

City of Thornton Initiative and Referendum Process At-a-Glance

References

- Thornton Home Rule Charter, Section 8.12 through 8.17
- Colorado Revised Statutes Chapter 31, Article 11
- Except as otherwise stated, calendar days shall be used in all computations of time (C.R.S. 31-11-103.5)
- Contact the Thornton City Clerk's Office with questions, 303-538-7230 or clerk@thorntonco.gov

Initiative and Referendum Topics

- Section 8.12 of the Thornton Charter:
 - "The initiative and referendum apply only to ordinances of legislative character. An ordinance may be initiated by petition, or a referendum on an enacted ordinance may be had by petition, as hereafter provided. The referendum provision of this Charter shall not apply to any ordinance which contains therein a declaration that said ordinance is necessary for the immediate preservation of the public peace, health or safety, nor shall the referendum provision apply to appropriations for the support and maintenance of any City department."

Voter Signatures Required

- Section 8.13(a) of the Thornton Charter states:
 - Not less than 10% of the number of persons who were registered electors of the City, as of the date of the last regular City election.

Initiative Process

- Step 1. Any two people may begin the initiative process of circulating a petition by filing written notice of the proposed ordinance with the City Clerk. A proposed ordinance is initiated by obtaining signatures on an initiative petition. No petition shall propose to initiate more than one ordinance.
- Step 2. Each petition section shall be printed in a form consistent with the requirements set forth in C.R.S. 31-11-106. The City Clerk has no later than five business days after the date the petition is submitted to the City Clerk's office to approve the form and first printer's proof of the petition. The pages of each petition section must remain intact the entire time it is circulated and remain so when it is submitted to the City Clerk.
- Step 3. Once the City Clerk has approved formatting and provided a summary statement, the petition may be circulated. All signatures must be obtained within 120 days before the date of filing the petition with the City Clerk.
- Step 4. Common reasons for the City Clerk to reject a signature are that the person: is not a registered voter, not registered at the address provided, not a registered voter in Thornton, or there are duplicate or illegible signatures. The Clerk has no more than 30 calendar days after the date the petition is filed to issue a statement that the petition is sufficient, accepting the petition, or is insufficient and resulting in a rejection of the petition.
- Step 5. Within 40 days after the date a petition is filed, a protest of the petition for any reason may be submitted to the City Clerk in writing and signed under oath by any registered Thornton elector.
- Step 6. After any petition protest process has been resolved and the City Clerk declares the petition is sufficient, the City Council has 30 days within which the ordinance is adopted or the ordinance is referred to the voters and scheduled for an election to be held not less than 60 or more than 150 days after the final determination of petition sufficiency.
- Note. An initiative may be withdrawn at any time prior to 30 days preceding the day scheduled for a vote, by filing with the clerk a written request for withdrawal signed by a majority of the persons who are designated in the petition as representing the signers on matters affecting the petition.

Referendum Process

- Step 1. Each petition section shall be printed in a form consistent with the requirements set forth in C.R.S. 31-11-106. The City Clerk has no later than five business days after the date the petition is submitted to the City Clerk's office to approve the form and first printer's proof of the petition.
- Step 2. Once the City Clerk has approved formatting and has provided a summary statement, the proponents have 30 days from the effective date, of the ordinance to which the petition refers, to circulate and file the petition with the City Clerk or the petition will be rejected. The pages of each petition section must remain intact the entire time it is circulated and remain so when it is submitted to the City Clerk.
- Step 3. Common reasons for the City Clerk to reject a signature are that the person: is not a registered voter, not registered at the address provided, not a registered voter in Thornton, or there are duplicate or illegible signatures. The Clerk has no more than 30 calendar days after the date the petition is filed to issue a statement that the petition is sufficient, accepting the petition, or is insufficient and resulting in a rejection of the petition.
- Step 4. Within 40 days after the date a petition is filed, a protest of the petition for any reason may be submitted to the City Clerk in writing and signed under oath by any registered Thornton elector.
- Step 5. After any petition protest process has been resolved and the City Clerk declares the petition is sufficient, the City Council will reconsider the ordinance. If upon reconsideration, the ordinance or part thereof protested is not repealed, the legislative body shall submit the measure to the voters and schedule an election to be held not less than 60 or more than 150 days after the final determination of petition sufficiency.
- Note. A referendum petition which has been deemed sufficient by the City Clerk and will be presented to the Council, shall automatically suspend the operation of the ordinance, in question, pending repeal by the Council or final determination by the electors.
- Note. A referendum petition may be withdrawn at any time prior to 30 days preceding the day scheduled for a vote, by filing with the clerk a written request for withdrawal signed by a majority of the persons who are designated in the petition as representing the signers on matters affecting the petition.

Circulating the Petition

- Following the signature pages of each petition section, there must be a signed, notarized, and dated affidavit executed by the person circulating the petition section attached to each petition section and containing the requirements set forth in C.R.S. 31-11-106(3)(e)(I).
- The circulator must:
 - Have read and understand the laws governing the circulation of petition.
 - Be at least 18 years of age or older at the time the section of the petition was circulated and signed by the listed electors.
 - Personally circulate the petition section and each signature affixed must be in the presence of the circulator.
 - Not induce or cause a signer to affix the signer's signature to the petition by payment of, directly or indirectly, any money or thing of value.
 - Assure that all information provided by the signer is complete and include the registered elector's printed name, signature, and place of residence (number and street), City, and date of signature.

Campaign Finance

- If there are plans to organize a campaign to support the ballot measure, be sure to complete required forms regarding campaign contributions and expenditures. (Colorado Constitution Article XXXVIII, Campaign and Political Finance and Colorado Revised Statutes Article 45, Fair Campaign Practices Act)

Thornton Charter Provisions

8.12. INITIATIVE AND REFERENDUM.

The initiative and referendum apply only to ordinances of a legislative character. An ordinance may be initiated by petition, or a referendum on an enacted ordinance may be had by petition, as hereafter provided. The referendum provision of this Charter shall not apply to any ordinance which contains therein a declaration that said ordinance is necessary for the immediate preservation of the public peace, health or safety, nor shall the referendum provision apply to appropriations for the support and maintenance of any City department.

8.13. INITIATIVE OR REFERENDUM PETITION.

- (a) An initiative or referendum petition shall be signed by registered electors of the City numbering not less than ten (10) percent of the number of persons who were registered electors of the City, as of the date of the last regular City election. All signatures on an initiative petition shall be obtained within one hundred twenty (120) days, and all signatures on a referendum petition shall be obtained within thirty (30) days, before the date of filing the petition with the City Clerk. Any such petition shall be addressed to the Council and may be aggregate of two or more petition papers identical as to content and simultaneously filed by one person. An initiative petition shall set forth in full the ordinance it proposes to initiate, and no petition shall propose to initiate more than one ordinance. A referendum petition shall identify the ordinance or part thereof, or code section it proposes to have repealed. A referendum petition shall be void unless filed with the City Clerk within thirty (30) days from the effective date of the ordinances to which such petition refers.
- (b) Those State statutes applicable to the initiation or referral of a municipal ordinance and which do not conflict with this Charter shall apply to the initiation or referral of a City ordinance. The City Council may, by ordinance, provide for the withdrawal of any initiative or referendum petition, and establish initiative and referendum procedures which do not conflict with this Charter or with State statutes made applicable by this Charter.

8.14. COUNCIL PROCEDURE ON INITIATIVE AND REFERENDUM PETITIONS.

Upon the presentation to the City Council of an initiative or referendum petition by the City Clerk, the Council shall, within thirty days, either:

- (a) Adopt the ordinance as submitted by an initiative petition;
- (b) Repeal the ordinance, or part thereof, referred to by a referendum petition; or
- (c) Submit the proposal provided for in the petition to the electors and schedule an election thereon.

8.15. SUBMISSION OF INITIATIVE AND REFERENDUM ORDINANCE TO ELECTORS.

Should the Council decide to submit the proposal to the registered electors, it shall be submitted at the next Municipal election held in the City for any other purpose or, in the discretion of the Council, at a special Municipal election called for that specific purpose. In the case of an initiative petition if no Municipal election is to be held in the City for any other purpose within one hundred fifty (150) days from the time the petition is presented to the Council and the Council does not enact the ordinance, then the

Council shall call a special Municipal election within sixty (60) days from such date of presentation for the submission of the initiative proposal. The result of all Municipal elections held under the provisions of this Section shall be determined by a majority vote of the registered electors voting thereo.

8.16. MISCELLANEOUS PROVISIONS ON INITIATIVE AND REFERENDUM.

- (a) The presentation to the Council by the Clerk of a valid and sufficient referendum petition containing a number of signatures of registered electors of the City equal to ten (10) percent of the number of persons who were registered electors of the City as of the date of the last regular Municipal election, which signatures have been obtained within thirty (30) days before the date of filing the petition with the Clerk, shall automatically suspend the operation of the ordinance in question pending repeal by the Council or final determination by the electors.
- (b) An ordinance adopted by the electorate through initiative proceedings may not be amended or repealed for a period of six (6) months after the date of the election at which it was adopted, and an ordinance repealed by the electorate may not be reenacted for a period of six (6) months after the date of the election at which it was repealed; provided, however, that any ordinance may be adopted, amended, or repealed at any time by appropriate referendum or initiative procedure in accordance with the foregoing provisions of this Chapter or if submitted to the electorate by the Council on its own motion.
- (c) If two or more ordinances adopted at the same election shall have conflicting provisions, the provisions in the ordinance receiving the highest number of affirmative votes shall govern.
- (d) The Council, on its own motion, may submit any proposed ordinance or question to a vote of the registered electors at any regular or special election.
- (e) The City Clerk shall provide, upon request, sample forms of initiative and referendum petitions which conform to the requirements of this Charter.
- (f) An initiative or referendum petition may be withdrawn at any time prior to thirty (30) days preceding the day scheduled for a vote, by filing with the City Clerk a written request for withdrawal signed by a majority of the persons who are designated in the petition as representing the signers on matters affecting the petition. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

8.17 SINGLE SUBJECT REQUIREMENT – INITIATED AND REFERRED MEASURES.

- (a) No measure proposing an amendment to or repeal of the ordinances of the City by means of a petition for initiative or referendum shall be submitted to the registered electors of the City if the measure contains more than one subject.
- (b) The City Clerk shall approve for petition circulation measures proposing referred ordinances or initiated ordinances only when such measures contain a single subject.
- (c) As used in this section, the single subject requirement means that the matters in the measure submitted for voter approval are necessarily or properly connected and are not disconnected or incongruous.