

**EXPLANATORY COVER SHEET**

COUNCILMAN'S BILL NO. CB-1569

SPONSOR: COUNCIL MEMBER GARNER

TITLE: A BILL FOR AN ORDINANCE ADDING A NEW SECTION 13-1-7 TO THE MUNICIPAL CODE OF THE CITY OF NORTHGLENN RELATING TO PETITION FRAUD

PURPOSE: THIS BILL REGULATES THE PETITION PROCESS FOR PETITIONS RELATED TO MUNICIPAL MATTERS IN ORDER TO PREVENT PETITION FRAUD, AND PROVIDES FOR CRIMINAL PENALTIES FOR VIOLATIONS THEREOF.

ADDITIONAL EXPLANATORY REMARKS:

SPONSORED BY: COUNCIL MEMBER GARNER

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1569  
Series of 2006

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A BILL FOR AN ORDINANCE ADDING A NEW SECTION 13-1-7 TO THE MUNICIPAL CODE OF THE CITY OF NORTHGLENN RELATING TO PETITION FRAUD

WHEREAS, the City of Northglenn Colorado is a home rule municipality organized and existing pursuant to Article XX of the Colorado Constitution;

WHEREAS, the conduct of Northglenn elections and the issue of petition circulator fraud as to local initiative, referendum and recall petitions is a matter of local concern;

WHEREAS, Colorado law supports the reasonable regulation of elections, particularly when in the interest of preventing fraud, and in *Committee for Better Health Care v. Meyer*, 830 P.2d 884, 893 (Colo. 1992), the Colorado Supreme Court held that legislation designed to prevent fraud, mistake and other abuses in the political process is “firmly rooted in constitutional soil;”

WHEREAS, in *American Constitutional Law Found., Inc. v. Meyer*, 120 F.3d 1092, 1101 (10<sup>th</sup> Cir. 1997), the Tenth Circuit Court of Appeals upheld a petition circulator age requirement as reasonably related to Colorado's interest in preserving the integrity of ballot issue elections;

WHEREAS, in *Meyer v. Grant*, 486 U.S. 414, 422 (1988), the United States Supreme Court expressly noted that local government regulations making it “a crime to forge a signature on a petition . . . to make false or misleading statements relating to a petition . . . or to pay someone to sign a petition” are permissible;

WHEREAS, the misrepresentation of the purpose, content or effect of an initiative, referendum or recall petition by the circulator thereof, providing payment for signatures, and the falsification of signatures or signor information taints and perverts the fundamental rights of initiative, referendum and recall reserved to the people of the City of Northglenn by the Colorado Constitution and the Northglenn City Charter; and

WHEREAS, imposing a minimum age restriction of 18 years on the circulators of initiative, referendum, or recall petitions serves to ensure that the fundamental rights of initiative, referendum and recall reserved to the people of the City of Northglenn by the Colorado Constitution and the Northglenn City Charter are protected, and the City requirements for the petition process are adhered to.

NOW, THEREFOR, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Article 1 of Chapter 13 of the Northglenn Municipal Code is hereby amended by the addition of a new Section 13-1-7, which shall read as follows:

Section 13-1-7. Petition Fraud and Circulator Age Requirement.

(a) It is unlawful for the circulator of any initiative, referendum or recall petition seeking the repeal or enactment of any City ordinance, charter amendment or the recall of any Northglenn official, to willfully or knowingly misrepresent the purpose, content or effect of any such petition.

(b) It is unlawful for any person, on a referendum or recall petition seeking the repeal or enactment of any City ordinance, charter amendment or the recall of any Northglenn official, to willfully or knowingly commit any of the following acts:

- (1) Falsify or forge a signature;
- (2) Provide false information;
- (3) Encourage, aid or abet any person to do the same.

(c) It is unlawful for any person, on a referendum or recall petition seeking the repeal or enactment of any City ordinance, charter amendment or the recall of any Northglenn official, to willfully or knowingly compensate any person, whether monetarily or with any service or item of value, in exchange for signing any such petition.

(d) The circulator of any initiative, referendum or recall petition seeking the repeal or enactment of any City ordinance, charter amendment or the recall of any Northglenn official shall be at least 18 years of age.

(e) Violations of this Section shall be punishable in accordance with Section 1-1-10 of this Municipal Code.

INTRODUCED, READ AND ORDERED POSTED this \_\_\_\_ day of \_\_\_\_\_,  
2006.

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KATHLEEN M. NOVAK  
Mayor

ATTEST:

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DIANA L. LENTZ, CMC  
City Clerk

PASSED ON SECOND AND FINAL READING this \_\_\_\_ day of \_\_\_\_\_,  
2006.

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KATHLEEN M. NOVAK  
Mayor

ATTEST:

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DIANA L. LENTZ, CMC  
City Clerk

APPROVED AS TO FORM:

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City Attorney