



**WESTMINSTER**  
COLORADO

**CITY COUNCIL MEETING**

**MARCH 17, 2025 at 7:00 PM**

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



## 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

**Prepared By:** Mathew Munch, Assistant City Attorney II  
Greg Graham, Deputy City Attorney

### **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



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### **Strategic Priority 2: Community Empowerment and Engagement**

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

**Prepared By:** Mathew Munch, Assistant City Attorney II  
Greg Graham, Deputy City Attorney

### **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.

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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

BY AUTHORITY

ORDINANCE NO. **4281**

COUNCILLOR'S BILL NO. **5**

SERIES OF 2025

INTRODUCED BY COUNCILLORS

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A BILL  
FOR AN ORDINANCE AMENDING SECTION 7-1-10 OF THE WESTMINSTER MUNICIPAL  
CODE

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 7-1-10 W.M.C., is hereby AMENDED to read as follows, with new language shown underlined and deleted language shown in strikethrough:

**7-1-10. – Elections on Recall Petitions.**

The procedure to recall an elective officer of the City shall be as follows:

(A) *General Conditions:* Any elective officer, as that term is defined in Article XXI of the Colorado Constitution, may be removed from office by the qualified electors of the City after the officer has held said office for at least six months. Prior to the filing of any recall petition one or more registered electors of the City shall file with the City Clerk a notarized affidavit, of not more than 200 words, stating the reasons for the recall of the officer sought to be removed. The City Clerk shall, within 48 hours after the filing of said affidavit, mail a copy by registered mail to the officer sought to be recalled, who may file with the City Clerk a sworn statement of not more than 300 words in defense of charges made against him or her. The provisions of section 1-1-2(E), W.M.C., shall apply when computing a period of days under to this section.

(B) *Form of Petition:* A petition for the recall of the officer sought to be removed and demanding an election of a successor to the officer named in the petition, signed by the requisite numbers of signatures, as detailed below, shall be addressed to the eCouncil. No recall petition shall be circulated until the City Clerk has determined it meets the requirements of this section as to form, and no petition shall be circulated other than as approved as to form. The petition shall include the name of only one person to be recalled. ~~Said~~ The petition may be in sections of one or more sheets fastened-stapled securely at the top. All sections of the petition shall be filed as one instrument, with the endorsement of the names and mailing addresses of three registered electors of the City designated as the committee of petitioners filing the same. To each petition section there shall be attached a signed, notarized, and dated affidavit by the circulator of that section, stating the number of signers thereof and the affiant's printed name and address, that the affiant is 18 years of age or older, that each signature thereon is the genuine signature of the person whose name it purports to be, and that each signature was made in the presence of the affiant circulator.

~~At the top~~ On the first page of each section of the petition and ~~on~~ each signature page shall be printed the following warning in bold-faced type:

**WARNING:**

**IT IS AGAINST THE LAW:**

**For anyone to sign this petition with any name other than one's own, or to knowingly sign one's name more than once for the same measure, or to sign such petition when not a registered elector. Do not sign this petition unless you are a registered elector. To be a registered elector, you must be a citizen of Colorado and registered to vote in Westminster.**

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

Below the warning shall be printed the title: "Petition to recall (name of person sought to be recalled) from the office of (title of office)." Below the title shall be printed a copy of the charges previously filed with the City Clerk.

(C) *Petition Signatures:* Each registered elector signing the petition shall add the signer's printed name, the date of signing, his or her place of residence by street and number, and the county designation, after his or her signature. If the petition seeks the recall of the Mayor, then the petition shall be signed by registered electors entitled to vote for a successor to the incumbent sought to be recalled equal in number to 25 percent of the entire vote cast for the office of Mayor at the last preceding regular election held in the City for that office.

If the petition seeks the recall of a non-mayoral councillor, then the recall petition shall be signed by registered electors entitled to vote for a successor to the incumbent sought to be recalled equal in number to 25 percent of the entire vote cast at the last preceding regular election held in the City for all non-mayoral candidates, such entire vote being divided by the number of all officers elected to the office of councillor at the last preceding regular election held in the City.

(D) *Filing and Examination of Petition:* The petition shall be filed in the office of the City Clerk not more than 60 days after the affidavit making charges against said officer has been filed. Within 15 days of the filing of said petition, the City Clerk shall ascertain, by examination of the petition and the registration books, whether the petition is signed by the requisite number of registered electors and shall attach thereto his or her certificate showing the result of such examination. If the petition is insufficient, the City Clerk shall forthwith, in writing, notify one or more of the persons designated as the committee of petitioners. The petition may be withdrawn and amended within 15 days from the filing of the certificate. The City Clerk, within five days after such amendment, shall make like examination of the amended petition and attach thereto a certificate of the result. If the petition is still insufficient, the City Clerk shall return it to each of the persons designated as a member of the committee of petitioners, without prejudice to the filing of a new petition for the same person. If the petition or amended petition is found sufficient, the City Clerk shall submit the same with his or her certificate to the eCouncil without delay. A protest pursuant to C.R.S. § 31-4-503(3)(b) may be filed with the City Clerk within 15 days after the City Clerk issues either the initial certificate or the certificate following examination of a withdrawn and amended petition. If no protest is filed, the City Clerk's determination of sufficiency or insufficiency is final. If a protest is filed, the determination of the hearing officer pursuant to a hearing held in accordance with C.R.S. § 31-4-503(3)(b) shall be final, and no party shall be entitled to more than one hearing on the same petition.

(E) *Call for Election:* Upon receipt of the City Clerk's certificate, the eCouncil, if the officer sought to be removed does not resign within five days thereafter, shall order an election by resolution, which shall contain the time periods for candidates to file their nomination petitions to succeed the person sought to be recalled. Such election shall be held on a Tuesday fixed by the eCouncil not less than 90 days from the date the Council orders such election; provided, however, that if any other City election will occur within 120 days after the date the Council orders the recall election ~~45 nor more than 60 days from the date that the City Clerk's certificate was filed; provided that, if any other city election is to occur within 90 days but more than 60 days from the date of the City Clerk's certificate,~~ the Council shall postpone and consolidate the recall election with such other city election.

[There are no amendments to subsections F through J.]

Section 2. This ordinance shall take effect upon its passage after second reading. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED  
PUBLISHED this 17<sup>th</sup> day of March, 2025.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED  
this 31<sup>st</sup> day of March, 2025.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
City Attorney's Office

BY AUTHORITY

ORDINANCE NO. **4281**

COUNCILLOR'S BILL NO. **5**

SERIES OF 2025

INTRODUCED BY COUNCILLORS

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City Clerk

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