup>60</sup>, noise levels, leashes for pets, waste removal, etc.

Begin by formulating your proposed ordinance. This will require some research on your part. Talk with your neighbors, community groups, a councilmember, or Broomfield staff. It is highly recommended you seek legal counsel.

You should also become familiar with the Broomfield Municipal Code. The Code is available at [Broomfield.org](http://Broomfield.org) and selecting Departments > Attorney. Reviewing the Code will help you become familiar with how ordinances are written and what ordinances already exist.

### 2.2.2 Proposing an Ordinance

Your first official step is to write down the language for your ordinance, which will also be included on your blank petition form (see section 2.2.3). You will submit the petition to the Clerk, who has 5 business days to review. If the petition is approved, you may begin collecting signatures.

A proposed ordinance may address any city issue **except**:

- The City budget, appropriation of funds or levy of taxes;
- Salaries and tenure of city officials or employees;
- Zoning or rezoning of property; and
- Acquisition or disposition of municipal properties.

Your proposed ordinance should also be "single subject," meaning it may not address unrelated topics. This is intended to prevent voters from being misled, and also to ensure that each proposal passes or fails on its own merits. The City Attorney will review, and the Clerk may reject a petition if the proposed ordinance does not propose municipal legislation.<sup>61</sup>

<sup>60</sup>Marijuana ballot questions may only appear on November ballots in even-numbered years.  
<sup>61</sup>131-11-106 C.R.S.

### 2.2.3 Create a Petition

The form of your petition must meet specific legal requirements, which can be found in **Title 31, Article 11, Section 106** of the Colorado Revised Statutes. The petitions must only include the required elements and contain no extraneous materials. The following are the required elements for each petition section.

#### Petition Representatives

Each petition section shall designate, by name and mailing address, 2 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.

#### Warning Language and Summary

At the top of each page of every petition section, the following shall be printed:

**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.

A summary of the proposed ordinance shall be printed following the warning on each page of a petition section. The summary shall be true and impartial and shall not be an argument, or likely to create prejudice, either for or against the measure. The summary shall be prepared by the Clerk.

#### Full Text of the Proposal

The full text of the proposed ordinance shall be printed following the summary on the first page or pages of the petition section that precede the signature page. If the text of the proposed ordinance requires more than one page of a petition section, the warning and summary need not appear at the top of other than the initial text page.

#### Signature Pages

The signature pages shall consist of the warning and the summary, followed by 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. The signature pages shall follow the page or pages on which the full text of the proposed initiated measure or ordinance that is the subject of the referendum petition is printed.

### Circulator Affidavit

Following the signature pages of each petition section, there shall be attached an affidavit of circulator page, including space for notarization, which shall include:

- The circulator’s printed name, the address at which the circulator resides, including the street name and number, the municipality, the county, and a space for the date the circulator signed the affidavit;
- That the circulator has read and understands the laws governing the circulation of petition;
- That the circulator was eighteen years of age or older at the time the section of the petition was circulated and signed by the listed electors;
- That the circulator circulated the section of the petition;
- That each signature thereon was affixed in the circulator's presence;
- That each signature thereon is the signature of the person whose name it purports to be;
- That, to the best of the circulator's knowledge and belief, each of the persons signing the petition section was, at the time of signing, a registered elector; and
- That the circulator has not paid or will not in the future pay and that the circulator 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.

### Miscellaneous

Unlike Charter amendment petitions, there is no required page size. Staff recommend using only 8.5 x 11-inch (letter) or 8.5 x 14-inch (legal paper). As a business practice, Broomfield requires using white paper so the petitions can be scanned upon submittal.

Each petition section must be stapled along the top. Any evidence that a section has been disassembled (staples removed) will render the entire section invalid and of no force and effect.

## 2.3 Collecting Signatures

Once your petition is approved, you may begin collecting signatures. There are no maximum days to circulate, but be mindful of the timeline above and allow enough time for signature review and Council consideration in advance of the ballot certification deadline.

### 2.3.1 Number of Signatures Required

The number of signatures needed is equal to at least 15% of the voters who cast a ballot in the previous municipal election<sup>62</sup>. See Table 6.

Table 6. Signature Requirements for a Proposed Ordinance Petition in 2024 and 2025		
# Voters Who Cast a Ballot in 2023	Signatures Needed (15%)	Recommended Number of Signatures to Collect (+20%)
26,559 <sup>63</sup>	3,984	5,312

<sup>62</sup>Section 7.1 (b), Broomfield Home Rule Charter

<sup>63</sup>Per canvassing records, there were 26,559 ballots cast in the 2023 Coordinated Election.

A certain percentage of signatures are rejected, typically because the signer was ineligible. As a rule of thumb, staff recommend collecting an additional 20% more signatures than required.

### **2.3.2 Petition Circulators**

There are no requirements to be a circulator other than they must be a US citizen at least 18 years of age. The circulator must be present for each person signing the petition.

### **2.3.3 Petition Signers**

To be a valid signature, the person signing the petition must be a registered voter eligible to vote on the proposed ordinance.

## **2.4 Filing Your Petition and Council Action**

### **2.4.1 Turn in Your Petition**

Notarized petitions are filed with the Elections Division. You must file all petition sections at once: you may not turn in additional sections later.

Each section must be notarized in the presence of the circulator. You may have them notarized in advance or notary services are available at the George Di Ciero City and County Building. Please let us know in advance if you will need notary services.

- The circulator must be present to sign in front of the notary.
- The notarization date should be the same as the signer date.
- No additional voters may sign the petition section once it has been notarized.

Allow for time to check in your petition sections, especially if you need notarization. Staff will complete an initial check for patent defects and/or disassembly and also number each section serially. Staff and a petition representative will sign a receipt affirming the total number of sections filed.

### **2.4.2 Petition Review**

The Elections Division has 10 days to review your petition. Petitions are reviewed on a first-come, first-serve basis if more than one group is circulating petitions for different ballot questions.

**Immediately upon receipt, the Elections Division will check for the following:**

- Only the approved petition form was used.
- Petition sections are intact (no staples removed).
- Circulator affidavits are complete and notarized by a current notary.
- The circulator affidavit is signed the same date as the notary.

**Individual signature lines will be rejected if:**

- The signature line is incomplete;
- The signer is not a registered Broomfield voter, as shown in the statewide voter registration database;
- The signer dated their entry before the circulation period began or after the section was notarized; or
- The person signed the petition more than once (the first signature will still count).

If your petition is insufficient, you may obtain additional signatures and refile your petition within 10 days after such insufficiency is declared. The Clerk then has an additional 5 business days to review your amended petition.

### **2.4.3 City Council and Ballot Title Setting**

If the petition is sufficient, the Clerk will notify City Council. Council then has 30 days to determine whether to adopt the proposed ordinance or place it on the ballot. The ballot language is the same as the language provided on your petition.

City Council's regular meetings are the second and fourth Tuesdays of the month at 6:00 p.m. at the George DiCiero City and County Building. You may provide public comment in writing to City Council prior to the meeting, or you may speak to Council during the public comment period of their meeting.

## **2.5 Protests<sup>64</sup>**

Any registered Broomfield voter may file a protest in writing, under oath, within 40 days after your petition is filed.

The protest must state the specific grounds for the protest, which may include, but shall not be limited to, the failure of any portion of a petition or circulator affidavit to meet the requirements of this article. Individual signatures may be challenged but only if identified by section and line number.

The Clerk will mail a copy of the protest to the petition representatives and the protester, setting a time for a hearing within 20 days. The Clerk or other hearing officer, as determined by City Council, will conduct the hearing which includes hearing testimony under oath and subpoenaing witnesses if needed.

The hearing must be completed within 60 days of the petition filing and a determination issued by the hearing officer within 5 days of the conclusion of the hearing.

Protest hearings do not stop the process from moving forward. Even if a protest is filed, staff will continue reviewing signatures, issuing statements of sufficiency or insufficiency, etc.

# Appendix A. Definitions

An **amendment** is a change to the Home Rule Charter.

A **ballot issue** (also called a TABOR issue) is a proposal to increase taxes, debt or revenue in order to fund specific programs or public improvements. The Colorado Constitution requires an election be held before any government in Colorado may raise taxes, debt or revenue.

A **ballot question** is a proposal to amend the Broomfield Municipal Code or Broomfield Home Rule Charter.

The **ballot title** is the language that is printed on the ballot and consists of a submission clause and title.

**City Council** is the governing body for Broomfield. City Council has the authority to adopt local laws, ordinances, resolutions and rules for the residents of Broomfield. City Council is comprised of 10 elected members (2 from each of the 5 wards) and the Mayor.

The **City and County Clerk and Recorder** is responsible for the Elections Division, Motor Vehicle Division, Recording Division, and the City Clerk.

The Broomfield **Home Rule Charter** (Charter) establishes Broomfield as a city and county and defines the specific authorities of City Council and administrators. The Charter also sets forth guidelines and processes for legislation, financing, and providing specific services within Broomfield.

An **initiative** is a ballot issue/question that is placed on the ballot by the public using the petition process.

The Broomfield **Municipal Code** is the official set of rules and laws specific to the City and County of Broomfield.

An **ordinance** is a change to the Municipal Code.

A **referendum** is a ballot issue/question that is placed on the ballot by an act of City Council.

A **submission clause** means the language that is attached to the title to form a question that can be answered by “yes” or “no.”

The **title** is a brief statement that fairly and accurately represents the true intent and meaning of the proposed amendment or ordinance.

# Appendix B. Computation of Time

When trying to determine due dates, use the following standard rules.

- Assume that “day” means calendar day. Weekends and holidays should be included when counting days unless the law specifies “business days” or “working days.”
- When counting forward, the starting day is considered day 0 and the following day is considered day 1.
- When counting backwards, the due date is considered day 0 and the first previous day is considered day 1.

## Example 1. Counting Forward

You turn in your petition for approval as to form on a Monday. The Clerk has 5 working days to respond. Because the law specifies “working days,” you do not count weekends or holidays in your computation. The Clerk must respond no later than the following Monday.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	Day 0; turn in petition for approval	Day 1	Day 2	Day 3	Day 4	Non-working day; do not count.
Non-working day; do not count.	Day 5; deadline for Clerk to respond					

## Example 2. Counting Backward

The Primary Election is on a Tuesday and in-person voting must open 8 days prior to Election Day. The law does not specify working days and so you count weekends and holidays in your computation. In-person voting must be open no later than the Monday one week prior.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	Day 8. In-person voting begins	Day 7	Day 6	Day 5	Day 4	Day 3
Day 2	Day 1	Election Day. Count as day 0.				

What if the deadline falls on a weekend or holiday?

Unless specified otherwise, if the deadline falls on a weekend or holiday, you would move the deadline to the next business day.

Do deadlines mean “by close of business” or “by midnight?”

Unless specified otherwise, deadlines mean “close of business,” which is 5:00 p.m. on weekdays.

# Appendix C. References

**Colorado Constitution - Article V - Legislative Department**  
Section 1 (9) - General Assembly - Initiative and Referendum

**Colorado Revised Statutes - Title 31 - Government - Municipal**  
Article 2, Sections 210, 211, and 219 through 225  
Article 11 - Municipal Initiatives, Referenda and Referred Measures

**Broomfield Home Rule Charter**  
Chapter VII - Initiative and Referendum