



Initiative and Referendum Guide

City of Greeley

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1. Initiative Petition Process

GMC Article IX Sec. 9-1. - Power of initiative. (Part 1 Charter, Art IX)

The electors shall have power, known as the initiative, to propose any ordinance, except appropriating money or authorizing the levy of taxes, and to adopt or reject the same at the polls.

Sec. 9-2. - Submissions.

If the petition accompanying the proposed ordinance is signed by qualified electors equal in number to **ten (10) percent of the total vote cast in the last general City election and requests that such proposed ordinance be submitted to a vote of the people**, the Council shall either pass said ordinance within thirty (30) days without alterations, subject to the referendum, or place the proposed ordinance on the ballot of the next general City election. **When a special election is requested by the petitioners, the petition must be signed by qualified electors equal in number to at least fifteen (15) percent of the total vote cast in the last general City election.**

If a majority of the qualified electors voting thereon shall vote in favor, the same shall thereupon without further publication become an ordinance of the City.

Any number of proposed ordinances may be submitted at the same election. Not more than one (1) special election under this Article shall be held in any twelve (12) months. This limitation shall not apply to special elections during the same period held under other articles of this Charter, subject to the provisions of the State Constitution. [Editor's History] Note—Ord. No. 40, 1993, § 4, adopted September 7, 1993. [Editor's History] Note—Amended by Ord. No. 37, 2009, § 2, adopted by vote of citizens on November 3, 2009.

2. Initiative Petitions

The initiative petition process is outlined in the Greeley Municipal Charter. Please see the Charter references below for detailed information. Brief step-by-steps are as follows:

- Contact the City Clerk's Office to learn how to file a Notice of Intent to Circulate an Initiative Petition.
- Upon receipt of the Notice of Intent, the Clerk will within 10 days, prepare and certify a petition form approved for circulation.
- The initiative petition will be circulated to be signed by registered electors and submitted within 60 days after the petition form was approved.

- *Note: Signatures needed are equal to 10% of the total vote cast in the last general election for the November election or 15% of the total vote cast in the last general election for a special election.*
- The Clerk will have 15 days to issue an initial statement as to whether enough valid signatures have been submitted.
- If the petition is insufficient, the petition may be amended within 5 days.
- The Clerk will then review the amended petition and issue a final statement of sufficiency or insufficiency within 10 days.
- If the petition is deemed sufficient, the Clerk will forward to the City Council to:
 - a. Either pass the proposed ordinance within 30 days without alterations; or
 - b. Submit such proposed measure to the qualified electors of the city, as provided by the city charter.

GMC Article III Sec. 2-81. - Intent. (Code Title 2, Chapter 2, Article III)

It is the intention to set forth in this article the procedures for exercising the initiative and referendum powers reserved to the qualified electors of the city. (Prior Code, § 10-14; Code 1994, § 2.02.170; Ord. No. 55, 1997, § 1, 9-2-1997; Ord. No. 46, 2005, § 1, 8-2-2005)

Sec. 2-82. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Ballot title means the language that is printed on the ballot that is comprised of the submission clause and the title.

Final determination of petition sufficiency means the date following passage of the period of time within which a protest must be filed pursuant to section 2-89, or the date on which any protest filed pursuant to section 2-89 results in a finding of sufficiency, whichever is later.

Petition section means the stapled or otherwise bound package of documents described in section 2-85.

Submission clause means the language that is attached to the title to form a question that can be answered by "yes" or "no."

Summary means a condensed statement as to the intent of the initiative measure.

Title means a brief statement that fairly and accurately represents the true intent and meaning of the proposed initiative or referendum. (Code 1994, § 2.02.180; Ord. No. 55, 1997, § 1, 9-2-1997; Ord. No. 46, 2005, § 1, 8-2-2005)

Sec. 2-83. - Circulation and filing of initiative petition; city council action.

(a) One (1) or more electors may begin the initiative process by filing with the city clerk a written **notice of intent to circulate an initiative petition**. Such notice shall include a

- (1) statement as to whether a special election is requested,
- (2) the full text of the proposed initiative in ordinance form, and
- (3) designate by name and mailing address two persons to serve as petition representatives in all matters affecting the petition and to whom all notices or information concerning the petition shall be mailed.

(b) **Upon receipt of a written notice on intent to circulate an initiative petition, the city clerk shall, within ten (10) days,**

- (1) prepare and certify a petition form for circulation and
- (2) designate and fix a title,
- (3) submission clause and
- (4) summary to the petition and state whether a special election is requested.

The summary shall be true and impartial and shall not be an argument, or likely to create prejudice, either for or against the measure.

(c) **The initiative petition, signed by qualified electors equal in number to ten percent (10%) of the total vote cast in the last general city election (Nov 5, 2024), shall be filed with the city clerk:**

- **no more than 60 days after the city clerk's certification of the form for petition circulation**
- **and no less than 90 days prior to the next regular city election if a special election is not requested through the initiative petition.**

(d) **Upon presentation of an initiative petition certified as to sufficiency by the city clerk,**

- **the city council shall either pass the proposed ordinance within 30 days without alterations**
- **or submit such proposed measure to the qualified electors of the city, as provided by the city Charter.**

(1) The proposed ordinance shall be published in like manner as other proposed ordinances whether it is passed by city council or referred to the electors.

(2) The text of a successful initiative measure shall be published in full after the election.

(e) An initiative petition may be withdrawn at any time prior to council's action to either pass the proposed ordinance or submit such proposed measure to the qualified electors of the city by filing with the city clerk a written request for withdrawal signed by the petition representatives 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. (Prior Code, § 10-15(a); Code 1994, § 2.02.190; Ord. No. 55, 1997, § 1, 9-2-1997; Ord. No. 46, 2005, § 1, 8-2-2005; Ord. No. 39, 2009, § 1, 8-18-2009)

3. Referendum Petitions

ARTICLE IX Sec. 9-3 Charter and ARTICLE III Sec. 2-84. Code- Circulation and filing of referendum petition; city council action.

The referendum petition process is outlined in the Greeley Municipal Charter. Please see the Charter references above and below for detailed information. Brief step-by-steps are as follows:

- Contact the City Clerk's Office to learn how to file a Notice of Intent to Circulate a Referendum Petition.
- Upon receipt of the Notice of Intent, the Clerk will within 5 days, prepare and certify a petition form approved for circulation.
- The initiative petition will be circulated to be signed by registered electors and submitted within 30 days after the petition form was approved.
- *Note: Signatures needed are equal to 10% of the total vote cast in the last general election for the November election or 15% of the total vote cast in the last general election for a special election.*
- The Clerk will have 15 days to issue an initial statement as to whether enough valid signatures have been submitted.
- If the petition is insufficient, the petition may be amended within 5 days.
- The Clerk will then review the amended petition and issue a final statement of sufficiency or insufficiency within 10 days.
- If the petition is deemed sufficient, the Clerk will forward to the City Council to:
 - a. Either reconsider the ordinance; or
 - b. Submit such proposed measure to the qualified electors of the city, as provided by the city charter.

4. Petition Requirements

Sec. 2-85. - Form of petition sections. Code

(a) Each petition section shall be printed in a form consistent with the requirements of this article and approved and certified by the city clerk and contain no extraneous material.

(b) Each petition section shall include, with headings or introductory phrases as prescribed by the city clerk:

(1) The first page shall be the city clerk's certification of the petition section.

(2) The second page and third page, if necessary, shall include:

a. A heading such as "Initiative Petition"

b. Be addressed to the city council, such as "To the city council of the City of Greeley, Colorado";

c. A general statement describing the directive of the petition signers, such as, "The undersigned registered electors of the City of Greeley, Colorado, hereby petition to initiate the ordinance set forth hereafter and petition that the same be adopted by the city council without alterations or place the proposed ordinance on the ballot ..."

d. A statement as to whether a special election is requested;

e. The city clerk's summary, submission clause and title; and

f. A subheading, such as "Petition Representatives," followed by the names and addresses of the petition representatives.

(3) The next pages shall be the full text of the proposed initiated

(4) Following the full text of the ordinance shall be

- the signature pages to consist of a warning and notice to petition signers at the top of each page,
- the summary, and
- ruled lines numbered consecutively for registered electors' information and signatures.
- If a petition section contains multiple signature pages, all signature lines shall be numbered consecutively, from the first signature page through the last.

The warning and notice shall be as follows:

Warning: It is against the law:

For any person to sign any initiative or referendum petition with any name other than the person's own name or to knowingly sign 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 of the City of Greeley, Colorado, and eligible to vote on this measure.

To be a registered elector of the City of Greeley, you must be a resident of Greeley and registered to vote.

Do not sign this petition unless you have read or have had read to you the proposed initiative or referred measure or the summary in its entirety and understand its meaning.

(5) Following the signature pages of each petition section, there shall be attached a signed, notarized and dated affidavit executed by the person who circulated the petition section, which shall include the following:

- a. The circulator's printed name, the address at which the circulator resides, including the street name and number, the municipality, and the date the circulator signed the affidavit;
- b. That the circulator has read and understands the laws governing the circulation of petitions;
- c. That the circulator was a resident of the city at the time the section of the petition was circulated and signed by the listed electors;
- d. That the circulator circulated the section of the petition;
- e. That each signature thereon was affixed in the circulator's presence;
- f. That each signature thereon is the signature of the person whose name it purports to be;
- g. That, to the best of the circulator's knowledge and belief, each of the persons signing the petition section was, at the time of signing, a registered elector; and
- h. That the circulator has not paid or will not in the future pay and that the circulator believes that no other person has paid or will pay, directly or

indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix the signer's signature to the petition.

(c) The clerk shall not accept for filing any section of a petition that does not have attached thereto the notarized affidavit required by this section. Any disassembly of a section of the petition that has the effect of separating the affidavit from the signature pages shall render that section of the petition invalid and of no force and effect.

(d) Any signature added to a section of a petition after the affidavit has been executed shall be invalid.

(e) All sections of any petition shall be prenumbered serially.

(f) Any petition section that fails to conform to the requirements of this article or that is circulated in a manner other than that permitted by this article shall be invalid. (Code 1994, § 2.02.210; Ord. No. 55, 1997, § 1, 9-2-1997; Ord. No. 46, 2005, § 1, 8-2-2005)

Sec. 2-86. - Circulators; requirements.

The circulation of any petition section other than personally by a circulator is prohibited. No section of a petition for any initiative or referendum measure shall be circulated by any person who is not a resident of the city and at least 18 years of age at the time the section is circulated. (Code 1994, § 2.02.220; Ord. No. 55, 1997, § 1, 9-2-1997; Ord. No. 46, 2005, § 1, 8-2-2005)

Sec. 2-87. - Signatures.

Any initiative petition shall be signed only by registered electors who are eligible to vote on the measure.

- Each registered elector shall sign the elector's own signature and shall
- print the elector's name,
- the address at which the elector resides, including the street number and name, the city, and the date of signing.
- Each registered elector signing a petition shall be encouraged by the circulator of the petition to sign the petition in ink.
- In the event a registered elector is physically disabled or is illiterate and wishes to sign the petition, the elector shall sign or make the elector's 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 the person's own name and address and shall state that such assistance was given to the disabled or illiterate elector. (Code 1994, § 2.02.230; Ord. No. 55, 1997, § 1, 9-2-1997; Ord. No. 46, 2005, § 1, 8-2-2005)

Sec. 2-88. - Signature verification; amendment; statement of sufficiency or insufficiency.

(a) The clerk shall inspect timely filed initiative petitions and the attached affidavits,

- and may do so by examining the information on signature lines for patent defects,
- by comparing the information on signature lines against a list of registered electors provided by the county clerk and recorder,
- or by other reasonable means.

(b) After examining the petition, the clerk shall issue to the city council and petition representatives an initial statement as to whether a sufficient number of valid signatures have been submitted.

(c) The city clerk's initial statement of sufficiency or insufficiency shall be based upon a review of the petition to find whether signatures of individuals are insufficient in the following categories:

- (1) Address shown by signer not located within the city limits of the city;
- (2) Any signature appearing on the petition more than once, in which event all signatures of said individual shall be deleted except one;
- (3) More than one individual signature on a signature line, in which event the line shall count as one;
- (4) Signature lines containing incomplete information or information which was not completed by the elector, or a person qualified to assist the elector shall not be counted;
- (5) Signatures of individuals who are not registered electors in the city;
- (6) Illegible signatures;
- (7) Invalid signatures pursuant to section 2-85. (Petition Sections)

(d)The initial statement of sufficiency or insufficiency shall be issued no later than 15 calendar days after the petition has been filed.

If the clerk fails to issue a statement within 15 calendar days, the petition shall be deemed sufficient.

(e)If the petition is insufficient, such petition may be amended within five (5) calendar days from the serving of the initial statement of insufficiency to petition representatives by securing additional signatures or curing, if possible, the deficiencies found in the initial petition.

The city clerk's review of the amended petition shall be according to subsection (c) of this section.

(f)After the city clerk has completed the final sufficiency review of the petitions, the following procedures shall apply:

(1) For petitions found to contain an insufficient number of valid signatures, and against which no protest has been filed, the city clerk shall mail a written notice of insufficiency, summarizing the grounds for the decision, to the representatives of the petitioners.

The decision of the city clerk concerning insufficiency shall be a final decision from which an appeal may be made to the county district court.

(2) For petitions found insufficient, and against which a protest has been filed; or for petitions found to be sufficient, but against which a protest has been filed, the provisions of section 2-89 shall apply.

(3) For petitions found sufficient, and against which no protest has been filed, the city clerk shall forward the petition to city council for consideration pursuant to Charter section 9-2 or 9-3.

(g) Notwithstanding the protest provisions, the final determination of petition sufficiency shall be issued no later than 30 calendar days after the petition has been filed. (Code 1994, § 2.02.240; Ord. No. 55, 1997, § 1, 9-2-1997; Ord. No. 46, 2005, § 1, 8-2-2005)

Sec. 2-89. - Protest.

(a)Within 15 calendar days after an initiative petition is filed, a protest in writing under oath may be filed with the city clerk by any registered elector of the city, setting forth specifically the grounds for such protest.

The grounds for protest may include, but shall not be limited to,

- the failure of any portion of a petition or circulator affidavit to meet the requirements of this article.
- No signature may be challenged that is not identified in the protest by section and line number.
- The clerk shall mail a copy of such protest to the petition representatives and to the protester, together with a notice fixing a time for hearing such protest that is not less than five (5) or more than ten (10) days after such notice is mailed.

(b) Individuals may request through the county clerk and recorder a list of the registered electors in the municipality.

(c) All records and hearings shall be public under this section and all testimony shall be under oath.

- The city clerk shall serve as hearing officer unless some other person is designated by city council as the hearing officer.
- The hearing officer shall have the power to issue subpoenas and compel the attendance of witnesses.
- The hearing shall be summary and not subject to delay and shall be concluded within 25 days after the petition is filed.
- No later than five (5) days after the conclusion of the hearing, the hearing officer shall issue a written determination of whether the petition is sufficient or not sufficient.
- If the hearing officer determines that a petition is not sufficient, the officer shall identify those portions of the petition that are not sufficient and the reasons thereof.
- The result of the hearing shall be forthwith certified to the protester and petition representatives.
- The determination as to petition sufficiency may be reviewed by the county district court upon application of the protester, the petition representatives or the city.

(d) Upon timely appeal to the county district court of any decision of the city clerk, all proceedings leading to any election upon any initiative or referendum petition shall be suspended until final disposition of such review.

If an election is thereafter required to be held, the period of time required for judicial review 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 review and appeal. (Code 1994, § 2.02.250; Ord. No. 55, 1997, § 1, 9-2-1997; Ord. No. 46, 2005, § 1, 8-2-2005)

Sec. 2-90. - Receiving money to circulate petitions; filing.

The proponents of the petition shall file with the city clerk a report disclosing the amount paid to each circulator. The filing shall be made at the same time the petition is filed with the city clerk. (Code 1994, § 2.02.260; Ord. No. 55, 1997, § 1, 9-2-1997; Ord. No. 46, 2005, § 1, 8-2-2005; Ord. No. 13, 2013, § 2, 5-21-2013)

Sec. 2-91. - Unlawful acts.

(a) It is unlawful:

- (1) For any person willfully and knowingly to 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 the person, organization, association, league or political party;
- (2) For any person to sign any name other than the person's own name to any petition or knowingly to sign the person's name more than once for the same measure at one election;
- (3) For any person knowingly to sign any petition relating to an initiative or referendum in a municipality who is not a registered elector of that municipality at the time of signing the petition;
- (4) For any person to sign any affidavit as circulator without knowing or reasonably believing the statements made in the affidavit to be true;
- (5) For any person to certify that an affidavit attached to a petition was subscribed or sworn to before the person unless it was so subscribed and sworn to before the person and unless the person so certifying is duly qualified under the state laws to administer an oath;
- (6) For any officer or person to do willfully, or with another or others conspire, or agree, or confederate to do, any act that hinders, delays or in any way interferes with the calling, holding or conducting of any election permitted under the initiative and referendum powers reserved by the people in section 1 of article V of the state constitution or with the registering of electors therefor;

(7) For any officer to do willfully any act that shall confuse or tend to confuse the issues submitted or proposed to be submitted at any election or refuse to submit any petition in the form presented for submission at any election;

(8) For any officer or person to violate willfully any provision of this article.

(b) Any person commits a violation subject to penalties listed under chapter 9 of title 1 of this Code who:

(1) Willfully destroys, defaces, mutilates or suppresses any initiative or referendum petition;

(2) Willfully neglects to file or delays the delivery of the initiative or referendum petition;

(3) Conceals or removes any initiative or referendum petition from the possession of the person authorized by law to have custody of the petition;

(4) Adds, amends, alters or in any way changes the information on the petition as provided by the elector; or

(5) Aids, counsels, procures or assists any person in doing any of such acts.

(c) This section shall not preclude a circulator from striking a complete line on the petition if the circulator believes the line to be invalid. (Code 1994, § 2.02.270; Ord. No. 55, 1997, § 1, 9-2-1997; Ord. No. 46, 2005, § 1, 8-2-2005)

Sec. 2-92. - Enforcement.

Any person may file with the city attorney an affidavit stating the name of any person who has violated any of the provisions of this article and stating the facts that constitute the alleged offense. Upon the filing of such affidavit, the city attorney shall forthwith investigate and, if reasonable grounds appear therefor, the attorney shall prosecute the same. (Code 1994, § 2.02.280; Ord. No. 55, 1997, § 1, 9-2-1997; Ord. No. 46, 2005, § 1, 8-2-2005)

Sec. 2-93. - Retention of petitions.

After a period of three years from the time of submission of the petitions to the clerk, the clerk may destroy the petitions. (Code 1994, § 2.02.290; Ord. No. 55, 1997, § 1, 9-2-1997; Ord. No. 46, 2005, § 1, 8-2-2005)