



City Clerk
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AGENDA

City Council Ad Hoc Committee
Election Code Amendments
November 30, 2015
2:00 p.m.
City Clerk Large Conference Room
300 LaPorte Avenue, Fort Collins, CO

Committee Members:

Councilmember Bob Overbeck, District 1
Councilmember Kristin Stephens, District 4
Councilmember Ross Cunniff, District 5

1. Call Meeting to Order
2. Selection of Committee Chair
3. Discussion Items
 - a. Define Purpose of Committee
 - i. Review Staff Recommended Election Code Changes
 - ii. Committee Identified Issues Related to Election Code
 - b. Suggested Election Code Changes
 - i. Changes due to HB 15-1130 (Uniformed and Overseas Citizens Absentee Voting Act – UOCAVA)
 - ii. Staff Recommended Changes
4. Other Business
5. Adjournment
 - a. Next meeting: December 16, 3:30 p.m. – 5:00 p.m.

Election Code Amendments Due to UOCAVA (Uniformed and Overseas Citizens Absentee Voting Act): HB15-1130

- Amended the dates that ballots must be mailed to UOCAVA voters, which means all other deadlines must be changed.

Election Activity	Current Practice	UOCAVA - Change Will Require	UOCAVA "Light"
<p>A. Candidate Petitions Due</p> <p>Sec. 7-116. - Nomination of candidates; withdrawal from candidacy. A nominating petition required pursuant to Article VIII of the Charter may not be circulated earlier than sixty (60) days before the election and must be filed with the City Clerk not later than forty (40) days before the election. A person who has been nominated may, not later than thirty-five (35) days before the election, withdraw by filing with the City Clerk a request therefor in writing, and no name so withdrawn shall be placed upon the ballot.</p> <p>Article VIII, Section 3 requires that "such time frame shall not be changed within one year immediately prior to the election."</p>	60 – 40 days before Election Day	91 - 71 days before Election Day	91 - 71 days before Election Day
<p>B. Candidate Withdrawal</p> <p>Sec. 7-116. - Nomination of candidates; withdrawal from candidacy. A nominating petition required pursuant to Article VIII of the Charter may not be circulated earlier than sixty (60) days before the election and must be filed with the City Clerk not later than forty (40) days before the election. A person who has been nominated may, not later than thirty-five (35) days before the election, withdraw by filing with the City Clerk a request therefor in writing, and no name so withdrawn shall be placed upon the ballot.</p> <p>Article VIII, Section 3 requires that "such time frame shall not be changed within one year immediately prior to the election."</p>	35 days before Election Day	67 days before Election Day	67 days before Election Day
<p>C. Ballots Mailed</p> <p>Sec. 7-186. - Mailing of ballots; exception. (a) No sooner than twenty-two (22) days before an election, and no later than fifteen (15) days before an election, the City Clerk shall mail to each active registered elector, at the last mailing address appearing in the registration records and in accordance with United States postal service regulations, a mail ballot packet marked "Do not forward. Address correction requested.", or other similar statement that is in accordance with United States postal service regulations.</p>	22 – 15 days before Election Day (typically on the 18 th day)	45 days before Election Day for UOCAVA voters; 22 – 15 days before Election Day (typically on the 18 th day) for all other voters	45 days before Election Day for UOCAVA voters; 22 – 15 days before Election Day (typically on the 18 th day) for all other voters
<p>D. Deadline Ballots Must be Received in Order to be Counted</p> <p>Sec. 7-190. - Voting and return of ballots. (a) Upon receipt of a ballot, the eligible elector shall mark the ballot, sign and complete the return envelope and comply with the instructions provided with the ballot. (b) The eligible elector may return the marked ballot to the City Clerk by United States mail or by depositing the ballot at the office of the City Clerk or any place designated by the City Clerk. The ballot must be returned in the return envelope. If an eligible elector returns the ballot by mail, the elector may provide the necessary postage or, if not so paid by the elector, the cost of return postage shall be paid by the City. In order to be counted, the ballot must be received at the office of the City Clerk or a designated depository prior to 7:00 p.m. on election day. (c) Ballots received by the City Clerk after 7:00 p.m. on election day shall not be counted, but shall be preserved in accordance with § 7-195 below.</p>	7 p.m. Election Day	8 Days after Election Day for UOCAVA Voters (as long as ballot is postmarked by 7 p.m. Election Day),	7 p.m. Election Day (to coincide with the Charter Provision re: canvass)

Election Activity	Current Practice	UOCAVA - Change Will Require	UOCAVA "Light"
<p>E. Return of Ballot</p> <p>Sec. 7-189. - Absentee voting. (d) If an eligible elector requests delivery of an absentee ballot to an address outside of the United States and it appears unlikely in the judgment of the City Clerk that the absentee ballot will be delivered to the elector in sufficient time to allow the elector to vote the ballot and return it to the City Clerk before 7:00 p.m. on election day, the City Clerk is authorized to use any reasonable method to provide the elector an opportunity to vote, provided that the method is acceptable to the elector and the elector acknowledges in writing that he or she has agreed to vote in the method offered and has further agreed that the City Clerk may transfer the elector's vote to an official ballot for counting purposes.</p>	Electronic receipt permissible	Bill provides that only ballots returned by mail are permissible.	Electronic receipt permissible (continue current practice)
<p>F. Canvass Due (Charter)</p> <p>Article VIII, Section 7. - Certification of election results. 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 Board of Elections shall complete a certificate 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 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.</p>	3 days after Election Day	Certification occurs after receipt of all ballots. ?Move to Code via Charter Change?	3 days after Election Day (continue current practice)
<p>G. Recall – Date of Election (Charter)</p> <p>Article IX, Section 1. - The recall. (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.</p>	60 – 90 days after recall petition is certified	90 - 120 days after recall petition is certified ?Move to Code via Charter Change?	90 - 120 days after recall petition is certified
<p>H. Recall – Nominating Petitions</p> <p>Sec. 7-117. - Recall elections; nomination of candidates. Anyone desiring to become a candidate at a recall election shall do so by nominating petition as required in Article VIII of the Charter. All nominating petitions for such candidates shall be filed with the Office of the City Clerk no later than forty (40) days prior to the date of the recall election.</p>	40 days before Recall Election Day	71 days before Recall Election Day	71 days before Recall Election Day
<p>I. Write-in Candidate</p> <p>Sec. 7-103. - Write-in candidates. No write-in vote for a candidate for City Council office shall be counted unless the person whose name appears as the write-in vote has filed an affidavit of intent with the City Clerk, no later than the close of business thirty-five (35) days before the election, indicating that such person desires and is qualified for the office.</p>	35 days before Election Day	67 days before Election Day	67 days before Election Day

Election Code Amendments – Staff Recommendations

<p>PROPOSED CHANGE 1:</p> <p>Amend Section 7-156 to further clarify how a protest of ballot language is filed for ballot language adopted by ordinance or (new language) resolution.</p> <p>Amend Section 7-88 to further clarify how a protest of redistricting is filed.</p>	<p>CURRENT CODE PROVISION:</p> <p>Sec. 7-156. - Protests of proposed ballot title and/or submission clause. Any registered elector desiring to protest a proposed ballot title and/or submission clause for any initiated or referred measure may file a written protest in the office of the City Clerk. Said notice of protest shall be filed no later than 12:00 p.m. on the Monday immediately preceding the date upon which the City Council will consider the ordinance or resolution setting the ballot title and submission clause. The notice of protest shall set forth with particularity the grounds of the protest. Such protest shall be heard, considered and resolved by the City Council prior to the adoption of said ordinance or resolution.</p> <p>Sec. 7-88. - Protest procedure. Any registered elector desiring to protest the manner of redistricting proposed in any such redistricting ordinance may file a written protest in the office of the City Clerk. Said notice of protest shall be filed no less than seven (7) days prior to the date upon which the proposed redistricting ordinance is to be heard by the City Council on first reading. The notice of protest shall set forth with particularity the grounds of the protest. Such protest shall be heard, considered and resolved by the City Council no later than the date of second reading of the proposed redistricting ordinance.</p>
<p>EXPLANATION:</p> <p>Staff is recommending the addition of language to clarify Sections 7-88 and 7-156 to add the requirement that a formal Notice of Protest be filed with the City Clerk.</p>	
<p>PROPOSED CHANGE 2:</p> <p>Add a provision to Article VIII Section 7 pertaining to Mail Ballot Elections that prescribes the order items appear on the ballot.</p>	<p>CURRENT CODE PROVISION:</p> <p>No code provision.</p>
<p>EXPLANATION:</p> <p>Our Code does not outline the order items are to appear on the ballot. Staff recommends the following order:</p> <ol style="list-style-type: none"> 1. City-initiated TABOR measures; 2. Citizen-initiated TABOR measures; 3. City-initiated measures; 4. Citizen-initiated or referred measures. 	
<p>PROPOSED CHANGE 3:</p> <p>Amend Section 7 regarding election workers to address appointment, compensation, and oath of office.</p>	<p>CURRENT CODE PROVISION:</p> <p>Sec. 7-41. - Appointment. The City Clerk shall appoint judges for each precinct in accordance with the provisions of Article III, Division 2 of this Chapter. (Code 1972, § 9-2; Ord. No. 063, 2007, § 2, 5-15-07)</p> <p>Sec. 7-42. - Compensation. Pursuant to the recommendation of the City Clerk, the judges of the election shall receive compensation for their services as a judge at any election in an amount established by the City Council by resolution. The City Clerk shall select one (1) of the election judges in each precinct to deliver the election returns, registration book or list and other election papers and supplies to the City Clerk. The judges selected shall be paid an additional amount as set by the City Council for the performance of such service.</p>
<p>EXPLANATION:</p> <p>Staff is recommending that Sections 7-41 and 7-42 be amended to permit the City Clerk to appoint election workers and compensate them accordingly. Staff is also recommending the addition of Section 7-43 requiring election workers to take an oath of office.</p>	

PROPOSED CHANGE 4:	CURRENT CODE PROVISION:
Pending further Council direction, Amend Section 7-191 to state that: a) signature verification of returned ballots will not occur; or b) establish a process for signature verification.	Sec. 7-191. - Receipt and qualification of ballots. b) Upon receipt of a voted ballot, an election worker shall first qualify the submitted ballot by examining the return envelope to determine whether the ballot was submitted by an eligible elector who has not previously voted in the election and whether the self-affirmation on the envelope is signed and completed by the eligible elector to whom the ballot was issued. If the ballot so qualifies and is otherwise valid, the election judge shall indicate in the poll book that the eligible elector cast a ballot, and shall prepare the ballot for counting in accordance with § 7-193 below.
EXPLANATION:	
The issue of signature verification was raised during the April 2015 election. Presently the Secretary of State is not authorized to release signature files to municipalities (unless an agreement is in place between the municipality and the county, such as exists in Colorado Springs), nor does Fort Collins have the equipment to conduct such verification electronically. 2016 legislation regarding signature verification is expected.	

PROPOSED CHANGE 5:	CURRENT CODE PROVISION:
Review Section 7-135 regarding campaign contribution limits for Council candidates.	SEE TABLE ON PAGE 6 FOR INFORMATION ON OTHER MUNICIPALITIES' PROVISIONS
EXPLANATION:	Sec. 7-135. - Campaign contributions.
Councilmember Overbeck requested a review of campaign contribution limits.	(a) <i>Limits.</i> 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.

PROPOSED CHANGE 6:	CURRENT CODE PROVISION:
Amend Section 7-137 to remove the requirement of publishing 14-day prior to the election campaign finance reports and 30-day after the election campaign finance reports in the newspaper and add a provision that all reports be posted online.	SEE TABLE ON PAGE 6 FOR INFORMATION ON OTHER MUNICIPALITIES' PROVISIONS
EXPLANATION:	Sec. 7-137. - Reports to be public record.
The Code mandates publication (in the newspaper) of 14-day and 30-day campaign reports. Staff recommends removing this requirement and adding a provision that these reports be posted online (current practice). Costs for publication: \$10K in '15	(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 <u>§ 7-136</u> 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 <u>§ 7-136</u> 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.

PROPOSED CHANGE 7:	CURRENT CODE PROVISION:
Amend Section 7-136 to change the requirement that reports are filed on the Friday before the Election Day to filed by noon on the Friday before the election.	Sec. 7-136. - Disclosure; filing of reports.
EXPLANATION:	(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.
This would facilitate the receipt and posting of reports on the City's website by close of business on the Friday before the election.	

PROPOSED CHANGE 8:	CURRENT CHARTER PROVISION:
Clarify whether members of City Council can accept a wage lower than the amount outlined in the code.	
EXPLANATION:	Article II, Section 3. - Compensation of members. Commencing in 1998, the compensation for all Councilmembers except the Mayor shall be five hundred dollars (\$500.) per month and the compensation of the Mayor shall be seven hundred fifty dollars (\$750.) per month. These amounts shall be adjusted annually thereafter for inflation in accordance with the Denver/ Boulder Consumer Price Index.
The question arises every election from citizens/candidates whether a Councilmember can refuse his/her pay or accept a lower wage.	

PROPOSED CHANGE 9: ONLY IF UOCAVA FULLY IMPLEMENTED	CURRENT CODE PROVISION:
Amend Section 7-192 to state that an eligible voter has eight days after Election Day to correct deficiencies causing his/her ballot to be rejected (as long as the ballot was originally received by 7 p.m. on Election Day), such as a missing signature on the return envelope. Include a statement that the elector cannot change his ballot in the process of correcting the deficiency.	
EXPLANATION:	Sec. 7-192. - Rejected ballots. The City Clerk is authorized, but not required, to make a reasonable effort to allow an eligible elector whose ballot has been rejected to correct the deficiency causing rejection. No elector shall be allowed to correct a deficiency without first producing valid proof of identification.
Since final ballot tabulation cannot occur until the UOCAVA provisions have been met, staff recommends also allowing voters to correct unsigned ballot envelopes during the same period, as is currently allowed in County elections.	

PROPOSED CHANGE 10: ONLY IF UOCAVA FULLY IMPLEMENTED	CURRENT CODE PROVISION:
Amend Section 7-193 to include a provision about the release of results on Election Day.	
EXPLANATION:	Sec. 7-193. - Counting mail ballots. Counting of mail ballots may begin fourteen (14) days prior to the election and continue until counting is completed. The City Clerk shall take all precautions necessary to ensure the secrecy of the counting procedures, and no information concerning the count shall be released by election workers until after 7:00 p.m. on election day.
Since the final election results cannot be certified until the UOCAVA ballots are tallied, staff recommends including a Code provision that permits the Clerk to release preliminary results on Election Day (or as soon as practicable).	

PROPOSED CHANGE 11:	CURRENT CODE PROVISION:
Insert a section to address recount procedures.	
EXPLANATION:	No Code provision.
Because the issue of recount is not addressed in the City Code, staff relied on Title 31 (specifically 31-10-1207) to conduct the recount.	

PROPOSED CHANGE 12: Amend Section 7-143 to add a deadline for filing of election complaints.	CURRENT CODE PROVISION: 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.	SEE TABLE BELOW FOR INFORMATION ON OTHER MUNICIPALITIES' PROVISIONS
EXPLANATION: Our code does not contain a deadline for the filing of election complaints. Staff is recommending a deadline of 45 days after the final certification of election results.		

PROPOSED CHANGE 13: Amend Section 7-134 to establish the termination of a campaign committee.	CURRENT CODE PROVISION: No Code provision.
EXPLANATION: Our code does not address termination of a committee within a specific timeframe. Staff recommends requiring committees to terminate within six months after election results have been certified.	

PROPOSED CHANGE 14: Amend Section 7 to state that the Municipal Election Code (MEC) and Uniform Election Code (UEC) will be followed when our Code or Charter are silent on an election issue.	CURRENT CODE PROVISION: No Code provision.
EXPLANATION: Our code does not address the reliance on the MEC first and then the UEC when a provision is not included.	

Municipality	Suggested Change #5 Candidate Contribution Limits	Suggested Change #6 Publishing Campaign Reports	Suggested Change #12 Deadline for filing Election Complaints
Commerce City	None	No code provision; practice is to publish online immediately upon receipt	No code provision
Aurora	None	No code provision; publish online	Follows Title 31-10-1303: ten days after the expiration a recount must be filed or ten days after a recount concluded.
Rifle	None	No requirement	No code provision
Grand Junction	None	No requirement; available for public inspection	No code provision
Windsor	None	No requirement	No code provision
Greenwood Village	\$2,000	No requirement; not published online	Code refers to Title 31-10-1301
Greeley	None	No requirement	No code provision
Longmont	\$230 from any natural person; \$590 from any person other than a natural person (LLC, corporation, etc.). Adjusted every 2 years by Boulder/Longmont CPI.	Reports published online within 24 hours after receipt.	For election procedural complaints: state statutes. For complaints related to Longmont Fair Campaign Practices Act: tickets for violations cannot be issued no more than 90 days after the election or required date of filing
Loveland	\$115; adjusted every 5 years.	Publish 14 day and 30 day report	No code provision

NOTE: The governor signed this measure on 5/27/2015.

An Act

HOUSE BILL 15-1130

BY REPRESENTATIVE(S) Nordberg and Ryden, Arndt, Brown, Carver, Esgar, Fields, Ginal, Hamner, Keyser, Klingenschmitt, Lawrence, Lebsock, Lontine, Melton, Mitsch Bush, Moreno, Pabon, Pettersen, Priola, Ransom, Rosenthal, Roupe, Salazar, Tate, Winter, Court, Duran, Kagan, Landgraf, Williams, Windholz, Young;
also SENATOR(S) Garcia and Hill, Aguilar, Cooke, Crowder, Donovan, Grantham, Guzman, Hodge, Jahn, Jones, Kefalas, Lambert, Martinez Humenik, Merrifield, Newell, Roberts, Steadman, Todd, Ulibarri.

CONCERNING VOTING BY ACTIVE MILITARY AND OVERSEAS VOTERS IN MUNICIPAL ELECTIONS, AND, IN CONNECTION THEREWITH, EXTENDING CERTAIN DEADLINES THAT GOVERN THE CONDUCT OF MUNICIPAL ELECTIONS TO ENSURE THAT SUCH VOTERS HAVE THE SAME ABILITY TO VOTE IN SUCH ELECTIONS AS THEY DO IN FEDERAL, STATE, AND COUNTY ELECTIONS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) The right to vote is a fundamental right of all Americans;

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(b) American military personnel who are stationed outside of the United States while serving in the military and other Americans who live abroad face significant logistical challenges in exercising their right to vote in elections conducted in their home states; and

(c) The federal "Uniformed and Overseas Citizens Absentee Voting Act", 42 U.S.C. sec. 1973ff-2, and the state "Uniform Military and Overseas Voters Act", article 8.3 of title 1, Colorado Revised Statutes, directly mitigate the logistical challenges of voting in federal and state elections for Colorado citizens living abroad and indirectly mitigate the challenges of voting in county elections, but do not apply to municipal elections.

(2) The general assembly further finds and declares that it is necessary, appropriate, and in the best interest of all Coloradans to extend certain deadlines that govern the conduct of municipal elections to ensure that the right of Coloradans living abroad to vote in municipal elections is protected to a similar extent as their right to vote in federal, state, and county elections.

SECTION 2. In Colorado Revised Statutes, 31-10-302, **amend** (2) introductory portion, (4), and (6); and **repeal** (8) as follows:

31-10-302. Nomination of municipal officers. (2) Nomination petitions may be circulated and signed beginning on the ~~fiftieth~~ NINETY-FIRST day and ending on the ~~thirtieth~~ SEVENTY-FIRST day prior to the day of election. Each petition ~~shall~~ MUST be signed by registered electors in the following numbers:

(4) No petition is valid that does not contain the requisite number of signatures of registered electors. The clerk shall inspect timely filed petitions of nomination to ensure compliance with this section. Such inspection may consist of an examination of the information on the signature lines for patent defects, a comparison of the information on the signature lines with a list of registered electors provided by the county, or any other method of inspection reasonably expected to ensure compliance with this section. Any petition may be amended to correct or replace those signatures ~~which~~ THAT the clerk finds are not in apparent conformity with the requirements of this section at any time prior to ~~twenty-two~~ SIXTY-THREE days before the day of election.

(6) Each nomination petition shall be filed with the clerk no later than the ~~thirtieth~~ SEVENTY-FIRST day prior to the day of election. Every petition shall have endorsed thereon or appended thereto the written affidavit of the candidate accepting the nomination and swearing that the candidate satisfies the requirements set forth in section 31-10-301 to be a candidate and hold office in the municipality. The acceptance of nomination shall contain the place of residence of the candidate and the name of the candidate in the form that the candidate wishes it to appear on the ballot. The candidate's name may be a nickname or include a nickname but shall not contain any title or degree designating the business or profession of the candidate.

~~(8) Nomination petitions for candidates whose name will be on the ballot at a coordinated election pursuant to articles 1 to 13 of title 1, C.R.S., shall be circulated, signed, and filed with the municipal clerk within the period set forth in section 1-4-805, C.R.S.~~

SECTION 3. In Colorado Revised Statutes, 31-2-104, **amend** (4) as follows:

31-2-104. Organization of new city or town. (4) At least ~~ten~~ TWENTY days before the election, the commissioners by their ~~chairman~~ CHAIR shall give notice of the election in the manner prescribed by the "Colorado Municipal Election Code of 1965".

SECTION 4. In Colorado Revised Statutes, 31-2-207, **amend** (1) as follows:

31-2-207. Charter election - notice. (1) Within thirty days after the date that the charter commission submits the proposed charter to it, the governing body shall publish and give notice of an election to determine whether the proposed charter shall be approved, which election shall be held not less than ~~thirty~~ SIXTY nor more than one hundred eighty-five days after publication of the notice thereof. Such notice of the election shall contain the full text of the proposed charter.

SECTION 5. In Colorado Revised Statutes, 31-2-210, **amend** (4) as follows:

31-2-210. Procedure to amend or repeal charter. (4) The

governing body shall, within thirty days of the date of adoption of the ordinance or the date of filing of the petition (if the same is certified by the clerk to be valid and sufficient), publish notice of an election upon the amendment or proposal, which notice shall contain the full text of the amendment or statement of the proposal as contained in the ordinance or petition. The election shall be held not less than ~~thirty~~ SIXTY nor more than one hundred twenty days after publication of such notice; except that, if the proposal is for formation of a charter commission, the election shall be held not less than sixty days after publication of such notice. If the amendment or proposal is initiated by petition and is sought to be submitted at a special election, the election shall be held as near as possible to the approximate date stated in the petition, but in any event shall be held within the time limits stated in this subsection (4).

SECTION 6. In Colorado Revised Statutes, **add** 31-10-102.8 as follows:

31-10-102.8. Active military or overseas voters – timely mailing, casting, and receipt of ballot. (1) AS USED IN THIS SECTION, "BALLOT MATERIALS" MEANS THE STANDARDIZED ABSENTEE-VOTING MATERIALS DEVELOPED PURSUANT TO SECTION 1-8.3-104 (4) (a), C.R.S., AND THE DECLARATION AND FORM FOR THE EXECUTION OF THE DECLARATION DESCRIBED IN SECTION 1-8.3-104 (5), C.R.S.

(2) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (2), THE CLERK SHALL MAIL A BALLOT AND BALLOT MATERIALS TO ANY PERSON DESIGNATED AS AN ACTIVE MILITARY OR OVERSEAS VOTER IN THE COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST NO LATER THAN FORTY-FIVE DAYS BEFORE AN ELECTION CONDUCTED IN ACCORDANCE WITH THIS ARTICLE; EXCEPT THAT, IF THE CLERK RECEIVES A CERTIFICATE OF NEW REGISTRATION, NOTIFICATION OF CHANGE OF ADDRESS, OR NOTIFICATION OF OTHER CHANGE IN STATUS FROM AN ACTIVE MILITARY OR OVERSEAS VOTER AFTER THE FORTY-FIFTH DAY BEFORE THE ELECTION, THE CLERK SHALL MAIL A BALLOT AND BALLOT MATERIALS TO THE VOTER AS SOON AS PRACTICABLE.

(b) IN A RECALL ELECTION CONDUCTED IN ACCORDANCE WITH PART 5 OF ARTICLE 4 OF THIS TITLE, THE CLERK SHALL MAIL A BALLOT AND BALLOT MATERIALS TO ANY PERSON DESIGNATED AS AN ACTIVE MILITARY OR OVERSEAS VOTER IN THE COMPUTERIZED STATEWIDE VOTER

REGISTRATION LIST AS SOON AS PRACTICABLE AFTER BALLOT CERTIFICATION.

(3) TO BE VALID, AN ACTIVE MILITARY OR OVERSEAS VOTER MUST SUBMIT THE BALLOT VIA POSTAL MAIL AND COMPLETE THE SIGNED AFFIRMATION, AS SPECIFIED IN SECTION 1-8.3-114, C.R.S., NOT LATER THAN 7 P.M. MOUNTAIN TIME ON THE DATE OF THE ELECTION. THE VOTE OF ANY ACTIVE MILITARY OR OVERSEAS VOTER WHO VOTES AS AUTHORIZED BY THIS SECTION MAY BE CHALLENGED IN THE MANNER SPECIFIED IN SECTION 31-10-1008.

(4) THE DESIGNATED ELECTION OFFICIAL MUST COUNT A VALID BALLOT RECEIVED IN ACCORDANCE WITH SUBSECTION (3) OF THIS SECTION IF THE BALLOT IS RECEIVED BY THE CLOSE OF BUSINESS ON THE EIGHTH DAY AFTER THE ELECTION.

(5) NO LATER THAN SIXTY DAYS BEFORE THE ELECTION, THE COUNTY CLERK AND RECORDER OF THE COUNTY IN WHICH THE MUNICIPALITY IS LOCATED MUST FORWARD TO THE MUNICIPAL CLERK A COMPLETE LIST OF VOTERS IN THE MUNICIPALITY WHO ARE MARKED AS ACTIVE MILITARY OR OVERSEAS VOTERS IN THE COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST.

(6) ANY ELIGIBLE ELECTOR WHO IS DESIGNATED AS AN ACTIVE MILITARY OR OVERSEAS VOTER IN THE COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST MAY USE A FEDERAL WRITE-IN ABSENTEE BALLOT TO VOTE FOR ALL OFFICES AND BALLOT MEASURES IN ANY ELECTION CONDUCTED UNDER THIS ARTICLE OR ARTICLE 4 OF THIS TITLE. SUCH BALLOTS SHALL BE PROCESSED IN ACCORDANCE WITH SUBSECTIONS (3) AND (4) OF THIS SECTION.

SECTION 7. In Colorado Revised Statutes, **amend** 31-10-108 as follows:

31-10-108. Special elections. Special elections shall be held on any Tuesday designated by ordinance or resolution of the governing body. No special election shall be held within the ninety days preceding a regular election. No special election shall be called within ~~thirty~~ SIXTY days before the date thereof, nor shall any special election be held within the thirty-two days before or after the date of a primary, general, or congressional vacancy

election. A special election may be held at the same time and place as a primary, congressional vacancy, or general election as a coordinated election pursuant to section 1-7-116, C.R.S., or may be conducted at the same time as a mail ballot election pursuant to article 7.5 of title 1, C.R.S. Special elections shall be conducted as nearly as practicable in the same manner as regular elections.

SECTION 8. In Colorado Revised Statutes, 31-10-303, **amend** (1) as follows:

31-10-303. Withdrawal from nominations. (1) Any person who has been nominated and who has accepted a nomination may cause his OR HER name to be withdrawn from such nomination at any time prior to ~~twenty-three~~ SIXTY-THREE days before election by a written affidavit withdrawing from such nomination. The affidavit stating withdrawal shall be signed by the candidate and filed with the clerk.

SECTION 9. In Colorado Revised Statutes, **amend** 31-10-305 as follows:

31-10-305. Objections to nominations. All petitions of nomination and affidavits ~~which~~ THAT are in apparent conformity with the provisions of section 31-10-302, as determined by the clerk, are valid unless objection thereto is duly made in writing within three days after the filing of the same. In case objection is made, notice thereof shall be forthwith mailed to any candidate who may be affected thereby. The clerk shall decide objections within at least forty-eight hours after the same are filed, and any objections sustained may be remedied or defect cured upon the original petition, by an amendment thereto, or by filing a new petition within three days after the objection is sustained, but in no event later than the ~~eighteenth~~ SIXTY-FOURTH day before the day of election. The clerk shall pass upon the validity of all objections, whether of form or substance, and the clerk's decisions upon matters of form shall be final. The clerk's decisions upon matters of substance shall be open to review if prompt application is made, as provided in section 31-10-1401, but the remedy in all cases shall be summary, and the decision of the district court shall be final and not subject to review by any other court; except that the supreme court, in the exercise of its discretion, may review any proceeding in a summary way.

SECTION 10. In Colorado Revised Statutes, **amend** 31-10-1201 as follows:

31-10-1201. Returns - canvass. The returns of all municipal elections shall be made to the clerk of the municipality. The clerk shall request the assistance of the mayor of the municipality in conducting the canvass of votes. If there is no mayor or if the mayor has been a candidate at the election, the clerk shall appoint a municipal judge, a member of the election commission, or a person who is qualified to be an election judge and who did not serve as an election judge in the election as an assistant. No later than ~~seven~~ TEN days after the election, the clerk, in the presence of the assistant, shall open the returns and make out abstracts of votes for each office.

SECTION 11. In Colorado Revised Statutes, 31-10-1207, **amend** (1) and (2) as follows:

31-10-1207. Recount. (1) The municipal clerk shall conduct a recount of the votes cast in any election if it appears, as evidenced by the survey of returns, that the difference between the highest number of votes cast in the election and the next highest number of votes cast in the election is less than or equal to one-half of one percent of the highest number of votes cast in the election. Any recount conducted pursuant to this subsection (1) shall be completed no later than the ~~tenth~~ FIFTEENTH day following the election and shall be paid for by the governing body. The clerk shall give notice of the recount to all candidates and, in the case of a ballot issue or question, to any petition representatives identified pursuant to sections 31-2-221 (1), 31-4-502 (1) (a) (I), and 31-11-106 (2) that are affected by the result of the election. Such notice shall be given by certified mail, by posting such notice in three public places within the municipal limits, or by other means reasonably expected to notify the affected candidates or petition representatives. Any affected candidate or petition representative ~~shall be~~ IS allowed to be present during and observe the recount.

(2) Whenever a recount of the votes cast in an election is not required pursuant to subsection (1) of this section, any interested party, including a candidate for office or the petition representatives for a ballot issue or question, may submit to the clerk a written request for a recount at the expense of the interested party making the request. This request shall

be filed with the clerk within ~~seven~~ TEN days after the election. Before conducting the recount, the clerk shall give notice of the recount in accordance with the provisions of subsection (1) of this section, shall determine the cost of the recount, shall notify the interested party that requested the recount of such cost, and shall collect the cost of conducting the recount from such interested party. The interested party that requested the recount shall pay on demand the cost of the recount to the clerk. The funds paid to the clerk for the recount shall be placed in escrow for payment of all expenses incurred in the recount. If, after the recount, the result of the election is reversed in favor of the interested party that requested the recount or if the amended election count is such that a recount otherwise would have been required pursuant to subsection (1) of this section, the payment for expenses shall be refunded to the interested party who paid them. Any recount of votes conducted pursuant to this subsection (2) shall be completed no later than the ~~tenth~~ FIFTEENTH day after the election.

SECTION 12. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to elections conducted on or after the applicable effective date of this act.

Dickey Lee Hullinghorst
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Bill L. Cadman
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO

RESOLUTION 2015-092
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPOINTING THREE COUNCILMEMBERS TO SERVE ON AN AD HOC COUNCIL
COMMITTEE TO STUDY AND CONSIDER ELECTION CODE CHANGES

WHEREAS, over the last several years, state election rules, laws, policies and procedures have been significantly amended; and

WHEREAS, City staff has reviewed these changes and discussed which local election laws might need to be changed; and

WHEREAS, because there are multiple and complex possibilities requiring significant discussion to determine the impact of these election changes on our community, City Council desires to appoint three Councilmembers to an ad hoc committee to review, discuss and recommend the most beneficial changes to Chapter 7 of the City Code and Article VIII of the City Charter regarding elections.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the City Council hereby appoints Councilmembers Ross Cunniff, Bob Overbeck, and Kristin Stephens to an ad hoc committee to review recent changes in relevant election rules, laws, policies and procedures and to make recommendations of possible City Code and City Charter changes for further discussion by the City Council at its January 12, 2016 Work Session.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 20th day of October, A.D. 2015.

ATTEST:

Wanda Winkelmann
City Clerk



[Handwritten Signature]
Mayor