

ORDINANCE NO. 094, 2005
OF THE COUNCIL OF THE CITY OF FORT COLLINS
SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF
FORT COLLINS A PROPOSED AMENDMENT TO ARTICLE VIII OF THE
CITY CHARTER, PERTAINING TO THE BOARD OF ELECTIONS

WHEREAS, Article IV, Section 8 of the Charter of the City of Fort Collins provides that the Charter may be amended as provided by the laws of the State of Colorado; and

WHEREAS, Section 31-2-210, C.R.S., provides that Charter amendments may be initiated by the adoption of an ordinance by the Council submitting a proposed amendment to a vote of the registered electors of the City of Fort Collins; and

WHEREAS, Article VIII, Section 5 of the Charter provides for a Board of Elections consisting of the City Clerk and two registered electors appointed by the City Council; and

WHEREAS, the Board of Elections is responsible for any election duties specified in the City Charter and for such additional duties related to the conduct of elections as may be established by the Council by ordinance; and

WHEREAS, due to the increased use of technology and the conduct of elections by mail ballot, the role of the Board of Elections has declined, and in 2005 was limited to certifying the results of the election; and

WHEREAS, upon recommendation of the City Clerk, the City Council believes that certification of the results of an election can be done by a three-person panel consisting of the City Clerk, the Chief Deputy City Clerk, and the Municipal Judge, all of whom are sworn to uphold the Constitution and the laws of the United States and the State of Colorado and the Charter and Ordinances of Fort Collins.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the following proposed change to Article VIII, Sections 5 and 7 of the City Charter shall be submitted to the registered electors of the City as "Proposed Charter Amendment No. 2" at a special municipal election to be held in conjunction with the Larimer County Coordinated Election on Tuesday, November 1, 2005:

Section 5. ~~Canvass Board of Elections.~~

There is hereby created a ~~Canvass Board of Elections~~ consisting of the City Clerk, ~~Chief Deputy City Clerk, and Municipal Judge.~~ ~~and two (2) registered electors appointed by the Council.~~ The Board shall be responsible for ~~certifying the results of any election not held in conjunction with a Larimer County Coordinated or General Election.~~ ~~any election duties specified in this Charter and for such~~

~~additional duties related to the conduct of elections as may be established by Council by ordinance. Board members may receive compensation as may be determined by the Council.~~

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Section 7. Certification of election results.

~~The Board of Elections shall meet o~~ On the third day after every city election and, after verifying the total number of legal votes cast for each candidate and measure voted upon, **the Canvass Board** shall ~~file~~ **complete** a certificate ~~with the City Clerk~~ declaring the results of the election. The candidate receiving the highest number of votes for a particular office shall be declared elected to that office. In event of a tie, the selection shall be made by the ~~Board of Elections~~ **Canvass Board** by lot after notice to the candidates affected. In case the candidate elected fails to qualify within sixty (60) days after the date of issuance of the certificate of election, the candidate with the next highest vote shall be elected, and the candidate failing to qualify shall forfeit his or her office whether or not such candidate has taken the oath of office. If there is no other elected successor who qualifies, the office shall be deemed vacant, and shall be filled by appointment by the remaining members of the Council, as provided in Article II, Section 18.

Section 2. That the following ballot language is hereby adopted for submitting Proposed Charter Amendment No. 2 to the voters at said election:

<p style="text-align: center;">CITY OF FORT COLLINS 2__ CITY-INITIATED PROPOSED CHARTER AMENDMENT NO. 2</p> <p>Shall Article VIII, Sections 5 and 7 of the City Charter be amended to eliminate the Board of Elections and replace it with a Canvass Board which shall be responsible for certifying the results of certain elections?</p> <p style="text-align: right;">____ YES ____ NO</p>
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Introduced and considered favorably on first reading, and ordered published this 16th day of August, A.D. 2005, and to be presented for final passage on the 6th day of September, A.D. 2005.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 6th day of September, A.D. 2005.

Mayor

ATTEST:

City Clerk