

OFFICE OF THE CLERK AND RECORDER
ELECTIONS DIVISION

Amber F. McReynolds, Director



Debra Johnson
Clerk and Recorder
Public Trustee

July 3, 2013

John Case
10081 East Cornell Ave.
Denver, CO 80231

Dear Mr. Case:

On July 1, 2013, this office received 120 signed petition sections for a referendum to repeal Ordinance No. 170, Series of 2013.

Please be advised that pursuant to Section 8.3.2(C) of the Denver Charter, the Clerk and Recorder will not count the signatures and rejects the submission due to the following reasons:

Denver Charter Sec. 8.3.2 (C) states that "...No petition shall be circulated nor shall any signatures be procured until such affidavit, petition sample, and ballot title are approved by the Clerk and Recorder." Denver Charter Sec. 8.3.2(C) clearly prohibits a committee from gathering petition signatures until the petitioner's affidavit, petition sample, and ballot title have been approved by the Clerk and Recorder. You were notified in writing on May 22, 2013, that the Clerk had rejected both prior petition sample submissions concerning the referendum to repeal Ordinance No. 170, Series of 2013. Since the petition sample was not approved by the Clerk and was in fact rejected, the Petitioner's Committee has now violated Denver Charter Sec. 8.3.2 (C) by circulating the petition and gathering signatures without the Clerk's approval.

Additionally, Ordinance No. 170, Series of 2013, approved a real estate agreement between the City and County of Denver and School District No. 1 in the City and County of Denver and State of Colorado to exchange real property. The action required of the City Council was to approve or disapprove the proposed real estate transaction. As stated in previous correspondence, the City Council's approval of the proposed contract allowed the City to execute the contract with the school district. Thus, the City Council was acting in an administrative capacity, not a legislative capacity. Administrative actions are not subject to referendum. The Denver District Court confirmed my prior determinations that Ordinance No. 170 is not subject to referendum when the Court denied the Motion for Preliminary Injunction in the case of Friends of Denver Parks v. City and County of Denver, 2013CV32444, Denver District Court.

Lastly, the petitioners' committee failed to timely appeal the May 22, 2013, rejection of the revised petition sample as required by Denver Charter Sec. 8.3.2 (C). All disputes concerning the May 22, 2013, rejection have now been waived due to the failure to comply with this Charter requirement.

If you have any questions, please don't hesitate to contact the Denver Elections Division at 720-865-4872.

Sincerely,



Debra Johnson
Clerk and Recorder
City and County of Denver

cc: Amber F. McReynolds, Director of Elections