

ORDINANCE NO. 045, 2023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 7 OF THE CODE OF THE CITY OF FORT COLLINS
RELATING TO CANDIDACY IN A MUNICIPAL ELECTION

WHEREAS, on November 8, 2022, the voters of the city of Fort Collins approved a Charter amendment moving the City's regular municipal election from April to November in odd-numbered years; and

WHEREAS, the City Code contains provisions relating to the nomination of candidates, withdrawal from candidacy, and write-in candidates; and

WHEREAS, the deadlines contained in the City Code for these matters make it challenging to prepare ballots for mailing by the appropriate deadline; and

WHEREAS, regardless of whether the November regular election is conducted by the City or as an election coordinated with Larimer County, staff recommends amending the deadlines to conform to the requirements of the Colorado Uniform Election Code of 1992 (Colorado Revised Statutes Title 1, Articles 1 through 13) (the "UEC"); and

WHEREAS, conforming to the deadlines contained in the UEC will provide consistency for all candidates for municipal office under the provisions of the UEC, the Colorado Municipal Election Code of 1965 (Colorado Revised Statutes Title 31, Article 10), or the Fort Collins City Code; and

WHEREAS, conforming to the deadlines contained in the UEC also provides adequate time to certify candidates and prepare ballots, regardless of whether the election is conducted by the City or Larimer County.

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 Section 7-103 of the Code of the City of Fort Collins be amended to read as follows:

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 ~~forty-two (42)~~ **sixty-four (64)** days before the election, indicating that such person desires and is qualified for the office.

Section 3. That Section 7-116 of the Code of the City of Fort Collins be amended to read as follows:

Sec. 7-116. Nomination of candidates; withdrawal from candidacy.

(a) A nominating petition required pursuant to Article VIII of the Charter may not be circulated earlier than ~~seventy (70)~~ **ninety-one (91)** days before the election and must be filed with the City Clerk not later ~~forty-nine (49)~~ **seventy-one (71)** days before the election. **The petition may be amended to replace signatures that the City Clerk finds are not in apparent conformity with the requirements of the City Charter at any time no later than sixty-seven (67) days before the election.**

(b) A person who has been nominated may, not later than ~~forty-two (42)~~ **sixty-three (63)** 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.

Introduced, considered favorably on first reading, and ordered published this 21st day of March, 2023, and to be presented for final passage on the 4th day of April, 2023.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 4th day of April, 2023.

Mayor

ATTEST:

City Clerk