Initiative Guidelines

Updated March 2025



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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 initiatives.

Article X, Section 1 of the Charter states: "The registered electors of the city have the power at their option to propose ordinances or resolutions to the Council, and, if the Council fails to adopt a measure so proposed, to adopt or reject such ordinance or resolution at the polls."

This guide is provided to assist electors in exercising the right to initiate an ordinance or resolution through the "initiative process". 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 initiative 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 initiative process, please direct your questions and/or comments to:

Delynn Coldiron, City Clerk dcoldiron@fcgov.com (970) 221-6515

Cecilia Good, Senior Deputy City Clerk cgood@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.



WHAT IS A CITIZEN INITIATIVE?

The citizen initiative process is the direct power of the voters to propose a **new** legislative measure or course of action, in the form of an ordinance or resolution, and secure its submission to the City Council or the electorate for approval.

The initiative process is often confused with the referendum process. The power of referendum is the power of the electors to refer any ordinance adopted by the City Council to a vote of the people.

WHO CAN USE THE CITIZEN INITIATIVE PROCESS?

The citizen initiative process is available to all registered electors within the Fort Collins city limits.

The City Council also has the power of initiative under the City Charter. However, the term "initiative" will be used herein solely to refer to the *citizen's* power of initiative.

BEGINNING OF THE PROCESS: THE NOTICE OF INTENT

An initiative is commenced by one or more registered electors filing with the City Clerk a written notice of intent to circulate an initiative petition. The notice must contain, or have attached to it, the full text of the proposed ordinance or resolution and must state whether a special election is requested. A Notice form can be found on the website at: https://www.fcgov.com/elections/initiatives or can be obtained from the City Clerk's office.

PETITION FORMS

Upon receipt of a notice of intent to circulate an initiative petition, 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).

A separate petition must be circulated and filed for each measure sought to be initiated.

The City Charter requires an initiative petition to contain or have attached to each section, throughout its circulation, a full and accurate copy of the text of the initiative. The petition must:

- contain a general statement of purpose prepared by the City Clerk, in conjunction with the City
 Attorney's office, which fairly and accurately summarizes the proposed ordinance or resolution,
 without argument or prejudice, indicating that the petition is to be circulated in support of the
 initiated ordinance or resolution:
- indicate whether a special election is requested;

- designate by name and address three registered electors who will act as petition representatives;
- have petition sections that are individually numbered and contain no less than thirty (30) and no more than one hundred (100) signature lines; and
- contain an affidavit to be completed by the petition circulator. The affidavit must include several things which can be found in Article X, Part I, <a href="Section 2(b)(2)(f). (Note: It is not the responsibility of the petition representatives to draft ballot language. See below "The Election Submitting the Initiative to the Voters" for information on ballot language.)

The form of the initiative 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 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.

After a petition is approved by the City Clerk, it 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.

APPROVAL OF FORM FOR CIRCULATION

No petition may be circulated until the City Clerk has approved its form. 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 clock for circulating the petition will start on the date the City Clerk provides the certificate of approval.

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 (18) 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 can be obtained on a petition section after completion of the affidavit.

Note: The City Clerk's office will not notarize any forms related to elections. This must be done prior to submitting the petition to the City Clerk or the petition will not be found as sufficient.

Upon the request of any person to whom the petition is presented for signature, a petition circulator is required to make the entire text of the initiated measure accessible by any reasonable method.

SIGNATURE REQUIREMENTS

Only registered electors (persons registered to vote in city elections who reside within the city limits) may sign a petition. Each signer must sign his or her own signature, followed by the printed name, residence address, and date of signing. No person can sign more than once (on the same petition section or on different sections). If the City Clerk finds more than one signature of the same person, the first signature verified will be counted and all other signatures of that person will be rejected.

The number of signatures required on an initiative petition depends on the type of election requested. If the petition representatives are willing to have the initiative placed on a regularly-scheduled municipal election (held in November of odd-numbered years), the petition must contain valid signatures equal in number to 10% of the total ballots cast in the last regular city election. If the petition requests a special election, the number of signatures must equal 15% of the total ballots cast in the last regular city election. The number of signatures required for a current petition effort based on the 2023 regular election can be found at the end of these guidelines or provided by the City Clerk.

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. Once a petition is submitted to the City Clerk, the Clerk is prohibited from redacting the petition by removing any signatures.

SUBMITTAL REQUIREMENTS AND DEADLINES

As previously mentioned, all sections of a petition must be filed as one instrument. A petition must be filed no more than sixty-three (63) days after the City Clerk's approval of the form for circulation. If the next regular city election is approaching, the petition must be filed at least ninety (90) days prior to the date of the next election.

(Note: Although statutorily a petition can be filed up to 90 days prior to the date of the next election, practically this may not give enough time to check the petition for sufficiency, allow for protests, and, if sufficient, move it to City Council for approval since ballot content must be submitted to the County no later than 60 days prior to an election. It is important for petitioners to work with the City Clerk's office on timing to ensure sufficient time for circulation, signature verification, Council approval (ideally first reading would be the first Tuesday in August), and placement on a desired ballot.)

If the petition requests a special election in conjunction with a Larimer County General Election (held on the first Tuesday after the first Monday in November), the Charter requires the City Clerk to establish a submittal deadline for the petition that will enable the measure to be considered at such election.

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 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 or some sections are not used/needed. It also should be noted that any petition section that the Clerk reasonably determines was disassembled, whether reassembled or not, will be found to be invalid.

There are many actions required to move an initiative through the process to placement on the ballot. Therefore, it is imperative that you consult with the City Clerk during your planning process to determine when you must start your efforts and what dates are critical to the success of your effort (see note above).

Voters will have an opportunity at the upcoming 2025 election to correct an error and move the circulation period for initiative petitions to seventy-seven (77) days which was intended by City Council when they approved Code changes in July of 2024.



EXAMINATION OF THE PETITION

When a petition is filed with the City Clerk, the Clerk has fifteen (15) business days to examine the petition sections 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 fifteen (15) business days to complete the examination. Although it is not unusual for the examination to take less time, the full fifteen 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 entire petition sections, are rejected. The following is a list of the most common reasons for rejecting individual signatures:

- The individual listed an address on the petition that is different than the address in the voter registration records.
- 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. (Only the first signature verified is counted, and all other signatures by that individual are rejected.)

- · 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.

OR

There are multiple individuals registered with the same name at the same address, but it cannot be determined which individual signed the petition.

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

- The petition section was circulated by an individual who is not eighteen (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 all or 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 an initiative 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 petition representatives of such insufficiency, both verbally and by providing copies of the certificate of insufficiency. The determination will also be posted on the City's website. An insufficient petition may not be amended. It is considered null and void without prejudice to the filing of a new petition for the same purpose.

PROTESTS

Any registered elector may protest a determination by the City Clerk that a petition is either sufficient or insufficient by filing a written protest, under oath, in the City Clerk's office within seven (7) days of the City Clerk's initial determination as to petition sufficiency. The protest must set forth with particularity the grounds of protest and any signatures and related defects in form protested. (Disagreeing with the subject of the initiative petition is not a valid reason for protest.)

If a protest is filed, the City Clerk must set a hearing date within ten (10) business days after the filing of the protest. At least five (5) business days prior to the hearing, the Clerk is required to mail a copy of the protest to all the designated petition representatives, together with a notice of the time for hearing.

The City Manager will appoint a hearing officer for all protest hearings, who 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 twenty (20) business days after the petition was filed. Within ten (10) business days after the hearing is concluded, the hearing officer must decide and certify the results of the hearing. The City Clerk will make the final determination regarding the sufficiency or insufficiency of a petition and will base such determination on the protest hearing results certified by the hearing officer.

If the results of the protest hearing result in the petition being deemed insufficient, the petition will be considered null and void without prejudice to filing of a new petition for the same purpose.

SUFFICIENT PETITION/CERTIFICATION OF PETITION

When a 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 or special meeting called for this purpose. The Clerk's certification is the final determination as to the sufficiency of the petition, subject only to the protest procedure described below.

COUNCIL ACTION

Upon the City Clerk's presentation of an initiative petition certified to contain a sufficient number of signatures, the City Council shall either:

- Adopt the proposed ordinance or resolution without alteration within twenty-five (25) business days (unless an election is required for passage of the measure under Article X, Section 20 of the Colorado Constitution); or
- (2) Submit such proposed measure in the form petitioned for, to the registered electors of the city as provided in Article X, Section 3.

For a proposed measure that requires voter approval in advance under Article X, Section 20 of the Colorado Constitution, the Council must submit the measure to a vote of the registered electors. If the initiative petition proposing such a measure requests a special election, the proposed measure must be submitted to a vote of the registered electors on the first possible date permitted by Article X, Section 20 of the Colorado Constitution. If a special election is not requested, the proposed measure must be submitted to a vote of the registered electors at the next regular city election or at the Council's option, may be submitted to a vote at an earlier special election that meets the constitutional requirements.

For a proposed measure that does not require voter approval in advance under Article X, Section 20 of the Colorado Constitution, if not adopted by the Council under alternative (1) above, the Council must submit the measure to a vote of the registered electors at no later than the next regular or special city election scheduled for any other purpose for which election process requirements can be met. Alternatively, the Council may opt to call an earlier special election for the specific purpose of submitting the initiated measure to the voters.

If the initiative petition proposing such measure requests a special election, the Council must submit the proposed measure to a vote of the registered electors at the next November election for which the City is able to coordinate an election with the Larimer County Clerk and Recorder, whether a special election or regular City election.

All ordinances submitted to the Council by initiative petition and adopted by the Council without the vote of the electors are subject to the referendum in the same manner as other ordinances.



SUBMITTING THE INITIATIVE TO VOTERS

Upon ordering an election on any initiative measure, the City Council is required to adopt by resolution, after receiving public input, a ballot title and submission clause for each measure. The ballot title must contain information identifying the measure as a city-initiated or citizen-initiated measure. The submission clause must be brief and must unambiguously state the principle of the provision sought to be added. In addition, the submission clause must not conflict with the language selected for any petition previously filed for the same election.

The official ballot shall have printed on it the ballot title and submission clause "Yes/For" and "No/Against". Pursuant to Article X, Section 20 of the state Constitution, the appropriate vote for measures involving tax or bonded debt increases is "Yes" or "No".

Any registered elector may protest a proposed ballot title and/or submission clause by filing a written protest with the City Clerk. The notice of protest must be filed no later than 12:00 p.m. (noon) on the Monday before the Tuesday Council meeting at which the City Council will consider the resolution setting the ballot title and submission clause. The notice of protest shall set forth with particularity the grounds of the protest. The City Clerk will provide copies of the notice of protest to the City Council prior to the Tuesday meeting. The protest must be heard, considered and resolved by the City Council prior to the adoption of the resolution setting the ballot title and submission clause.

The proposed resolution setting the ballot title and submission clause is drafted by the City Attorney and is available to the public on the Thursday immediately preceding the Tuesday Council meeting.

AFTER THE ELECTION

If a majority of the registered electors voting on the initiative measure vote in favor of the measure, it is adopted as an ordinance or resolution of the City upon certification of the election results. Certification occurs no later than twenty-two (22) days after the election.

If the initiative measure is an ordinance amending provisions of the City Code, Land Use Code, or City Charter, the ordinance will be forwarded to the City's codifier for inclusion in the appropriate document.

CAMPAIGN REGULATIONS

Most initiative efforts include the formation of a committee (known as an issue committee) to support the passage of the ballot measure. There are very specific regulations with regard to issue committees and campaigns as set forth in Chapter 7 of the City Code.

A separate document entitled "Issue Committee Guidelines" is also available in the City Clerk's Office. It contains all of the regulations relating to issue committees, including all reporting forms.



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.

Petition – a formal document, addressed to the City Council, requesting the enactment of an ordinance or resolution, 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 or ballot question (also referred to as 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* or *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 6(b), respectively, of the Charter.

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 initiatives can be found in Article X of the City Charter and Chapter 7 of the Code of the City of Fort Collins.

SAMPLE PETITION FORMS

See attached.



SIGNATURE REQUIREMENTS

At the last regular biennial election on November 7, 2023, 50,699 ballots were cast. The number of valid signatures required on an initiative petition for the next regular biennial election on November 4, 2025 is:

For the November 4, 2025, Election

10% of the ballots cast: 5,079

For a special election to be held at any other time, the signature requirement is:

For a Special Election

15% of the ballots cast: 7,605

SAMPLE TIMELINE

Assumes full time period is used at each stage:

April 1st	Notice filed
April 8 <i>th</i>	Clerk approval of form for circulation (5 business days)
June 10th	Deadline to file all petitions signatures for review (63 days)
July 2 <i>nd</i>	Clerk Initial Finds (15 business days)
July 9th	Protest filing deadline (7 days)
July 23 <i>rd</i>	Hearing (10 business days from filing)
July 16th	Notice of Hearing (5 business days prior)
August 6th	Conclusion of Hearing (20 business days from filing)
August 20th	Hearing Officer Results (10 business days from hearing)

Certification and presentation to Council

Note: It would be nearly impossible to get this to Council in time to certify the ballot content by the September 5, 2025 deadline if everything took the maximum amount of time unless there is no protest filed. Ideally, first reading would occur the first Tuesday in August.

PETITION FOR INITIATIVE

TO: The City Council of the City of Fort Collins

GENERAL STATEMENT OF PURPOSE

***Summery statement developed by the City Clerk in conjunction with the City Attorney ***
Summary statement developed by the City Clerk in conjunction with the City Attorney.

WARNING: IT IS AGAINST THE LAW

for anyone to sign any initiative or referendum 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 a petition when not a registered elector who is eligible to vote on the measure.

DO NOT SIGN THIS PETITION UNLESS YOU ARE A REGISTERED ELECTOR AND ELIGIBLE TO VOTE ON THIS MEASURE.

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 have had read to you the proposed initiative or referred measure or the summary in its entirety and understand its meaning.

PETITION REPRESENTATIVES (must have 3)

Name 1.	Address
2.	
3.	

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.

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	1 Illica Name	Oity	
	Signature	Residence Address (Street and Number)	Date Signed
	-	, , , , , , , , , , , , , , , , , , ,	9
30	Printed Name	City	

AFFIDAVIT OF PETITION CIRCULATOR

STATE	OF COLORADO)				
COUN	TY OF LARIMER) ss.				
CITY () OF FORT COLLINS)				
The ur	ndersigned petition circulator, being first duly	sworn and upon oath, states that:			
A.	The affiant has read and understands the law	vs governing the circulation of petition,			
В.	The affiant was eighteen (18) years of age or circulated and signed by the listed electors,	older at the time this section of the petition was			
C.	The affiant personally circulated the attached	d section of the petition,			
D.	Each signature thereon was affixed in the af	fiant's presence,			
E.	Each signature thereon is the signature of the	e person whose name it purports to be,			
F.	F. To the best of the affiant's knowledge and belief, each of the persons signing the petition section was, at the time of signing, a registered elector in the City of Fort Collins,				
G.	has paid or will pay, directly or indirectly, any	re pay, and affiant believes that no other person money or other thing of value to any signer for ner to affix the signer's signature to the petition,			
Н.	Each signer had an opportunity before signir	ng to read the full text of the petition.			
	AFFIANT:				
	Signature of Petition Circulator	Printed Name of Petition Circulator			
	Street Address of Petition Circulator	City / State			
		Date			
	Subscribed and sworn to before me this	day of			
	Notary Public				

Address of Notary Public