

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. 080, 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 CONCERNING THE
USE OF A RANKED VOTING METHOD TO ELECT FUTURE MAYORS AND
COUNCILMEMBERS OF THE CITY OF FORT COLLINS

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, Section 31-10-617, Colorado Revised Statutes, provides authority to municipalities to choose to use a ranked voting method to elect the mayor or members of the governing body of the municipality; and

WHEREAS, the City Council is of the opinion that a ranked voting method could offer more expressive voting for Fort Collins electors, encourage participation in the electoral process, and result in municipal representation that is better representative of the preferences of Fort Collins electors; 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, a proposed amendments to Article VIII and Article IX of the City Charter that would, if adopted, provide that Fort Collins electors shall elect the City mayor and council members through a ranked voting method, beginning with the regular City election in 2025, and for all elections moving forward; 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 VIII and Article IX of the City Charter, requiring the use of a ranked voting method for all elections after January 1, 2025, shall be submitted to the registered electors of the City as “Proposed Charter Amendment No. 3” at the November Election:

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 7. Certification of election results.

(a) No later than the date specified by 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, as determined pursuant to this Section 7, 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, tabulation of results in that contest shall be rerun with the disqualified candidate being eliminated prior to any tabulation and the candidate with the next resulting 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. The candidate receiving the highest number of votes for a particular office, as determined pursuant to Section 7(c), shall be declared elected to that office.

(c) Ranked voting methods. Beginning in 2025, the candidate receiving the highest number of votes for a particular office will be determined using a ranked voting method.

(1) For a City-administered election, the ranked voting method will be in accordance with specifications adopted by the City Council by ordinance.

(2) For a coordinated election, the ranked voting method will be in accordance with, and as provided by, applicable state law.

ARTICLE IX. RECALL

Section 3. Elections.

...

(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 **determined in accordance with Article VIII, Section 7**, 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.

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

**CITY-INITIATED
PROPOSED CHARTER AMENDMENT NO. 3
(Ranked Voting)**

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

- require that for all regular city elections after January 1, 2025, the offices of Mayor and of each District Councilmember shall be elected using a “ranked voting method,” pursuant to the applicable Colorado statutes or, for City-conducted elections, procedures and deadlines adopted by the City Council by ordinance;
- clarify the applicable law for coordinated elections; and
- make minor conforming edits; and

shall Article IX of the Charter, regarding recall, be amended to incorporate the ranked voting method set out in Article VIII?

_____ 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 City Charter Article VIII and Article IX 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:

City Clerk

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

Mayor

ATTEST:

City Clerk