

ORDINANCE 8273

AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF BOULDER AT THE MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, THE QUESTION OF AMENDING SECTIONS 39, 46, AND 57 OF THE BOULDER CITY CHARTER TO REQUIRE THE CITY CLERK, TO THE EXTENT REASONABLY POSSIBLE AND SO AS TO ENSURE AUTHENTICITY, COMPARE THE SIGNATURES ON A PETITION TO SIGNATURES WITH THE ELECTION RECORDS OF THE BOULDER COUNTY CLERK OR THE SECRETARY OF STATE; SETTING FORTH THE BALLOT TITLE; SPECIFYING THE FORM OF THE BALLOT AND OTHER ELECTION PROCEDURES; AND SETTING FORTH RELATED DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. A municipal coordinated election will be held in the City of Boulder, County of Boulder and state of Colorado, on Tuesday, November 6, 2018.

Section 2. At that election, a question shall be submitted to the electors of the City of Boulder that will allow voters to consider the following amendment to Sections 39, 46, and 57 of the City Charter to require the city clerk, to the extent reasonably possible and so as to ensure authenticity, compare the signatures on a petition to signatures with the election records of the Boulder County Clerk or the Secretary of State. The material to be added to the Charter is shown by double underlining and material to be deleted is shown stricken through with solid lines.

Section 3. Section 39, 46, and 57 shall be amended to read as follows:

**Sec. 39. - Filing of petition; protest.**

Within the time determined by the city manager, or if none, the time in state law, the city clerk shall ascertain by examination the number of registered electors whose signatures are appended thereto, dated no more than one hundred eighty days prior to the date of filing, and

1 whether this number is at least five percent of the number of registered electors of the city as of  
2 the day the petition is submitted for comment pursuant to section 38B. The clerk shall attach to  
3 said petition a certificate showing the result of said examination. If by the city clerk's certificate,  
4 of which notice in writing shall be given to one or more of the persons designated, the petition is  
5 shown to be insufficient, it may be amended within ten days from the date of said certificate by  
6 filing supplementary petition papers with additional signatures. The city clerk shall make like  
7 examination of the amended petition, and if the clerk's certificate shall show the same to be  
8 insufficient, the city clerk shall file the petition in the clerk's office and shall notify each member  
9 of the committee of that fact. The final finding of the insufficiency of a petition shall not prejudice  
10 the filing of a new petition for the same purpose.

11 When examining the signatures on petitions, the clerk ~~shall~~ may verify signatures to the  
12 extent reasonably possible by comparison with the election records of the Boulder County Clerk  
13 or the Secretary of State and shall compare the signatures as available, and comparison of  
14 signatures on a petition for duplication. The clerk may use facilities of other cities to assist in this  
15 process. Protests of petitions may be made as provided by Colorado law and rules adopted by the  
16 city manager, the Boulder Revised Code but must be submitted by 40 calendar days after  
17 submittal of the petition to the clerk.

#### 18 **Sec. 46. - Certificate of petition.**

19 Within ten days after the filing of the petition the city clerk shall ascertain whether or not  
20 the petition is signed by registered electors of the city to the number of at least ten percent of the  
21 registered electors of the city as of the day the petition was filed, and the clerk shall attach to  
22 such petition a certificate showing the result of such examination. If by the city clerk's certificate  
23 the petition is shown to be insufficient, it may be amended within ten days from the date of said  
24 certificate by the filing of supplementary petition papers with additional signatures. The city  
25 clerk shall within ten days after such amendment make like examination of the amended petition  
26 and certify the result thereof. The City Clerk shall verify signatures to the extent reasonably  
27 possible by comparison with the election records of the Boulder County Clerk or the Secretary  
28 of State.

#### 29 **Sec. 57. - Petition may be amended or new petition made.**

30 Within ten days from the filing of said petition the city clerk shall ascertain by  
31 examination thereof and of the registration books and election returns whether the petition is  
32 signed by the required number of registered electors and shall attach thereto a certificate showing  
33 the result of such examination. The clerk shall, if necessary, be allowed extra help.

34 If the certificate shows the petition to be insufficient, the clerk shall, within five days, so notify  
35 in writing one or more of the persons designated on the petition as filing the same; and the  
36 petition may be amended at any time within ten days from the filing of the certificate. The city  
37 clerk shall, within ten days after such amendment, make like examination of the amended  
38 petition and attach thereto a certificate of the result. If still insufficient or if no amendment is  
39 made, the clerk shall return the petition to one of the persons designated thereon as filing it,  
40 without prejudice, however, to the filing of a new petition for the same purpose. The City

1 Clerk shall verify signatures to the extent reasonably possible by comparison with the election  
2 records of the Boulder County Clerk or the Secretary of State.

3 Section 4. The official ballot shall contain the following ballot title, which shall also be  
4 the designation and submission clause for the measure:

5 **Ballot Question No. \_\_\_\_**

6 **Charter Provisions Related to Signature Verification**

7  
8 Shall Sections 39, 46, and 57 of the City Charter be amended  
9 pursuant to Ordinance 8273 to require the city clerk, to the extent  
10 reasonably possible and so as to ensure authenticity, compare the  
11 signatures on a petition to signatures with the election records of the  
12 Boulder County Clerk or the Secretary of State?

11 For the Measure \_\_\_\_ Against the Measure \_\_\_\_

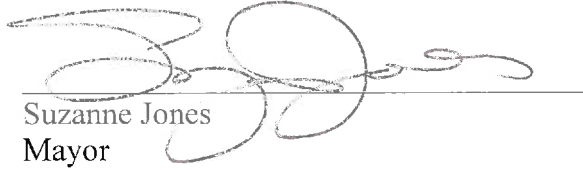
13 Section 5. If this ballot measure is approved by the voters, the Charter shall be so amended,  
14 and the City Council may adopt any necessary amendments to the Boulder Revised Code to  
15 implement this change.

16 Section 6. If any section, paragraph, clause, or provision of this ordinance shall for any  
17 reason be held to be invalid or unenforceable, such decision shall not affect any of the remaining  
18 provisions of this ordinance.

20 Section 7. This ordinance is necessary to protect the public health, safety, and welfare of  
21 the residents of the city, and covers matters of local concern.

22 Section 8. The city council deems it appropriate that this ordinance be published by title  
23 only and orders that copies of this ordinance be made available in the office of the city clerk for  
24 public inspection and acquisition.  
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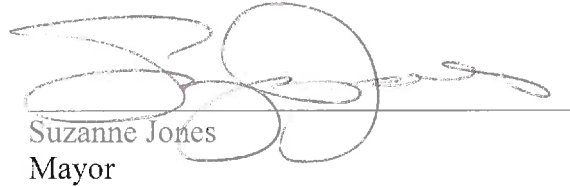
1 INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY  
2 TITLE ONLY, this 19<sup>th</sup> day of June 2018.

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5   
Suzanne Jones  
Mayor

6 Attest:

7  
8   
9 Lynnette Beck  
City Clerk

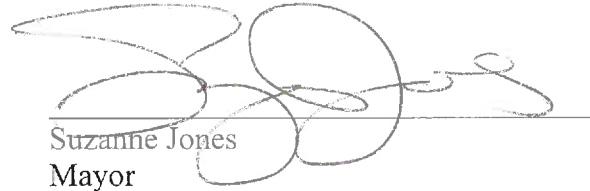
10 READ ON SECOND READING, AMENDED AND PASSED, this 14<sup>th</sup> day of August  
11 2018.

12  
13  
14   
15 Suzanne Jones  
Mayor

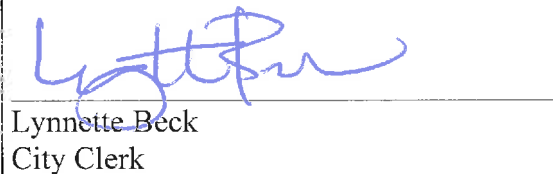
16 Attest:

17  
18   
19 Lynnette Beck  
City Clerk

20 READ ON THIRD READING, PASSED AND ADOPTED, this 4<sup>th</sup> day of September  
21 2018.

22  
23   
24 Suzanne Jones  
Mayor

25 Attest:

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27   
28 Lynnette Beck  
City Clerk