

# THE PROCESS FOR RECALLING AN ELECTED OFFICIAL IN THE CITY OF FORT COLLINS, CO

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A Guide Through the Recall Process  
July 2015



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## ***INTRODUCTION***

The City of Fort Collins, Colorado is a home rule municipality. As such, the citizens of Fort Collins have adopted local provisions in the Charter of the City of Fort Collins (hereafter the "Charter") relating to the recall of elected officials.

Article IX, Section 1 of the Charter states: "Any elective officer of the city may be recalled from office, through the procedure and in the manner provided herein, by the registered electors entitled to vote for a successor of such incumbent officer."

This guide is provided to assist electors in exercising the power to recall an elected official. The information contained herein is basic in nature and is not intended to be comprehensive in scope or depth, nor is it to be construed as legal advice. 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.

### **How to Use this Guide**

The information provided herein is presented, to the extent possible, in the order of occurrence of actions and events. The Guide contains terminology not commonly used by the general public, and as such, may be interpreted differently by different individuals. However, such terminology has very specific meaning within the context of the recall process and elections. A list of terms and their definitions, as applied herein, has been included at the end of this document.

### **Contact Information**

All questions or comments regarding this Guide should be directed to the City Clerk's Office. Although the entire staff of the City Clerk's Office has varying levels of familiarity with the recall process, please direct your questions and/or comments to:

Wanda Winkelmann, City Clerk  
[wwinkelmann@fcgov.com](mailto:wwinkelmann@fcgov.com)  
(970) 221-6515

Rita Knoll, Chief Deputy City Clerk  
[rknoll@fcgov.com](mailto:rknoll@fcgov.com)  
(970) 221-6516

The City Clerk's Office is located at 300 LaPorte Avenue. Mail should be addressed to PO Box 580, Fort Collins, CO 80522.

## ***THE RECALL PROCESS***

### **When Are Elected Officials Eligible to be Recalled?**

No recall petition can be circulated for filed against any elected official until he or she has actually held office for a least one year, nor within six months of the end of his or her term.

A table showing the current elected officials, the period within which recall can occur, and the number of valid signatures required on a recall petition is provided at the end of this guide.

### **How Are Recall Proceedings Started?**

One or more registered electors may commence recall proceedings by filing with the City Clerk an affidavit stating the reasons for seeking the recall of an elected official. The affidavit must be 200 words or less, and a separate affidavit is required for each official for which recall is sought.

### **What Happens Next?**

Within 48 hours after the filing of the affidavit, the City Clerk is required to mail (by certified mail) a copy of the affidavit to the affected officer. Within five days after the date of mailing, the affected officer may file with the City Clerk a sworn statement in defense of the charges. The sworn statement must be 300 words or less.

The affidavit and response are intended for the information of the registered electors, who are the sole and exclusive judges of the sufficiency of the grounds assigned for the recall. The grounds are not open to judicial review.

### **Petition Forms**

Within 10 days after the date that any statement in defense must be filed, a petition for the recall of the officer must be submitted to the City Clerk for approval of the form of the petition. A separate petition is required for each officer sought to be recalled.

The City Charter requires a recall petition to contain or have attached to each section, throughout its circulation, a copy of the charges set forth in the affidavit on file with the City Clerk, and if requested by the person sought to be recalled, a copy of the statement in defense. The petition must designate by name and address at least three, but no more than five, persons who will act as petition representatives. The petition must also contain an affidavit to be completed by the petition circulator.

The form of the recall petition is prescribed by ordinance of the Council. The petition form contains warning language printed in red ink. Therefore, it is necessary to assemble petition sections using original forms provided by the City Clerk. Alternate methods of assembling petition sections, such as assembling one original and having color copies made or obtaining the electronic file (in Pagemaker format) for printing color originals, may be available. It is recommended that you consult with the City Clerk's Office as early as possible on options for assembling petition sections.

A petition may be circulated and signed in sections, provided that each section contains all required information and is securely fastened at the top. (A typical method of fastening each section is by stapling across the top.) All sections must be filed as one instrument.

Upon the filing of an affidavit for recall, the City Clerk will provide blank petition forms to be used in assembling petition sections. The City Clerk will need to know how many petition sections you plan to assemble, and how many signature lines you want to include in each section (each section can contain up to 100 signature lines, in increments of 10).

### **Approval of Form for Circulation**

Before circulation of the petition can begin, the City Clerk must approve the form of the petition. The City Clerk will examine each petition section to determine that it contains all required information (and *only* that information), that each section is numbered and the pages within each section are numbered, and that each section is securely fastened at the top. Any irregularities in the petition sections, if found, will be identified and the petition representatives will be given an opportunity to correct the irregularities. The City Clerk will prepare a certificate of approval, which will contain a list of the section numbers that have been approved for circulation. The date of the certificate of approval shall start the running of the time periods provided for circulation and filing of the petition.

If the petition representatives determine during the circulation period that more petition sections are needed, additional sections may be submitted to the City Clerk for approval. However, additional sections are subject to the original time periods started with the approval of the first petition sections.

A sample petition section is provided at the end of this guide.

## **Circulators**

Only persons who are eighteen years of age or older may circulate a petition for signatures. Each petition section must be carried by only one circulator, but a circulator may carry more than one petition section.

Nothing prohibits circulators from being paid to circulate a petition. Circulators do not have to be registered electors.

Circulators are prohibited from paying or offering to pay any money or other thing of value to any person for the purpose of inducing or causing the person to sign a petition.

Circulators are required to complete an affidavit, attached to each petition section, after the petition has been circulated. The affidavit must be signed, under oath, before a notary public. No additional signatures should be obtained on a petition section after completion of the affidavit.

## **Signature Requirements**

Only registered electors (persons registered to vote in city elections who reside within the city limits) may sign a petition. In the case of an attempted recall of the Mayor, "registered electors" is construed to mean persons residing within the city limits who are registered to vote as of the date they sign the petition for recall. In the case of a proposed recall of District Council representatives, "registered electors" is construed to mean persons who are registered to vote within the particular affected Council District as of the date they sign the petition for recall of the District Council representative.

Each signer must sign his or her own signature, followed by the printed name, residence address, and date of signing. No person shall sign more than once (on the same section or on different sections).

The number of signatures required on a recall petition is based on 25% of the entire vote cast at the last election for all candidates for the affected office. For example, if three candidates ran for a District seat and the combined total of votes cast for those three candidates was 5,784, the number of signatures required on a recall petition for the District representative would be 1,446.

A table showing the current elected officials, the period within which recall can occur, and the number of valid signatures required on a recall petition is provided at the end of this guide.

NOTE: If a subsequent recall attempt is made against a particular candidate, the signature requirements are double.

Based on statistics from prior petition efforts, 30-50% of the signatures on a petition are rejected for various reasons. Therefore, it is recommended that the total number of signatures collected far exceed the required amounts.

### **Submittal Requirements and Deadlines**

As previously mentioned, all sections of a petition must be filed as one instrument. A petition must be filed within 30 days after the City Clerk's approval of the form for circulation.

At the time the petition is filed, the City Clerk will prepare a receipt for the petition, which will include a listing of all petition sections filed (by section number). It is very common that the petition (as filed) will not contain all of the sections approved for circulation, usually because some petition circulators fail to return sections to the petition representatives in time to meet the filing deadline.

## ***VERIFICATION AND CERTIFICATION OF THE PETITION***

### **Examination of the Petition**

When a recall petition is filed with the City Clerk, the Clerk has five working days to examine the petitions to determine if the petition is signed by the requisite number of registered electors and that the petition contains the required particulars and affidavits.

The City Clerk's Office uses a very detailed process for the examination of petitions. An Access database is used to check signatures against the voter registration records maintained by the Larimer County Elections Office. The database allows staff to search by name or address, or a portion of either one. This feature is useful when the handwriting of the signer is difficult to read. If the signer is found in the database, the information on the signature line is compared to the information in the database. Each signature line is assigned a code reflecting the results of the examination. Any discrepancy in information, such as a different address, or other information supporting the assigned code, is noted on the petition. If it can be determined that a signature on a petition is similar to a name in the voter registration database, with an address matching the address in the voter registration database, and no other similar names are found at the same address or any other address, an assumption will be made that a match has been found and the signature will be counted as valid.

Throughout the examination of the petition, the findings for each petition section are entered into a spreadsheet, and the total number of valid and rejected signatures are monitored. As soon as the requisite number of valid signatures is reached, the examination is stopped.

As earlier stated, the City Clerk has five working days to complete the examination. Although it is not unusual for the examination to take less time, the full five days will be used if necessary to complete a thorough examination. If the petition appears to be insufficient, a sampling of rejected signatures will be reexamined in an effort to reverse the rejection.



### **Reasons for Rejecting Signatures**

There are many reasons why signatures, and sometimes even entire petition sections, are rejected. Following is a list of the most common reasons for rejecting individual signatures:

- The individual is not registered to vote at the address given on the petition.
- The individual listed an address within the city limits, but is registered at an address outside of the city limits.
- The individual does not appear in the voter registration records.
- The individual failed to provide a residence address.
- The individual listed an address outside of the Fort Collins city limits.
- The individual signed more than once.
- The signature is illegible and cannot be verified.
- The individual's date of registration is later than the date he or she signed the petition.
- There are multiple individuals with the same name registered, but none are registered at the address listed.

Whole petition sections, and the signatures contained therein, may be rejected because:

- The petition section was circulated by an individual who is not 18 years of age or older.
- The petition section does not contain a signed and properly notarized affidavit. (Common notary problems include absence of notary's commission expiration date and/or seal.)

- The petition section appears to have been disassembled/reassembled after the Clerk's approval of the form of the petition. (This indicates the possibility that a portion of the information required to be attached to the petition section during its circulation was removed.)

The reasons listed above are common examples, based on actual experiences, and should not be construed as limiting the possible reasons for rejection.

A detailed accounting of the number of valid signatures on each petition section, as well as the number of rejected signatures, and the reasons therefor, will be prepared and will be provided upon request.

### **Insufficient Petition**

If a recall petition is deemed insufficient after the examination or following protest proceedings (described below), the City Clerk will prepare a certificate of insufficiency, specifying the particulars of insufficiency, and will notify all of the petition representatives of such insufficiency, both verbally and by providing copies of the certificate of insufficiency. An insufficient petition may be withdrawn and amended within 15 days of the date of the Clerk's certificate of insufficiency. Within 5 days of the filing of an amended petition, the Clerk must examine the amended petition and certify the results. If the amended petition is still insufficient, or if no amendment was made before the expiration of the time permitted for amendment, the City Clerk will return the petition to one of the designated petition representatives. The return of the petition is without prejudice to the filing of a new petition for the same purpose.

The only acceptable amendment of a petition is the submission of additional signatures on petition sections not previously submitted for examination. Nothing prohibits the collection of additional signatures during the period that the City Clerk is examining the petition. Amendments to previously submitted petition sections will not be accepted, since such amendment would take place after execution and notarization of the circulator's affidavit.

### **Sufficient Petition/Certification of Petition**

When a petition or amended petition is deemed sufficient, whether following the sufficiency determination by the City Clerk in the absence of a protest, or following protest proceedings, the City Clerk is required to certify and

present the certified petition to the City Council at the next regularly scheduled meeting. The Clerk's certification is the final determination as to the sufficiency of the petition, subject only to the protest procedure described below.

### **Protests**

Any registered elector may protest the sufficiency of a petition by filing a written protest, under oath, in the City Clerk's office within 10 days of the original filing of the petition. The protest must set forth with particularity the grounds of protest and the names and defects in form protested. The reasons stated for recall may not be protested.

If a protest is filed, the City Clerk must set a hearing date within 7 days of filing of the protest. At least 5 days prior to the hearing, the Clerk is required to mail a copy of the protest to all of the designated petition representatives, together with a notice of the time for hearing.

The City Clerk is the hearing officer for all protest hearings. The Clerk has the power to issue subpoenas to compel the attendance of witness and the production of documents. All records and hearings are public, and all testimony must be given under oath. The hearing must be summary in nature, and concluded within 30 days after the petition was filed. Within 10 days after the hearing is concluded, the Clerk must decide and certify the results of the hearing.

If the results of the protest hearing result in the petition being deemed insufficient, the petition representatives have an opportunity to amend the petition as described above under "Insufficient Petition".

## ***COUNCIL ACTION***

A recall election shall be for the dual purposes of voting on the recall of the officer sought to be removed and the election of a successor.

Upon the City Clerk's presentation of a petition certified to contain a sufficient number of signatures for a recall election, the City Council shall set a date for the election which must be held on a Tuesday not less than 60 nor more than 90 days from the date of presentation of the certified petition to Council. If any other city election is to occur within 90 days, the recall election must be consolidated with such other election.

The order setting a date for the recall election shall not become effective until five days from the presentation of the certified petition to Council. If the affected officer resigns within the five-day period, the vacancy may be filled by appointment. If a vacancy occurs after the effective date of the order, the election to fill the vacancy shall nevertheless proceed.

# **THE ELECTION**

## **Nominations on Recall**

Anyone desiring to become a candidate at the recall election must do so by nominating petition. The deadline for filing a nominating petition for a recall election is no later than 40 days prior to the date of the recall election. If more than one officer is sought to be recalled, then the nominating petition must specify which incumbent the candidate seeks to succeed. All Charter provisions related to the nomination and qualification of candidates shall apply to recall elections.

The name of the person against whom a recall petition is filed shall not appear on the ballot as a candidate for the office.

## **The Ballot**

For every officer whose recall is to be voted on, the ballot will contain the statement of grounds, and, if requested by the affected officer, the officer's statement in defense followed by the words:

"Shall (name of person against whom the recall petition is filed)  
be recalled from the office of \_\_\_\_\_?"

\_\_\_\_\_ Yes  
\_\_\_\_\_ No

Under each question, the names of those persons who have been nominated as candidates to succeed the person sought to be recalled will be printed.

## **After the Election**

If a majority of those voting on the question of the recall votes "No", the incumbent continues in office. If a majority votes "Yes" for the incumbent's removal, the incumbent is deemed removed from his or her office when his or her successor takes the oath of office. The person receiving the highest number of votes is elected for the remainder of the incumbent's term, and will take office at the next regular or special meeting of the Council (as the first item of business).



***THE ELECTION continued***

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If the elected candidate fails to qualify within 60 days after the issuance of a certificate of election, the candidate with the next highest vote is elected. If there is no other elected successor who qualifies, the office is deemed vacant and will be filled by appointment by the remaining members of the Council as provided in Article II, Section 18 of the Charter.

## ***CAMPAIGN REGULATIONS***

Any campaign efforts with regard to a recall election are subject to the campaign regulations set forth in Chapter 7 of the City Code. In the event that recall proceedings are commenced, separate guidelines will be provided.

## **DEFINITIONS**

**Ordinance** – A municipal law or regulation adopted as an ordinance of the City under the provisions of the City Charter.

**Resolution** – A formal expression of a decision, opinion, policy or directive of the City, expressed in a formally drafted document and voted upon by the City Council, that does not have the force of law.

**Registered elector** – A person residing in the city who has registered to vote in city elections in the manner required by law. In the case of recall, “registered elector” may be further defined by the Council District in which the person resides.

**Petition** – a formal document, addressed to the City Council, requesting the recall of an elected official, which is signed by a requisite number of registered electors of the city of Fort Collins.

**Petition representative** – A registered elector who shall represent the signers of a petition in all matters affecting the petition.

**Circulator** – A person who is 18 years of age or older, who carries one or more sections of a petition for the purpose of obtaining signatures in support of the subject of the petition from registered electors of the city of Fort Collins.

**Ballot issue, ballot question or issue** – 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. *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** – 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 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** – 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 one candidate committee.





***DEFINITIONS continued***

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**Issue committee** – Two 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 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.

## ***CITY CHARTER AND CODE PROVISIONS***

Relevant provisions relating to elections and recall can be found in Article IX of the City Charter and Chapter 7 of the Code of the City of Fort Collins.

# **SAMPLE PETITION**

# PETITION FOR RECALL

TO: The City Council of the City of Fort Collins

**GENERAL STATEMENT OF PURPOSE**

SAMPLE

**WARNING:  
IT IS AGAINST THE LAW**

For anyone to sign any initiative petition with any name other than his or her own or to knowingly sign his or her name more than once for the same measure or to knowingly sign such petition when not a registered elector.

DO NOT SIGN THIS PETITION UNLESS YOU ARE A REGISTERED ELECTOR.

TO BE A REGISTERED ELECTOR, YOU MUST BE A CITIZEN OF THE STATE OF COLORADO AND A RESIDENT OF THE CITY OF FORT COLLINS AND REGISTERED TO VOTE IN FORT COLLINS MUNICIPAL ELECTIONS.

Do not sign this petition unless you have read or had read to you the proposed initiative or the summary of the initiated measure in its entirety and understand its meaning.

**PETITION REPRESENTATIVES**

<b>Name</b>	(not less than 3, no more than 5)	<b>Address</b>
-------------	-----------------------------------	----------------

- |    |  |  |
|----|--|--|
| 1. |  |  |
| 2. |  |  |
| 3. |  |  |
| 4. |  |  |
| 5. |  |  |

**NOTE:** Throughout its circulation, each petition section shall contain or have attached immediately following this page the full text of the proposed ordinance or resolution.



**This page must be replaced by a copy of:**

**AN AFFIDAVIT STATING THE REASONS FOR THE RECALL  
OF THE OFFICER SOUGHT TO BE REMOVED (STATEMENT OF CHARGES)  
(limited to 200 words)**



**SAMPLE**

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**If requested by the affected officer, this page  
must be replaced by a copy of:**

**AFFECTED OFFICER'S SWORN STATEMENT OF DEFENSE OF CHARGES  
(limited to 300 words)**

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**SAMPLE**

**DO NOT SIGN THIS PETITION UNLESS YOU ARE A RESIDENT OF FORT COLLINS  
AND REGISTERED TO VOTE AT YOUR CURRENT ADDRESS**

Before signing this petition, you are encouraged to read the full text of the initiated or referred measure, or the purpose statement in the case of a recall petition, which immediately precedes these signature pages.

1	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
2	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
3	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
4	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
5	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
6	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
7	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
8	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
9	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
10	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	

**SAMPLE**

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11	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
12	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
13	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
14	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
15	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
16	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
17	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
18	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
19	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
20	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	

**SAMPLE**

**SAMPLE**

**SAMPLE**



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21	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
22	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
23	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
24	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
25	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
26	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
27	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
28	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
29	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
30	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	

**SAMPLE**

**SAMPLE**

**SAMPLE**

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31	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
32	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
33	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
34	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
35	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
36	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
37	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
38	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
39	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
40	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	

**SAMPLE**  
**SAMPLE**  
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41	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
42	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
43	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
44	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
45	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
46	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
47	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
48	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
49	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
50	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	

**SAMPLE**

**SAMPLE**

**SAMPLE**

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51	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
52	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
53	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
54	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
55	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
56	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
57	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
58	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
59	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
60	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	

**SAMPLE**

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61	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
62	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
63	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
64	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
65	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
66	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
67	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
68	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
69	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
70	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	

**SAMPLE**  
**SAMPLE**  
**SAMPLE**

**DO NOT SIGN THIS PETITION UNLESS YOU ARE A RESIDENT OF FORT COLLINS  
AND REGISTERED TO VOTE AT YOUR CURRENT ADDRESS**

Before signing this petition, you are encouraged to read the full text of the initiated or referred measure, or the purpose statement in the case of a recall petition, which immediately precedes these signature pages.

71	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
72	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
73	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
74	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
75	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
76	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
77	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
78	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
79	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
80	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	

**SAMPLE**

**SAMPLE**

**SAMPLE**

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81	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
82	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
83	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
84	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
85	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
86	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
87	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
88	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
89	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
90	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	

**SAMPLE**

**SAMPLE**

**SAMPLE**

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Before signing this petition, you are encouraged to read the full text of the initiated or referred measure, or the purpose statement in the case of a recall petition, which immediately precedes these signature pages.

91	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
92	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
93	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
94	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
95	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
96	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
97	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
98	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
99	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	
100	Signature	Residence Address (Street and Number)	Date Signed
	Printed Name	City	

**SAMPLE**

**SAMPLE**

**SAMPLE**



STATE OF COLORADO )  
 )  
 )  
COUNTY OF LARIMER )  
 )

**ss. AFFIDAVIT OF PETITION CIRCULATOR**

The undersigned petition circulator, being first duly sworn and upon oath, states that he or she is eighteen (18) years of age or older, that he or she personally circulated the attached petition; that each signature thereon was affixed in the presence of the petition circulator; that each signature thereon is the signature of the person whose name it purports to be; that to the best of the knowledge and belief of the affiant each of the persons signing said petition was, at the time of signing, a registered elector in the City of Fort Collins; that each signer had an opportunity before signing to read the full text of the petition; and that the petition circulator has not paid or will not in the future pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix his or her signature to such petition.

**SAMPLE**

**AFFIANT:**

\_\_\_\_\_  
Signature of Petition Circulator

\_\_\_\_\_  
Printed Name of Circulator

\_\_\_\_\_  
Street Address of Petition Circulator

\_\_\_\_\_  
City/State

\_\_\_\_\_  
Date

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
—

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Address of Notary Public

**ARTICLE IX**  
**CITY CHARTER**

## ARTICLE IX. - RECALL

### Section 1. - The recall.

- (a) Power. Any elective officer of the city may be recalled from office, through the procedure and in the manner provided herein, by the registered electors entitled to vote for a successor of such incumbent officer. For purposes of this Article, in the case of recall of the Mayor, the words "registered elector" shall be construed to mean persons residing within the city who are registered to vote as of the date they signed the petition for recall. For purposes of this Article, in the case of a proposed recall of District Council representatives, the words "registered elector" shall be construed to mean persons who are registered to vote within the particular affected Council District of the city as of the date they signed the petition for recall of the District Council representative. No recall petition shall be circulated or filed against any officer until the officer has actually held office for at least one (1) year in the officer's current term, nor within six (6) months of the end of such term. The procedure to effect a recall shall be as provided in this Article.
- (b) Commencement of proceedings; affidavit. One (1) or more registered electors may commence recall proceedings by filing with the City Clerk an affidavit of not more than two hundred (200) words stating the reasons for the recall of the officer sought to be removed. A separate affidavit shall be filed for each officer sought to be recalled. Within forty-eight (48) hours after the filing of the affidavit, the City Clerk shall mail a copy by certified mail to the affected officer. Within five (5) days after the date of the City Clerk's mailing, the affected officer may file with the City Clerk a sworn statement of not more than three hundred (300) words in defense of the charges. The affidavit and the response are intended for the information of the registered electors, who shall be the sole and exclusive judges of the sufficiency of the ground or grounds assigned for the recall, and said ground or grounds shall not be open to judicial review. Within ten (10) days after the date by which any statement in defense must be filed, a petition for recall of the officer shall be submitted to the City Clerk for approval of the form of the petition in accordance with Section 2(b) of this Article. The petition shall be circulated, signed, verified and filed in the manner provided in Section 2 of this Article. If no petition for recall has been submitted to the City Clerk for approval of its form within the time period specified above, the recall proceedings shall be terminated.
- (c) Call of election. A recall election shall be for the dual purposes of voting on the recall of the officer sought to be removed and the election of a successor. Upon the City Clerk's presentation of a petition certified sufficient for recall, the Council shall set a date for the election which shall be held on a Tuesday not less than sixty (60) nor more than ninety (90) days from the date of presentation of the certified petition to Council. However, if any other city election is to occur within ninety (90) days from the presentation of the certified petition to Council, the recall election shall be postponed and consolidated with such other city election. The order setting a date for the recall election shall not become effective until five (5) days from the presentation of the certified petition to Council. If the officer resigns within the five-day period, the vacancy may be filled by appointment. If a vacancy occurs in the affected office after the effective date of the order, the election to fill the vacancy shall nevertheless proceed.
- (d) Disqualification for office. No person who has been recalled or has resigned after the City Clerk's presentation to Council of a certified, sufficient petition for recall of such person shall serve the city in any elected or appointed capacity within two (2) years after such removal or resignation.

(Ord. No. 199, 1986, § 1, Part A, § 1, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87; Ord. No. 157, 1988, 12-10-88, approved, election 3-7-89; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. 128, 1999, § 1, 8-17-99, approved, election 11-2-99)

Section 2. - Petitions.

- (a) Separate petitions required. A separate petition shall be circulated and filed for each officer sought to be recalled.
- (b) Form and content.
  - (1) Approval of form. No petition shall be circulated until the City Clerk has approved the form for circulation. The City Clerk shall first determine that the petition form contains only the matters required by this Article. The Council shall prescribe by ordinance, upon recommendation of the City Clerk, a general form of petition which shall contain warnings and notices to signers as necessary. The City Clerk's approval under this Section shall not constitute an approval of the content of the petition, but rather, shall start the running of the time periods provided for circulation and filing of petitions for recall.
  - (2) Statement of purpose. The petition shall be addressed to Council and shall contain or have attached to each section throughout its circulation a copy of the charges set forth in the affidavit on file with the City Clerk, and if requested by the person sought to be recalled, a copy of the statement in defense.
  - (3) Signatures. Only registered electors may sign the petitions authorized under this Article. Each signer must sign his or her own signature and each signature shall be followed by the printed name of the signer, the street and number address of his or her residence, and the date of signing. No person shall knowingly sign his or her name more than once for the recall of the same incumbent.
- (c) Circulation of petition. The petition may be circulated and signed in sections with each section consisting of one (1) or more sheets securely fastened at the top, provided that each section contains a full and accurate copy of the text of the petition and the names and addresses of the designated representatives for the petition. All sections shall be filed as one (1) instrument. Only persons eighteen (18) years of age or older may circulate the petition for signatures. The circulation of any petition by any medium other than personally by a circulator is prohibited. No person shall receive any compensation whatever for signing a recall petition.
- (d) Affidavit of circulator. A circulator shall attach to each section of the petition circulated, an affidavit signed by the circulator under oath before a notary public stating the following:
  - (1) the circulator's address of residence;
  - (2) that the circulator is eighteen (18) years of age or older;
  - (3) that he or she personally circulated the section;
  - (4) that each signature was affixed in the circulator's presence;
  - (5) that to the best of the circulator's knowledge and belief each signer was at the time of signing a registered elector of the city;
  - (6) that to the best of the circulator's knowledge and belief each signature is the genuine signature of the person whose name it purports to be;
  - (7) that each signer had an opportunity before signing to read the full text of the petition; and
  - (8) that the circulator has not paid or offered to pay any money or other thing of value to any signer for the purpose of inducing or causing the signer to affix his or her signature to the petition.

A petition verified by the valid affidavits of its circulators in each of its sections shall be prima facie evidence that the signatures thereon are genuine and true.

- (e) Number of signatures required.
  - (1) First recall attempt. The petition must be signed by registered electors equal in number to at least twenty-five (25) percent of the entire vote cast at the last preceding regular city election for

all candidates for the office, to which the incumbent sought to be recalled was elected as one of the officers thereof, said entire vote being divided by the number of all officers elected to such office at said election.

- (2) Subsequent recall attempts. After one (1) recall petition and election, a recall petition filed against the same officer during the same term for which elected must be signed by registered electors equal in number to at least fifty (50) percent of the entire vote cast at the last preceding regular city election for all candidates for the office to which the incumbent sought to be recalled was elected as one of the officers thereof, said entire vote being divided by the number of all officers elected to such office at said election.
- (f) Place of filing, time limits. Petitions for recall shall be filed with the City Clerk within thirty (30) days of the City Clerk's approval of the form for circulation. Each petition shall designate by name and address not less than three (3) nor more than five (5) registered electors who shall represent the signers of the petition in all matters affecting the petition, and shall be endorsed by such persons.
- (g) Sufficiency of petition; amendment. Within five (5) working days of the filing of a petition the City Clerk shall ascertain by examination of the petition and the registration books whether the petition is signed by the requisite number of registered electors and contains the required particulars and affidavits. If the petition is insufficient, the City Clerk shall so certify and forthwith notify all of the designated petition representatives in writing, specifying the particulars of insufficiency.

Registered electors desiring to protest the sufficiency of a petition may file a written protest, under oath, in the office of the City Clerk within ten (10) days of the filing of the petition. The protest shall set forth with particularity the grounds of protest and the names and defects in form protested. The reasons assigned for recall may not be protested. Upon the filing of a written protest, the City Clerk shall set a time for hearing such protest, which shall be no more than seven (7) days thereafter. At least five (5) days before the hearing, the City Clerk shall mail a copy of the protest to all of the designated petition representatives together with a notice of the time for hearing. All records and hearings shall be before the City Clerk who shall have the power to issue subpoenas to compel the attendance of witnesses and the production of documents. All records and hearings shall be public, and all testimony shall be under oath. The hearing shall be summary in nature and concluded within thirty (30) days after the petition was filed. The City Clerk shall decide and certify the results of the hearing within ten (10) days after the hearing is concluded.

In case the petition is deemed insufficient, whether following the initial determination by the City Clerk, or following protest proceedings, it may be withdrawn and amended within fifteen (15) days from the filing of the City Clerk's certificate of insufficiency. The City Clerk shall, within five (5) days after such amendment, examine the amended petition and the registration books and certify the result. If the petition is still insufficient, or if no amendment is made, the City Clerk shall return it to one (1) of the designated petition representatives without prejudice to the filing of a new petition for the same purpose.

When and if a petition or amended petition is deemed sufficient, whether following the initial sufficiency determination by the City Clerk in the absence of a protest, or following protest proceedings, the City Clerk shall so certify and present the certified petition to the Council at the next regularly scheduled meeting. The City Clerk's certificate shall then be a final determination as to the sufficiency of the petition.

(Ord. No. 199, 1986, § 1, Part A, § 2, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87; Ord. No. 157, 1988, 12-20-88, approved, election 3-7-89; Ord. No. 158, 1988, 12-20-88, approved, election 3-7-89; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 88, 2000, § 1, 8-15-00, approved, election 11-7-00)

### Section 3. - Elections.

- (a) Generally. Elections on recall shall be conducted in the same manner as provided generally for regular or special city elections in this Charter. All Charter provisions related to nomination and qualification of candidates shall apply to recall elections.

- (b) Nominations on recall. Anyone desiring to become a candidate at the recall election shall do so by nominating petition as required in Article VIII of this Charter. The deadline for filing a nominating petition for a recall election shall be as established by ordinance of the Council. If more than one (1) officer is sought to be recalled, then the nominating petition must specify which incumbent the candidate seeks to succeed. The name of the person against whom the recall petition is filed shall not appear on the ballot as a candidate for the office.
- (c) Ballots. There shall be printed on the official ballot, as to every officer whose recall is to be voted on, the statement of grounds and, if requested by the affected officer, the officer's statement in defense followed by the words, "Shall (name of person against whom the recall petition is filed) be recalled from the office of (\_\_\_\_\_)?" Following such question shall appear the words, "Yes" indicating a vote in favor of the recall and "No" indicating a vote against such recall. On such ballots, under each question, there shall also be printed the names of those persons who have been nominated as candidates to succeed the person sought to be recalled.
- (d) Election results. If a majority of those voting on the question of the recall of any incumbent from office votes "No," the incumbent continues in office. If a majority votes "Yes" for the incumbent's removal, the incumbent shall thereupon be deemed removed from his or her office upon the taking of the oath of office by his or her successor. If the officer is recalled, the candidate for succession receiving the highest number of votes at the election shall be declared elected for the remainder of the incumbent's term. The candidate elected shall take office upon taking the oath of office, which shall occur as the first order of business at the next regular or special Council meeting. In case the candidate elected fails to qualify within sixty (60) days after the issuance of a certificate of election, the candidate with the next highest vote shall be elected, and 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.

(Ord. No. 199, 1986, § 1, Part A, § 3, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Parts V, W, X, 12-16-86, approved, election 3-3-87; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97; [Ord. No. 006, 2015, § 1, 1-20-15, approved, election of 4-7-15](#) )

#### Section 4. - Further regulations.

The Council may, by ordinance, make such further rules and regulations as are consistent with this Charter and the Colorado Constitution in order to carry out the provisions of this Article.

(Ord. No. 199, 1986, § 1, Part A, § 4, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97)

# **SUPPLEMENTAL INFORMATION**

## RECALL SIGNATURE REQUIREMENTS AND ELIGIBILITY

Seat	Councilmember	Date Elected	Term Began (on the date he/she took office)	Number of Votes Cast for All Candidates	Required Number of Valid Signatures (25%)	Earliest Date Recall Could Occur*	Latest Date Recall Could Occur^
Mayor	Wade Troxell	04/04/17	04/11/17	29,355	7,339	04/11/18	10/02/18
District 1	Bob Overbeck	04/04/17	04/11/17	5,426	1,357	04/11/18	10/06/20
District 2	Ray Martinez	04/07/15	04/14/15	7,091	1,773	04/14/16	10/02/18
District 3	Ken Summers	04/04/17	04/11/17	4,928	1,232	04/11/18	10/06/20
District 4	Kristin Stephens	04/07/15	04/14/15	6,114	1,529	04/14/16	10/02/18
District 5	Ross Cunniff	04/04/17	04/11/17	3,657	914	04/11/18	10/06/20
District 6	Gerry Horak	04/07/15	04/21/15	3,931	983	04/21/16	10/02/18

\* One year calculated from date Oath of Office taken.

^ Six months prior to end of term calculated from future election date, because when term ends is based on when new members take oath, which is not yet determined.

NOTE: Councilmember Horak's election was not final until a recount conducted on April 17, 2015 was certified. Councilmember Horak took his oath of office on April 21, 2015.