



Candidate Guidelines

Regular Municipal Election
April 7, 2009



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INTRODUCTION

The *Candidate Guidelines* are furnished as a source of general information about the basic requirements of, and deadlines for, candidacy for municipal office in the city of Fort Collins at the April 7, 2009 regular municipal election. In addition, general information is provided regarding administration of the election and basic information about the organization of the City Council.

These *Guidelines* contain basic information and are not intended to be comprehensive in scope or depth. If you have questions regarding the interpretation of applicable laws and regulations for your particular situation, you may wish to consult with a private attorney who can provide you with that interpretation. If there is any inconsistency between these guidelines and the applicable provisions of the City Code, City Charter, or state law, the provisions of the Code, Charter, or state law take precedence.

Throughout these *Guidelines* there will be references to additional materials. Those additional materials will be provided in a packet, hereinafter referred to as the “full packet”, which is available for pick-up in the City Clerk’s Office.

ELECTION ADMINISTRATION

All regular and special municipal elections are administered by the City Clerk’s Office under the provisions of the City Code, the City Charter, and Colorado law.

All information regarding the conduct of the election and requirements of a candidate for municipal office should be obtained from the City Clerk’s Office. Other entities, such as Larimer County, are not familiar with the requirements of the City Code and Charter. The City Clerk’s Office will assist you through the election process as much as possible. However, the City Clerk’s Office cannot provide legal advice. You should consult with your own attorney about the application of the law to your individual situation.

The City Clerk’s Office is open from 8:00 a.m. to 5:00 p.m., Monday through Friday, with the exception of legal holidays.

OFFICERS TO BE ELECTED

At the April 7, 2009 regular municipal election, City voters in Council Districts 1, 3, and 5 will elect City Council representatives for their respective Districts. In addition, voters city-wide will directly elect a Mayor. (Council members for Districts 2, 4, and 6 were elected for four-year terms in 2007.)

THE MAIL BALLOT ELECTION

The 2009 municipal election will be conducted by mail ballot. A ballot will be mailed to each active, registered City voter approximately **two weeks** before the election. (“Active” voters are those who voted in the last General Election.) The mail ballot package will contain a ballot listing all ballot issues and the candidates for which the voter is entitled to vote, instructions on how to vote the ballot, and a return envelope with an affidavit that must be completed by the voter (as required by the City Code).

In a mail ballot election, voters may cast the ballot received in the mail in any of the following manners:

- **Return the ballot by mail.** (The voter must affix postage. State law prohibits the City from paying the postage.)
- **Drop the ballot off** during normal working hours at the City Clerk’s Office, 300 LaPorte Avenue.
- Take the ballot to the City Clerk’s Office to **vote in person** and then drop into a ballot box.

Candidates, members of the public, and news media are welcome to observe the mail ballot process at any time. It is recommended that you call in advance to determine whether ballots are being processed at the time you plan to visit so that you can get a complete tour.

GENERAL

An individual is eligible to be a candidate for municipal office if, at the time of election, he or she:

- is a citizen of the United States,
- is at least 21 years of age,
- has been a registered elector within the city for at least one year immediately preceding the election (since April 7, 2008), and
- in the case of a District Council-member, has continuously resided in the District from which he or she is to be elected since the date of accepting any nomination for election under Article VIII, Section 3 of the City Charter. (The acceptance of nomination is a part of the nomination petition process.)

No person who has been convicted of a felony is eligible to be a candidate for, or hold, the office of Councilmember.

All municipal elections are non-partisan.

OFFICE OF MAYOR

Candidates for the office of Mayor are nominated by registered electors in the city at-large and are voted upon city-wide.

DISTRICT COUNCIL OFFICE

Candidates for District office must have continuously resided within the Council District they seek to represent since the date of accepting nomination, and are nominated and elected by registered voters in the candidate's District. (The acceptance of nomination is a part of the nomination petition process.)

NOMINATION PETITIONS

Each candidate for municipal office must circulate and submit a nomination petition containing sufficient signatures.

A nomination petition is provided in the full packet of information available in the City Clerk's Office.

SIGNATURE REQUIREMENTS

Each District candidate's petition must be signed by at least **25 registered electors who reside within the District**.

Candidates for Mayor must each obtain signatures of **25 registered electors who live within the city**.

The candidate must sign the Verified Acceptance of Nomination and the petition circulator must sign the Verified Statement of Circulator on the nomination petition. Both statements must be notarized.

The candidate is also asked on the nomination petition form to state how he or she wants his or her name to be placed on the ballot. Names will be arranged on the ballot in alphabetical order of surname for each office. The City Charter prohibits the printing of any title or degree designating the business or profession of the candidate. The candidate's name may be a nickname, but may not include any punctuation marks setting out the nickname.

Candidates are encouraged to obtain more than the required 25 signatures. The City Clerk's Office will examine signatures until 25 valid signatures have been verified.

PETITION DEADLINES

As provided by the *Charter* and state law, nomination petitions must be circulated and filed within the following time frame:

Earliest date to circulate/file:	Latest date to circulate/file:
<i>Friday, February 6</i>	<i>Thursday, February 26</i>

Note: Any petition deemed to contain an insufficient number of signatures must be amended and refiled by the same deadline of February 26. Therefore, it is recommended that you file your petition **before** the deadline to ensure you have adequate time to amend, if necessary.

NOTIFICATIONS

Within five days after the filing of the nomination petition, the City Clerk will notify the candidate and circulator(s) as to the sufficiency of the petition. This notification is typically done by telephone, followed by a letter.

WITHDRAWAL FROM CANDIDACY

A person who has been nominated may withdraw from candidacy by filing a written request with the City Clerk. Forms for withdrawing from candidacy may be obtained from the City Clerk.

The deadline to withdraw from candidacy is March 3.

WRITE-IN CANDIDATES

Write-in votes are counted only if the write-in candidate files an affidavit of intent with the City Clerk by March 3.

Affidavit forms are available from the City Clerk's Office.

DISTRICT/PRECINCT BOUNDARIES

A listing of the Council Districts, and the City and County precincts within the Districts, is provided on the following page. A large (30" x 44") detailed color District-Precinct map is provided in the full packet. A limited number of additional copies of the map are available in the City Clerk's Office.

The City's GIS department, located at 215 North Mason, can provide a large map focusing on an individual District for \$30. General mapping services are available on line at <http://fcgov.com/gis/maps.php>.

Precinct/District List

(in order by Council District)

District	City Precinct	County Precinct	District	City Precinct	County Precinct
1	1	4154935430	4	40	4155135538
1	2	4145235204	4	41	4154935408
1	3	4145235202	4	42	4145335329
1	4	4145235205	4	43	4145335330
1	5	4155235603	4	44	4144935101
1	6	4145235210	4	45	4145335328
1	7	4145235212	4	46	4145335325
1	8	4145235214	4	47	4145335326
1	9	4154935432	4	48	4145335324
1	10	4145235213	4	49	4145335327
1	11	4145235211	4	50	4145335323
1	12	4145235217	4	51	4145335319
1	13	4145235218	4	52	4145335320
1	14	4145235216	4	53	4145335321
1	15	4154935433	4	54	4145335322
2	16	4145335315	5	55	4145335318
2	17	4145235219	5	56	4145335317
2	18	4145235220	5	57	4145335316
2	19	4145235221	5	58	4145335311
2	20	4145235224	5	59	4145335312
2	21	4145235223	5	60	4145335313
2	22	4145235222	5	61	4145335314
2	23	4145235225	5	62	4145335310
2	24	4145235226	5	63	4145335309
2	25	4145235227	5	65	4145335307
2	26	4145235228	6	64	4145335308
3	27	4145235230	6	66	4145335302
3	28	4145235232	6	67	4145335303
3	29	4145235233	6	68	4145335305
3	30	4145235231	6	69	4154935431
3	31	4145235235	6	70	4145335304
3	32	4145235236	6	71	4145335301
3	33	4145235229	6	72	4145335306
3	34	4145235234	6	73	4155335701
3	35	4145235239	6	74	4145235209
3	36	4154935437	6	75	4145235207
3	37	4154935438	6	76	4145235206
3	38	4145235240	6	77	4145235208
3	39	4145235238	6	78	4145235201
			6	79	4155235601

COMMENCEMENT OF CAMPAIGN ACTIVITIES

There is no limitation on the point in time when a candidate for office may commence campaign activities. **Be aware that you become a candidate if you have publicly announced an intention to seek election, and close attention should be paid to the requirements for registering candidate committees and maintaining bank accounts** (page 12), **and the limitations on the placement of election signs** (below). The Merriam-Webster definition of “publicly” is “*in a manner observable by or in a place accessible to the public: openly*”.

ELECTIONEERING

State law prohibits electioneering on election day within any polling place, or in any public street or room, or in any public manner within 100 feet of any building in which a polling place is located.

For this election, electioneering is prohibited within 100 feet of City Hall West, 300 LaPorte Avenue.

ELECTION SIGNS

Permits are not required for placement of political signs on private property; however, permission must be obtained from the property owner before signs are placed on private property. Political signs may only be placed upon private property behind the sidewalk and only with the consent of the property owner.

Political signs are not allowed on park land, medians, sidewalks, street rights-of-way, in front of City buildings or any other public area owned or controlled by the City of Fort Collins. The public right-of-way includes the area between the sidewalk and the street, as well as approximately two feet behind the sidewalk.

Any number of election signs are allowed in **residential zones**, provided each sign does not exceed eight square feet in area per face and is unlighted. In **nonresidential zones**, any number of election signs are allowed, provided each sign is not larger than 32 square feet in area per face.

Election signs are allowed on a lot at any time prior to the election day to which the sign relates and must be removed within four days after the election (by **April 11**).

Note: The placement of election signs constitutes an announcement of candidacy and triggers the requirement to file a Candidate Affidavit (see page 11). In addition, all candidate committees must register with the City Clerk prior to accepting contributions or making expenditures and must report those contributions and expenditures (see Section 4 - *Campaign Reporting Requirements*).

IDENTIFICATION OF WRITTEN CAMPAIGN MATERIALS

State law prohibiting anonymous statements concerning candidates or issues was repealed effective July 1, 1997.

There are no local requirements to identify the sponsor(s) responsible for the publication, printing, or distribution of the material.

DOOR-TO-DOOR SOLICITATION

Political solicitations are exempt from the City Code provision prohibiting door-to-door solicitations, except where the occupant of a private residence has chosen to post a **“NO SOLICITATION”** or **“NO TRESPASSING”** sign near the entrance to the premises. Posting of such a sign prohibits **any** kind of solicitation at that residence.

The City Code sections relating to door-to-door solicitation reads as follows:

ARTICLE IV. AUCTIONS, SPECIAL SALES AND SOLICITATIONS

DIVISION 1. GENERALLY

Sec. 15-106. Residential solicitations prohibited; exceptions.

No person shall enter or remain upon any residential premises in the City, not having been requested or invited by the occupant(s) thereof, for the purpose of contacting said occupants to solicit the immediate or future purchase or sale of goods, services or any other thing of value. The provisions of this Section shall not apply to charitable, religious or political solicitations or the solicitation of newspaper or magazine subscriptions unless a "No Solicitation" or "No Trespassing" sign is posted at or near the entrance(s) to such residence. (Ord. No. 41, 1994, § 1, 4-5-94; Ord. No. 98, 2002, 8-20-02)

Sec. 15-107. All solicitations prohibited by posting of "No Solicitation" or "No Trespassing" sign.

No person shall enter or remain upon any public or private premises in the City, not having been requested or invited by the occupant(s) thereof, for the purpose of soliciting the immediate or future purchase or sale of goods, services or any other thing of value, or to solicit a gift or donation when a "No Solicitation" or "No Trespassing" sign is posted at or near

the entrance(s) to such premises. This provision shall apply to all solicitations, including, without limitation, those that are charitable, religious or political in nature.
(Ord. No. 41, 1994, § 1, 4-5-94)

Sec. 15-108. Attempt to obtain invitation prohibited.

No person shall attempt to obtain, by telephone or otherwise, an invitation to visit any private residence for the purpose of soliciting the purchase or sale of goods, services or any other thing of value, by knowingly making a false or deceptive representation or statement.
(Ord. No. 41, 1994, § 1, 4-5-94)

This provision is commonly referred to as the Green River Ordinance.

LITTERING

Political solicitations are exempt from the City Code provision that prohibits door-to-door solicitations, unless there is a “no trespassing” or “no solicitation” sign posted near the entrance to the premises. Campaign material is not exempt from littering prohibitions. Campaign materials must be securely placed or deposited so as to prevent them from being blown or scattered by the wind. It is not permissible to place campaign materials in any fashion on motor vehicles without the vehicle owner’s permission.

PENALTIES

Failure to comply with the City Code and Land Use Code provisions relating to door-to-door solicitations and election signs is a misdemeanor and upon conviction punishable by a fine not to exceed \$1,000 or by imprisonment not to exceed 180 days, or both.
[City Code, Section 1-15]

CAMPAIGN REPORTING REQUIREMENTS

GENERAL

On November 21, 2000, the Fort Collins City Council adopted Ordinance No. 162, 2000 establishing election campaign provisions to be applied to local elections in lieu of any state laws on the subject. The local provisions have been codified in Article V, Chapter 7 of the City Code, the text of which is included at the end of this Section.

CANDIDATE AFFIDAVIT

When an individual becomes a candidate as defined in Section 7-132 of the City Code, he or she must file a Candidate Affidavit within 10 days. In addition to certifying that he or she is a candidate for municipal office, the Candidate Affidavit also includes a statement certifying that he or she is familiar with the provisions of Article V, Chapter 7 of the City Code.

Failure to file a Candidate Affidavit as required by the City Code will result in the disqualification of the individual as a candidate for the office being sought.

A Candidate Affidavit form is provided in the full packet of information available in the City Clerk's Office.

CANDIDATE COMMITTEES

A candidate committee consists of a person, including the candidate, or persons with the common purpose of receiving contributions and making expenditures under the authority of a candidate.

A candidate can only have one candidate committee.

COMMITTEE REGISTRATION

All candidate committees are required to register with the City Clerk before accepting contributions.

All contact information provided on the registration form, including e-mail and web site addresses, will be provided to the general public upon request and posted on the City's web site with other election-related information. The provision of e-mail and web site addresses on the registration form is optional. However, if provided, the information becomes a part of the public record and will be made available to the public without express permission from the committee.

A Committee Registration form is provided in the full packet of information available in the City Clerk's Office.

BANK ACCOUNTS

All contributions received by a candidate committee must be deposited and maintained in a financial institution in a separate account, the title of which must include the name of the committee.

All records pertaining to such accounts must be maintained by the committee for 90 days following any election in which the committee received contributions unless a complaint has been filed under Section 7-143(a) of the City Code alleging a violation of the provisions of Article V, Chapter 7 of the City Code, in which case they shall be maintained until final disposition of the complaint and any consequent court proceedings. Such records shall be subject to inspection at any hearing held pursuant to Article V, Chapter 7 of the City Code.

Note: Although the City Code requires that the account include the name of the committee, it is recommended the account be opened as a personal checking account. Other types of accounts, such as non-profit or corporate, require additional documentation that candidates do not typically have at the local campaign level.

CAMPAIGN REPORTS

All candidate committees are required to report to the City Clerk their contributions and contributions in kind received, including the name and address of each person who has made contributions or contributions in kind in the amount of \$20 or more; expenditures made; and obligations entered into by the committee.

Reports are due on the 21st day before the election, the 14th day before the election, the Friday before the election, 30 days after the election, and annually on April 1 until such time as a termination report is filed. If the reporting day falls on a weekend or legal holiday, the report must be filed by the close of the next business day.

All reports must be submitted on forms provided by the City Clerk and complete in all respects. The City Clerk's Office will conduct a thorough review of each report filed. Any report that is deemed to be incomplete or is found to contain errors will be accepted

on a conditional basis and the committee treasurer will be notified in writing as to any deficiencies found. Written notice may be provided in person, by mail, by fax, or by electronic mail if an electronic mail address is on file. The committee treasurer will have seven business days from the date of delivery of the notice to file an amended report that cures the deficiencies. The City Clerk's Office may contact the committee treasurer if clarification is needed with regard to any report filed.

Reports must be current as of two days prior to the filing date.

All campaign reports will be scanned as an image and published on the City's web site at <http://fcgov.com/cityclerk/elections2009apr.php>. Reports that have been typed or handwritten in black ink will produce the best images.

Campaign Report forms are included in the full packet of information available in the City Clerk's Office. In addition, the forms, in Excel format, are available for download from the City's web site at <http://fcgov.com/cityclerk/elections2009apr.php>.

CONTRIBUTION LIMITS

Section 7-135 of the City Code prohibits a person from making contributions and/or contributions in kind totaling more than \$100 to the candidate committee of any candidate for the office of Mayor. No person may make contributions or contributions in kind totaling more than \$75 to the candidate committee of any candidate for the office of Councilmember.

No person may make a contribution or contribution in kind in the name of another person, nor may any person knowingly permit such person's name to be used by another person to effect such a contribution or contribution in kind. These limitations apply to all contributions or contributions in kind, whether made directly to a candidate committee or indirectly via earmarked gifts passed through an intermediary, except that these limitations do not apply to:

- (1) Contributions or contributions in kind made by a candidate to his or her own candidate committee;
- (2) Independent expenditures;
- (3) Monetary loans that are: (a) personally guaranteed in writing by the candidate, the candidate's immediate family or a business entity in which the candidate owns at least five percent; or (b) secured by real or personal property owned by the candidate, the candidate's immediate family or a business entity in which the candidate owns at least five percent; or

- (4) Contributions made to a candidate committee by another candidate committee established by the same candidate for the office of Mayor or Councilmember.

A candidate committee which receives a contribution in excess of the limits set forth above must remit the excess to the contributor no later than 10 business days after receiving the contribution.

JOINT CONTRIBUTIONS

Contributions made jointly with another person through the issuance of a check drawn on a jointly-owned bank account are prohibited **unless**:

- (1) the total amount of the joint contribution is less than the maximum amount that can be contributed by one person (\$100 to Mayoral candidates; \$75 to District candidates); or
- (2) the check is signed by all owners of the account, in which event the amount of the total contribution shall be allocated equally among all such persons unless a different allocation is specified on the face of the check. *(Example: A check written on the account of Bill and Betty Smith for \$150 to a District candidate must be signed by both Bill and Betty and will be assumed to be a \$75 contribution from each person.)*

No candidate committee shall knowingly accept a contribution in violation of these requirements.

PROHIBITED CONTRIBUTORS

A candidate committee cannot accept contributions from any person who is not a citizen of the United States, from a foreign government, or from any foreign corporation that does not have authority to transact business in Colorado pursuant to Article 115 of Title 7 of the Colorado Revised Statutes.

A candidate committee cannot make a contribution or contribution in kind to or accept a contribution or contribution in kind from the candidate committee of another candidate.

A candidate committee cannot accept a contribution or contribution in kind from his or her candidate committee that was established or maintained for a federal, state, or county election campaign or office.

In addition, pursuant to Article VIII, Section 7 of the Charter, no political party or city employee, directly or indirectly, and no public service corporation, nor any other person, firm or corporation, owning, interested in, or intending to apply for any franchise or

contract with the city may contribute or expend any money or other valuable thing, directly or indirectly, to assist in the election or defeat of any candidate.

EXPENDITURE LIMITS

There are no limits on the amount of expenditures by a candidate committee. However, expenditures must be reported as noted earlier in this Section.

EXPENDITURES FOR POLITICAL ADVERTISING

A candidate committee cannot pay to any radio or television station, newspaper, periodical, or other supplier of materials or services a higher charge than that normally required for local commercial customers for comparable use of space, materials or services. Any such rate shall not be rebated, directly or indirectly.

If any radio or television station, newspaper, or periodical charges a candidate committee a lower rate for use of space, materials, or services than the rate charged another candidate committee for comparable use of space materials, or services, the difference in such rate must be reported as a contribution in kind to the candidate committee that was charged the lower rate.

DISCLOSURE STATEMENTS

Pursuant to Section 2-636 of the City Code, each candidate must file a financial disclosure statement with the City Clerk within 10 days after acceptance of nomination. The purpose of the statement is to disclose information concerning source of income, financial and property interests, offices and directorships, creditors, and business associations.

Failure to file a financial disclosure statement as required by the City Code will result in the disqualification of the individual as a candidate for the office being sought.

Elected candidates are required to provide an amended disclosure statement, or written notification that there has been no change in the disclosure statement filed prior to the election, within 30 days of their election and each year thereafter prior to May 15. The City Clerk's Office provides written notification of the disclosures required from elected candidates.

Financial Disclosure Statement forms are included in the full packet of information available in the City Clerk's Office.

REPORTS ARE PUBLIC RECORD

Any report submitted pursuant to Article V, Chapter 7 of the City Code will be made available for public inspection. The campaign reports filed 14 days prior to the election and 30 days after the election will be published in the *Coloradoan*. In addition, all campaign reports will be available on the City's web site at <http://fcgov.com/cityclerk/elections2009apr.php>.

No information contained in any campaign report may be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose.

NOTARY SERVICES

Some election forms must be notarized and some must be filed under oath. Notary public services are usually available at banks, car dealerships, real estate offices, and at places that provide mailing services. A notary public may charge up to \$5 for each document notarized. Free notary public services are generally available at the City Clerk's Office at City Hall West during normal working hours.

ARTICLE V. CAMPAIGNS

Sec. 7-131. Legislative declaration.

The City Council hereby finds and declares that large campaign contributions to political candidates allow wealthy contributors and special interest groups to exercise a disproportionate level of influence over the political process; that large campaign contributions create the potential for corruption and the appearance of corruption; that the rising costs of campaigning for political office prevent qualified citizens from running for political office; and that the interests of the public are best served by limiting campaign contributions, full and timely disclosure of campaign contributions and strong enforcement of campaign laws.

(Ord. No. 162, 2000, § 1, 11-21-00)

Sec. 7-132. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

Ballot issue, ballot question or 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, 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 2(b), respectively, of the Charter.

Candidate shall mean any person who seeks nomination or election to the office of Mayor or Councilmember at any City election. A person is a candidate if the person has publicly announced an intention to seek such election or has filed nominating petitions for the office of Mayor or Councilmember. *Candidate* shall also mean any elected official who is the subject of recall proceedings pursuant to Article IX of the Charter.

Candidate committee shall mean a person, including the candidate, or persons with the common purpose of receiving contributions and making expenditures under the authority of a candidate. A candidate shall have only one (1) candidate committee. A candidate committee shall be considered open and active until the committee has filed a termination report with the City Clerk.

Contribution shall mean:

- (1) The payment, loan, pledge or advance of money, or guarantee of a loan, made to any candidate committee, issue committee or political committee;
- (2) Any payment made to a third party for the benefit of any candidate committee, issue committee or political committee;
- (3) Anything of value given, directly or indirectly, to a candidate committee for the purpose of promoting the candidate's nomination, retention, recall or election; or
- (4) With regard to a contribution for which the contributor receives compensation or consideration of less than equivalent value to such contribution, including, but not limited to, items of perishable or nonpermanent value, goods, supplies, services or participation in a campaign-related event, an amount equal to the value in excess of such compensation or consideration as determined by the candidate committee, issue committee or political committee.

Contribution shall not include services provided without compensation by individuals volunteering their time on behalf of a candidate, candidate committee, political committee or issue committee.

Contribution in kind shall mean the fair market value of a gift or loan of any item of real or personal property, other than money, made to or for any candidate committee, issue committee or political committee for the purpose of influencing the passage or defeat of any issue or the nomination, retention, election or defeat of any candidate. Personal services shall be considered a contribution in kind by the person paying compensation therefor. In determining the value to be placed on contributions in kind, a reasonable estimate of fair market value shall be used. *Contribution in kind* shall not include an endorsement of a candidate or an issue by any person and shall not include the payment of compensation for legal and accounting services rendered to a candidate, candidate committee, political committee or issue committee if the person paying for the services is the regular employer of the individual rendering the services and the services are solely for the purpose of ensuring compliance with the provisions of this Article.

Expenditure shall mean the payment, distribution, loan or advance of any money by any candidate committee, political committee or issue committee. *Expenditure* shall also include the payment, distribution, loan or advance of any money by a person for the benefit of a candidate committee, political committee or issue committee that is made with the prior knowledge and consent of an agent of the committee. An expenditure occurs when the actual payment is made or when there is a contractual agreement and the amount is determined.

Independent expenditure shall mean the payment of money by any person for the purpose of advocating the election, defeat or recall of a candidate, which expenditure is not controlled by, or coordinated with, any candidate or any agent of such candidate. *Independent expenditure* shall include expenditures for political messages which unambiguously refer to any specific public office or candidate for such office, but shall not include expenditures made by persons, other than political committees, in the regular course and scope of their business and political messages sent solely to their members.

Issue committee shall mean:

- (1) Two (2) or more persons who are elected, appointed or chosen, or have associated themselves, for the purpose of accepting contributions and making expenditures to support or oppose any ballot issue or ballot question; or
- (2) Any partnership, committee, association, corporation, labor organization or other organization or group of persons that has accepted contributions or made expenditures to support or oppose any ballot issue or ballot question. For purposes of this Paragraph (2), the term *expenditure* shall not include expenditures made by persons in the regular course and scope of their business or in connection with communications sent solely to their members. The term *expenditure* also does not include a contribution, as defined in this Section.

Issue committee shall not include political committees or candidate committees as otherwise defined in this Section.

Person shall mean any individual, partnership, committee, association, corporation, labor organization or other organization or group of persons.

Political committee shall mean two (2) or more persons who are elected, appointed or chosen, or have associated themselves, for the purpose of making contributions to candidate committees, issue committees or other political committees, or for the purpose of making independent expenditures. *Political committee* shall not include:

- (1) Issue committees or candidate committees as otherwise defined in this Section; or
- (2) Any partnership, committee, association, corporation, labor organization or other organization or group of persons previously established for a primary purpose outside of the scope of this Article.

Political message shall mean a message delivered by telephone, any print or electronic media or other written material which advocates the election or defeat of any candidate or which unambiguously refers to such candidate.

Termination report shall mean a final report prepared by a candidate committee, issue committee or political committee and filed with the City Clerk which discloses the committee's contributions received, expenditures made and obligations entered into, when the following conditions have been met:

- (1) The committee no longer intends to receive contributions or make expenditures; and
- (2) A zero (0) balance exists in the account established and maintained under Subsection 7-135(f) and the committee has no outstanding debts or obligations.

Unexpended campaign contributions shall mean the balance of funds on hand in any candidate committee, issue committee or political committee following an election, less the amount of all unpaid monetary obligations incurred prior to the election.
(Ord. No. 162, 2000, § 1, 11-21-00; Ord. No. 148, 2001, § 1, 11-6-01)

Sec. 7-133. Candidate affidavit; disclosure statement; failure to file.

(a) When any individual becomes a candidate, such individual shall certify, by affidavit filed with the City Clerk within ten (10) days, that the candidate is familiar with the provisions of this Article.

(b) Each candidate shall file a financial disclosure statement pursuant to § 2-636 with the City Clerk within ten (10) days after filing acceptance of nomination.

(c) Failure of any person to file the affidavit or disclosure statement required under this Section shall result in the disqualification of such person as a candidate for the office being sought. Disqualification shall occur only after the City Clerk has sent a notice to the person by certified mail, return receipt requested, addressed to the person's last known residence address. The notice shall state that the person will be disqualified as a candidate if the person fails to file the appropriate document within five (5) business days of receipt of the notice.

(d) The requirements of this Section shall not apply to any elected official who is the subject of recall proceedings.
(Ord. No. 162, 2000, § 1, 11-21-00; Ord. No. 148, 2001, § 2, 11-6-01)

Sec. 7-134. Registration of committees.

All candidate committees, political committees and issue committees shall register with the City Clerk before accepting or making any contributions. Registration shall include a statement listing:

- (1) The committee's full name, spelling out any acronyms used therein;
 - (2) A natural person authorized to act as a registered agent;
 - (3) A street address and telephone number for the principal place of operations;
 - (4) All affiliated candidates and committees;
 - (5) The purpose or nature of interest of the committee.
- (Ord. No. 162, 2000, § 1, 11-21-00; Ord. No. 148, 2001, § 3, 11-6-01)

Sec. 7-135. Campaign contributions.

(a) *Limits.* No person may make contributions and/or contributions in kind totaling more than one hundred dollars (\$100.) to the candidate committee of any candidate for the office of Mayor. No person may make contributions and/or contributions in kind totaling more than seventy-five dollars (\$75.) to the candidate committee of any candidate for the office of Councilmember. No person shall make a contribution or contribution in kind in the name of another person or knowingly permit one's name to be used by another person to effect such a contribution or contribution in kind. These limitations shall apply to all contributions or contributions in kind, whether made directly to a candidate committee or indirectly via earmarked gifts passed through an intermediary, except that these limitations shall not apply to:

- (1) Contributions or contributions in kind made by a candidate to his or her own candidate committee;
- (2) Independent expenditures;
- (3) Monetary loans that are: (a) personally guaranteed in writing by the candidate, the candidate's immediate family or a business entity in which the candidate owns at least five (5) percent; or (b) secured by real or personal property owned by the candidate, the candidate's immediate family or a business entity in which the candidate owns at least five (5) percent; or
- (4) Contributions made to a candidate committee by another candidate committee established by the same candidate for the office of Mayor or Councilmember.

(b) *Joint contributions.* No person shall make a contribution jointly with another person through the issuance of a check drawn on a jointly owned account unless: (i) the total amount of the joint contribution is less than the maximum amount that can be contributed by one (1) person under the contribution limits established in Subsection (a) of this Section or (ii) the check is signed by all owners of the account, in which event the amount of the total contribution shall be allocated equally among all such persons unless a different allocation is specified on the face of the check. No candidate committee, issue committee or political committee shall knowingly accept a contribution made in violation of this Subsection (b).

(c) *Contributions in excess of limits.* No later than ten (10) business days after receiving a contribution in excess of the limits set forth in this Section, the candidate committee that received the contribution shall remit the excess to the contributor.

(d) *Prohibited contributors.* No candidate committee, issue committee or political committee shall knowingly accept contributions from any person who is not a citizen of the United States, from a foreign government or from any foreign corporation that does not have authority to transact business in this State pursuant to Article 115 of Title 7, C.R.S.

(e) *Contributions from one (1) candidate committee to another.*

- (1) No candidate committee shall make a contribution or contribution in kind to, or accept a contribution or contribution in kind from, a candidate committee of another candidate.
- (2) No candidate committee shall accept a contribution or contribution in kind from a candidate committee of the same candidate that was established or maintained for a federal, state or county election campaign or office.

(f) *Recordkeeping.* All contributions received by a candidate committee, issue committee or political committee shall be deposited and maintained in a financial institution in a separate account whose title shall include the name of the committee. All records pertaining to such accounts shall be maintained by the committee for ninety (90) days following any election in which the committee received contributions unless a complaint has

been filed under Subsection 7-143(a) alleging a violation of the provisions of this Article, in which case they shall be maintained until final disposition of the complaint and any consequent court proceedings. Such records shall be subject to inspection at any hearing held pursuant to this Article.

(g) *Reimbursements prohibited.* No person shall make a contribution to a candidate committee, issue committee or political committee with the expectation that some or all of the amounts of such contribution will be reimbursed by another person. No person shall be reimbursed for a contribution made to any candidate committee, issue committee or political committee, nor shall any person make such reimbursement. An unexpended campaign contribution returned to a contributor by a candidate committee pursuant to § 7-135(a)(4) shall not be considered a reimbursement. (Ord. No. 162, 2000, § 1, 11-21-00; Ord. No. 189, 2000, § 1, 1-2-01; Ord. No. 148, 2001, § 4, 11-6-01)

Sec. 7-136. Disclosure; filing of reports.

(a) All candidate committees, political committees and issue committees shall report to the City Clerk their contributions and contributions in kind received, including the name and address of each person who has made contributions or contributions in kind in the amount of twenty dollars (\$20.) or more; expenditures made; and obligations entered into by the committee.

(b) For purposes of complying with the requirements of this Section, an issue committee consisting of an organization whose primary purpose is not to support or oppose ballot issues shall report only those contributions accepted, expenditures made and obligations entered into for the purpose of supporting or opposing a ballot issue or ballot question. Such issue committee shall not be required to report donations, membership dues or any other payments received unless such amounts are used or to be used for the purpose of supporting or opposing a ballot issue or ballot question.

(c) Reports shall be filed with the City Clerk on the twenty-first day, fourteenth day, and on the Friday before the election, thirty (30) days after the election, and annually on the first day of the month in which the anniversary of the election occurs until such time as a termination report is filed. If the reporting day falls on a weekend or legal holiday, the report shall be filed by the close of the next business day.

(d) The reports required by this Section shall include the balance of funds at the beginning of the reporting period, the total of contributions received, the total of expenditures made during the reporting period and the name and address of the financial institution used by the committee or party.

(e) All reports shall be submitted on forms provided by the City Clerk and shall be complete in all respects. Reports shall be current in all respects as of two (2) days prior to the date upon which each such report is to be filed.

(f) A report required to be filed by this Article is timely if the original report is received by the City Clerk not later than the close of business on the due date or if a copy of the report is filed by fax on or before the date due and the original report is filed not later than the close of business on the next business day. For the purpose of this provision, the *original report* shall mean a copy containing an original signature of the person completing the report.

(g) Any report that is deemed by the City Clerk to be incomplete or inconsistent with the requirements of this Article shall be accepted on a conditional basis, and the committee treasurer shall be notified in writing as to any deficiencies found. Such notice may be delivered in person, by mail, by fax, or, if an electronic mail address is on file with the City Clerk, by electronic mail. The committee treasurer shall have seven (7) business days from the date of delivery of such notice to file an amended report that cures the deficiencies. Any such amended report shall supercede the original report filed for the reporting period.

(h) Any candidate committee, political committee or issue committee which has not accepted any contributions or contributions in kind, made any expenditures, or entered into any obligations during a reporting period, shall file a report with the City Clerk on the days specified in Subparagraph (c) above certifying that the committee has not accepted any contributions or contributions in kind, made any expenditures or entered into any obligations during the relevant reporting period.

(Ord. No. 162, 2000, § 1, 11-21-00; Ord. No. 189, 2000, § 2, 1-2-01; Ord. No. 148, 2001, § 5, 11-6-01)

Sec. 7-137. Reports to be public record.

(a) Upon receipt of any campaign report submitted pursuant to this Article, the City Clerk shall make available such report for public inspection. The campaign report filed with the City Clerk fourteen (14) days prior to the election pursuant to § 7-136 above shall be published by the City Clerk in a newspaper of general circulation in the City, which publication shall occur no less than seven (7) days prior to the election. The campaign report filed with the City Clerk thirty (30) days after the election pursuant to § 7-136 above shall also be published by the City Clerk in a newspaper of general circulation in the City, which publication shall occur no more than seven (7) days after the City Clerk's receipt of the report.

(b) No information contained in any campaign report submitted pursuant to this Article shall be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose.

(Ord. No. 162, 2000, § 1, 11-21-00; Ord. No. 148, 2001, § 6, 11-6-01)

Sec. 7-138. Unexpended campaign contributions.

(a) Unexpended campaign contributions to a candidate committee may be:

- (1) Contributed to a political party;
- (2) Contributed to a candidate committee established by the same candidate for a subsequent campaign, subject to the limitations set forth in Paragraph 7-135(e)(2), if the candidate committee making such a contribution is affirmatively closed by the candidate no later than ten (10) days after the date such a contribution is made;
- (3) Donated to a charitable organization recognized by the Internal Revenue Service;
- (4) Returned to the contributors.

In no event shall contributions to a candidate committee be used for personal purposes not reasonably related to supporting the election or retention of the candidate.

(b) In addition to any use described in Subsection (a) of this Section, a person elected to the office of Mayor or Councilmember, or retained in office following a recall attempt, may use unexpended campaign contributions held by the person's candidate committee for any of the following purposes:

- (1) Voter registration;
- (2) Political issue education, which includes obtaining information from or providing information to the electorate;
- (3) Postsecondary educational scholarships;
- (4) To defray reasonable and necessary expenses related to mailings and similar communications to constituents;

- (5) Any expenses that are directly related to such person's official duties as an elected official, including, but not limited to, expenses for the purchase or lease of office equipment and supplies, room rental for public meetings, necessary travel and lodging expenses for legislative education such as seminars, conferences and meetings on legislative issues, and telephone and pager expenses.

(c) A candidate committee for a former officeholder or a person not elected to office shall expend all of the unexpended campaign contributions retained by such candidate committee, for the purposes specified in Subsection (a) of this Section, no later than five (5) years from the date such officeholder's term expired or from the date of the election at which such person was a candidate for office, whichever is later.

(d) Unexpended contributions to an issue committee or political committee may be donated to any charitable organization recognized by the Internal Revenue Service or returned to the contributor.

(Ord. No. 162, 2000, § 1, 11-21-00; Ord. No. 148, 2001, § 7, 11-6-01)

Sec. 7-139. Independent expenditures.

Any person or political committee making independent expenditures totaling more than one hundred dollars (\$100.) shall deliver notice in writing of such independent expenditures to the City Clerk no later than three (3) business days after the day that such funds are obligated. Said notice shall include the following information:

- (1) The name, address and telephone number of the person making the independent expenditures;
- (2) The name of the candidate whom the independent expenditures are intended to support or oppose;
- (3) The name and address of the vendor(s) providing the property, materials or services;
- (4) A detailed description of the independent expenditures;
- (5) The amount of the independent expenditures; and
- (6) The date the funds were obligated.

For the purposes of this provision, funds shall be considered to have been obligated as soon as an agreement is reached for the provision of the property, materials or services in question, regardless of when payment is to be made for such property or services.

(Ord. No. 162, 2000, § 1, 11-21-00; Ord. No. 148, 2001, § 8, 11-6-01)

Sec. 7-140. Duties of City Clerk.

The City Clerk shall:

- (1) Prepare forms and instructions to assist candidates and the public in complying with the reporting requirements of this Article;
- (2) Develop a filing and indexing system consistent with the purposes of this Article;
- (3) Keep a copy of any report or statement required to be filed by this Article for a period of one (1) year from the date of filing. In the case of candidates who were elected, those candidate's reports and filings shall be kept for one (1) year after the candidate leaves office;
- (4) Make reports and statements filed under this Article available for public inspection and copying no later than the end of the next business day after the date of filing;

- (5) Upon request by the Secretary of State, transmit records and statements filed under this Article to the Secretary of State;
 - (6) Notify any person who has failed to fully comply with the provisions of this Article;
 - (7) Report apparent violations of this Article to the City Manager.
- (Ord. No. 162, 2000, § 1, 11-21-00)

Sec. 7-141. Expenditures for political advertising; rates and charges.

(a) No candidate committee shall pay to any radio or television station, newspaper, periodical or other supplier of materials or services a higher charge than that normally required for local commercial customers for comparable use of space, materials or services. Any such rate shall not be rebated, directly or indirectly.

(b) Any radio or television station, newspaper or periodical that charges an issue committee or candidate committee a lower rate for use of space, materials or services than the rate such station, newspaper, periodical or supplier charges another issue committee or candidate committee for the same ballot measure or public office for comparable use of space, materials or services shall report the difference in such rate as a contribution in kind to the issue committee or candidate committee that is charged such lower rate.

(c) Nothing in this Article shall be construed to prevent an adjustment in rates related to frequency, volume, production costs and agency fees if such adjustments are offered consistently to other advertisers.

(Ord. No. 162, 2000, § 1, 11-21-00)

Sec. 7-142. Encouraging withdrawal from campaign prohibited.

No person shall offer or give any candidate or candidate committee any money or any other thing of value for the purpose of encouraging the withdrawal of the candidate's candidacy, nor shall any candidate offer to withdraw a candidacy in return for money or any other thing of value.

(Ord. No. 162, 2000, § 1, 11-21-00)

Sec. 7-143. Violations and penalties.

(a) Any person who knowingly violates or fails to comply with any of the provisions of this Article commits a misdemeanor and is subject to a fine or imprisonment in accordance with § 1-15.

(b) Failure to comply with the provisions of this Article shall have no effect on the validity of any election.

(Ord. No. 162, 2000, § 1, 11-21-00)

Sec. 7-144. Severability.

If any provision of this Article or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Article which can be given effect without the invalid provision or application, and to this end the provisions of this Article are declared to be severable.

(Ord. No. 162, 2000, § 1, 11-21-00)

IMPORTANT DATES AND TELEPHONE NUMBERS

IMPORTANT DATES

The conduct of an election requires the City Clerk, candidates, and voters to adhere to specific deadlines. Following is a list of important dates to remember. The majority of the dates are legal deadlines and cannot be waived. It is strongly suggested that you enter these dates in your personal calendar.

The table below contains a placeholder for the Candidate Briefing (an informational session for candidates at which staff will present general information about City government operations and respond to questions). Candidates will receive additional information about the briefing as details are finalized.

DATE	ACTION
January 1, 2009 (Thursday)	Earliest day to request an absentee ballot
February 6, 2009 (Friday)	Earliest day to circulate nomination petitions
February 26, 2009 (Thursday)	Deadline to file nomination petitions
March 3, 2009 (Tuesday)	Deadline to withdraw from candidacy
	Deadline for write-in candidates to file affidavits
March 9, 2009 (Monday)	Deadline to register to vote
To Be Determined	Candidate Briefing
March 17, 2009 (Tuesday)	Campaign Reports due (21 days before Election)
March 23, 2009 (Monday)	Deadline to mail ballots to voters
March 24, 2009 (Tuesday)	Campaign Reports due (14 days before Election)
April 3, 2009 (Friday)	Campaign Reports due (Friday before Election)
	Deadline to apply for an absentee ballot
April 7, 2009 (Tuesday)	ELECTION DAY - All ballots must be returned to City Clerk by 7:00 p.m.
April 11, 2009 (Saturday)	Deadline to remove political signs
April 14, 2009 (Tuesday)	Special Council meeting - 6:00 p.m. (Tentative) (Oaths of office and selection of Mayor Pro Tem to occur at this meeting)
May 7, 2009 (Thursday)	Campaign Reports due (30 days after Election)
April 1, 2010 and beyond	Campaign Reports due (if applicable)

Not included in the table is the City Council Retreat, which is held shortly after the newly-elected Councilmembers take office. Elected candidates will get info on the Retreat at a later time.

CANDIDATE CHECKLIST OF DOCUMENT FILINGS

To assist you in keeping track of documents which must be filed with the City Clerk's Office, the following checklist is provided:

ACTION	DEADLINE	DATE COMPLETED
Deadline to file nomination petitions	February 26, 2009 (Thursday)	
Candidate Affidavit	Within 10 days of announcing or establishing candidacy	
Financial Disclosure Statement	10 days after accepting nomination	
Committee Registration	Before accepting any contributions	
Campaign Reports due (21 days before Election)	March 17, 2009 (Tuesday)	
Campaign Reports due (14 days before Election)	March 24, 2009 (Tuesday)	
Campaign Reports due (Friday before Election)	April 3, 2009 (Friday)	
Campaign Reports due (30 days after Election)	May 7, 2009 (Thursday)	
Amended Financial Disclosure Statement due (Elected Candidates)	May 7, 2009 (Thursday)	
Campaign Reports due (if applicable)	April 1, 2010 and beyond	

IMPORTANT TELEPHONE NUMBERS

The following telephone numbers are provided to assist you with election and City government related questions.

Election-Related Questions

Wanda M. Krajicek, City Clerk	221-6515
Rita Knoll Harris, Chief Deputy City Clerk	221-6516
Aimee Jensen, Deputy City Clerk	221-6315

Sign Code Questions

Zoning Department	416-2745
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Questions/Complaints Regarding Placement of Election Signs in the Public Right-of-Way

Engineering Department	221-6605
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Voter Registration Questions/Requests for Voter Registration Records

Larimer County Elections Office	498-7820
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GIS Department	416-2483
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City Clerk's FAX Number	221-6295
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ORGANIZATION MEETING

Terms of office for the Mayor and District Council members elected in 2009 will begin at a special City Council meeting on Tuesday, April 10. The meeting begins at 6:00 p.m. **At that meeting the City Council will elect a Mayor Pro Tem from among the Councilmembers for a two-year term and the City Clerk will administer oaths of office for the newly-elected Mayor, Mayor Pro Tem, and Councilmembers.**

COUNCIL MEETINGS

Regular Council meetings are held on the first and third Tuesdays of each month beginning at 6:00 p.m. (Ceremonial matters, such as proclamations and presentations, are handled by the Mayor at 5:30 p.m. prior to regular meetings.) Work sessions are held on the second and fourth Tuesdays of each month at 6:00 p.m.

Agendas for Council meetings are available at the City Clerk's Office on the Thursday prior to each meeting. Agendas are also available on the City's web site at <http://fcgov.com/cityclerk/agendas.php>. All Council meetings, including work sessions, are televised on Cable 14 and video-streamed live on the City's web site at <http://fcgov.com/cable14.php>.

POWERS

The Charter defines the powers and responsibilities of the Mayor, Mayor Pro Tem, and City Council.

All powers of the City and the determination of all matters of policy are vested in the Council, except as otherwise provided in the Charter. The City of Fort Collins is a home rule city with the Council-manager form of government.

The Mayor presides at Council meetings and is the recognized head of the city government for all ceremonial purposes and for purposes of military law. The Mayor executes documents and performs any other duties provided by ordinance. The Mayor Pro Tem serves in these capacities during the absence of the Mayor.

A copy of the Charter is included with the full packet available in the City Clerk's Office.

TERMS OF OFFICE

Councilmembers serve four-year terms, and the Mayor is elected for a term of two years.

Article XVIII, Section 11 of the State Constitution limits elected officials to two consecutive terms. Terms of office which are two years or shorter in duration, are limited to three consecutive terms. This limitation applies to terms of office beginning on or after January 1, 1995.

COMPENSATION

In 2008, Councilmembers received a monthly compensation of \$650 and the Mayor received \$970 per month (subject to tax deductions). These amounts are adjusted annually (effective in January) for inflation in accordance with the Denver/Boulder Consumer Price Index.

ETHICS AND CONFLICTS OF INTEREST

Members of the City Council are subject to City Code and Charter provisions relating to ethical rules of conduct and conflicts of interest.

The relevant provisions of the City Code and Charter follow. Candidates are encouraged to become familiar with these provisions.

Sec. 2-568. Ethical rules of conduct.

(a) *Definitions.* The following words, terms and phrases, when used in this Section and § 2-569, shall have the following meanings:

- (1) *Board and commission member* shall mean a member of any appointive board or commission of the City.
- (2) *Confidential information or information received in confidence* shall mean:
 - a. Information contained in any writing that may properly be withheld from public inspection under the provisions of the Colorado Open Records Act and that is marked "confidential" when provided to the officer or employee;
 - b. All information exchanged or discussed in any executive session properly convened under § 2-31 or 2-71 of the Code, except to the extent that such information is also contained in a public record available to the general public under the provisions of the Colorado Open Records Act; or
 - c. All communications between attorneys representing the City and officers or employees of the City that are subject to the attorney-client privilege, whether oral or written, unless the privilege has been waived.
- (3) *Councilmember* shall mean a member of the City Council.

- (4) *Officer or employee* shall mean any person holding a position by election, appointment or employment in the service of the City, whether part-time or full-time, including any member of the City Council and any member of any authority, board, committee or commission of the City, other than an authority that is:
- a. Established under the provisions of the Colorado Revised Statutes;
 - b. Governed by state statutory rules of ethical conduct; and
 - c. Expressly exempted from the provisions of Article IV of the City Charter by ordinance of the City Council.

(b) Notwithstanding the provisions of § 1-15 of the Code, an alleged violation of the provisions of this Section by a member of the City Council shall not be prosecuted in the Municipal Court as a misdemeanor criminal offense but shall instead be referred to the Ethics Review Board for an advisory opinion and recommendation under the provisions of § 2-569.

(c) *Rules of conduct.*

- (1) Use and disclosure of confidential information. The following rules shall apply to the use and disclosure of confidential information by officers and employees of the City. In the event of any conflict among these provisions, the more specific provision shall take precedence over the more general provision.
- a. No use for personal gain. No officer or employee shall knowingly use information received in confidence as an officer or employee to advance the financial or personal interests of the officer or employee or others.
 - b. Disclosure of confidential information, generally. No officer or employee shall knowingly disclose any confidential information to any person who is not an officer or employee or to an officer or employee whose official duties are unrelated to the subject matter of the confidential information or to maintaining an official record of such information on behalf of the City, unless such disclosure is reasonably necessary to protect the City from the gross mismanagement of public funds, the abuse of governmental authority, or illegal or unethical practices.
 - c. Disclosure of confidential information provided to the City Council. All information received in confidence by the City Council shall remain confidential, and no officer or employee shall knowingly disclose any such confidential information to any person to whom such information was not originally distributed by City staff unless and until the City Council has, by majority vote, consented to its release, unless such disclosure is reasonably necessary to protect the City from the gross mismanagement of public funds, the abuse of governmental authority, or illegal or unethical practices.
 - d. Disclosure of information discussed in executive session. No officer or employee shall knowingly disclose any confidential information discussed in an executive session to any person who was not present during such discussion, other than members of such body who were unable to attend the executive session, without the prior knowledge and consent of the body holding such executive session, unless such disclosure is reasonably necessary to protect the City from the gross mismanagement of public funds, the abuse of governmental authority, or illegal or unethical practices. In the event that a matter discussed in executive session comes before the City Council or a board or commission of the City for formal action at an open meeting, or if such formal action is anticipated, nothing herein shall be construed as prohibiting a member of the body that will be taking such formal

action from stating his or her position or opinion with regard to the matter, as long as such statements do not divulge confidential information received from others during the executive session.

- e. Certain distribution and discussion by City Manager and City Attorney permitted. Notwithstanding the provisions of Subparagraphs c. and d. above, the City Manager and City Attorney may further distribute confidential information provided to the City Council and may disclose confidential information discussed in any executive session of the City Council, or of a Council committee, to such staff members and/or board and commission members as they may consider reasonably necessary to enable them to fully advise the City Council or to implement any direction given by the City Council or to advise other officers and employees of the City whose official duties are related to the subject matter of the confidential information or to maintaining a record of the same on behalf of the City.
 - f. No disclosure of confidential information to officer or employee having conflict of interest. No officer or employee who has filed a statement of conflict of interest with the City Clerk under Article IV, Section 9 of the Charter, or who has been determined by the City Council under the provisions of Subparagraph g. below to have a conflict of interest, shall knowingly elicit, accept or inspect any confidential information pertaining to the subject matter of such conflict of interest, nor shall any such officer or employee attend or participate in an executive session of the City Council, or of a Council committee or board or commission of the City, pertaining to said subject matter.
 - g. The City Council may determine that a Councilmember shall not receive confidential information or attend executive sessions on a particular topic if the City Council first determines that said Councilmember has a conflict of interest in the subject matter of such confidential information and/or executive session. Any such determination by the City Council shall be made only after the City Council has received an advisory opinion and recommendation of the Ethics Review Board on the question, rendered in accordance with the provisions of § 2-569.
- (2) No Councilmember shall represent any person or interest before the City Council or any board or commission of the City.
- (3) All officers and employees shall refrain from accepting payment for any speeches, debates or other public events and shall further refrain from accepting any gift or favor which, in the judgment of a reasonably prudent person, would tend to impair the officer's or employee's independence of judgment in the performance of his or her official duties. The following shall not constitute prohibited gifts or favors under this Section:
- a. Campaign contributions reported as required by Chapter 7, Article V of this Code;
 - b. A nonpecuniary award publicly presented by a nonprofit organization in recognition of public service;
 - c. Payment of or reimbursement for actual and necessary expenditures for travel and subsistence for attendance at a convention or other meeting at which an officer or employee is scheduled to participate;

- d. Reimbursement for or acceptance of an opportunity to participate in a social function or meeting which is offered to an officer or employee which is not extraordinary when viewed in light of the position held by such officer or employee;
- e. Items of perishable or nonpermanent value that are insignificant in value, including but not limited to meals, lodging, travel expenses or tickets to sporting, recreational, educational or cultural events; and
- f. Payment of salary from employment, including other employment in addition to that earned from being an officer or employee.

(Ord. No. 112, 1989, § 1, 8-1-89; Ord. No. 162, 2000, § 2, 11-21-00; Ord. No. 109, 2002, §§ 1-4, 8-20-02)

Sec. 2-569. Board of ethics.

(a) In order to assist the Councilmembers and board and commission members in interpreting and applying the definitions, rules and procedures pertaining to ethics established by the Charter and Code and by the applicable provisions of state statute, there is hereby created a Board of the City to be known as the Ethics Review Board, hereafter referred to in this Division as the "Review Board."

(b) The Review Board shall consist of three (3) Councilmembers elected by the City Council, one (1) of whom shall be elected by the Review Board to serve as a chairperson. One (1) alternate shall also be elected by the City Council to serve in the event that a regular member of the Review Board is unavailable or in the event that any particular complaint or inquiry is directed towards a member of the Review Board.

(c) Subject to the provisions of Subsection (d) below, the duties and responsibilities of the Review Board shall be as follows:

- (1) To review and investigate complaints of unethical conduct filed against Councilmembers or board and commission members by any person;
- (2) To review and investigate actual or hypothetical situations involving potential conflicts of interest presented by individual Councilmembers or board and commission members;
- (3) After review and investigation, to render advisory opinions or interpretations pertaining to such complaints or inquiries under the relevant provisions of the Charter and Code and the applicable provisions of state law, if any, and to make written recommendations to the City Council and any affected board or commission concerning the same; and
- (4) To propose any revisions to the provisions of the Charter or Code or other regulations, rules or policies of the City pertaining to ethical conduct as the Review Board may deem necessary and appropriate in the best interests of the City.

(d) Complaints and inquiries shall be submitted to the Review Board only according to the following procedures:

- (1) *Complaints.*
 - a. Any person who believes that a Councilmember or board and commission member has violated any provision of state law or the Charter or Code pertaining to ethical conduct may file a complaint with the Mayor, who shall immediately notify the chairperson of the Review Board. The complaint shall be placed on the agenda for the next special or regular City Council meeting for review and possible action by the City Council.

- b. Upon receipt of any such complaint, the City Council shall decide by majority vote whether to submit the complaint to the Review Board for an advisory opinion as to whether the violation alleged in the complaint has occurred and, if so, the action, if any, that should be taken with regard to such violation. In the event that such complaint is not submitted to the Review Board, the City Council may decide what, if any, other action pertaining to the same is appropriate.
- c. In the event that a complaint is filed with the Mayor under the provisions of this Subsection which alleges a violation on the part of four (4) or more Councilmembers, such complaint shall not be referred to the City Council for review but shall instead be submitted to an alternate Review Board. Said Board shall consist of any remaining Councilmembers who are not named in the complaint and as many members of City boards and commissions as are necessary to constitute a seven-member Board. Said board and commission members shall be selected at random by the City Clerk within ten (10) working days of the date upon which the complaint is filed with the Mayor. Any board and commission members selected by the City Clerk who elect not to serve on the alternate Review Board shall immediately so notify the City Clerk, who shall thereafter select as many additional board and commission members as are necessary to constitute the seven-member Board. The procedure utilized by the alternate Review Board for reviewing the complaint and rendering an advisory opinion and recommendation shall be as provided in Subsection (e) below, except that: (i) the opinion and recommendation of such Board shall be final and shall not be submitted to the City Council for review or adoption by the City Council unless three (3) Councilmembers remain available, without a conflict of interest, and are able to consider and take action on the opinion and recommendation; and (ii) the City Council and City staff shall, upon request by the alternate Review Board, make available to such Board all information in the possession of the City that is relevant to the board's investigation, including, without limitation, tape recordings of any relevant executive sessions, unless the release of said information is prohibited by state or federal law; and, in reviewing and discussing such information, the Board shall abide by any local, state or federal confidentiality requirements that might limit or prohibit the release of such information to third parties.

- (2) *City Council inquiries.* Any Councilmember may present directly to the Review Board any inquiry or complaint regarding the application of ethical rules of conduct under state statute or the Charter or Code to any actual or hypothetical situation of a Councilmember or board and commission member.

(e) In performing its review and investigation of any complaint or inquiry submitted in accordance with Subsection (d) hereof, the Review Board shall afford all affected Councilmembers or board and commission members an opportunity to present their interpretations of the facts at issue and of the applicable provisions of law before rendering its opinion and recommendation. The Review Board may also request such additional materials or information from City staff or members of the public which it considers reasonably necessary or helpful to its deliberations. After investigation, the Review Board shall forthwith issue an advisory opinion and recommendation to the City Council, which shall immediately thereafter be filed with the City Clerk and be available for public inspection. Said opinion and recommendation shall be placed on the agenda for the next special or regular City Council meeting, at which time the City Council shall determine whether to adopt the same. Any Councilmember having a personal or financial interest in the opinion shall refrain from participating in any deliberations of the City Council regarding the same.

(f) The City Attorney shall provide legal advice to the Review Board and shall prepare and execute all advisory opinions and recommendations of the review board.

(g) Compliance with the applicable provisions of the Charter and Code and the provisions of state law, as well as decisions regarding the existence or nonexistence of conflicts of interest and the appropriate actions to be taken in relation thereto, shall be the responsibility of each individual Councilmember or board and commission member, except as provided in Subparagraph 2-568(c)(1)g. An opinion adopted by the City Council under Subsection (e) of this Section shall constitute an affirmative defense to any civil or criminal action or any other sanction against a Councilmember or board or commission member acting in reliance thereon.

(Ord. No. 112, 1989, § 1, 8-1-89; Ord. No. 17, 1993, 2-16-93; Ord. No. 64, 1993, 7-20-93; Ord. 132, 2001, § 2, 9-18-01; Ord. No. 110, 2002, §§ 1-3, 8-20-02)

MISCELLANEOUS ELECTION INFORMATION

ELECTION LOGO

The City of Fort Collins has created an election logo in an effort to increase voter recognition of City elections. This logo is available for use by candidates subject to certain terms and conditions available at <http://fcgov.com/cityclerk/fcvote-logo-terms.php>. Slight variations of the logo (with or without the City's web site domain) are available. Please contact the City Clerk's Office if you would like to obtain graphic files for use in your campaign materials.



PRECINCTS AND POLLS

There are currently 79 municipal election precincts, numbered sequentially from 1 through 79. This numbering system differs from precinct numbers established by the Larimer County Elections Office. Precinct information is provided in Section 2 of these *Guidelines*. Those lists show the City precinct number and the corresponding County precinct number, as well as the Council District location of each precinct.

Voter registration lists and/or mailing labels are available from the Larimer County Elections Office. A variety of options are available for providing the records you want, and you should consult with the Larimer County Elections Office regarding your specific needs and the costs for producing those records. In order to accommodate your request, Larimer County will need to know the County precinct numbers you want. It may also be possible to request all voters in a particular Council District (referred to as a Ward in the voter registration system).

Because this is a mail ballot election, voters will not go to polling places in each precinct to vote. However, there will be one "on-site" polling place at the City Clerk's Office for voters who want to vote their ballots in person or who need a replacement ballot.

VOTER REGISTRATION

Voters in City elections are registered electors who live within the Fort Collins city limits. For those who are not already registered to vote, the deadline to register is Monday, March 5. Voter registration forms are available at the Larimer County Elections Office, the Fort Collins City Clerk's Office, and the Driver's License Office. Registration forms can also be downloaded from the Internet at <http://larimer.org/elections/votreg.htm>.

Often candidates inquire about conducting voter registration drives. Colorado law and rules promulgated by the Secretary of State define a voter registration drive (VRD) as the distribution and collection of voter registration applications by two or more persons for delivery to a county clerk and recorder.

VRDs must be registered with the Secretary of State on an annual basis; authorizations to conduct drives are valid until December 31st of the calendar year in which they were signed. The VRD organizer must complete a mandatory training provided by the Secretary of State before circulating any voter registration forms.

Please visit the Secretary of State web site at www.elections.colorado.gov for further information.

ADDRESS CHANGES

Registered voters who have moved since the last election must complete a change of address form by March 9 in order to receive a mail ballot at the voter's correct address. Mail ballots **will not** be forwarded and will be returned to the City Clerk's Office as undeliverable if the voter moved and failed to complete an address change by the March 9 registration deadline.

Registered voters who did not complete an address change by the March 9 deadline may vote in the mail ballot election by applying for a replacement ballot at the City Clerk's Office no later than 7:00 p.m. on Election Day.

REPLACEMENT BALLOTS

Voters may apply in writing at the City Clerk's Office for a replacement ballot under the following circumstances:

- The voter did not receive the ballot mailed to him or her.
- The voter moved and did not complete a change of address form by the March 9 deadline.
- The ballot was destroyed or damaged.
- The ballot was lost.
- The voter spoiled the ballot and needs a new one.
- The voter is classified as "inactive" and did not receive a ballot by mail. (Voters who failed to vote in the last General Election are classified as "inactive".)

The deadline to apply for a replacement ballot is 7:00 p.m. on Tuesday, April 7 (Election Day). Replacement ballots must be received by the City Clerk's Office no later than 7:00 p.m. on Election Day to be counted.

IN PERSON VOTING

Voters may take the ballot they received in the mail to the City Clerk's Office to vote in person and deposit the voted ballot into a ballot box. The deadline to vote on-site, using a ballot received in the mail, is 7:00 p.m. on Election Day.

The on-site polling place at the City Clerk's Office will be open from 8:00 a.m. until 5:00 p.m. Monday through Friday (except holidays) beginning March 23. On Election Day, the on-site polling place will be open from 7:00 a.m. until 7:00 p.m.

ABSENTEE VOTERS

Absentee ballots can be mailed to voters who will be out of town during the time mail-in balloting takes place. Application must be made in writing to request that an absentee ballot be mailed to an address other than the voter's place of residence.

The earliest date to apply for an absentee ballot is January 1. The deadline to apply for an absentee ballot **that must be mailed** is Tuesday, March 31 at 5:00 p.m.

Absentee ballots must be returned to the City Clerk's Office before 7:00 p.m. on Election Day in order to be counted.

ELECTION NIGHT TABULATION

Ballots will be tabulated at City Hall West after 7:00 p.m. on Tuesday, April 7 (Election Day). Final returns may be available as early as 8:30 p.m. There will be no periodic returns; the only returns will be the final (unofficial) tabulation of all ballots cast. (Results are unofficial until the canvass is conducted on April 10.)

Results will be posted on <http://fcgov.com/vote> after all ballots have been processed.