

ORDINANCE NO. 033, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 7 OF THE CODE OF THE CITY OF FORT
COLLINS TO UPDATE VARIOUS SECTIONS RELATED TO CITY
ELECTIONS FOR CONSISTENCY WITH THE CITY CHARTER
AND WITHIN CHAPTER 7

A. In 2015, the City Council formed an ad hoc committee to review, discuss and recommend the most beneficial changes to the Code and City Charter regarding elections and other related matters.

B. In January 2017, Council made the ad hoc Committee a standing committee of Council 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, for Council consideration.

C. As a result of the Committee's work (as both an ad hoc committee and a standing committee), Ordinance No. 021, 2016, Ordinance No. 005, 2017, Ordinance No. 045, 2018, Ordinance No. 077, 2018, and Ordinance No. 113, 2018, Ordinance No. 109, 2020, Ordinance No. 112, 2020, and Ordinance No. 079, 2022 were considered and adopted by the Council to update various provisions of Chapter 7.

D. The Committee has continued to meet to consider clarifications and updates that may be needed in Chapter 7 and has recommended clarification and updating the duties and authority of the City Clerk in conformance with other amendments sought.

E. The Committee has also recommended updates to conform the City Code with changes that have been made to the City Charter, including the procedure for City administered ranked voting elections.

F. The Committee has also recommended clarifications to address the timelines for both general election candidate nomination petitions and recall nomination petitions in light of Charter changes and changes to overall election scheduling. This timeline takes into account both the County's requirements for receiving names before a coordinated election and sufficient time for the Clerk's Office to verify signatures as provided in the Charter.

G. These updates generally improve and clarify the City's election process and conform to provisions updated in the City Charter in November 2024 and in Chapter 7.

H. These updates further the City's and the public's interest in efficiently updating the election process and updating administrative functions to reflect other amendments.

I. The Council desires to enact the recommendations of the Committee and staff to clarify and improve various sections in Chapter 7, as set forth below.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Section 7-20 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7-20. - Duties of city clerk.

The City Clerk is responsible to:

- (1) Provide forms and instructions to assist candidates and the public in complying with the reporting requirements of Article V;
- (2) Keep a copy of any report or statement required to be filed by Article V for a period of ten (10) years from the date of filing. In the case of candidates who were elected, those candidate's reports and filings shall be kept for six (6) years after the candidate leaves office;
- (3) Make reports and statements filed under Article V available on the City's website promptly;
- (4) Supervise the review and evaluation of complaints and initiate complaints regarding alleged violations of Article V.
- (5) Prescribe the form of materials to be used in the conduct of mail ballot elections consistent with the provisions contained in Article VIII;
- (6) Establish procedures for conducting mail ballot elections consistent with the provisions contained in Article VIII, including efforts to inform uniformed and overseas voters of the upcoming election;
- (7) Supervise the conduct of mail ballot elections;
- (8) Employ temporary election workers as needed;
- (9) Take all necessary steps to protect the confidentiality of voted ballots and the integrity of the election; and
- (10) Serve as, or designate a qualified employee of the City Clerk to serve as, the City's Designated Election Official, as defined in Section 1-1-104(8), C.R.S., for any election coordinated with Larimer County pursuant to Section 1-7-116, C.R.S.

Section 2. Section 7-21 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7-21. - Administration of City-administered elections.

The provisions of this article apply to the administration of City-administered elections. Any election conducted as a coordinated election with the County is subject to the provisions of applicable state law. Any ranked voting election conducted by the City Clerk will be in compliance with the rules adopted by the Secretary of State pursuant to the Colorado Code of Regulations 8 C.C.R. 1505-1:26, as adapted for a City-administered election.

Section 3. Section 7-116 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7-116. - Nomination of candidates; withdrawal from candidacy.

(a) A nominating petition required pursuant to Article VIII of the Charter may not be circulated earlier than ninety-one (91) days before the election and must be filed with the City Clerk not later than seventy (70) days before the election. A person who has submitted a nominating petition may amend it by submitting additional petition signatures up until seventy (70) days before the election.

(b) A person who has been nominated may, not later than sixty-three (63) days before the election, withdraw by filing with the City Clerk a request therefor in writing, and no name so withdrawn shall be placed upon the ballot.

Section 4. Section 7-117 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7-117. - Recall elections; nomination of candidates.

Anyone desiring to become a candidate at a recall election shall do so by nominating petition as required in Article VIII of the Charter. All nominating petitions for such candidates may be filed with the Office of the City Clerk no later than seventy (70) days prior to the date of the recall election. A person who has submitted a nominating petition may amend it by submitting additional petition signatures up until seventy (70) days before the election. A nominating petition may be circulated after a recall petition is submitted to the City Clerk's Office.

Section 5. The definition "*Ballot issue, ballot question or issue*" contained in Section 7-132 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7-132. – Definitions

Ballot issue or ballot question (also referred to as *issue*) shall mean any measure put to a vote of the registered electors of the City by the City Council at any election held under the provisions of the Charter. For purposes of this Article V, *ballot issue or ballot question* (or *issue*) shall also mean any measure for which recall, initiative or referendum proceedings have been commenced pursuant to Article IX, Section 1(b), Article X, Section 1(b), and Article X, Section 6(b), respectively, of the Charter.

Section 6. Section 7-149 of the Code of the City of Fort Collins is hereby amended to read as follow:

Sec. 7-149. - Administrative authority.

The City Clerk is authorized to engage an outside party to assist in investigating and review of complaints under this Article. The City Clerk is charged with ultimate authority to pursue complaints under this Article and is hereby authorized to adopt administrative regulations consistent with the provisions of this Article.

Introduced, considered favorably on first reading on February 18, 2025, and approved on second reading for final passage on March 4, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: March 14, 2025
Approving Attorney: Sara Arfmann