

RECALL PETITION GUIDELINES

1. Council members of Commerce City may be recalled after serving 6 months in office. HRC 3.5
2. A committee of 3 to 5 people is required to begin the recall process. This committee represents the petition signers in all matters affecting the recall petition. CRS 31-4-502(1)(a)(I)
3. A recall petition may not be circulated unless its form has been approved by the city clerk. The city clerk has 2 business days to approve or reject a proposed recall petition. If approved, the clerk is required to mail written notice of the approval to the Councilmember(s) sought to be recalled on the day the petition is approved. CRS 31-4-502(1)(c) *A petition template is available from the city clerk's office.*
4. Each petition must contain a general statement, not to exceed 200 words of the grounds on which the recall is sought. The legality, reasonableness, and sufficiency of the grounds are **not** open to review by the city clerk. CRS 31-4-502 (1)(a)(I)
5. Once the city clerk has approved the format the recall petition may be circulated. A petition may be circulated and signed in sections as long as each section contains the title and text of the petition. The petition committee has 60 days from the date of the city clerk's approval to circulate the recall petition. The recall petition **must** be filed with the city clerk within 60 days from the date on which the city clerk approved the petition as to form. CRS 31-4-503(2)(a)
6. The recall petition may only be signed by registered electors entitled to vote for a successor of the Councilmember sought to be recalled. To be effective, a recall petition must be signed by registered electors who are equal in number to 25% of the entire vote cast for all the candidates for that office at the last preceding regular municipal election. If the Councilmember sought to be recalled is an At-Large Councilmember then the petition must be signed by registered electors entitled to vote for a successor equal in number to 25% of the entire vote cast for all candidates divided by the number of all officers elected at the last regular municipal election. CRS 31-4-502(1)(d)
7. An affidavit of person circulating the petition (or section of a petition) **must** be attached to the petition (or section of the petition) circulated by that individual when it is filed with the city clerk's office. CRS 31-4-503(1)(c)
8. The city clerk has 5 business days to issue a statement of sufficiency. CRS 31-4-503(3)(a)
9. Any registered elector of the city may file a protest (which must be made in writing and under oath) within 15 days after a recall petition is filed with the city clerk. The city clerk shall give notice of a protest to the Councilmember named in the petition, to the

petition committee and the county clerk and recorder, together with a notice fixing a time for hearing such protest not less than five (5) nor more than ten (10) days after the notice is mailed. The protest hearing must be concluded within thirty (30) days from the date the recall petition was filed. CRS 31-4-503(3)(b)

10. If the recall petition is not sufficient, it may be withdrawn by a majority of the petition committee and amended and refiled as an original petition. The city clerk has four (4) business days to issue a statement of sufficiency on a refiled petition. If the refiled petition is deemed insufficient again, it may not be refiled. CRS 31-4-503(3)(c)

11. The Councilmember who is the subject of the recall petition, may apply to the district court for review of the findings as to the sufficiency of any petition. CRA 31-4-503(3)(d)

12. Upon finding a recall petition sufficient, the city clerk will submit the petition to the City Council at the first meeting following expiration of the protest period. Generally, the City Council will fix a recall election date within 30 and 90 days from the date the petition was filed with the city clerk. However, if a regular election is scheduled to occur within 180 days from the date the petition was filed, the recall election shall be held as part of the election. CRS 31-4-503(4)