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ARAPAHOE COUNTY ASSESSOR EXPLAINS GROUND RULES FOR BAKER RECALL PROCESS

– Bosier Vows Integrity, Impartiality Will Govern Effort to Recall County Clerk –

LITTLETON, CO (August 8, 2003): The official named by Arapahoe County Commissioners to oversee the possible recall election of Arapahoe County Clerk and Recorder Tracy Baker today outlined the procedures that will be followed for both the recall effort and – should events lead to it – the election of Baker’s successor.

County Assessor Ed Bosier was appointed by the commissioners in June to manage the recall process because Baker, whose office normally has jurisdiction over electoral matters, would have an obvious conflict in running his own recall election. Bosier is charged with handling such matters as the hiring of election judges and legal counsel and the distribution of public information. In compliance with the latter responsibility, the Assessor’s office has compiled, in question-and-answer format, a detailed explanation of the recall process that covers the timing and sequence of certain activities, the requirements for obtaining petition signatures and the procedures for placing on the ballot those candidates seeking to replace Baker. The Q&A document follows below.

In releasing this information, Bosier assured the public that he has no personal or professional stake in the outcome of the recall effort and that fairness and impartiality will rule every step of what could be a long and contentious political struggle. “The democratic process is sacred, and the recall of a public official is one of the more somber outcomes of democracy,” said Bosier.

“My job is to ensure the absolute integrity of this process, starting with the petition stage and, if it comes to it, the election itself. I’m also committed to maintaining a consistent and accurate flow of information so the process is as transparent as possible and the voters of Arapahoe County as informed as possible.”

Bosier added that his office is operating independent of the County Commissioners and will manage expenses for the recall election outside of the County’s normal accounting structure. The total cost to the public for this process is unclear and will depend on numerous factors such as whether there are protests against the recall petition and, most importantly, whether there is an election at all. Bosier did note that the costs to prepare and circulate the recall petition, to make a formal protest and to prepare and circulate candidate petitions are all borne by private parties.

Finally, Bosier said has retained outside legal and communications counsel that is independent of the County and better able to provide cost-effective assistance. Denver-based attorneys Icenogle, Norton, Smith & Blieszner are serving as legal counsel, while InterMountain Corporate Affairs, also headquartered in Denver, is handling communications and community outreach.

About the Arapahoe County Assessor’s Office

The Assessor's Office discovers, lists, classifies and values all real and personal property in Arapahoe County. The Office is also responsible for maintaining public records, including ownership and parcel maps; submitting the Abstract of Assessment to the Colorado Division of Property Taxation; certifying values to taxing entities; and producing the warrant roll. The Arapahoe County Assessor, Ed Bosier, began working for the Office in 1987 as a certified appraiser/supervisor in Land Development. Voters first elected him to the Office of the Assessor in 1995. He is currently serving his third term, which expires January of 2007.

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FREQUENTLY ASKED QUESTIONS REGARDING THE RECALL ELECTION PROCESS

Q1: How many signatures are required to force a recall election for the County Clerk?

A1: According to the Colorado Revised Statutes (section 1-12-104), the party seeking to force a recall election must gather a number of signatures equal to 25% of the total number of votes cast for all candidates for the Office of Arapahoe County Clerk and Recorder in the last general election. In this case, the number of signatures required is 34,603.

Q2: What is the sequence of events that determine the timing of the recall election?

- A2: (1) The party seeking a recall can begin collecting signatures on a recall petition no sooner than six months after the official who is the subject of the recall took office.
- (2) Before collecting signatures, recall proponents must submit their petition to be approved in form by Mr. Bosier. Mr. Bosier has two days to approve the petition.
- (3) Recall proponents have 60 days from the date of approval to obtain the necessary number of signatures and file the completed petition with Mr. Bosier's office.
- (4) From the date the completed petition is filed, Mr. Bosier has 10 business days to verify the validity of the collected signatures.
- (5) Once the validity of the signatures has been verified, there is a 15-day period during which any registered voter in the County can file a protest against the petition.
- (6) If a protest is filed, Mr. Bosier's office must hold a hearing on the matter of protest and make a determination on its validity within 30 days. If the protest is upheld and involves an issue substantial enough to invalidate the entire petition, the petition is rejected and recall proponents would have to start the process over.
- (7) If the protest is not upheld, Mr. Bosier will certify the petition to the County Commissioners, who will set a date for the election that is no less than 45 and no more than 75 days after the date of certification.

Q3: Will the 200-word statement used on the recall petition be required to be used verbatim on the recall election ballot as well?

A3: Yes, the same language must be used on both the petition and the ballot.

Q4: Who may sign the recall petition?

A4: Registered voters of Arapahoe County. (Must have been registered for at least 29 days.)

Q5: Who may circulate the recall petition?

A5: Registered voters of Arapahoe County. (Must have been registered for at least 29 days.)

Q6: Are there limits on financial contributions to the county recall election?

A6: No, there are no financial limits on county elections.

Q7: Will the recall election take place simultaneously with the election for a candidate to replace Mr. Baker as County Clerk?

A7: Yes.

Q8: How do candidates to replace Mr. Baker get on the ballot?

A8: (1) Those wishing to be a candidate of a political party must circulate a petition, gathering signatures equal to 20% of the votes cast for their party's candidates for the Clerk's office during the last primary election. The candidate must have been affiliated with his or her party for at least 12 months.

(2) Those wishing to run without party affiliation must also circulate a petition, gathering the lesser of 750 signatures or a number equal to 2% of the votes cast for all candidates for the Clerk's office in the last general election.

Q9: So how many signatures are needed for Republicans, Democrats and Independents?

A9: (1) There were 22,194 votes cast in the last Republican primary election for the Clerk's office, which occurred in 2002. That means candidates wishing to run as Republicans in this election will need to gather 4,439 signatures to get their names on the ballot.

(2) Because the Democrats had no primary election in 2002, the law states they must instead gather signatures equal to 20% of the votes cast at the last preceding general election for which there was a candidate for the office. Though this statute is open to interpretation, for the purposes of this election the point of reference will be 1994, the last year the Democrats ran a candidate for County Clerk in Arapahoe County. That year, 40,188 votes were cast for the Democratic candidate in the general election, meaning Democratic candidates wishing to get on the ballot for this election will need to gather 8,038 signatures.

(3) For unaffiliated candidates, 750 signatures are needed since that amount is less than 2% of the votes cast for all candidates for the Clerk's office in the last general election.

Q10: When can potential candidates begin circulating petitions to get on the ballot?

A10: As soon as Mr. Bosier determines that the language for the recall petition is sufficient, then potential candidates can submit to him their own petitions for approval. Mr. Bosier then has two days to approve those petitions; once they're approved the candidates can begin circulating them.

Q11: How long do candidates have to collect the required signatures?

A11: Candidate petitions must be completed and filed with Mr. Bosier's office no more than 15 days after the County Commissioners meet to set the date of the recall election.

Q12: Can Candidates get on the ballot through the caucus/assembly process?

A12: No, only through the petition process described above.

Q13: Who may sign a candidate petition?

A13: Registered voters of Arapahoe County who have been registered with that candidate's political party for at least 29 days. Any registered voter, regardless of party affiliation, may sign an Independent candidate's petition.

Q14: Can a voter sign more than one candidate petition?

A14: No, each voter may only sign one candidate petition.

Q15: Who may circulate a candidate petition?

A15: Registered voters of Arapahoe County who have been registered with that candidate's political party for at least 29 days. Any registered voter, regardless of party affiliation, may circulate an Independent candidate's petition.

Q16: Can a circulator simultaneously carry both a recall petition and a candidate petition?

A16: Yes, assuming the requirements as described above are met.

Q17: Can circulators of either the recall or candidate petitions be paid?

A17: Yes.

Q18: Can a circulator hand out literature for a candidate, or does that need to be done by a separate person?

A18: It is okay for someone circulating a candidate petition to also hand out literature for that candidate.

Q19 Do all of the petitions for the recall need to be submitted at the same time, or can they be submitted periodically?

A19: They must all be submitted at the same time.

Q20: Do all of the petitions for a candidate need to be submitted at the same time, or can they be submitted periodically?

A20: They must all be submitted at the same time.

Q21: Are petitions required to be numbered? Are the pages/sections required to be numbered? If so, must they be numbered in any special manner or may they be numbered by hand?

A21: Though there is no statutory requirement for numbering, for the purpose of this election Mr. Bosier's office has determined that page numbering will be required on all petitions so that it will be easier for the petitions to comply with the legal requirements for validation.