



Agenda Memorandum

Agenda Item – 11.D.

City Council Meeting
March 17, 2025



Strategic Priority 2: Community Empowerment and Engagement

Enhance the sense of community and connection in Westminster through engaging methods of communication and dialogue that improve accessibility, increase understanding, and encourage participation in civic and City life.

Subject: First Reading of Councillor's Bill No. 5 Amending Section 7-1-10 of the Westminster Municipal Code Concerning Recall Petitions

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Recommended City Council Action:

Pass Councillor's Bill No. 5 on first reading to amend Section 7-1-10 of the Westminster Municipal Code concerning recall election petitions.

Summary Statement:

- As currently written, Westminster Municipal Code (W.M.C.) section 7-1-10, which governs elections on recall petitions, allows room for misinterpretations in a manner that could be viewed as inconsistent with section 3.18 of the Westminster Home Rule Charter (Charter).
- Certain timing requirements in section 7-1-10, W.M.C., do not allow sufficient time for a local protest hearing after resubmittal.
- There is a conflict between the timing of recall elections in Section 7-1-10, W.M.C., and the requirements of the State of Colorado Uniform Military Overseas Voters Act, the Federal Uniformed Overseas Citizens Absentee Voting Act, and section 3.18 of the Charter. The proposed amendment will better align the timing of these elections to meet these requirements.

Fiscal Impact:

\$0 in expenditures

Source of Funds:

Not applicable

Policy Issue(s):

Should City Council pass Councillor's Bill No. 5 to amend section 7-1-10 of the W.M.C. concerning recall election petitions?

Alternative(s):

City Council could choose not to pass Councillor's Bill No. 5 to amend section 7-1-10. This is not recommended because unexpected changes will continue to exist in certain procedures for recall petitions, there will be insufficient time for local protest hearings, and interpretations of section 7-1-10 in a manner inconsistent with the Charter and state and federal law will remain likely.

Background Information:

Section 7-1-10 of the W.M.C., allows room for misinterpretations as to how certain deadlines are calculated, the required formatting of recall petitions, and the required placement of State- and Charter-mandated warning language on recall petitions. Additionally, the timing requirements for withdrawal, cure, and resubmittal of recall petitions that have been determined to be insufficient do not allow sufficient time for a local protest hearing after resubmittal. Finally, there is a conflict regarding the timing of recall elections in Section 7-1-10 and the requirements of the State of Colorado Uniform Military Overseas Voters Act, the Federal Uniformed Overseas Citizens Absentee Voting Act, and recent changes to the Westminster Charter.

If passed, the ordinance will clarify the calculation of deadlines, the requirements for formatting recall petitions, and the requirements for the placement of state- and charter-mandated warning language on recall petitions. The amendment will also provide for sufficient time to hold a local protest hearing following the withdrawal and resubmittal of a petition that the City Clerk has deemed insufficient. The amendments would also bring Section 7-1-10 into alignment with the State of Colorado Uniform Military Overseas Voters Act, the Federal Uniformed Overseas Citizens Absentee Voting Act, and the Charter regarding the timing of recall elections.

Passing an ordinance that updates and cures potential and existing deficiencies in the procedures for elections on recall petitions supports the City's Strategic Priority of Community Empowerment and Engagement by allowing for greater certainty and citizen involvement in local elections and greater confidence in those elections and procedures, as well as reducing confusion as to participation in the electoral process.

Respectfully submitted,



Jody L. Andrews
City Manager

Attachments:

Councillor's Bill No. 5 Amending W.M.C. Section 7-1-10 Concerning Recall Election Petitions