

The following Ordinance placing a proposed Charter amendment on the November 8, 2022 Special City Election ballot was adopted by the Council on final reading on July 5, 2022. Proposed amendments to the current language in the Charter are shown on the next page. Text with a line through the middle indicates language that will be deleted if the amendment is approved by the voters. Text that is highlighted in yellow indicates new language that will be added to the Charter if the amendment is approved by the voters.

ORDINANCE NO. 081, 2022  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF FORT  
COLLINS A PROPOSED AMENDMENT TO THE CITY CHARTER  
SHIFTING THE CITY’S REGULAR MUNICIPAL ELECTION  
FROM EACH ODD-YEAR APRIL TO EACH ODD-YEAR NOVEMBER

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

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

WHEREAS, on May 17, 2022, the City Council adopted on second reading Ordinance No. 056, 2022, calling a special municipal election (“November Election”) to be held in conjunction with the November 8, 2022, Larimer County General Election; and

WHEREAS, Article VIII of the Charter concerns the conduct of elections in the City of Fort Collins, including Article VIII, Section 7, regarding the Certification of Election Results; and

WHEREAS, the City Council desires to take steps to encourage and facilitate voter participation in the City’s municipal elections, and Council believes shifting the City’s regular municipal elections, at which Fort Collins voters select the Mayor and members of the Council, from each odd-year April to each odd-year November will help accomplish increased voter participation; and

WHEREAS, the Council’s intent in adopting this Ordinance is to present to the City’s electorate at the November Election, through the ballot title set in Section 3 of this Ordinance, proposed amendments to Article II and Article XIII of the City Charter that would, if adopted, shift the City’s regular municipal elections from each odd-year April to each odd-year November, and transition current Mayor and Councilmember terms to the new schedule; and

WHEREAS, accordingly, the City Council desires to submit to the Fort Collins electors the Charter amendment below.

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

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the following proposed changes to Article II and Article VIII of the City Charter, shifting the City's regular municipal election from each odd-year April to each odd-year November, shall be submitted to the registered electors of the City as "Proposed Charter Amendment No. 2" at the November Election:

## ARTICLE II. CITY COUNCIL

### Section 1. Membership; terms.

. . .

(d) *Terms.* Except as otherwise provided in Section 18 of this Article and Section 3(d) of Article IX, the term of office of the Mayor shall be two (2) years, and the term of office of all other members of the Council shall be four (4) years each; provided, however, that all such officers shall serve until their successors have been elected and have taken office. The terms of the Mayor and other members of the Council shall begin when they take the oath of office, which shall occur as the first order of business at ~~the first regular or a~~ special Council meeting ~~on the second Tuesday of January next after the following the final certification of election results and after expiration of the recount period,~~ or, ~~if appointed, the first regular or special Council meeting following~~ their appointment.

. . .

### Section 4. Organization.

The Mayor shall preside at meetings of the Council and shall be recognized as head of the city government for all ceremonial purposes and by the Governor of the state for purposes of military law. The Mayor shall execute and authenticate legal instruments requiring the signature of the Mayor. The Mayor shall also perform such other duties as may be provided by ordinance which are not inconsistent with the provisions of this Charter.

At the ~~first regular or special meeting after final certification of a City election~~ at which newly-elected officers take their oath of office as described in Section 2(d) of this Article, ~~and after expiration of the recount period,~~ the Council shall elect a Mayor Pro Tem for a two (2) year term from among the members of the Council to act as Mayor during the absence or disability of the Mayor. If a vacancy occurs in the position of Mayor, the Mayor Pro Tem shall become Mayor as provided in Section 18(b) below.

If a vacancy occurs in the position of Mayor Pro Tem, whether through resignation or otherwise, the Council shall at the first regular or special meeting after the occurrence of such vacancy elect a new Mayor Pro Tem to serve for the remainder of the vacated term.

. . .

## ARTICLE VIII. ELECTIONS

### Section 1. Applicability of state constitution.

The Council shall provide by ordinance for the manner of holding city elections. All ordinances regarding elections shall be consistent with the provisions of this Charter and the state Constitution. Any matter regarding elections not covered by the state Constitution, this Charter or ordinance of the Council shall be governed by the laws of the State of Colorado relating to municipal elections, or coordinated municipal elections, as applicable.

### Section 2. City elections.

A regular city election shall be held on the first Tuesday after the first Monday in April ~~November~~ of every odd-numbered years. All other municipal elections shall be known as special city elections and shall be called by ordinance and shall be held in accordance with the provisions of this Charter and any ordinances adopted pursuant thereto. All municipal elections shall be nonpartisan.

In order to implement a change of regular city elections from April of each odd-numbered year to November of each odd-numbered year, the term of the Mayor and each Councilmember shall be extended to such time as a successor elected in November of the appropriate odd-numbered year (consistent with Article II, Section 1(b)) takes office, unless otherwise ended due to an event of vacancy or recall. Such change in term length shall have no effect on the number of terms any such officer may be elected under the applicable term limits.

### Section 3. Nomination; withdrawal from nomination.

Any person who is qualified at the time of nomination for the office to be filled may be nominated for the elective office by petition. A nominating petition for the office of Mayor shall be signed by not less than twenty-five (25) registered electors. A nominating petition for District Council office shall be signed by not less than twenty-five (25) registered electors residing in that District. A registered elector may sign one (1) petition for each office for which the elector is entitled to vote at the election. If an elector should sign more petitions than entitled, said elector's signature shall be void as to all petitions which the elector signed.

Nominating petitions must be filed with the City Clerk. The Council shall enact an ordinance specifying the time frame for circulation and submittal of nominating petitions and the deadline for withdrawal from candidacy for municipal office. Such time frame shall not be changed within one ~~(1) year~~ hundred eighty (180) days immediately prior to the election. No nominating petition shall be accepted unless the candidate completes a verified acceptance of the nomination certifying that he or she is not a candidate, directly or indirectly, of any political party, and that he or she meets the qualifications for office, and will serve if elected.

A person who has been nominated may withdraw from candidacy by filing a written request to do so with the City Clerk before the deadline established by Council ordinance for such withdrawal, and no name so withdrawn shall be placed upon the ballot.

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**Section 5. Board of Elections for City-administered elections.**

There is hereby created a Board of Elections consisting of the City Clerk, Chief Deputy City Clerk, and Chief Judge. The Board shall be responsible for any election duties specified in this Charter and for such additional duties related to the conduct of elections by the City as may be established by the Council by ordinance.

. . .

**Section 7. Certification of election results.**

(a) No later than the date specified by the Council by ordinance ~~tenth 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. In the event of a mandatory recount or recount by request, the Board of Elections shall complete an amended certificate declaring the results of the election no later than the fifth day after the completion of the recount.

(b) For coordinated city elections (which are not administered by the City), the election shall be determined and certified and any tie vote or recount shall be administered, as provided in the applicable state law.

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**Section 10. Validity of City-administered elections.**

No City-administered election shall be invalidated if it has been conducted fairly and in substantial conformity with the requirements of this Charter.

. . .

Section 3. That the following ballot title, with its title and submission clause, is hereby adopted for submitting Proposed Charter Amendment No. 2 to the voters at the November Election:

**CITY-INITIATED  
PROPOSED CHARTER AMENDMENT NO. 2  
(November Elections)**

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

- make the regular city election date the first Tuesday in November of every odd-numbered year, instead of the first Tuesday after the first Monday in April of every odd-numbered year;
- transition to the new election schedule by extending the current term of the Mayor and of each Councilmember from April to November of the appropriate odd-numbered year, without altering the number of terms each may serve;
- allow for coordinated elections to be conducted by the County Clerk and Recorder and clarify the applicable law for coordinated elections;
- allow Council to adjust the time frame for candidate nominations and withdrawals up to 180 days prior to an election; and
- make minor conforming edits; and

shall Article II of the Charter, regarding membership, terms and organization of the City Council, be amended to provide that City officers elected in a November election shall be sworn in and take office, and a Mayor Pro Tem shall be elected, at a special Council meeting on the second Tuesday of January after such election?

Yes/For  
 No/Against

Section 4. That pursuant to Section 31-2-210(4) of the Colorado Revised Statutes, the City Clerk is directed to publish in the *Coloradoan* a notice of the City's November 8, 2022, special election coordinated with Larimer County and to include in that notice the full text of the proposed amendments to Charter Article II and Article VIII as stated in this Ordinance. Such notice is to be published within thirty (30) days of the adoption of this Ordinance and not less than sixty (60) days nor more than one hundred twenty (120) days before said election.

Introduced, considered favorably on first reading and ordered published this 21st day of June, A.D. 2022, and to be presented for final passage on the 5th day of July, A.D. 2022.

\_\_\_\_\_  
Mayor

ATTEST:

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City Clerk

Passed and adopted on final reading this 5th day of July, A.D. 2022.

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Mayor

ATTEST:

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City Clerk