



Agenda Memorandum

Agenda Date: 7/19/2016

Item #: 8. **File #:** DIR 2016-043

To: Honorable Mayor and Members of Town Council

From: David L. Corliss, Town Manager

Discussion/Direction: TABOR Election

Executive Summary

Town Council in 2014 directed staff to manage Town finances to keep revenues within Colorado Taxpayers Bill of Rights (TABOR) limits to the extent possible. Staff has done so since that time; yet, the Town ended 2015 with a TABOR surplus of \$714,580.

Because 2015 revenues exceeded TABOR limits, Town Council has until the end of 2016 to either:
1) Refund the surplus, or 2) Ask voters to keep the money to spend on local services.

Town Council discussed these options May 3 and June 21. On the latter date, Council directed staff to send the matter to a public vote.

The purpose of tonight's item is to present Council with alternatives for a TABOR ballot question so the ordinance necessary to conduct a TABOR election in November can be prepared for Council's adoption. Additionally, an ordinance must be prepared to establish a refund methodology for use in the event that the ballot question fails; Council is also being asked for feedback on this topic tonight, as well as for direction to prepare the budget amendment necessary to incorporate TABOR-related expenses into the 2016 Budget.

Discussion

Due to favorable economic conditions and increased Town revenue, the Town exceeded its TABOR revenue cap for 2015 by \$714,580. Various factors contributed to the surplus, including strong sales tax growth and contributions for the construction of the North Meadows Extension and Philip S. Miller Park. In fairness to the budget process, it's important to disclose that all eligible revenue received during 2015 ultimately contributed to the TABOR surplus.

After initially discussing the surplus May 3, and after receiving public input regarding some of the options available for resolving the surplus June 21, Council voted to send the matter to a public vote.

State law requires the Town to resolve the surplus by the end of 2016, meaning the only possible time to conduct an election regarding the 2015 TABOR surplus is as part of the general election in

November.

All questions appearing on the November 8 ballot must be certified no later than September 9 to Douglas County, which will conduct the election on the Town's behalf. Ballot language must be set by ordinance - a process that usually requires two readings. In order to meet the timeframes needed to place a TABOR question on the November ballot, Council would need to adopt the ordinance setting the ballot question on second and final reading no later than its September 6 meeting. Because that meeting falls the day after Labor Day, staff recommends that Council hold the two votes on the ordinance to set the TABOR ballot language at the August 2 and August 16 Town Council meetings.

Ballot Question Options

Town election and polling history have demonstrated that Castle Rock voters are most receptive to narrow/specific ballot questions when a TABOR surplus is involved.

For example, Castle Rock voters in 2005 approved a ballot question that requested the removal of TABOR revenue restrictions on the Town for a five-year period for "police, fire, ambulance, transportation, parks, recreation, trails and open space purposes." Similarly, recent and past community feedback has pointed to a preference for a clearly stated and focused purpose for any Town retention of TABOR surplus revenues.

Public input collected this May and June related to retaining the 2015 surplus indicated respondents were most inclined to allow the Town to retain the surplus to help fund solutions for transportation concerns.

As discussed with Council at the June 14 financial work session, staff forecasts an estimated \$126 million in transportation needs in Castle Rock over the next 10 years. Projected revenues for that purpose over the same period, however, are expected to be less than \$60 million under current revenue models. Therefore, one ballot question option Council might wish to consider is asking voters whether the 2015 surplus revenues can be retained for transportation purposes - either generally, or focused on a particular needed project, such as improvements at Founders Parkway and Allen Way and Crowfoot Valley Road. Though, the amount of the surplus would only make a fractional impact within the context of that project, as well as with regard to the Town's total transportation funding needs.

Council might wish, instead, to focus the TABOR ballot question on a need on which the surplus funds would have a greater impact. For example, the creation of a Downtown train horn quiet zone has been discussed in recent years. The surplus of \$714,580 could substantially - though not completely - fund that project, which in addition to a supplemental funding source would need railroad and federal government approval. Council might consider asking voters to retain the 2015 surplus revenues for use toward that project, of which the value to the community at-large has been a topic of debate.

Overall, the options for projects and services on which Council could choose to focus the TABOR ballot question are as endless as the Town's lists of projects and services, and even beyond. Following Council's direction on June 21, staff brainstormed options for the ballot question.

Possibilities arising from that session, as well as from public feedback, are provided below for illustrative purposes. This list is not exhaustive of the purposes for which Council might consider asking voters to retain the surplus.

- Acquisition of additional snow and ice removal equipment for enhancement of those operations
- Enhancements to public safety
- Seed money for a Downtown parking garage
- Aesthetic enhancements to the Wolfensberger/Wilcox interchange with Interstate 25
- Streetscape/community identification signage improvements
- Acquisition of open space
- Continuation of the East Plum Creek Trail from near Safeway to Crystal Valley Parkway
- Addition of bike lanes throughout the community
- Enhancements to the planned redesign of Festival Park, or to the next neighborhood park
- Construction of a roundabout at Third and Perry Streets
- Development of recreational amenities at Rueter-Hess Reservoir
- Seed money for economic development purposes
- Provisions for local social service agencies

Like with the two more detailed options, fully accomplishing most of the high-level options illustrated here would require funding above and beyond what is available through the retention of the \$714,580 surplus. That fact would need to be made clear to voters to avoid misunderstandings about what a yes vote would mean.

Additionally, some of the options could present interesting political issues, as they are meritorious projects that staff ultimately would advocate finding the resources to fund, even if a ballot question on use of the TABOR surplus toward the project failed. Because of this dynamic, staff would encourage public communications detailing that a “no” vote on a project would not be interpreted as a prohibition on proceeding with it at some point in the future, but rather as a desire to receive the TABOR refund rather than immediately spending those funds on the project.

A draft of what the ballot question could look like for this year’s TABOR election is provided in **Attachment A**. Staff at this time welcomes any Council direction that can be used to finalize this draft ordinance for Council’s consideration on first reading at the August 2 Town Council meeting.

If the Question Fails

If the vote requesting the retention of the 2015 excess TABOR revenue fails, the resolution of the surplus would default to a refund. The TABOR standard for refunds is: “Subject to judicial review, districts may use any reasonable method for refunds ... including temporary tax credits or rate reductions. Refunds need not be proportional when prior payments are impractical to identify or return.”

Following Council discussion of refund-related alternatives at the May 3 and June 21 Town Council meetings, staff recommends that, if voters turn down the request for retention, a one-time utility bill credit should be issued to all residential Castle Rock Water customers who are active in the water

billing system as of the December 2016 billing date who were also active customers as of December 31, 2015. (Staff does not recommend issuing refund checks, nor does it believe that alternative is feasible to accomplish after the November election and before the end of 2016, as required by TABOR.)

At the end of 2015, there were about 17,300 residential utility billing accounts. Of those, 630 were in the developer or title company's name, while the property was awaiting transfer to its owner. These accounts would not match the current account information and thus would be excluded from receiving a refund. Additionally, a comparison of 2015 to 2016 account information is likely to find other accounts that were active at the end of 2015 that will not be active in December 2016. This means the number of recipient accounts could end up near 16,500, for a refund of about \$43 per residential utility billing account.

It's important to note that the majority of the Town's multifamily water accounts have master meters, meaning individual units do not have Castle Rock Water accounts. The Town has no way of knowing who currently resides in the individual units, nor whether they were also residents at the end of 2015. Individuals living in those units, estimated to be about 1,500 units, would not receive the refund credit due to impracticality of getting refunds to those living in properties with master metered accounts.

A draft of an ordinance to adopt this recommended refund methodology is included in **Attachment B**. Staff recommends that Council adopt such an ordinance concurrently with the ballot question ordinance, so that the public has a clear picture of what would transpire with both possible resolutions of the TABOR surplus. Staff at this time welcomes any Council direction that can be used to finalize this draft ordinance for Council's consideration on first reading at the August 2 Town Council meeting.

Public Communication

The last time the Town conducted a TABOR election was in 2005. Many new voters have moved into the community since that time, so public communication will be especially vital with regard to this TABOR election.

With all TABOR elections, State law requires that a notice of the election be mailed at least 30 days before the election. It must include the election date, hours, ballot title, text and local election address and telephone number. The Town will prepare this information and supply it to the County to create the TABOR notice, as the election will be a coordinated election conducted by the County on the Town's behalf. Staff does not yet have a cost estimate associated with the County's production of this required TABOR notice, which will be mailed to voters in early October.

Staff would like Council's direction on whether additional public communications are desired, beyond the required TABOR notice. Colorado's Fair Campaign Practices Act prohibits using public resources to advocate for or against a ballot measure once the ballot language has been finalized, which is anticipated to occur at the August 16 Town Council meeting. This makes it rather impractical for the Town to disseminate any information persuading voters to allow the Town to retain the TABOR surplus, if that would be Council's desire.

The Town may disseminate educational materials to voters following ballot certification, providing both pro and con information regarding the proposed ballot question. Staff distributed a pros and cons “blue book” in conjunction with the November 2015 election (**Attachment C**), which had six ballot questions, for a cost of \$8,925. The cost to distribute a similar piece for the TABOR election might be expected to be slightly less, as there would only be one question worth of information. If Council desires, staff would propose mailing such a piece in late October or early November, to provide additional information to voters closer to Election Day. Direction as to whether this effort should be pursued would be appreciated.

Financial Information

There will be costs associated with the TABOR election - for mailing ballots to the two districts that would not have otherwise received one, as well as for the required TABOR notice and for any additional public education materials as desired by Council.

If the ballot question fails, there will be costs associated with the refund, which include the refund amount itself, \$714,580; about \$1,000 needed to compare 2015 utility accounts to 2016 utility accounts; and \$1,800 to insert into the December water bill a handout explaining the reason for the refund.

A budget amendment will be necessary to accommodate for the costs under either scenario. Staff's intention is to present that amendment when appropriate.

Staff Recommendation

Staff suggests that Council discuss the various ballot question options and provide direction, which is needed to finalize the draft ballot question ordinance for consideration on first reading on August 2. Similarly, staff recommends that Council provide any feedback on the draft refund ordinance so it can be finalized for Council consideration on first reading on August 2. Finally, staff requests Council direction regarding whether public communication should be conducted, beyond the required TABOR notice.

Proposed Motion

“I move to direct staff to finalize the two draft ordinances as directed and bring them back to Council for adoption on August 2. I further direct staff to prepare the necessary budget amendment appropriating the funds needed to provide for TABOR-associated expenses in 2016, for Council to consider when appropriate.”

Attachments

Attachment A: Draft Ballot Question Ordinance

Attachment B: Draft Refund Ordinance

Attachment C: Example Blue Book

ORDINANCE NO. 2016-

**AN ORDINANCE SUBMITTING TO THE ELECTORATE AT THE REGULAR ELECTION
ON NOVEMBER 8, 2016 THE QUESTION OF AUTHORIZING THE RETENTION AND
EXPENDITURE OF 2015 EXCESS TABOR REVENUES**

WHEREAS, the Town Council has been advised by the administrative staff that the Town received revenues in excess of the applicable limitations under Article X, Section 20 of the Colorado Constitution (TABOR) in the 2015 fiscal year in the approximate amount of \$____,

WHEREAS, TABOR allows for the retention of such excess revenues upon voter-authorization of a revenue change,

WHEREAS, the Town Council has determined that it is necessary and advisable to request approval of the electorate for retention of all excess revenue received in 2015 in excess of the revenue cap to be utilized for designated purposes.

**NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN
OF CASTLE ROCK, COLORADO:**

Section 1. Referred Measure. As required under TABOR, this ordinance shall be referred for voter approval at the November 8, 2016 coordinated election, and shall take effect only upon voter approval.

Section 2. Ballot Title and Question. There shall be submitted to the registered electors of the Town of Castle Rock at the coordinated election to be held on November 8, 2016, the following ballot title and question:

SHALL THE TOWN OF CASTLE ROCK BE PERMITTED TO RETAIN AND
EXPEND UP TO \$____ OF 2015 REVENUE FOR DESIGN AND CONSTRUCTION
OF THE DOWNTOWN TRAIN HORN QUIET ZONE PUBLIC SAFETY PROJECT
AS A VOTER APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION
20 OF THE COLORADO CONSTITUTION (TABOR)?

YES _____

NO _____

Section 3. Actions by Town Officers and Employees The Town Clerk is hereby directed to take all necessary and proper compliance actions to place the ballot measure on the coordinated election ballot of November 8, 2016.

Section 4. No Repeal. The failure of this referred measure to obtain voter approval shall not repeal or impair any other voter-approved revenue change under TABOR.

Section 5. Severability. If any part or provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 6. Safety Clause. The Town Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare and this Ordinance bears a rational relation to the legislative object sought to be obtained.

APPROVED ON FIRST READING this ____ day of _____, 2016 by a vote of ____ for and ____ against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this ____ of _____, 2016 by the Town Council of the Town of Castle Rock, Colorado, by a vote of ____ for and ____ against.

ATTEST:

TOWN OF CASTLE ROCK

Sally Misare, Town Clerk

Paul Donahue, Mayor

Approved as to form:

Robert J. Slentz, Town Attorney

ORDINANCE NO. 2016-

**AN ORDINANCE AUTHORIZING THE
TOWN OF CASTLE ROCK TO REBATE ITS
2015 REVENUE EXCESS THROUGH CREDITS ON
ELIGIBLE ACCOUNT UTILITY BILLS**

WHEREAS, Article X, Section 20(7) of the Colorado Constitution (“TABOR”) contains revenue limitations applicable to the Town of Castle Rock;

WHEREAS, TABOR requires that the Town of Castle Rock refund any excess revenues in the following year;

WHEREAS, the Town of Castle Rock has determined that it received revenue in excess of the revenue limitations; and

WHEREAS, the Town of Castle Rock has considered the appropriate manner to refund the TABOR excess, and has determined to do so through issuing credits on utility bills to certain eligible accounts.

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO:

Section 1. Conditional Effect. This ordinance shall only take effect in the event that the revenue change before the voters pursuant to ordinance 2016-__ is not approved at the November 8, 2016 Regular Election.

Section 2. Refund through Utility Bill Credit. The Town of Castle Rock shall refund certain excess revenues through a utility bill credit as follows:

- A. “Eligible utility accounts” shall mean all utility accounts coded as commercial, residential and multi-unit, for the provision of all municipal water and sanitary sewer services by the Town which were active on December 31, 2015.
- B. The Town shall determine the amount of excess revenue under TABOR which is to be refunded pursuant to Article X, Section 20(7) of the Colorado Constitution, and in accordance with Chapter 3.06 of the Castle Rock Municipal Code.
- C. Upon determining the amount of excess revenue to be refunded, the Town shall divide the total excess revenue amount by the number of eligible utility accounts (the “account credit”). The Town shall credit every eligible active utility account which is active on the posting date of the account credit an amount equal to the account credit. For customers that had eligible utility

accounts on December 31, 2015, but no longer have utility accounts with the Town of Castle Rock on the posting date of the account credit, a check will be issued to the customer.

Section 3. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstance shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this ordinance.

Section 4. Safety Clause. The Town Council finds and declares that this ordinance is promulgated and adopted to for the public health, safety and welfare and this ordinance bears a rational relation to the legislative object sought to be obtained.

APPROVED ON FIRST READING this ____ day of _____, 2016 by a vote of ____ for and ____ against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this ____ of _____, 2016 by the Town Council of the Town of Castle Rock, Colorado, by a vote of ____ for and ____ against.

ATTEST:

TOWN OF CASTLE ROCK

Sally A. Misare, Town Clerk

Paul Donahue, Mayor

Approved as to form:

Robert J. Slentz, Town Attorney

Special Election Information

Town of Castle Rock, Colorado

The Town will have six questions on the Nov. 3, 2015 ballot.

THIS IS NOT YOUR BALLOT

**Summary of ballot questions for
Castle Rock Special Election**



CRgov.com/2015election

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Dear Castle Rock voters and residents,

Castle Rock is a home-rule municipality. That means, in accordance with State Statute, we are able to make local laws through local ordinances and the Town Charter.

The Charter outlines everything from the Town's name, to Town Council elections, to the process for making local laws by ordinance. Six questions will be on the Nov. 3 ballot, asking Castle Rock voters about changes to the Town Charter.

The Town of Castle Rock is sending this election "blue book" to all Town residents – regardless of whether they are currently registered to vote – to provide information on the election and the questions that will be included on the ballot. There are several significant points to be made on both sides of each question, and the Town has chosen two or three to illustrate here.

These questions will be included with State and School District questions on the Nov. 3 ballot. The election is being coordinated by Douglas County Elections.

Active registered voters can expect to receive their ballots from Douglas County in mid-October. You can register up to – and including the day of – the special election. To check if you are registered to vote, visit GoVoteColorado.com.

Voters: This is not your ballot. Please do not return this sample ballot to the Town.

Once you receive and complete your official ballot, please make sure to sign the affidavit on the back of the return envelope. You can either mail it to or drop it off at Town Hall, 100 N. Wilcox St., or drop it off at the Douglas County Elections Office, 125 Stephanie Place.

Both locations have 24-hour drop boxes where you can return your ballot. If you need to register to vote, update voter information, vote in person, or obtain a replacement ballot, visit the Douglas County Elections office at 125 Stephanie Place between 8 a.m. and 5 p.m. on weekdays, or from 9 a.m. to 1 p.m. on Saturday, Oct. 31. The same location will be open 7 a.m. to 7 p.m. Election Day.

All ballots must be received by 7 p.m. Tuesday, Nov. 3. Completed ballots sent by mail will require postage. Please allow adequate time to mail your ballot, or drop it off in person.

Results will be posted by Douglas County and at CRgov.com/2015election.

Sincerely,

Sally Misare, Town Clerk
303-660-1367
smisare@CRgov.com

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Town of Castle Rock Ballot Question 2B

Currently, Castle Rock voters elect new Councilmembers during regular municipal elections in April of even-numbered years. A YES vote on this measure means regular municipal elections would be coordinated by Douglas County in November of even-numbered years. A NO vote on this measure means regular municipal elections would continue to be in April of even-numbered years.

Council terms scheduled to end in April 2016 and April 2018 would be adjusted through November of those years. Therefore, a transition plan for the current sitting Councilmembers would be necessary.

Arguments for a YES vote on 2B

- November elections are conducted by Douglas County. Because elections are a key County function, Douglas County has the designated technology and staffing to run and manage elections. Plus, it is a cost-savings to the Town.
- As part of the process, voters must sign the back of their ballot envelopes to validate their ballots. Unlike Castle Rock, Douglas County has the database to verify those signatures and confirm a voter's identity.
- Voter turnout is typically higher in November elections, so participation in Castle Rock elections would likely increase if coordinated with November elections, rather than in April.

Arguments for a NO vote on 2B

- When coordinated with national or State issues, local issues tend to get lost and, therefore, these issues do not get the awareness and attention they deserve.
- To make this change, the current Council terms would be extended by seven months.
- April elections are an established and a traditional part of Castle Rock history.

QUESTION AS IT WILL APPEAR ON THE BALLOT:

Town of Castle Rock Ballot Question 2B

Castle Rock Charter Amendment

Shall the Town of Castle Rock Home Rule Charter be amended to: (i) change the date of regular municipal elections to the general election date in November of even-numbered years beginning in 2016; (ii) conduct such elections as coordinated elections with Douglas County under the Uniform Election Code of 1992; and (iii) adopt a transition plan on Town Council terms to implement such change in election date, by revising Sections 2-3, 4-1, 4-2, 4-3, and Article XVII of the Town of Castle Rock Home Rule Charter, as provided in Ordinance No. 2015-30?

YES____ NO____

Town of Castle Rock Ballot Question 2C

Currently, the Town officially publishes public notices for ordinances (local laws) Council will consider in the legal section of the local newspaper.

A YES vote on this measure would change the way the Town publishes those legal notices. Instead of being published in the local newspaper's legal public notices section, the notices would be posted on the Town's website, CRgov.com. A NO vote on this measure would maintain the status quo, in which legal notices for Town ordinances are published in the local newspaper.

Note: public notices for land use hearings are already published online. Public notices for ordinances have been available at Town Hall in the Town Clerk's Office, and that practice would continue.

Arguments for a YES vote on 2C

- Publishing these notices online is free, so it would be a cost-savings to the Town.
- Posting to the Internet is quick and more efficient for both the Town's internal process and those looking for posted notices.
- The newspaper is not read by every Castle Rock resident.

Arguments for a NO vote on 2C

- Not everyone has access to computers and online services and would, therefore, have trouble accessing public notices.
- The newspaper is a traditionally known format for publishing legal notices.
- Technology can fail or be compromised.

QUESTION AS IT WILL APPEAR ON THE BALLOT:

Town of Castle Rock Ballot Question 2C

Castle Rock Charter Amendment

Shall Section 7-3 of the Town of Castle Rock Home Rule Charter be amended to require the posting of public notices of ordinances on the Town of Castle Rock website rather than publication in a newspaper, as provided in Ordinance No. 2015-31?

YES____ NO____

Town of Castle Rock Ballot Question 2D

Town Council makes local laws by ordinance. In most cases, once an ordinance passes two readings in front of Town Council, there is a 30-day waiting period. Then, the ordinance becomes part of local law. During that waiting period, there is time for residents to protest the ordinance by referendum.

Currently, Town Charter requires signatures from 5 percent of registered voters in Castle Rock to validate a referendum petition, so it can move forward. A YES vote on this question would change that threshold to 10 percent. A NO vote maintains the status quo, which requires signatures from 5 percent of registered voters.

Arguments for a YES vote on 2D

- With a higher threshold of required registered voter signatures, which is compliant with Colorado law, the referendum would be a more accurate representation of the wishes of Castle Rock voters.
- This measure would minimize the likelihood of using taxpayer money on an effort not fully backed by the community.
- The process for Town Council to pass an ordinance already includes opportunities for public comment and input.

Arguments for a NO vote on 2D

- This higher threshold of required registered voter signatures would make it a more difficult process for the community to reverse an ordinance.
- Historically, a petition has required thousands of signatures, which can be difficult to get.
- This provision has been in the Town Charter since the Charter was adopted in 1987.

QUESTION AS IT WILL APPEAR ON THE BALLOT:

Town of Castle Rock Ballot Question 2D

Castle Rock Charter Amendment

Shall Section 15-2(b) of the Town of Castle Rock Home Rule Charter be amended to increase the percentage of registered voter signatures required on a referendum petition from five percent to ten percent, as provided in Ordinance No. 2015-32?

YES ____ NO ____

Town of Castle Rock Ballot Measure 2E

Castle Rock Charter Amendment

Another way voters can create local laws is through the initiative process. Initiatives are ordinances started by voters, rather than by Town Council.

Currently, Town Charter requires valid signatures from 10 percent of registered voters to get an initiative to ballot. A YES vote on this question would change that threshold of voter signatures to 15 percent. A NO vote on this question means the required percentage of signatures remains at 10 percent of registered voters.

Arguments for a YES vote on 2E

- With a higher threshold of required registered voter signatures, which is compliant with Colorado law, the initiative would be more representative of Castle Rock voters.
- This measure would minimize the likelihood of using taxpayer money on an effort not fully backed by the community.
- There are several other ways to influence local government, including electing your Town Council member; attending public meetings, open houses, and board and commission meetings; using online platforms; and contacting Councilmembers.

Arguments for a NO vote on 2E

- This higher threshold would make it a more difficult process for the community to influence local government through the initiative process.
- Historically, a petition has required thousands of signatures, which can be difficult to get.
- This provision has been in the Town Charter since the Charter's adoption in 1987.

QUESTION AS IT WILL APPEAR ON THE BALLOT:

Town of Castle Rock Ballot Measure 2E

Castle Rock Charter Amendment

Shall Section 15-1(b) of the Town of Castle Rock Home Rule Charter be amended to increase the percentage of registered voter signatures required on an initiative petition from ten percent to fifteen percent, as provided in Ordinance No. 2015-33?

YES____ NO____

Town of Castle Rock Ballot Question 2F

Residents who disagree with an ordinance Town Council passes can challenge it through a referendum. Or, they can start their own initiative. Both approaches go through a similar process to get on a ballot.

First, the form of the petition must be verified. Then, signatures can be gathered. If there are enough valid signatures, Town Council must act. For a referendum, Council can either decide to hold an election or rescind the ordinance in question. For initiatives, Council can either implement the initiative or schedule an election.

Just as a group can start a referendum or initiative, it can also withdraw one. Currently, voters who initiate a referendum or initiative have until 20 days before an election to withdraw the petition. A YES vote on this question would change that timeframe to noon the day Council is set to act on the referendum or initiative petition. A NO vote would maintain the status quo of 20 days before an election.

Arguments for a YES vote on 2F

- Under current law, petition representatives can wait until after ballots are printed, and possibly even mailed to voters, before deciding to withdraw their petition, wasting taxpayer money.
- This measure prevents voter confusion. Under current law, it is possible for the Town to be required to send out a ballot and then not actually tally the votes, due to the petition being withdrawn late in the process, creating confusion.

Arguments for a NO vote on 2F

- This measure would reduce the time a petition representative has to withdraw the petition.
- Petitioners invested time and energy into their petition. They should be allowed to withdraw it up to 20 days before the election.

QUESTION AS IT WILL APPEAR ON THE BALLOT:

Town of Castle Rock Ballot Measure 2F

Castle Rock Charter Amendment

Shall Section 15-6 of the Town of Castle Rock Home Rule Charter be amended to change the timeframe in which an initiative or referendum petition can be withdrawn to not later than 12:00 PM on the date the Town Council is to consider the subject petition, as provided in Ordinance No. 2015-34?

YES____ NO____

Town of Castle Rock Ballot Measure 2G

Castle Rock Charter Amendment

During a referendum or initiative process, petitioners gather signatures from registered voters. Those signatures are then verified by the Town and used to determine whether there is enough voter support for an election on the referendum or initiative.

However, there is not currently a process for having a signature removed from a petition.

A YES vote on this measure would create a new provision in the Town Charter that allows voters to remove their signatures from a petition before it is submitted to the Town for verification. In implementing that new provision, a process would be created. A NO vote maintains the status quo in which there is no process for a signer to remove his or her signature before the petition is submitted to the Town for verification.

Arguments for a YES vote on 2G

- This measure establishes a process for a person to have his or her signature removed from a petition.
- It's difficult to fully understand an issue in front of a grocery store or library, where signatures are often collected. If a voter does additional research and changes his or her mind, he or she would have a process for removing his or her name from something with which he or she no longer agrees.
- This privilege is afforded voters signing statewide petitions; it should be a privilege at the local level, too.

Arguments for a NO vote on 2G

- There is no need for this process. Signers should research the issue before they sign a petition.
- Allowing voters to remove signatures makes it more difficult for petition representatives to track their progress as they work to reach their desired outcome of a successful petition.
- This measure would require more Town resources in creating and operating the withdrawal process.

QUESTION AS IT WILL APPEAR ON THE BALLOT:

Town of Castle Rock Ballot Measure 2G

Castle Rock Charter Amendment

Shall Sections 15-1 and 15-2 of the Town of Castle Rock Home Rule Charter be amended to authorize the withdrawal of a signature by a registered elector on an initiative or referendum petition on or before the date of filing of such petition, as provided in Ordinance No. 2015-35?

YES ____ NO ____

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Town of Castle Rock
100 N. Wilcox St.
Castle Rock, CO 80104

Election Information