

CITIZEN INITIATIVE AND REFERENDUM PROCESS

Last updated: 04/11/2024

The Longmont City Clerk's office has prepared the following information sheet for citizen information and reference. 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.

Important Resources to Review

City of Longmont Charter – Article V
State Statutes, Section 31-11-101 through 31-11-118.

Overview of Initiative and Referendum

There are different ways to get an issue¹ on the ballot:

- 1) Council can place an item on the ballot by passing an ordinance; or
- 2) Citizens can initiate a new 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. This is called an Initiative.
- 3) Citizens may exercise the direct power of the electors to refer any ordinance adopted by the City Council to a vote of the people. This is called a Referendum.

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. 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].

3) CITIZENS CAN REFER AN ORDINANCE ADOPTED BY COUNCIL TO THE VOTERS

This process allows the citizens to pursue a vote on certain kinds of ordinances that have been adopted by City Council. Some ordinances are excepted from the powers of referendum under the City's Charter 5.6 and still others may be excepted under Colorado case law which indicates that only those ordinances that are legislative in nature, as opposed to administrative, can be referred. You may wish to consult with your private attorney as to whether a particular ordinance is referable because their position may differ from the City's position.

¹ 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 Outline for a Citizen Initiative

Process Description	Timeline
(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 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 cure 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 statute; must be completed in a timely manner
(f) The petition may be challenged for up to 40 days from the date of submittal. This would need to be considered in this timeline.	Up to 40 days after (d)
(g) 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 - generally from 1-20 days from (e) or (e-1) above
(h) City Council sets the election day	Within 60 days of (g) if no election is 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)

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Other Requirements/Details

1. When to start the process and when it must be finished

Petitioners should check with the City Clerk to confirm the deadline to certify the ballot title for regularly scheduled elections in November (60 days before the election) and work backward from that date to determine the absolute last date that the petitioning process can be started to make the ballot.

For the November 5, 2024, election, the City Clerk must certify the ballot to the County Clerk no later than Friday, September 6, 2024.

Generally, for November election dates, the initiative petition process **should be started no later than the first of June** to complete all the necessary steps and meet the ballot certification deadline.

Starting a petitioning process later in the year 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.

2. Number of signatures to be collected

To be sufficient, the petition must contain the signatures of at least 10% of the registered voters in the last municipal election (Charter Sec. 5.2).

There were 72,788 registered voters as of Nov. 7, 2023. Therefore, petitioners need to collect at least 7,278 valid signatures.

3. Where the State Statute conflicts with the City's Charter, the Charter takes precedence because Longmont is a Home Rule municipality.
4. The form of the petition must conform to State Statutes and must be approved by the City Clerk before circulating the petition.
5. All 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.
6. Once petition sections are stapled together for collection of signatures, the petitions should not be dismantled for any reason as that will invalidate all signatures on that petition section.