



## WESTMINSTER

# Certification of Sufficiency Recall Petitions – Mayor Herb Atchison and Councillor Jon Voelz

Wednesday, April 28, 2021

## Background

On Monday, August 31, 2020, Ms. Jessica True submitted a sworn affidavit to the City Clerk's Office, setting forth a specific statement of grounds to circulate recall petitions for Mayor Herb Atchison, Mayor Pro Tem Anita Seitz, and Councillors Kathryn Skulley and Jon Voelz, pursuant to the Westminster City Charter ("Charter") Section 3.18 and Westminster Municipal Code Section ("W.M.C.") 7-1-10. Petitions were approved as to legal form on September 1, 2020.

The deadline to turn in signatures was 60 days from the date the petition was approved as to legal form by the City Clerk's Office, which was Saturday, October 31, 2020, as required by Charter section 3.18, W.M.C. 7-1-10(d), and Colorado Revised Statutes ("C.R.S.") Title 31, Article 4, Part 5.

The required number of signatures to trigger a recall election for Mayor Herb Atchison is an amount equivalent to 25 percent of all votes cast in the last municipal election for that office, or 5,009 signatures. The required number of signatures to trigger a recall election for Mayor Pro Tem Anita Seitz, and Councillors Kathryn Skulley and Jon Voelz is an amount equivalent to 25 percent of the total votes cast for those offices at the last municipal election, divided by the number of open seats (3), or 6,098 signatures.

On Friday, October 30, 2020, the City Clerk's Office received four petitions from Ms. Jessica True, accompanied by three other individuals. Each petition was filed as a single instrument pursuant to Charter Section 3.18 and W.M.C. 7-1-10, and thus no subsequent filings could be accepted as part of the same petition after this date.

The City Clerk's Office released a Certificate of Initial Determination of Insufficiency on Friday, November 13, 2020. After withdrawal and amendment of the petition the City Clerk's Office released an updated Certificate of Insufficiency on December 7, 2020, followed by an Amended Certificate of Insufficiency on December 10, 2020.

## Previously Disqualified Sections Ordered to be Considered

Certain petition sections were initially disqualified because:

1. the addition of a cover sheet renders that section different than the submitted and approved form and thus invalid under C.R.S. 31-4-502(1)(c);
2. the addition of a cover sheet rendering the top of each section without the required warning language or the exact statement of charges previously filed with the City Clerk and makes that section invalid under W.M.C. § 7-1-10; and
3. the addition of a cover sheet means that the section included a page that did not contain the warning language or the exact statement of charges previously filed with the City Clerk and thus invalid under W.M.C. § 7-1-10, and C.R.S. 31-4-502(1)(a)(II).

On April 16, 2021, the Adams County District Court, following an evidentiary hearing, issued an order requiring the City to evaluate and consider the signatures contained in these Previously Disqualified Sections (“DQ Sections”).

Figure 1. Petition Sections Previously Disqualified.

Recall Petition	Previously Disqualified Sections
Mayor Herb Atchison	1, 27, 29, 34, 38, 39, 40, 41, 42, 46, 47, 49, 51, 52, 55, 59, 64, 65, 67, 70, 71, 72, 73, 74, 76, 79, 82, 87, 89
Councillor Jon Voelz	25, 28, 32, 33, 34, 36, 37, 38, 43, 44, 45, 49, 51, 53, 60, 61, 68, 69, 78, 84, 109

Figure 2. Signature Counts: Previously Disqualified Sections

ELECTED OFFICIAL LAST NAME	# OF SECTIONS SUBMITTED BY PETITIONERS	SIGNATURE COUNT (PETITIONER)	# OF SECTIONS MEET LEGAL FORM (PRE-HEARING)	# OF SECTIONS DISQUALIFIED (DQ) (PRE-HEARING)	# OF SIGNATURES DISQUALIFIED (DQ) (PRE-HEARING)	SIGNATURES PROCESSED (CITY CLERK) (PRE-HEARING)	TOTAL SIGNATURES PROCESSED (POST-HEARING)	SIGNATURE COUNT VARIANCE TOTAL SIG PROCESSED - PETITIONER COUNT (CONTROL)
ATCHISON	113	6,692	84	29	1,966	4,727	6,693	1
VOELZ	112	6,727	91	21	1,299	5,463	6,732	5

Mayor Herb Atchison: Final Disposition of All Signature Lines Verified, Including All Previously Disqualified Sections:

Figure 3. Summary of Atchison Recall Petition Signature Final Verification Results.

Relevant Section of City Charter, City Code, State Statute	Result	Previous Count	DQ Sections	FINAL COUNT
Charter section 3.18, W.M.C. 7-1-10, C.R.S. 31-4-503(2)(b), C.R.S. 31-4-502	Not Registered	187	78	265
Charter section 3.18, W.M.C. 7-1-10(A), (B), C.R.S. 31-4-503(2)(b), C.R.S. 31-4-502	Duplicate Signature	26	24	50
Charter section 3.18, W.M.C. 7-1-10, C.R.S. 31-4-503(2)(b)	Illegible Name	5	1	6
Charter section 3.18, W.M.C. 7-1-10, C.R.S. 31-4-503(2)(b)	Incomplete Line	38	0	38
Charter section 3.18, W.M.C. 7-1-10, C.R.S. 31-4-503(2)(b)	Name not consistent	1	0	1
Charter section 3.18, W.M.C. 7-1-10, C.R.S. 31-4-503(2)(b), C.R.S. 31-4-502	Address outside of City	251	29	280
Charter section 3.18, W.M.C. 7-1-10, C.R.S. 31-4-503(2)(b)	Problem with date	0	0	0
<b>Valid Signatures</b>		<b>4,219</b>	<b>1,834</b>	<b>6,053</b>
<b>Total Number of Signatures Verified, Including All Cured Sections</b>		<b>4,727</b>	<b>1,966</b>	<b>6,693</b>
<b>Valid Signatures Required to Trigger a Recall Election</b>		<b>5,009</b>		

The number of valid registered elector signatures stands at **6,053** and exceeds the required number of **5,009** needed to trigger a recall election. Therefore, the Petition to Recall Mayor Herb Atchison is found to be sufficient.

## Councillor Jon Voelz: Final Disposition of All Signature Lines Verified, Including All Previously Disqualified Sections:

Figure 4. Summary of Voelz Recall Petition Signature Final Verification Results.

Relevant Section of City Charter, City Code, State Statute	Result	Previous Count	DQ Sections	FINAL COUNT
Charter section 3.18, W.M.C. 7-1-10, C.R.S. 31-4-503(2)(b), C.R.S. 31-4-502	Not Registered	227	43	270
Charter section 3.18, W.M.C. 7-1-10(A), (B), C.R.S. 31-4-503(2)(b), C.R.S. 31-4-502	Duplicate Signature	45	14	59
Charter section 3.18, W.M.C. 7-1-10, C.R.S. 31-4-503(2)(b)	Illegible Name	3	1	4
Charter section 3.18, W.M.C. 7-1-10, C.R.S. 31-4-503(2)(b)	Incomplete Line	14	0	14
Charter section 3.18, W.M.C. 7-1-10, C.R.S. 31-4-503(2)(b)	Name not consistent	1	0	1
Charter section 3.18, W.M.C. 7-1-10, C.R.S. 31-4-503(2)(b), C.R.S. 31-4-502	Address outside of City	254	22	276
Charter section 3.18, W.M.C. 7-1-10, C.R.S. 31-4-503(2)(b)	Problem with date	1	0	1
<b>Valid Signatures</b>		<b>4,918</b>	<b>1,189</b>	<b>6,107</b>
<b>Total Number of Signatures Verified, Including All Cured Sections</b>		<b>5,463</b>	<b>1,269</b>	<b>6,732</b>
<b>Valid Signatures Required to Trigger a Recall Election</b>			<b>6,098</b>	

The number of valid registered elector signatures stands at **6,107** and exceeds the required number of **6,098** signatures needed to trigger a recall election. Therefore, the Petition to Recall Councillor Jon Voelz is found to be sufficient.

## Conclusion

The final disposition of all sections and all lines considered as required by court order results in a sufficient number of valid electors to trigger a recall election for Mayor Herb Atchison and Councillor Jon Voelz.



Michelle Parker, CMC  
City Clerk

**Attachments:**

1. Final Disposition of Line-by-Line Verification of Previously Disqualified Petition Sections - Atchison
2. Not Registered Sort - Atchison
3. Duplicate Signature Sort - Atchison
4. Illegible Name Sort - Atchison
5. Address Outside of City Sort - Atchison
6. Final Disposition of Line-by-Line Verification of Previously Disqualified Petition Sections - Voelz
7. Not Registered Sort - Voelz
8. Duplicate Signature Sort - Voelz
9. Illegible Name Sort - Voelz
10. Address Outside of City Sort - Voelz