

AGENDA ITEM SUMMARY

City Council



STAFF

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SUBJECT

Second Reading of Ordinance No. 031, 2025, Amending Section 7-103 of the Code of the City of Fort Collins to Remove Write-In Candidates in City Elections.

EXECUTIVE SUMMARY

This Ordinance, adopted on First Reading on February 18, 2025 by a vote of 5-2 (Nays: Ohlson, Gutowsky), adopts an amendment to section 7-103 of City Code to remove write-in candidates in City Elections. Ordinance Nos. 029, 30, 32, 33 are being presented on second reading on the consent calendar (see item 12) because they were adopted unanimously on First Reading.

In 2015, Council formed an ad hoc committee (Election Code Committee) to review, discuss and recommend the most beneficial changes to the Code and City Charter regarding elections and other related matters. The ad hoc committee was changed to a standing committee in January 2017 for the purpose of identifying and evaluating ideas for improvements to City election laws and practices and anticipating adjustments that may be needed to adapt to a changing legal and technological environment. These items are coming forward for Council consideration based on recommendations by that Committee.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

The Election Code Committee (ECC) has met numerous times since September 2024, where numerous areas of Code were identified for improvement and proposed Code changes evaluated in preparation for the 2025 Regular Election for the City. The following items were approved by the ECC to move forward for consideration by the entire Council:

1. Enforcement of Campaign Violations

It is recommended that Section 7-145 be repealed in its entirety and replaced with the updated enforcement process for campaign violations. The updates generally improve and clarify the City's campaign enforcement procedures and processes and further the City's and the public's interest in shedding light for the public on the enforcement process for alleged campaign violations. The changes:

- Streamline the process and clarify roles;
- Require factual evidence of an alleged violation and create clear process stages;
- Provide notification of a presumptive fine and allow payment as a cure;
- Provide more clarification on when outside counsel will be retained and establish that internal or external investigators may be used; and
- Clarify and enhance communication requirements to all parties, including information and evidence of a cure to complainants.

2. Campaign Contributions

It is recommended that Chapter 7 be amended to clarify and revise the requirements for campaign contributions in City elections. These updates would change campaign contribution limits for the Mayor and Councilmembers, include an automatic inflation adjustment to ensure that the limits continue to be adjusted over time in line with local inflation, and provide clarification related to electronic contributions. The changes also prohibit cryptocurrency. The changes:

- Increase campaign contributions for the Mayor to \$200 and for Councilmembers to \$150;
- Add an inflationary adjustment that would look at the percentage change over a two-year period in the United States Bureau of Labor Statistics Consumer Price Index Denver-Boulder-Greeley and then round contributions to the nearest \$10;
- Recognize electronic contributions;
- Clarify third-party transaction fees and how these apply towards a contribution; and
- Prohibit cryptocurrency.

Another change to this item includes requiring additional campaign finance reports. This is intended to ensure reporting and related transparency for committees who start collecting and expending money well before an election is scheduled. The changes:

- Require a committee to file a report within two (2) weeks of receipt of the first contribution of any kind when an election is more than ninety-one (91) days away and then on the first day of the calendar quarter thereafter until the election is sixty-three (63) days away;
- Add a report on the sixty-third (63rd) day before an election; and
- Move the first report after the election up to the twenty-eighth (28th) day.

For 2025, any committees already underway will be required to file a report on May 1, 2025, for any contributions received prior to that date, or within two (2) weeks after receipt if the first contribution is received after that date, until the election is sixty-three (63) days away.

3. Write-In Candidates

It is recommended that Chapter 7, Section 103, be changed to prohibit write-in candidates. Currently write-in candidates register only a few days after the deadline for submission of nominating petitions and eliminating the potential for write-in candidates avoid complications during the ranked voting process.

4. Petition Circulation

It is recommended that Chapter 7, Section 165, be changed to indicate that, upon request, a petition will be made accessible by any reasonable method versus having it read aloud.

5. Various Clean Up Items

These items generally improve and clarify the City's election process. The changes:

- Update the duties of the City Clerk;
- Add provisions to enable the City Clerk to conduct any ranked voting election in compliance with the rules adopted by the Secretary of State, as adapted for a City administered election;
- Adjust the filing date of a nomination petition to seventy (70) days prior to an election (from 71 days);
- Adjust recall nomination petition timelines to match the requirement to have them filed with the City Clerk no later than seventy (70) days prior to the recall election and they may be circulated after a recall petition is filed with the City Clerk's Office;
- Modernize language (from shall to will, etc.); and
- Clarify the definition of *ballot issue* or *ballot question* and update the referenced Charter provisions; and
- Authorize the City Clerk to engage an outside party to assist in investigating and review of election complaints.

Any of the above items that are approved by Council will be incorporated into City Code and all election related materials as efforts move forward for the 2025 election. Candidate guidelines will be updated as soon as possible, and changes relayed to any existing candidates and highlighted in the upcoming Candidate Information Session scheduled for April 2, 2025.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

These changes reflect the recommendations of the Election Code Committee.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration