



# NOMINATION PETITIONS, PETITION PACKETS, AND SIGNATURES

2024 Statutory Town Webinar Series, Part II

Colorado Municipal League

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# NOMINATION PETITIONS

- A nomination petition is the primary way a citizen can get on the regular election ballot and the only way a citizen can get on a special vacancy or recall election ballot.
- The nomination petition is created by the municipal clerk and contains specific elements as prescribed by state statute.
- In a regular municipal election, a nomination petition is made available and can be circulated beginning 91 days before the day of the election and shall be filed no later than 71 days before the day of the election.
- In a special vacancy or recall election, the best practice is to allow a maximum of 20 days to circulate a nomination petition.

# NOMINATION PETITION CONTENTS

- Name and address of candidate and office being sought.
- Signature lines with the following elements: signature, printed name, street name and number, city/town, county, and date of signing.
- Affidavit of circulator (for language on affidavit, see 31-10-302(3), C.R.S.).
- Affidavit of acceptance of nomination by candidate (for language on affidavit, see 31-10-302(6), C.R.S.).
- ***NOTE: Nomination petitions do NOT contain any warning to signers of petition nor names of persons comprising a vacancy committee***

# MINIMUM SIGNATURE REQUIREMENTS

- Statutory towns – 10 signatures.
- Statutory cities – 25 signatures.
- Home rule municipalities – number of signatures determined by charter or by ordinance.
- ***NOTE: Petitions filed with clerk with fewer than the minimum number of signatures are not valid.***

# CURING NOMINATION PETITIONS

- If upon checking the signatures, the number of valid signatures falls below the minimum number required, contact the candidate immediately.
- Candidates have until prior to 63 days before the day of the election to 'cure' their petitions, i.e., to obtain enough signatures to reach the minimum threshold required.
- Candidates should be provided a new blank petition which must be completed in the same manner as the original petition.
- If the affidavit of circulator or the affidavit of candidate was not proper or complete, return the original petition to the candidate for cure.
- **NOTE: A submitted petition containing fewer than the minimum number of signatures cannot be cured. A person must start over with a new petition.**

# OBJECTION TO NOMINATIONS

- An objection to a nomination can be made in writing within 3 days after the petition is filed.
- Notice is made to affected candidate and the clerk shall decide objections within 48 hours after the objection is filed.
- If the petition is found to be 'defective' in either form or substance, it may be amended (or refiled) within 3 days after the objection is sustained and not later than the 64<sup>th</sup> day before the day of the election.
- The clerk's decision on form is final. If the issue at hand is one of substance, the clerk's decision may be reviewed by the district court.

# NOMINATION PETITION PACKETS

- Packets MAY include any or all of the following:
  - Instructions to petition circulators.
  - Candidate calendars.
  - General information regarding service on the board/council.
  - FCPA forms and instructions on when/how to use/file forms, including filing dates.
- Any items included should not be stapled to the nomination petition.

# CHECKING SIGNATURES – THINGS TO DO

- It is recommended that each signature be individually reviewed/checked.
- Items to look for:
  - Name and address on petition match name and address on voter registration list.
  - Person was registered to vote prior to signing petition.
  - All portions of the signature line were completed.
  - Person did not sign more petitions than he/she was able to sign.
  - Person signed for him/herself and another person.



# CHECKING SIGNATURES – THINGS TO DON'T

- Don't:
  - Disqualify a signature because a nickname or shortened name was used.
  - Disqualify a signature because a middle name was omitted.
  - Disqualify a signature because someone else filled in a portion of the signature line.
  - Disqualify a signature because of something you know or think you know – verify, verify, verify...

# CHECKING SIGNATURES – RESIDENCY

- When a citizen has both a primary and secondary residence, in order to determine eligibility to run for office, considerations include:
  - Where is the person registered to vote?
  - Which is his/her primary residence? Factors to determine residency are found in 31-10-201(3)(a), C.R.S.
  - Has the person resided in the primary residence for 12 consecutive months immediately preceding the date of the election?
- When in doubt, consult with your municipal attorney.