

# CITIZEN INITIATIVE AND REFERENDUM PROCESS

*Last updated: 3-1-2017*

*The Longmont City Clerk's office has prepared the following information sheet for citizen information and reference. We hope this information is helpful for that purpose. When prepared, it was a concise summary and paraphrase of pertinent requirements and procedures. As a summary, it may omit details that could be important to particular cases or questions. Also, the law may change after this information was prepared. Therefore, use this outline as a general reference only. The initiative and referendum petition processes are somewhat complicated and may involve unresolved questions of law and statutory interpretation concerning constitutional provisions, statutes, City Charter and ordinances. City staff cannot undertake to serve as legal advisors or representatives for any particular citizens, and cannot guarantee legal sufficiency of this information. We encourage anyone embarking on this process to carefully review the pertinent legal provisions and to involve competent legal counsel.*

There are basically two ways to get an issue<sup>1</sup> on the ballot:

- 1) Council can place an item on the ballot by passing an ordinance; or
- 2) Citizens can initiate an ordinance by collecting signatures of registered electors on a petition, which would require that Council call an election for the purpose of voting on the issue.

## **1) COUNCIL PLACES AN ITEM ON THE BALLOT BY PASSING AN ORDINANCE**

Citizens can ask City Council to place an item on the ballot. If Council chooses to do that, an ordinance identifying the issue and establishing the ballot title would be introduced at a regular City Council meeting. A public hearing and second reading on the ordinance would be held at the next regular City Council meeting (usually two weeks after the introduction).

## **2) CITIZENS CAN INITIATE AN ORDINANCE**

This process is more involved than Item 1 but allows citizens the opportunity to pursue a vote by the community on issues that are important to them. The information listed below is only a synopsis of the process. Citizens should refer to the Charter and Ordinances of the City of Longmont and Colorado State Statutes for a full understanding of the applicable laws. If citizens pursuing this avenue are trying to place an item on a scheduled election date, the City Clerk should be contacted for specific deadlines associated with certifying the ballot for that election. A resolution to call a special election will have to be adopted by the City Council if no regular municipal election is scheduled not less than thirty days or within one hundred fifty days from the time the petition is presented to the Council by the City Clerk. [Longmont Charter, §5.4].

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<sup>1</sup> Under CRS § 31-11-106 (1), "The clerk may reject a petition or a section of a petition on the grounds that the petition or a section of the petition does not propose municipal legislation pursuant to section 1 (9) of article V of the state constitution." What constitutes "municipal legislation" is often an uncertain legal question.

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Process Description	Deadline
(a) Submit the form of the petition and the printer's first proof of the petition to the City Clerk for approval. (The standards for the form are outlined in §5.2 of the Longmont Charter and Title 31, Article 11 of the Colorado Revised Statutes)	This starts the process
(b) Clerk approves (or rejects) the form of the petition. (C.R.S. 31-11-106)	Not later than 5 business days after petition proof submitted to Clerk
(c) Once the proof has been approved by the Clerk, petitioners may begin collecting signatures (Longmont Charter, §5.2 requires that all signatures be collected no more than 21 days before submitting the petition to the City Clerk)	
(d) Submit petition to City Clerk.	No later than 21 days after collection of first signature.
(e) City Clerk has 15 days to canvass the signatures to determine if the petition is sufficient. Last day for Clerk to notify petitioners if the signatures are sufficient.	15 days from date in (d) (Longmont Charter, §5.2)
If signatures are insufficient, petitioners have 15 days to correct those signatures.	15 days from notification of insufficiency (Longmont Charter, §5.2)
1) City Clerk allowed additional time to certify the new signatures submitted to correct the original petition.	Timeframe not specified in the statute; must be completed in a timely manner
(f) If petition is found sufficient, it is submitted to the City Council at the next regular Council meeting. City Council has 30 days to adopt the ordinance set forth in the initiative petition or determine to submit the proposal to the electors	Next Council meeting will generally be from 1-20 days from (e) or (e-1) above
(g) City Council sets the election day	Within 60 days of (f) if no election is already

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scheduled not less than  
30 days or within 150  
days from the time the  
petition is presented to  
the Council by the Clerk.  
(Longmont Charter, §5.4)

### **DEADLINE FOR REGULARLY SCHEDULED NOVEMBER ELECTIONS**

Petitioners should check with the City Clerk regarding the deadline to certify the ballot title for regularly scheduled elections in November and work backward from that date to determine the absolute last date that the petitioning process can be started in order to make the ballot.

*For the November 8, 2017 election, the City Clerk must certify the ballot to the County Clerk by no later than Friday, September 8.*

As a general rule for regular November election dates, the initiative petition process should be started no later than the first of June in order to complete all the necessary steps and meet the ballot certification deadline. Starting a petitioning process the later does not allow time for correction of signatures on insufficient petitions or allow adequate time for appeal processes or other unforeseen problems that may arise.

### **IMPORTANT THINGS TO REMEMBER**

- Where the State Statute conflicts with the City's Charter, the Charter takes precedence because Longmont is a Home Rule municipality.
- The form of the petition must conform to State Statutes and must be approved by the City Clerk before circulating the petition.
- All of the signatures must be collected no more than 21 days before submitting the petition to the City Clerk.
- The petition must contain signatures of registered voters only.

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- To be sufficient, the petition must contain the signatures of at least 10% of the registered voters in the last municipal election. **There were 50,458 registered voters in the November 2015 election. Initiative petitions need to contain at least 5,046 valid signatures of registered Longmont voters.**
- Once petition sections are stapled together for collection of signatures, the petitions should not be dismantled for any reason as that may invalidate all signatures on that petition section.

### **ADDITIONAL INFORMATION ATTACHED TO THIS PROCEDURE**

City of Longmont Charter – Article V

State Statutes, Section 31-11-101 through 31-11-118. ***City of Longmont does not guarantee this is the most current version of the Statute, only that it is the version available on the State's Website on the date this information is provided to the petitioner.***

Sample petition

Suggestions to Circulators