

Proposed Election Charter Amendments

Delynn Coldiron, City Clerk
Carrie Daggett, City Attorney



Council Members:

- Councilmember Canonico (Chair)
- Mayor Arndt
- Councilmember Pignataro

Team:

- City Manager's Office
- City Attorney's Office
- City Clerk's Office

• Term:

- Met from March 27, 2024 to May 29, 2024

Proposed Ballot Questions

1. Amend Charter Article VIII, regarding Elections in general
2. Repeal and Reenact Article IX, regarding Recall
3. Repeal and Reenact Article X, regarding Initiative and Referendum

Article VIII – Elections

- General provisions related to Elections

Article IX - Recall

- Guides process to recall a Councilmember

Article X – Initiatives and Referendums

- Guides process for citizen initiatives or referendums

Modernizing Language:

- All “shall” references will be replaced with “will”, “must” or “may” depending on context.
- All “he or she” references will be replaced with “they/their.”
- Change references to “mail” correspondence to “send” correspondence to allow for electronic mail where applicable.

Time Computations:

- Change needed due to how deadlines are affected by holiday, weekend, and emergency closures
- City actions - “business days” in increments of five, except where particulars dictate otherwise.
- Petitioner actions - “days” (defined to mean calendar days) in increments of seven, except where particulars dictate otherwise.
- Deadlines will be at the end of the regular business day.
- **Will not reduce the time given to petitioners.**
- Expect this to eventually apply to all applicable Charter sections.

- **Purpose:** To address obsolete language and avoid confusion with deadlines
- Modernization of language
- Changes to computation of time
- Updates to processes
 - Allows the City Clerk to appoint an elections expert to serve on Board of Election
 - Eliminates vague language related to qualification of elected officers (utilizing statutory process)

CITY-INITIATED PROPOSED CHARTER AMENDMENT NO. 1

Shall Article VIII of the Charter of the City of Fort Collins, regarding city elections, be amended to:

- clarify the usage of the term “shall” by replacing with “will,” “must” or other appropriate language;
- modernize the language to be more inclusive by removing he/she language;
- remove requirement that Chief Deputy City Clerk serve on the Board of Election and allow the City Clerk to designate the lead election expert;
- conform the process for challenging nominations and qualifications of candidates to the Municipal Election Code; and
- add rules for computation of time and consistent deadline timeframes?

_____ Yes/For
_____ No/Against

- Modernization of language
- Changes to computation of time
- Reorganization of material for clarity (requires repeal and reenact due to significant number of revisions)
- Updates to processes
 - Based on first-choice votes with ranked choice voting
 - City Clerk Review Periods
 - Simplification of Petition Review Process (elimination of Cure provisions)
 - Petition Review Protest
- Changes to election timeframes
- Eliminates vague language related to qualification of elected officers (utilizing statutory process)

Recall Timeline



Additional Recall Changes

	Staff Proposal	Municipal Election Code	Uniform Election Code
Days to Circulate	35 days for Council Member, 49 days for Mayor	60	60
Cure	Remove for simplification	15 days after determination of insufficiency and only by the addition of required info relating to the signers of the petition or the circulator affidavits	Can cure errors and insufficiencies regarding circulator affidavits – 5 calendar days after notification by DEO of errors
Timing of Election	Earliest possible Tuesday that allows the City Clerk sufficient time to meet all legal, logistical, and technical requirements applicable to the conduct of an election. No less than 77 days prior to regular election.	Not less than 30 days nor more than 90 days from submission to the Council. If regular election is to be held within 180 days after submission to Council, it must be held as part of the regular election.	Not less than 30 days nor more than 90 days from submission to the Council. If regular election is to be held within 120 days after submission to Council, it must be held as part of the regular election.

CITY-INITIATED PROPOSED CHARTER AMENDMENT NO. 2

Shall Article IX of the Charter of the City of Fort Collins, regarding the recall process, be repealed and reenacted in the form set forth in Ordinance No. 095, 2024, which makes edits for clarity and consistency and:

- clarifies the usage of the term “shall” by replacing with “will,” “must” or other appropriate language;
- modernizes the language to be more inclusive by removing he/she language;
- revises and reorganizes Art. IX to be simpler, easier to follow and clearer;
- retains the same percentage requirements for signatures (updated to address ranked choice voting) and same timeframes for circulation of a petition, except it increases the time for circulating a petition to recall the mayor to 42 days;
- simplifies review process and removes the allowance for time for “cure” of technical errors and omissions;
- tightens timeframe for protest hearing and decision;
- requires Council to set recall measure for vote for the next Tuesday for which all election deadlines can be met and if that earliest meetable date is within 77 days of a November election, it must go on that ballot;
- clarifies that if the office held by the subject of the recall is on the next November election ballot and the election on the recall would be at that election or later, the recall process terminates; and
- adds rules for computation of time and consistent deadline timeframes?

_____ Yes/For
_____ No/Against

ARTICLE X – INITIATIVE AND REFERENDUM

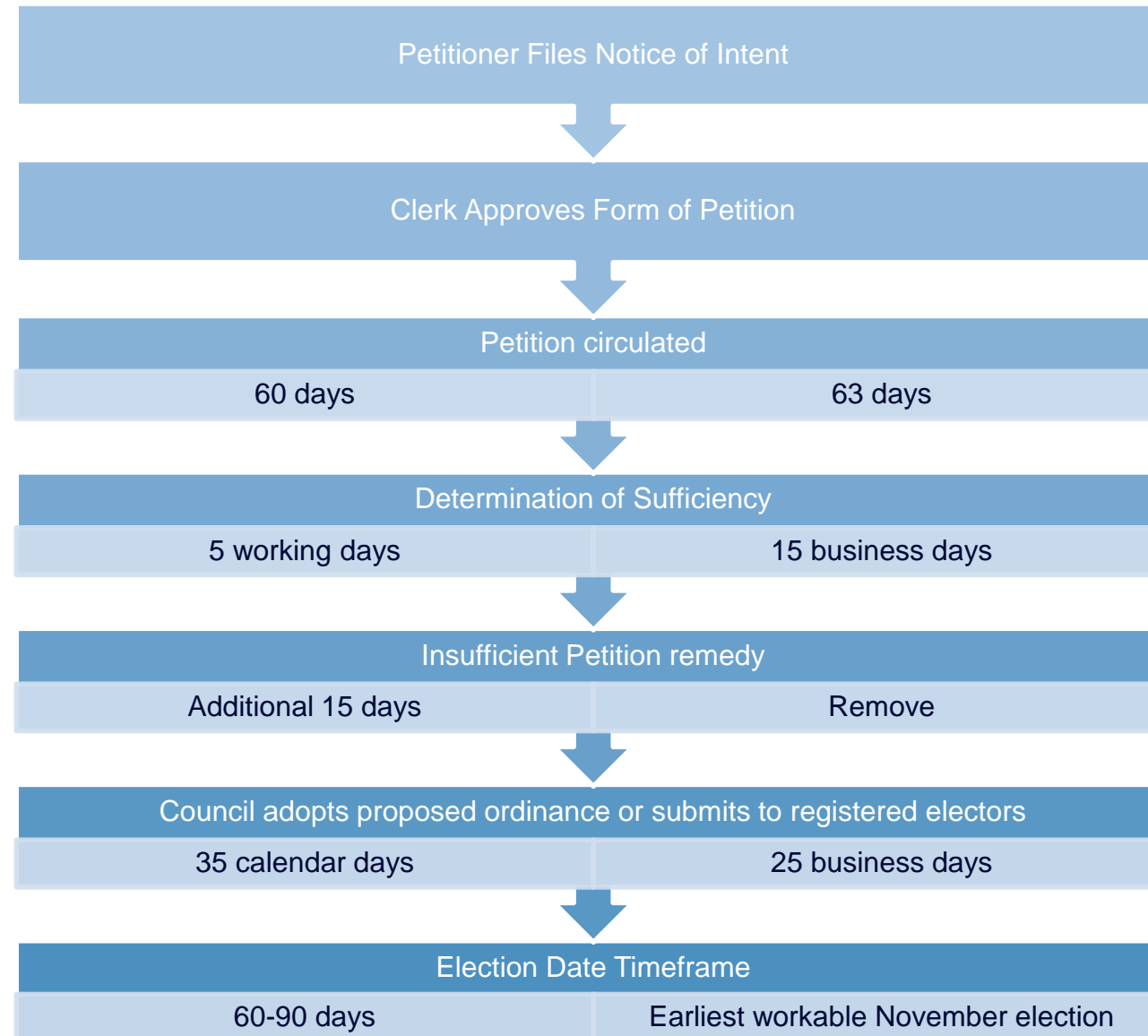


- Modernization of language
- Changes to computation of time
- Reorganization of material for clarity (requires repeal and reenact due to significant number of revisions)
- Updates to Processes
 - Petition Form Approval
 - City Clerk Review Periods
 - Simplification of Petition Review Process (elimination of Cure provisions)
 - Petition Review Protest
- Changes to election timeframes

Initiative Timeline

Current
Provision

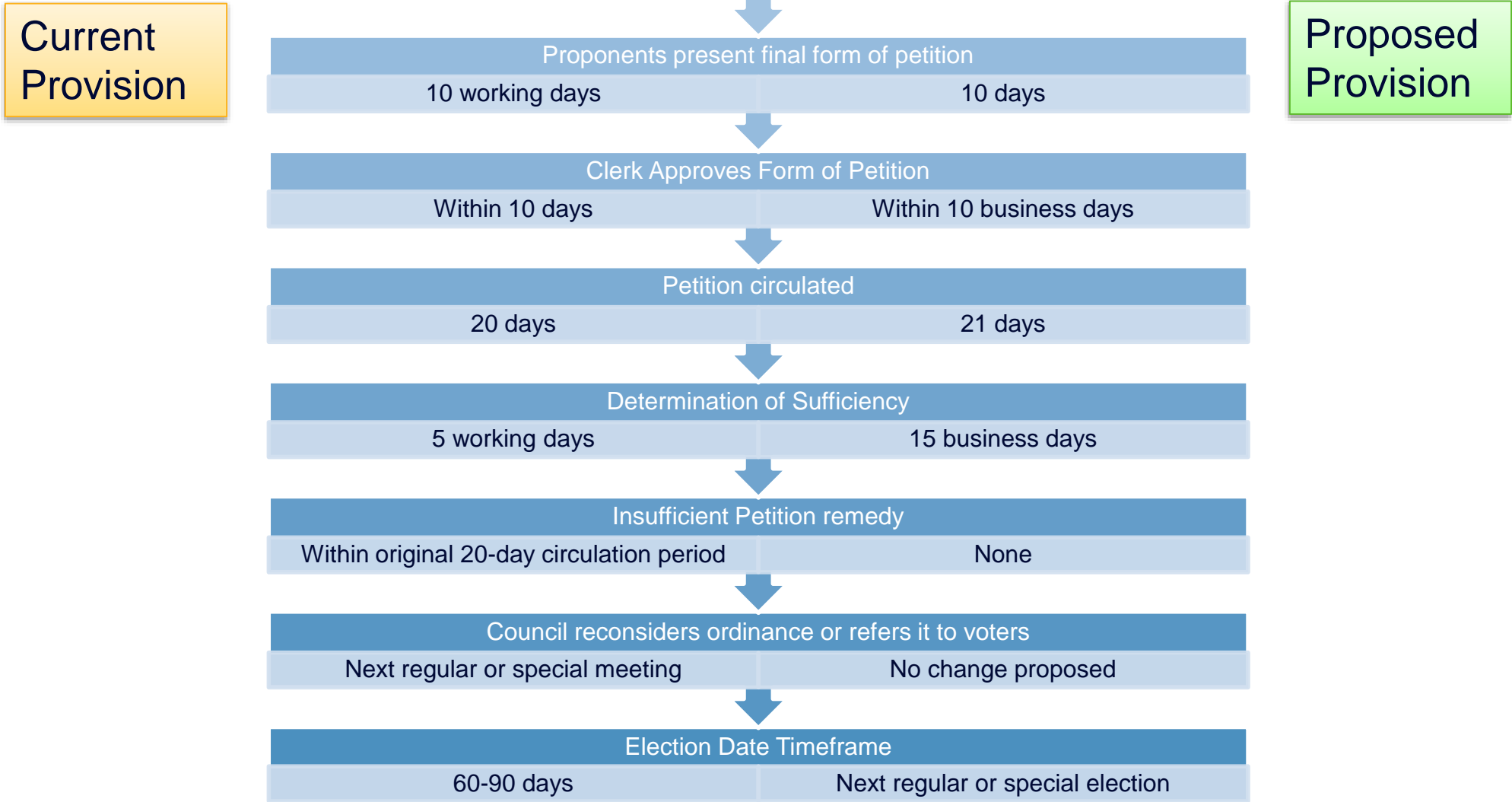
Proposed
Provision



Additional Initiative Changes

	Staff Proposal	Municipal Election Code	Uniform Election Code
Days to Circulate	Change from 60 days to 63 days	180 days	6 months from date titles and submission clause have been fixed and no later than 3 months before the election
Cure	Remove for simplification	No cure period	Can cure errors and insufficiencies regarding circulator affidavits – 5 calendar days after notification by SOS of errors
Timing of Election	Change from 120 days to earliest workable November election	At a regular or special election not less than 60 and not more than 150 days after final determination of petition sufficiency	Targeted election
Amount of time to check signatures	Change from 5 working days to 15 business days	30 calendar days	30 calendar days

Referendum Timeline



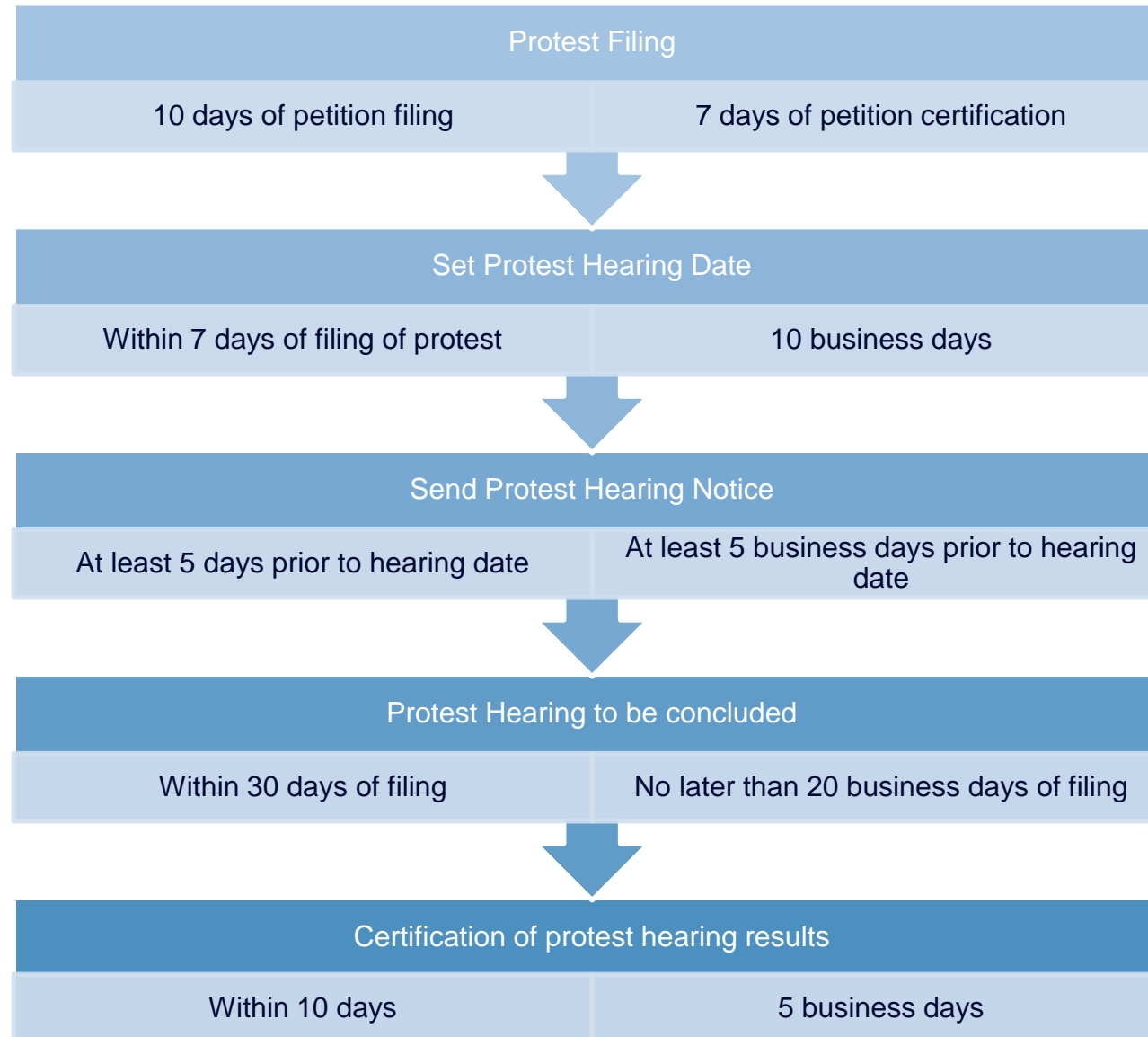
Additional Referendum Changes

	Staff Proposal	Municipal Election Code	Uniform Election Code
Days to Circulate	Currently 20 days. Propose to change to 21 days	30 days	6 months from date titles and submission clause have been fixed and no later than 3 months before the election
Cure	Remove for simplification	No cure available	Can cure errors and insufficiencies regarding circulator affidavits – 5 calendar days after notification by SOS of errors
Timing of Election	Next regular or special city election scheduled for any other purpose for which election process requirements can be met	At a regular or special election not less than 60 and not more than 150 days after final determination of petition sufficiency	Targeted election
Amount of time to verify signatures	Currently 5 working days. Propose to change to 15 business days	30 calendar days	30 calendar days

Protest Hearings

Current
Provision

Proposed
Provision



CITY-INITIATED PROPOSED CHARTER AMENDMENT NO. 3

Shall Article X of the Charter of the City of Fort Collins, regarding the initiative process and referendum process, be repealed and reenacted in the form set forth in Ordinance No. 096, 2024, which makes edits for clarity and consistency and:

- clarifies the usage of the term “shall” by replacing with “will,” “must” or other appropriate language;
- modernizes the language to be more inclusive by removing he/she language;
- revises and reorganizes Art. X to be simpler and easier to follow;
- makes the City Clerk responsible for preparing a general statement for inclusion in a petition and limits requirement to include entire ordinance in each petition section;
- increases time for City Clerk petition review and scheduling protests;
- simplifies review process and removes technical “cure” provision to conform to Municipal Election Code;
- tightens timeframe for protest hearing and decision;
- requires Council to set initiative measures for vote at next timely November election;
- requires Council to set referendum measure for vote no later than next regular or special municipal election; and
- adds rules for computation of time and consistent deadline timeframes?

_____ Yes/For
_____ No/Against

QUESTIONS?