

**CITY OF ENGLEWOOD**

**NOTICE OF APPROVAL  
OF A BILL FOR AN ORDINANCE**

On the 6th day of April 2026, the City Council of the City of Englewood, Colorado, approved on first reading the following Council Bill:

**BY AUTHORITY  
COUNCIL BILL NO. 26  
INTRODUCED BY  
COUNCIL MEMBER PRANGE**

A BILL FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, ADDING NEW CHAPTERS TO ENGLEWOOD MUNICIPAL CODE TITLE 1; CHAPTER 12, "RECALL FROM OFFICE", CHAPTER 13, "INITIATIVE AND REFERENDUM", CHAPTER 14, "CHARTER AMENDMENT INITIATIVES", AND CHAPTER 15, "PETITION REQUIREMENTS"; AND REPEALING EMC § 1-8-8 ON THE SAME SUBJECT.

Copies of the aforesaid council bill are available for public inspection in the office of the City Clerk, City of Englewood, Civic Center, 1000 Englewood Parkway, Englewood, Colorado 80110 or it can be found at <http://www.englewoodco.gov>, Government, Legal/Public Notices.

PUBLISHED: April 8, 2026  
Official Website of the City of  
Englewood, Colorado

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2026

COUNCIL BILL NO. 26  
INTRODUCED BY COUNCIL  
MEMBER \_\_\_\_\_

**A BILL FOR**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, ADDING NEW CHAPTERS TO ENGLEWOOD MUNICIPAL CODE TITLE 1; CHAPTER 12, “RECALL FROM OFFICE”, CHAPTER 13, “INITIATIVE AND REFERENDUM”, CHAPTER 14, “CHARTER AMENDMENT INITIATIVES”, AND CHAPTER 15, “PETITION REQUIREMENTS”; AND REPEALING EMC § 1-8-8 ON THE SAME SUBJECT.**

WHEREAS, the City of Englewood, Colorado, (“Englewood” or the “City”), is a home rule municipality, organized and existing under Article XX, Section 6 of the Colorado Constitution; and

WHEREAS, the City completed a review and analysis of Englewood Municipal Code (“EMC” or “Code”) and Charter provisions, along with State laws concerning the “reserved powers”: recall, initiative and referendum and Charter amendments, and now desires to make amendments to the Code to improve transparency and ease of use; and

WHEREAS, these Code amendments are intended to streamline, clarify and simplify the reserved powers processes and City Code provisions, for the benefit of the public and City staff alike; and

WHEREAS, the processes for exercise of the initiative, referendum, recall and initiation of Charter amendments are presently located throughout State statutes, the City Charter and City Code; and

WHEREAS, it would simplify these processes for the benefit of the public and City staff alike if they were made consistent, and located, to the extent possible, in one place in the City Code; and

WHEREAS, one aspect of providing a simplified process in the City Code is importing into the Code various provisions located in the Charter, and cross referencing State law where appropriate; and

WHEREAS, another major way that simplification of these processes may be accomplished is by providing a uniform petitioning process for all of the reserved powers reserved powers; and

WHEREAS, the proposed ordinance is intended to clarify and simplify the exercise of these reserved powers for the benefit of Englewood citizens; every effort has been made to preserve and facilitate, rather than diminish these powers reserved to Englewood voters, and

WHEREAS, the City Council has reviewed the proposed amendments and additions and has determined that such amendments and additions to City Code are in the best interest of the public health, safety, and welfare and desires to adopt the same.

**THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO:**

**Section 1.** The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of City Council.

**Section 2.** The Englewood Municipal Code is hereby amended by the addition of the following new Chapters of Title 1: Chapter 12, “Recall”; Chapter 13, “Initiative and Referendum”; Chapter 14, “Charter Amendment Initiatives”; and Chapter 15, “Petition Requirements, Circulation and Review of Petitions” as follows:

**Chapter 12. Recall**

**1-12-1:-Generally.**

A. *Authority.* Pursuant to Section 34 of the Englewood Charter, any elected officer of the City may be recalled from office through the procedure and in the manner provided for in this Chapter and in Title 1 Chapter 15, which procedure shall be in addition to any other method of removal from the office provided by law.

B. *Relation to State law.* This Chapter, in conjunction with Chapter 15, is intended to describe how a recall will be conducted in the City of Englewood. It is the intention of Council that the specific provisions of the City Charter and this Code shall supersede State law where applicable; State law may provide guidance to the extent not inconsistent with such specific provisions.

**1-12-2: - Commencement of the recall.**

A. To initiate a recall, one or more registered electors who would be entitled to vote for the successor of the incumbent sought to be recalled shall file with the City Clerk, a notarized affidavit of not more than 200 words stating the reasons for the recall of the elected officer sought to be removed.

B. The City Clerk shall, within 48 hours after the filing of said affidavit, mail a copy of said affidavit, by certified mail, to the elected officer sought to be recalled. Within 10 days of mailing, the elected officer may file with the City Clerk and those filing the affidavit a sworn statement of not more than 200 words in defense of the charges made against the officer, along with any request to include the defense statement in the recall petition.

**1-12-3: - Signature requirements.**

The recall petition must be signed by registered electors of the City entitled to vote for the successor of the recalled officeholder. The number of such signatures must be at least 25 percent of the entire vote cast at the last preceding municipal election for all the candidates for the subject officeholder’s position.

**1-12-4: - Circulation of recall petition.**

- A. The recall petition shall be filed with the requisite information and signatures with the City Clerk within sixty (60) days after approval of the petition as to form by the City Clerk, pursuant to Title 1, Chapter 15. Failure to file a petition within this period shall render the recall petition null and void.
- B. The recall petition shall be approved, circulated and reviewed as provided in Title 1, Chapter 15 of this Code.

**1-12-5: - Setting election date; ballot content.**

- A. *Date of election; electors entitled to cast ballots.* If said petition is timely filed and meets all requirements of Charter and this Code, the Council shall hold a recall election within sixty (60) to one hundred twenty (120) days after filing of the petition. The recall election shall be held in conjunction with any general municipal election, a special municipal election or a general state election held during this time period, if applicable. .An election on a petition pursuant to this Chapter may only be conducted as part of a coordinated election if the content of the ballot is finally determined by the date for certification of the ballot content for the coordinated election to the county clerk.
- B. At such recall election, the question of the proposed recall of the elected officer shall be submitted to the registered electors who would be entitled to vote for the successor of the incumbent sought to be recalled.
- C. *Contents of ballot.* The official ballot shall state: "Shall (name of person against whom recall petition is filed) be recalled from office of (title of office)?" Following such question shall be words "yes" and "no".
- D. *Consequence of recall.* If an officer is recalled by a majority vote of those voting on the question, the office shall be deemed vacant and shall be filled at an election called by Council within 60 to 120 days after the recall election. The election shall be held in conjunction with any general municipal election, a special municipal election, or a general state election held during this time period, if applicable.

**1-12-6: - Resignation; cancellation of election.**

- A. If a public officeholder sought to be recalled resigns prior to certification of the ballot, it shall be accepted, and the vacancy shall be filled as provided in Section 28 of the City Charter. If a public officeholder resigns after a petition seeking their recall has been filed, that individual will be ineligible to serve on the Council until the next regular municipal election is held.
- B. The City Clerk shall cancel the election if each public officeholder sought to be recalled resigns prior to certification of the ballot.
  - 1. Notice of such cancellation shall be published in the same manner as Ordinances; notice of such cancellation shall be physically posted at the same location as City Council meeting notices and electronically on the City's website.
- C. If more than one public officeholder is sought to be recalled at a scheduled recall election and one or more, but fewer than all, resigns prior to certification of the ballot, the City Clerk shall ensure the election ballot reflects only the officeholder(s) that did not so resign.

**1-12-7: -Limitations on recall petitions.**

- A. No recall petition shall be circulated or signed against any public officeholder until they have held office for at least six months or if the office is up for re-election within six months.
- B. After one recall petition, no further petition shall be filed against the same public officeholder during the term for which they were elected or appointed unless the number of petitioners signing the petition equals at least 50 percent of all ballots cast for that office at the last-preceding regular municipal election.

**Chapter 13. Initiative and Referendum**

**1-13-1: - Initiative and referendum petitions—Generally.**

- A. *Measure in ordinance form.* All proposed initiative or referred measures shall be presented in ordinance form, that complies with all requirements of City Charter, this Code, and other applicable law.
- B. *Authority and scope of initiative power.* The initiative power, reserved by Article V, Section 1(9) of the Colorado Constitution and Sections 45 and 46 of the City Charter, may be exercised by registered electors of the City as to City legislation that is subject to the initiative power reserved in said Constitution.
- C. *Authority and scope of referendum power.* The referendum power, reserved by Article V, Section 1(9) of the Colorado Constitution and Section 47 of the City Charter, may be exercised by the registered electors of the City as to those ordinances that are subject to the referendum power reserved in said Constitution.
- D. *Petitioning process.* An initiative or referendum petition shall be approved, circulated and reviewed as provided in Chapter 15 of this Code.

**1-13-2:- Commencement of initiative or referendum; written notice; petitioner's committee.**

- A. No less than three nor more than five electors may commence initiative or referendum proceedings by filing written notice with the City Clerk stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating the electors' names, phone numbers and addresses, including e-mail addresses, specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.
- B. The City Clerk shall, upon receipt, provide a copy the text of any proposed initiative to the City Attorney. The City Attorney may, within 5 business days thereafter, provide to the petitioners' committee written suggestions or questions concerning the interpretation or operation of the proposed initiative. The City Attorney may suggest changes in the text of the proposal in order to clarify its meaning or facilitate its operation, if adopted.

**1-13-3: - Initiative Process.**

- A. *Time for filing.* A petition for an initiative ordinance shall be filed with the City Clerk not later than 180 days from the date the petition has been approved as to form but at

least 90 days before the next state or municipal general election, pursuant to the provisions of Title 1, Chapter 15. An election on a petition pursuant to this Chapter may only be conducted as part of a coordinated election if the content of the ballot is finally determined by the date for certification of the ballot content for the coordinated election to the county clerk. The City Clerk shall not accept any untimely-filed petition.

B. *Number of signatures.* To be considered at a special election, the number of registered electors of the City signing the initiative petition must be at least ten percent (10%) of City voters in the preceding gubernatorial election. To be considered at the next general municipal or state election, the number of registered electors of the City signing the initiative petition must be at least five percent (5%) of City voters in the preceding gubernatorial election.

C. *Referral to Council, election.* Within 30 days of receiving final determination of initiative petition sufficiency from the City Clerk, the Council shall:

1. Pass said ordinance without alterations, subject to the referendum;
2. Call a special municipal election for the City electors to consider the ordinance under Section 14 of the City Charter, held within 60 to 150 days after final determination of petition sufficiency; or
3. Submit consideration of the ordinance by the City electors at a general municipal or state election, or special municipal election, occurring within 90 days after final determination of petition sufficiency.

D. *Form of question on the ballot.* The ballot question on an initiated ordinance shall be the ballot title under EMC § 1-15-10 followed by the words "yes" and "no".

E. *Election results.* If a majority of the registered electors voting approve the initiated ordinance, it shall take effect by operation of law upon certification of the election results.

#### **1-13-4: - Referendum Process.**

A. *Time for filing.* A petition for a referendum shall be filed with the City Clerk at least 30 days following the final passage of an ordinance to which the referendum is applicable. The referendum shall apply to all legislative ordinances passed by the City Council, except ordinances making the tax levy, the annual appropriation ordinance, or the ordering of improvements initiated by petition and to be paid for in whole or part by special assessments.

B. *Number of signatures.* The number of registered electors of the City signing the referendum petition must be at least ten percent (10%) of City voters in the preceding gubernatorial election.

C. *Petition contents, effect.* The petition shall contain a statement protesting a specified ordinance going into effect. If a referendum petition is timely filed, the ordinance or part thereof protested against shall be suspended from taking effect. Such suspension shall terminate when:

1. There is a final determination of insufficiency of the petition, under EMC § 1-15-11; or
2. The petitioner's committee withdraws the petition; or
3. The Council repeals the ordinance, under EMC § 1-13-4; or
4. Thirty days have elapsed after a favorable vote by City electors on the ordinance.

D. *Referral to Council, Election.* Within 30 days of receiving final determination of referendum petition sufficiency from the City Clerk, the Council shall reconsider the ordinance. If the ordinance is not entirely repealed, City Council shall submit it to a vote of the

electors of the City under EMC § 1-13-3(C) and Section 14 of the City Charter. An election on a petition pursuant to this Chapter may only be conducted as part of a coordinated election if the content of the ballot is finally determined by the date for certification of the ballot content for the coordinated election to the county clerk.

Should a majority of electors vote in favor of the ordinance, it shall then go into effect without further publication.

E. *Form of Question on the ballot.* The ballot question on a referendum shall briefly describe the impact of the ordinance, and then state: "Shall Ordinance [number and title] be approved. A 'yes' vote means the ordinance as adopted by Council is in effect and a 'no' vote means the ordinance as adopted by Council is rejected."; followed by the words "yes" and "no".

F. *Election results.* Upon certification of the election results and by operation of law, if a majority of the registered electors voting:

1. Vote "yes", the ordinance shall be effective; or
2. Vote "no", the ordinance shall be repealed in its entirety.

#### **1-13-5: - Publication.**

A voter-approved initiated ordinance shall be published in like manner as other ordinances.

#### **1-13-6: - Referral by Council.**

A. The City Council shall have the power to submit any proposed or adopted ordinance or any question to a vote of the registered electors of the City without the receipt of a petition. Submission by City Council shall be by resolution, except as otherwise required by the City Charter or other applicable law.

B. The City Council shall have the right to revive, repeal, amend, or pass any ordinance submitted to a vote of the City electors by the Council upon its own initiative.

C. Initiative and referendum ordinances and amendments thereto shall be referred to the registered electors by resolution.

#### **1-13-7: - Conflicting provisions.**

Alternative ordinances may be submitted at the same election, and if two or more conflicting ordinances are approved by the people, the one which receives the greatest number of affirmative votes shall be adopted in all particulars as to which there is a conflict.

## **Chapter 14. Charter Amendment Initiatives**

#### **1-14-1: - Charter amendment initiative petitions - Generally.**

A. *Authority.* The provisions of this Chapter are intended to implement Section 8 of the City Charter and supplement State statutory provisions providing for Charter amendments which are set forth in the Municipal Home Rule Act of 1971, located at C.R.S. § 31-2-210, as amended from time to time, except that the process for approving, circulating and verifying a Charter amendment initiative petition shall be pursuant to Title 1 Chapter 15 of this Code, rather than pursuant to said State law.

B. *Measure in ordinance form.* All proposed Charter amendments shall be presented in ordinance form, whether initiated by citizen petition or referred to the ballot by the City Council.

C. *Time for filing.* A petition for a Charter amendment initiative ordinance shall be filed with the City Clerk not later than 90 days from the date the petition has been approved as to form, under Title 1, Chapter 15 of this Code. An election on a petition pursuant to this Chapter may only be conducted as part of a coordinated election if the content of the charter amendment ballot is finally determined by the date for certification of the ballot content for the coordinated election to the county clerk. The City Clerk shall not accept any untimely petition. A petition for a Charter amendment initiative ordinance shall be placed upon the ballot at either a regular or special municipal election subject to all constitutional, statutory, and municipal ordinance deadlines having been met.

D. *Signatures required.*

1. *Regular election.* A petition to submit an amendment at the next municipal or state-wide general election must specify the date of the election at which they wish their amendment to be voted upon and be signed by at least five percent (5%) of the registered electors of the City of Englewood registered on the date of filing the statement of intent and must be filed with the City Clerk at least 90 days prior to the date of said general election.

2. *Special election.* A petition to submit an amendment at a special election must be signed by at least ten percent (10%) of the registered electors of the City of Englewood registered on the date of filing the statement of intent and must be filed with the City Clerk at least 90 days prior to the approximate date of the special election stated in the petition.

#### **1-14-2: - Commencement of the Charter amendment initiative process.**

The petition process shall be commenced by filing with the City Clerk a written statement of intent to circulate a petition, signed by at least five registered electors of the City, as provided in C.R.S. § 31-2-210(1)(a)(I), as amended from time to time.

#### **1-14-3. Referral by Council; Election.**

The City Council shall, within 30 days following the City Clerk's final determination of petition sufficiency pursuant to EMC § 1-15-11, publish notice of an election upon the amendment, which notice shall contain the full text of the amendment as contained in the petition. The election shall be held not less than 60 nor more than 120 days after publication of such notice. If the amendment is sought to be submitted at a special election, the election shall be held as near as possible to the approximate date stated in the petition, but in any event shall be held within the time limits stated in this section.

### **Chapter 15. Petition Requirements; Circulation and**

#### **Review of Petitions.**

##### **1-15-1: -Applicability of Chapter**

This Chapter applies to all citizen petitions for recall, Charter amendment, initiative, and referendum. The method of calculating time established by EMC § 1-3-3 shall apply to this Title, and Chapter.

### **1-15-2: - Definitions.**

As used in this Chapter unless the context otherwise requires:

- A. “Ballot title” means the language that is printed on the ballot that is comprised of the submission clause and the title, as described in EMC § 1-15-10.
- B. “Final determination of petition sufficiency” means the occurrence of one of the events described in EMC § 1-15-9.
- C. “Petition section” means the stapled or otherwise bound package of documents described in EMC § 1-15-3(E).
- D. “Submission clause” means the language that is attached to the title to form a question that can be answered by “yes” or “no”.
- E. “Title” means a brief statement that fairly and accurately represents the true intent and meaning of the proposed initiative, referendum, or referred measure.

### **1-15-3: - Petition Requirements**

A. *Form of Petition Prepared by City.* The City Clerk shall prepare the petition form. The form shall include the following to be printed in plain block letters no smaller than the impression of ten-point type:

- (1) A warning, as follows:

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 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.

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

- (2) space to insert the summary of an initiated or referred measure or Charter amendment;
  - (3) space to insert the name, street address and email address of the petition representatives;
  - (4) space to insert the full text of an initiated or referred measure, Charter amendment; or for a recall petition, the full recall statement and response of the public officeholder, if any;
  - (5) signature lines numbered consecutively; and
  - (6) notarized affidavit of petition circulator.
- B. *Petition Representatives.* Each petition shall designate by full legal name, street address and email address not fewer than three nor more than five persons who are registered electors to represent the petition and its signers from the time of submittal of the notice of intent, or

affidavit in the case of a recall election, to final disposition of the petition. In a recall election, the petition representatives must be entitled to vote in the recall election, if such election is held.

C. *Statement of Intent or Recall Affidavit.* Petition representatives shall submit to the City Clerk a statement indicating their intent to circulate a petition for initiative, referendum, or Charter amendment or, in the case of a recall, an affidavit to commence a recall, as provided in EMC § 1-12-2. The statement of intent shall be accompanied by a proposed ordinance for initiative or Charter amendment, and may include a proposed summary of said ordinance containing 200 words or less. Any summary shall be true and impartial and shall not be an argument, or likely to create prejudice, either for or against the measure.

D. *Clerk's initial review of form of petition; summary.* Within ten days of receipt of the completed statement of intent or recall affidavit, form petition, and if applicable, the ordinance, the City Clerk shall take the following actions:

1. *Written determination.* The Clerk, after consultation with the City Attorney and such other City officials that the Clerk deems necessary, shall issue a written determination whether the proposed petition and accompanying documents meet the requirements of this Chapter. The Clerk shall reject filings that do not comply with this Title, and for a proposed initiative or referendum petition or a section of said petition, on the grounds that the petition or a section of the petition does not propose municipal legislation pursuant to Article V, Section 1(9) of the Colorado Constitution.

2. *Summary.* For petitions for initiated or referred measures or Charter amendments, if the Clerk approves the form of the petition, the City Clerk shall prepare a summary of the proposed measure to be placed on the petition. 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 City Clerk may consider all or a portion of a summary submitted by the petition representatives.

3. *Full text.* The full text of a proposed initiated measure or ordinance that is the subject of a referendum petition shall be printed following the summary on the first page or pages of the petition section that precede the signature page, without any exhibits that may be a part of said ordinance, and clearly identifying the protested portions if only a partial repeal is sought. In the case of an ordinance exceeding five (5) pages in length, a fair and accurate summary of the ordinance, prepared by the City Clerk in consultation with the City Attorney will replace said ordinance, notwithstanding subsection A, 4 of this section.

4. *Petition form.* Following the Clerk's approval of the petition as to form, the Clerk will provide the petition representatives with the final form of the petition. In the instance of recall petitions, the City Clerk shall provide the petition representatives with the final form of the petition within five business days of the receipt of the public officeholder's response, if any.

E. *Ballot Title and Submission Clause.*

1. If the City Clerk determines that a proposed petition meets the requirements of this Chapter, a committee of the City Clerk or designee, the City Attorney or designee, and a third party with significant expertise in elections chosen by the City Clerk and City Attorney shall prepare a ballot title for the proposed measure.

2. In fixing the ballot title, the committee shall consider the public confusion that might be caused by misleading titles and shall, whenever practicable, avoid titles for which the general understanding of the effect of a “yes” or “no” vote would be unclear. The ballot title shall not conflict with those titles selected for any other measure that will appear on the municipal ballot in the same election. The ballot title shall correctly and fairly express the true intent and meaning of the measure.

3. A copy of the ballot title and submission clause shall be provided to the petition proponents with the Clerk’s written determination that a petition meets the requirements of this Chapter and shall be posted on the City’s website, together with the text of the proposed petition.

#### F. Ballot Title Protest.

1. If any City registered elector believes that the ballot title or submission clause do not correctly and fairly express the true intent and meaning of the proposed measure, that person may, within seven days after the ballot title is posted on the City’s website, file a protest with the City Clerk.

2. The City Clerk shall appoint an independent hearing officer to conduct the hearing who shall not be an officer, employee, or agent of the City, and who shall not have any relationship with the petition representatives or protestants.

3. The protest hearing shall comply with Title 1 Chapter 10 of this Code applicable to quasi-judicial hearings.

4. The burden of proof at the protest hearing shall be on the protesters by a preponderance of the evidence.

5. At the protest hearing, the City will defend the ballot title and submission clause.

6. The protest hearing shall be concluded and a decision by the appointed hearing officer rendered no later than seven days after the conclusion of the hearing. The petition representatives and protest representatives shall be notified of the result of the hearing. The result of such hearing shall be emailed to the petition representatives and protest representatives.

7. No petition may be circulated or signed until after (a) the date by which a protest under paragraph 1 of this subsection F must be filed, or (b) the conclusion of such a protest, whichever is later.

G. *Petition sections.* Petitions shall be circulated in sections. Each section must contain all of the requirements of this Chapter. All sections of any such petitions shall be prenumbered serially with all pages securely fastened, and the circulation of any petition described by this Chapter by any medium other than personally by a circulator is prohibited. If the text of the proposed initiated or referred measure or Charter amendment or recall statement 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. Any petition section that fails to conform to the requirements of this Chapter or that is circulated in a manner other than that permitted in this section shall be invalid.

**1-15-4: - Signature Requirements.**

A. Petitions may be signed only by registered electors. Each registered elector shall sign their own signature, after which they shall print their name; place of residence, including house or apartment number, street address, and city; and the date of signing the petition. Signatures which do not contain all of the information required by this Chapter shall be considered invalid. Signatures prior to the City Clerk's approval of the form of the petition or after submittal of the petition shall be invalid.

B. In the event a registered elector is physically disabled or is illiterate and wishes to sign the petition, the elector shall sign or make their mark in the space so provided. Any person, but not a circulator, may assist the disabled or illiterate elector in completing the remaining information required by this Section. The person providing assistance shall sign their name and address and shall state that such assistance was given to the disabled or illiterate elector.

C. *Withdrawal of signatures.* Any registered elector who signs a petition may withdraw their signature from the petition by filing a written request with the City Clerk. The withdrawal request must be filed before the initial determination of sufficiency is issued. Withdrawn signatures shall not count towards the determination of sufficiency.

**1-15-5: - Initial Determination of Sufficiency of Petition.**

A. Not later than 20 days from the date of filing of the signed petition, the City Clerk shall issue a written initial determination as to its sufficiency. If it fails to comply with the requirements of this Title or other applicable law and therefore is insufficient, the Clerk shall specify the particulars wherein it is defective and shall promptly send a copy of the certificate to each member of the petitioners committee by email and/or certified mail.

B. The City Clerk shall disqualify the signatures of the individuals in the following categories:

1. The address of the signer is a Post Office box or is not located within the City limits; or for a recall petition of a ward Council Member, is not located within the ward which the Council Member represents.
2. An address is illegible, making it impractical to verify location as being within the City.
3. A signature appears on the petition more than once. In such event all signatures of the individual shall be disqualified.
4. More than one individual signs on the same signature line. In such event, only the first signature on the line shall be deemed valid.
5. Any incomplete, missing or crossed-out information including name, signature or address (e.g., omitted designation of street, avenue, drive, court, place, way, or unit number), resulting in information that cannot practically be verified.
6. An address that can be applied to more than one resident with the same name at that address.
7. Failure to be a registered elector at the address listed on the petition.
8. The date is omitted or incomplete, or inappropriate. The omission of a year in the date shall not constitute an incomplete date.
9. The use of ditto marks as a substitute for any required information.
10. Illegible signature or printed name, or a signature that is different than the printed name.

11. Any other basis provided for rejection of a petition signature by the Colorado Secretary of State.
- C. *Disqualification of Petition Sections.* The City Clerk shall disqualify all signatures on any section of a petition that:
1. Does not have attached thereto the notarized affidavit required by this Chapter.
  2. Has evidence of being disassembled and/or reassembled in a manner that has the effect of separating the affidavit from the signature page or pages.
  3. Has a signature added to the section before approval of the final form by the City Clerk or after the affidavit has been executed.
  4. Has an incomplete or defective circulator affidavit attached, including lack of all required information, notary commission is expired or missing, affidavit is unsigned, or notary clause dated differently than circulator signature.
- D. *Signatures to be excluded from determination of sufficiency.* The City Clerk shall not include in a determination of sufficiency any signature on the petition:
1. That does not contain all of the elements required.
  2. For which the signer has submitted a valid withdrawal request.
  3. That does not comply with this Chapter or other applicable law.

**1-15-6: -Protest of Initial Determination of Sufficiency.**

- A. A protest concerning the sufficiency of signatures, in writing, under oath, may be filed with the City Clerk by any registered elector of the City, not later than 10 business days after the Clerk has issued an initial determination of sufficiency. The protest shall include the full legal name and address of the protester with an email address for all communication related to the protest. The protest must set forth with particularity the grounds of such protest, including a list of violations of this Title and if applicable, the names protested. Within five days of receiving a protest meeting the requirements of this Chapter, the City Clerk shall send via email and/or US Mail a copy of such protest to the petition representatives and/or to the protest representatives, together with a notice fixing a time for hearing not less than five nor more than 20 days after the date of mailing.
- B. The City Clerk shall not accept any protest filed prior to issuing the initial determination of sufficiency of the petition. The City Clerk shall reject any protests that do not meet the requirements of this Chapter.
- C. Upon the filing of any protest with the City Clerk, all proceedings upon the petition shall be suspended until final disposition of such protest. If an election is thereafter required to be held, the period of time required for protest procedures shall not be included in the computation of time periods under this Chapter, and any such periods shall be extended by the time required for such procedures.

**1-15-7: - Hearing of Protest to Initial Determination of Sufficiency.**

- A. The City Clerk may appoint an independent hearing officer to conduct the hearing who shall not be an officer, employee, or agent of the City, and who shall not have any relationship with the petition representatives or protestants.
- B. The protest hearing shall be open to the public, and all testimony shall be under oath. The hearing may be in person, or via interactive video medium. The City Clerk or appointed hearing officer shall have the power to issue subpoenas to compel the attendance of witnesses

and the production of documents and to receive all testimony and documentary evidence before rendering a decision on the protest. Upon failure of any witness to obey the subpoena, the City Clerk or appointed hearing officer may petition the municipal court for an order compelling the witness to appear and testify or produce documentary evidence. The burden of proof at the protest hearing shall be on the protesters by a preponderance of the evidence.

C. The protest hearing shall be concluded and a decision by the City Clerk or appointed hearing officer rendered no later than 10 days after the conclusion of the hearing. The petition representatives and protest representatives shall be notified of the result of the hearing. The result of such hearing shall be emailed to the petition representatives and protest representatives. The City Clerk or appointed hearing officer may call upon the City Attorney's office to provide legal advice during the hearing.

**1-15-8: - Cure.**

A. If a petition is determined not sufficient in the Clerk's written initial determination or the Clerk's or hearing officer's post-hearing written determination, the petition may be withdrawn by a majority of the committee and, within 15 days after a determination that the petition is not sufficient, may be amended by the addition of any required information relating to the original signers of the petition or the attachment of proper circulator affidavits and refiled as an original petition.

B. Any petition amended and refiled as provided in this subsection may not again be withdrawn and refiled.

C. The City Clerk shall issue a written initial determination that a refiled petition is sufficient or not sufficient within seven days after the petition is filed. The Clerk's written initial determination as to a refiled petition will become final if no protest is filed within nine days of the date on which the petition was refiled, and any hearing shall be conducted as provided in this Chapter.

**1-15-9: - City Clerk's final determination of sufficiency.**

A. The City Clerk shall promptly present to City Council a certificate of final determination as to sufficiency if a petition or amended petition:

1. is certified sufficient; or
2. if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend the petition within the time permitted; or
3. the time for filing a protest pursuant to EMC §1-15-6 has passed without a protest being filed; or
4. a protest pursuant to EMC §1-15-7 has concluded that the petition is sufficient.

B. *Court review: new petition.* A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

**1-15-10: - Presentation of petition to Council; Setting ballot title.**

As soon as practicable following the final determination of sufficiency, the City Clerk shall present the petition to the City Council at a regular or special meeting.

**1-15-11: - Unlawful acts.**

It is unlawful for any person to:

- A. Willfully and knowingly circulate or cause to be circulated or sign or procure to be signed any petition bearing the name, device, or motto of any person, organization, association, league, or political party, or purporting in any way to be endorsed, approved, or submitted by any person, organization, association, league or political party, without the written consent, approval and authorization of such person, organization, association, league or political party.
- B. Sign any name other than their own to any petition, or knowingly sign their name more than once for the same petition.
- C. Knowingly sign any petition if they are not at the time of signing a registered elector of the City or sign a recall petition if the signer is not registered to vote for the public officeholder to be recalled. -
- D. Sign an affidavit as circulator without knowingly or reasonably believing the statements made in such affidavit are true.
- E. Certify that an affidavit attached to a petition was subscribed or sworn to before the affiant, unless it was so subscribed and sworn to before the affiant.
- F. Directly or indirectly pay to or receive from or agree to pay to or receive from any other person any money or other thing of value in consideration of or as an inducement to the signing of any such petition.
- G. Use deceptive practices when obtaining signatures on any petition.
  - 1. Deceptive practices as used in this section are representations, omissions, or practices that mislead or are likely to mislead a person to obtain their signature.
  - 2. If deceptive practices are used by a person training a petition circulator, the organization conducting the training violates this subsection (G).
  - 3. If deceptive practices are used by the person circulating a petition, the person circulating the petition violates this subsection (G).
- H. Knowingly violate any provision of this Chapter.

### **Section 3. Repeal.**

The provisions of EMC § 1-8-8 are amended by and incorporated into EMC § 1-15-10 above, and therefore EMC § 1-8-8 is hereby repealed in full.

**Section 4.** The following general provisions and findings apply to the interpretation and application of this Ordinance:

**A. Severability.** If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

**B. Inconsistent Ordinances.** All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**C. Effect of repeal or modification.** The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

**D. Safety Clauses.** The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. This Safety Clause is not intended to affect a Citizen right to challenge this Ordinance through referendum under City of Englewood Charter 47.

**E. Publication.** Publication of this Ordinance may be in the City's official newspaper, the City's official website, or both. Publication shall be effective upon the first publication by either authorized method.

**F. Actions Authorized to Effectuate this Ordinance.** The Mayor is hereby authorized and directed to execute all documents necessary to effectuate the approval authorized by this Ordinance, and the City Clerk is hereby authorized and directed to attest to such execution by the Mayor where necessary. In the absence of the Mayor, the Mayor Pro Tem is hereby authorized to execute the above-referenced documents. The execution of any documents by said officials shall be conclusive evidence of the approval by the City of such documents in accordance with the terms thereof and this Ordinance. City staff is further authorized to take additional actions as necessary to implement this Ordinance's provisions.

**G. Enforcement.** To the extent this ordinance establishes a required or prohibited action punishable by law, unless otherwise specifically provided in Englewood Municipal Code or applicable law, violations shall be subject to the General Penalty provisions contained within EMC § 1-4-1.