

Municipal Petition Circulation Guidelines

Introduction

These guidelines provide brief overview of the City of Wheat Ridge’s petition process. For timelines and the rights and responsibilities of petitioners and their representatives, are advised to review the procedures and legal requirements set forth in Article V, Section 1(g) of the Colorado Constitution, Colorado Revised Statutes, Title 31, Articles 10 and 11, and City of Wheat Ridge Charter and Municipal Code. The City Clerk also recommends scheduling a meeting to review the process in advance however be advised the City Clerk cannot provide legal advice to petitioners or their representatives.

Petition Form and Printer’s Proof

No initiative or referendum petition shall be printed or circulated without the form **and** printers’ proof of a physical petition section having first been approved by the City Clerk. The City Clerk shall approve or reject the form and the first proof no later than five (5) business days following the date the City Clerk receives a complete form and fist printer’s proof of the petition. A sample petition is available at the City Clerk’s office. Once the form is received electronically, the City Clerk can provide the required summary to the petitioner’s representative for the printer’s proof. The City Clerk’s office also provides candidate petitions for municipal office.

Legal and Petition Signature Threshold

Petition Type	Threshold
Referendum	Equal to 10% of the total votes cast in the last gubernatorial election ¹
Initiative	Equal to 15% of the total votes cast in the last gubernatorial election ²
Recall	Equal to 25% of the entire votes cast entitled to vote in the last preceding election for that position. ³
Candidate	At least 25 signatures of eligible electors of the candidate’s relevant city council district (for council candidates), or within the city generally (for Mayor, City Clerk and City Treasurer).

¹ Wheat Ridge Charter 6.2(b)

² Wheat Ridge Charter 6.1(b)

³ Wheat Ridge Charter 2.7

Circulator Eligibility

Circulators should be advised as to circulator and petitioner's rights and responsibilities to ensure a process which is both compliant with law and obtains eligible signatures from registered electors. The circulator is required to sign an affidavit stating that they have read and understand the laws governing the circulation of petitions. The circulator must be **eighteen (18) years or older** at the time any petition section is circulated.

Gathering Signatures

Circulator requirements

- Signatures collected must be signed in the presence of the circulator.
- There may be only one circulator per petition section and the circulator must personally witness each signature collected on the petition section. Circulators may not merely be present in a room or the vicinity.
- A circulator cannot assist any elector in signing the petition. The elector may be assisted by someone other than the circulator. See below for how assistance is notated.
- If paid as a circulator, the **petition representatives** shall file with the City Clerk a report disclosing the amount paid per signature and the total amount paid to each circulator.
- The disclosure must be submitted at the same time the petition is filed with the City Clerk.
- Payment to circulators is subject to and considered an expenditure under the Fair Campaign Practices Act, Title 1, Article 45 of the Colorado Revised Statutes.

Instructions for Petition Signers (Dos and Don'ts)

The petition shall only be signed by registered electors of the City who are eligible to vote on the measure or for candidate petitions eligible electors of the candidate's relevant city council district (for council candidates), or within the city generally (for Mayor, City Clerk and City Treasurer).

Do...

- ✓ Read the warning, summary, and ordinance of the petition prior to signing.
- ✓ Print and sign clearly in blue or black ink.
- ✓ Complete all portions of the signature lines with the required information.
- ✓ Use the residence address where you are registered to vote.

Don't...

- X Sign for another person.
- X Sign a petition more than once.
- X Provide a post office box for your residence address.
- X Do not sign unless you are a registered voter currently living in the jurisdiction.

Correcting Mistakes

Minor correction: the signer should cross out the error and initial the change.

Major correction: the signer should completely cross out the incorrect information and proceed to use the next blank signature lines.

Assisting Disabled/Illiterate Electors

If a registered elector is physically disabled or illiterate and desires to sign the petition, the elector may do so by signing their name or making their mark in the signature area. Any person, ***except the circulator***, may assist the elector.

The person providing assistance must sign their name and provide their address and must clearly state that such assistance was given **or** provide such information in a blank signature line below the assisted elector's signature lines with arrows pointing to the assisted elector signature lines. See the example below.

Example

1	Signature X (John Doe)	Residence Address (Street & Number) 5555 Elector Street, #123 (123 Assistance Ave.)	County Denver (Denver)
	Printed Name Eligible Elector (assisted by John Doe)	City/Town Denver (Denver)	Date of Signing 8/10/07

Common Error/Prohibitions on a Petition⁴

Signing for Another Person, Signing More than Once

An elector may not sign any name other than their own.

An elector must not sign a petition more than once. For example, on the same petition section or on more than one section. Duplicate signatures will be rejected.

Ineligible Elector

An elector must not sign a petition if they are not a registered elector of the City at the time of signing, or not eligible to sign.

Incomplete or Illegible Signature

A signature will be rejected if any portion of the signature is incomplete or illegible.

Improper Circulator Affidavit or Improper Notarization

An incomplete or improper circulator affidavit will result in the rejection of the petition section and all signatures on the section.

A circulator must not sign the circulator affidavit attached to the petition form without knowing or believing the statements made in the affidavit to be true.

A circulator must not sign the circulator affidavit on the petition form unless they personally witnessed each signature in the petition section.

The circulator affidavit must be **complete** and signed **in the presence** of a **duly qualified notary** under Colorado law. A petition section may for example, be rejected for missing information or where the

⁴ This is not a comprehensive list of defects, but the most common ones.

notary does not have an active commission on file with the Secretary of State, or the dates on the notary clause and the circulator's affidavit do not match.

Disassembly of a Petition Section

The petition section must not be disassembled for any reason. Any evidence of disassembly may result in rejection of the entire petition section.

Why Individual Signatures May Be Rejected⁵

Individual signatures may be rejected for any of the following reasons:

- The signature is that of an unregistered elector;
- The signer's registered address is invalid or not within the city, and as appropriate, the relevant council district;
- The address the signer provided is a post office box;
- The signer did not provide all the required information (incomplete);
- The signature was dated after the date of the circulator's affidavit;
- The signature date falls outside of the applicable circulation period;
- Assistance was provided, but no statement of assistance accompanies the signature or mark;
- The signer's writing is illegible;
- The elector has already signed the petition (duplicate signature);

Contact Information

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⁵ This is not a comprehensive list of all defects, but the most common mistakes.