

Candidate Guidelines

Updated October 2020

COVID-19 STATEMENT

Due to COVID-19, City Hall is closed to the public until further notice. On most weekdays, a limited number of staff may be working in the City Clerk's Office. If planning to file documents with the Clerk's Office, please call ahead (970.221.6515) or email cityclerk@fcgov.com to make arrangements. In many cases, filing documents via email will be acceptable.

Documents requiring notarization should be notarized BEFORE filing them with the City Clerk. Notary services are not available in City Hall until further notice.



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INTRODUCTION

The *Candidate Guidelines* are furnished as a source of general information about the basic requirements of, and deadlines for, candidacy for municipal office in the city of Fort Collins at a regular municipal election. Regular municipal elections are held the first Tuesday after the first Monday in April in odd-numbered years. In addition, general information is provided regarding administration of the election and basic information about the organization of the City Council.

These *Guidelines* are not intended to be comprehensive in scope or depth. 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.

Throughout these *Guidelines* there will be references to additional materials. Those additional materials are provided online and available in the City Clerk's Office upon request.

ELECTION ADMINISTRATION

All regular and special municipal elections are administered by the City Clerk's Office under the provisions of the City Code, the City Charter, and Colorado law.

All information regarding the conduct of the election and requirements of a candidate for municipal office should be obtained from the City Clerk's Office. Other entities, such as Larimer County and the Colorado Secretary of State, play no role in local elections and are not familiar with the requirements of the City Code and Charter. The City Clerk's Office will assist you through the election process as much as possible. However, the City Clerk's Office cannot provide legal advice. You should consult with your own attorney about the application of the law to your individual situation.

The City Clerk's Office is generally open from 8:00 a.m. to 5:00 p.m., Monday through Friday, with the exception of legal holidays.

OFFICERS TO BE ELECTED

At a regular municipal election, City voters elect Councilmembers in three Council districts. Voters citywide directly elect a Mayor. In addition, vacancies in District seats, if any, could be included on the ballot.

THE MAIL BALLOT ELECTION

All municipal elections are conducted by mail ballot. A ballot will be mailed to each eligible City voter approximately **two weeks** before the election. The mail ballot package will contain a ballot listing the candidates for which the voter is entitled to vote and ballot questions (if any), instructions on how to vote the ballot, and a return envelope with an affidavit that must be completed by the voter (as required by the City Code).

In a mail ballot election, voters may cast the ballot received in the mail in any of the following manners:

- **Return the ballot by mail.** (No postage is required - the City pays return postage.) Voters should be aware of current mailing times close to the election and plan to mail ballots in plenty of time to reach the City Clerk's Office. Voters can also consider other ways to return the ballot as described below.
- **Drop the ballot off** during normal working hours at the City Clerk's Office, 300 LaPorte Avenue, or at the following locations:
 - City Hall Drive-up Drop Box, 300 LaPorte Avenue (west end of south parking lot, accessible 24 hours a day until 7 p.m. on election day)
 - Fort Collins Police Services Drive-up Drop Box, 2221 South Timberline Road (west end of north customer parking lot, accessible 24 hours a day until 7:00 p.m. on election day)
 - Larimer County Administration Building, 200 West Oak (ballot drop box located outside the south entrance and is accessible 24 hours a day until 7:00 p.m. on election day)
 - Northside Aztlan Community Center Drive-up Drop Box, 112 East Willow Street (parking lot behind the building, accessible 24 hours a day until 7:00 p.m. on election day)
 - Senior Center Drive-up Drop Box, 1200 Raintree Drive, outside main entrance, accessible 24 hours a day until 7:00 p.m. on election day)
 - South Transit Center Drive-up Drop Box, 4915 Fossil Boulevard (south end of parking lot, accessible 24 hours a day until 7:00 p.m. on election day)
 - Traffic Operations Drive-up Drop Box, 626 Linden Street (west end of customer parking lot, accessible 24 hours a day until 7:00 p.m. on election day)

Candidates, members of the public, and news media are welcome to observe mail ballot processing at any time. It is recommended that you call 970.221.6515 in advance to determine whether ballots are being processed at the time you plan to visit so that you can have a complete tour.

GENERAL

An individual is eligible to be a candidate for municipal office if, at the time of election, the individual:

- Is a citizen of the United States;
- Is at least 21 years of age;
- Has been a registered elector within the city for at least one year immediately preceding the election, and
- In the case of a District Councilmember, has continuously resided in the District from which the individual is to be elected since the date of accepting any nomination for election under Article VIII, Section 3 of the City Charter. (The acceptance of nomination is a part of the nomination petition process.)

No person who has been convicted of a felony is eligible to be a candidate for or hold the office of Councilmember. No person who has been convicted or a recent violation of the City Charter is eligible to hold the office of Councilmember.

During a term of office, no member of the Council shall be an employee of the City or hold any other elective public office. No person shall be elected or appointed to any City office, position or employment for which the compensation was increased or fixed by the Council while such person was a member thereof until after expiration of one (1) year from the date when such person ceased to be a member of the Council. [Charter Article II, Section 2(c)]

All municipal elections are non-partisan. Staff will not answer questions regarding a candidate's party affiliation. Such questions will be referred to the candidate.

OFFICE OF MAYOR

Candidates for the office of Mayor are nominated by registered electors residing anywhere within the city limits and are voted upon citywide.

DISTRICT COUNCIL OFFICE

Candidates for District office must have continuously resided within the Council District they seek to represent since the date of accepting nomination and are nominated and elected by registered voters in the candidate's District. (The acceptance of nomination is a part of the nomination petition process.)

NOMINATION PETITIONS

Each candidate for municipal office must circulate and submit a nomination petition meeting the signature requirements listed in the next section.

A nomination petition is provided online and is available in the City Clerk's Office.

SIGNATURE REQUIREMENTS

Candidates for District seats must obtain signatures from at least **25 registered electors who reside within the District**.

Candidates for Mayor must obtain signatures from at least **25 registered electors who reside anywhere inside the city limits**. The candidate must sign the *Verified Acceptance of Nomination* at the end of the nomination petition and the petition circulator must sign the *Verified Statement of Circulator* on the nomination petition. Both statements must be notarized.

The candidate must state on the nomination petition form how the candidate's name should appear on the ballot. Names will be arranged by surname on the ballot in alphabetical order for each office. The City Charter prohibits the printing of any title or degree designating the business or profession of the candidate. The candidate's name may be a nickname but may not include any punctuation marks setting out the nickname.

Candidates are encouraged to obtain more than the required 25 signatures. The City Clerk's Office will examine signatures until 25 valid signatures have been verified.

A Financial Disclosure Statement must be filed with the City Clerk at the same time as the filing of the *Verified Acceptance of Nomination*. See Financial Disclosure Statements on page 16.

PETITION DEADLINES

As provided by the *Charter* and state law, nomination petitions must be circulated and filed no earlier than 70 days before the election; no later than 49 days before the election.

A list of Important Dates for the next election is provided online.

NOTIFICATIONS

Within five days after the filing of the nomination petition, the City Clerk will notify the candidate as to the sufficiency of the petition. This notification is typically done by email or phone. Additional signatures, if needed to make the petition sufficient, cannot be accepted after 5 p.m on the day of deadline.

WITHDRAWAL FROM CANDIDACY

A person who has been nominated may withdraw from candidacy by filing a written request with the City Clerk. Forms for withdrawing from candidacy may be obtained from the City Clerk and must be filed no later than 42 days before the election.

WRITE-IN CANDIDATES

Write-in votes are counted only if the write-in candidate files an *Affidavit of Intent* with the City Clerk not later than 42 days before the election.

Affidavit forms are available from the City Clerk's Office.

DISTRICT/PRECINCT BOUNDARIES

Printable pdf maps are available at

<https://records.fcgov.com/WebLink/Browse.aspx?id=3060571&dbid=0&repo=FortCollins>

in sizes ranging from 8.5 x 11" to 34 x 44. The maps can be downloaded and taken to any local print shop for printing.

A large (30" x 44") detailed color District-Precinct map showing Council Districts and City and County precincts within the Districts is available in the City Clerk's Office.

CAMPAIGN REGULATIONS

COMMENCEMENT OF CAMPAIGN ACTIVITIES

There is no limitation on the point in time when a candidate for office may commence campaign activities. **Be aware that you become a candidate if you have publicly announced an intention to seek election. Close attention should be paid to the requirements for registering candidate committees and maintaining bank accounts (page 12), and the limitations on the placement of election signs (below).**

Public announcement shall mean:

- (1) Registration of a candidate committee; or
- (2) A statement made by the candidate signifying an interest in, or exploring the possibility of, seeking the office by means of a speech, advertisement or other communication reported or appearing in public media or in any place accessible to the public, including social media, that a reasonable person would expect to become public. (City Code, Section 7-132)

ELECTIONEERING

State law prohibits electioneering (to take part actively and energetically in the activities of an election campaign; persuasion of voters in a political campaign) on election day within any polling place, or in any public street or room, or in any public manner within 100 feet of any building in which a polling place is located.

City Hall will be a polling place for the election and will be open 15 days prior to election day.

ELECTION SIGNS

Election signs fall within the definition of temporary signs and must meet all standards in Land Use Code Section 3.8.7.3. Permits are not required for placement of non-banner temporary signs on private property; however, permission must be obtained from the property owner before signs are placed on private property. If the temporary sign is a banner, a permit is required. Temporary signs may only be placed upon private property behind the sidewalk and only with the consent of the property owner.

Temporary signs, including election signs, are not allowed on park land, medians, sidewalks, street rights-of-way, in front of City buildings or any other public area owned or controlled by the City of Fort Collins without a permit. The public right-of-way includes the area between the sidewalk and the street, as well as approximately two feet behind the sidewalk. Banners require a permit.

Temporary signs are addressed in the City Code (Section 17-42) and the Land Use Code (Section 3.8.7.3). A temporary sign may be immediately removed if the City Engineer determines it has been placed on public property. The City will attempt to notify the owner that the temporary sign has been removed and will be destroyed within 10 days if not picked up. Any additional temporary signs will be immediately removed and destroyed without notification.

The number and size of temporary signs allowed in **residential and nonresidential zones** is contained in Land Use Code Section 3.8.7.3(C). The signs cannot include lighting.

The placement of election signs constitutes an announcement of candidacy and triggers the requirement to file a Candidate Affidavit (see page 11).

IDENTIFICATION OF WRITTEN CAMPAIGN MATERIALS

Whenever a candidate or candidate committee makes an expenditure for the purpose of financing communications expressly advocating a particular result in an election or solicits any contribution or contribution in-kind through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing or any other type of general public political advertising, **the communication must clearly state that the communication is paid for by the candidate or candidate committee.** (City Code Sec. 7-140)

Signs including the name of a candidate, whether or not they expressly call for action (such as "Vote for Candidate X"), will be deemed to advocate for the election of said candidate, unless such sign is clearly for another purpose (such as a sign advertising the sale of a house for which the candidate is the listing real estate agent).

Signs including the name of a candidate that include any words or symbols implying that a voter should not vote for the candidate will be deemed to advocate for the defeat of the identified candidate. One example of this would be a candidate's name with a red circle with a diagonal line through it, commonly known to mean "NO".

These forms of communication include, but are not limited to, websites or social media of a candidate or candidate committee available to the general public and advertisements placed for a fee on another person's website or social media. The statement required must be clear and conspicuous in the communication. The required statement does not apply to communications where including the statement would be impractical, such as:

- (1) Bumper stickers, pins, buttons, pens and similar small items upon which the disclaimer cannot be conveniently printed;
- (2) Skywriting, water towers, wearing apparel, or other means of displaying an advertisement of such a nature that the inclusion of a disclaimer would be impracticable; or
- (3) Checks, receipts, and similar items of minimal value that are used for purely administrative purposes and do not contain a political message.

DOOR-TO-DOOR SOLICITATION

Political solicitations are exempt from the City Code provision prohibiting door-to-door solicitations, except where the occupant of a private residence has chosen to post a “**NO SOLICITATION**” or “**NO TRESPASSING**” sign near the entrance to the premises. Posting of such a sign prohibits *any* kind of solicitation at that residence.

The City Code sections relating to noncommercial door-to-door solicitation may be found at [Chapter 15, Article IV, Division 1 of City Code](#).

LITTERING

Campaign material is not exempt from littering prohibitions. Campaign materials must be securely placed or deposited so as to prevent them from being blown or scattered by the wind. It is not permissible to place campaign materials in any fashion on motor vehicles without the vehicle owner's permission.

PENALTIES

Failure to comply with the City Code and Land Use Code provisions relating to door-to-door solicitations and temporary signs is a misdemeanor and upon conviction punishable by a fine not to exceed \$3,000 or by imprisonment not to exceed 180 days, or both. [City Code Sec. 1-15]

CAMPAIGN REPORTING REQUIREMENTS

GENERAL

The Fort Collins City Council has established election campaign provisions to be applied to local elections in lieu of any state laws on the subject. The local provisions have been codified in [Chapter 7, Article V of the City Code](#).

CANDIDATE AFFIDAVIT

When an individual becomes a candidate as defined in Section 7-132 of the City Code, the individual must file a Candidate Affidavit **within 10 days**. In addition to certifying that the individual is a candidate for municipal office, the Candidate Affidavit also includes a statement certifying that the individual is familiar with the provisions of Chapter 7, Article V of the City Code.

Failure to file a Candidate Affidavit as required by the City Code will result in the disqualification of the individual as a candidate for the office being sought.

A Candidate Affidavit form is provided online.

CANDIDATE COMMITTEES

A candidate committee consists of a person, including the candidate, or persons with the common purpose of receiving contributions and making expenditures under the authority of a candidate.

A candidate can only have one candidate committee.

COMMITTEE REGISTRATION

All candidate committees are required to register with the City Clerk **before** accepting contributions.

Candidates with already established candidate committees from a previous city election are authorized to use the same committee for a subsequent city election. **A new registration form must be submitted to ensure all required information is current.** Choosing a generic candidate committee name that does not include a year, will help ensure you can keep the same committee name for the next election.

All contact information provided on the registration form, including email and website addresses, will be provided to the public upon request and posted on the City's website with other election-related information.

The Committee Registration form is available online.

A registered committee must promptly report any changes of address, telephone, email, registered agent or change in financial institution or account to the City Clerk.

BANK ACCOUNTS

All contributions received by a candidate committee must be deposited and maintained in a financial institution in a separate account. Documentation of the account, satisfactory to the City Clerk, is required with the committee registration.

All records pertaining to contributions and related accounts must be maintained by the committee for one (1) year following any election in which the committee received contributions unless a complaint has been filed under Section 7-145(a) of the City Code alleging a violation of the provisions of Chapter 7, Article V of the City Code or the person or committee has received notice of an investigation or prosecution of a violation of this Article by the City or other law enforcement authority, in which case they must be maintained until final disposition of the complaint and any consequent court proceedings. Such records are subject to inspection in connection with any investigation or other action to enforce the terms of Chapter 7, Article V of the City Code. (See Complaints, page 16)

Note: Although the City Code requires that the account include the name of the committee, it is recommended the account be opened as a personal checking account. Other types of accounts, such as non-profit or corporate, require additional documentation that candidates do not typically have at the local campaign level.

CAMPAIGN REPORTS

All candidate committees are required to report to the City Clerk their contributions and contributions in kind received, including the name and address of each person who has made contributions or contributions in kind expenditures made, and obligations entered into by the committee. **ALL contributions and expenditures, regardless of amount, must be reported.**

Reports are due on:

- the 35th day before the election
- the 21st day before the election
- the 14th day before the election
- by noon on the Friday before the election
- the 35th day after the election
- the 70th day after the election, and
- annually on April 1 until such time as a termination report is filed.

If the reporting day falls on a weekend or legal holiday, the report must be filed by the close of the next business day.

Candidates with already established candidate committees from a previous city election are authorized to use any unexpended funds as a starting balance for the new election period, provided that the candidate registers the committee for the new election period.

All reports must be submitted on forms provided by the City Clerk and complete in all respects.

The City Clerk's Office may contact the committee's registered agent if clarification is needed about any report filed. Any report that the City Clerk deems to be incomplete or inconsistent with the requirements for reporting will be accepted on a conditional basis and will be subject to the penalties contained in City Code Section 7-143. See Campaign Violations (page 16) for more details.

Reports must be current in all respects as of two days prior to the filing date.

A campaign report is considered timely if the paper report is received by the City Clerk's office by the end of the business day on the date due or if a copy is filed electronically not later than midnight MST on the date due. The report due by noon on the Friday before the election is due by noon, regardless of the manner of filing.

All campaign reports will be published on the City's website.

Campaign Report forms, in Excel format, are available for download from the City's website.

The forms are provided in Excel format and must be completed in Excel. Do not convert the form to any other program.

Reports must be submitted in Excel. No other format will be accepted. Reports that were converted to, or created in, other formats and then converted to Excel will not be accepted. The City Clerk may reject any report that is found not in compliance with the original design and formatting of the report forms.

CONTRIBUTION LIMITS

Contributions are subject to the following limits:

- \$100 total for Mayoral candidates
- \$75 total to District Councilmember candidates

No person may make a contribution or contribution in kind in the name of another person, nor may any person knowingly permit such person's name to be used by another person to effect such a contribution or contribution in kind. These limitations apply to all contributions or contributions in kind, whether made directly to a candidate committee or indirectly via earmarked gifts passed through an intermediary, except that these limitations do not apply to:

- (1) Contributions or contributions in kind made by a candidate to the candidate's own candidate committee;
- (2) Independent expenditures;
- (3) Monetary loans that are: (a) personally guaranteed in writing by the candidate, the candidate's immediate family or a business entity in which the candidate owns at least five percent; or (b) secured by real or personal property owned by the candidate, the candidate's immediate family or a business entity in which the candidate owns at least five percent; or
- (4) Unexpended campaign contributions held by a candidate committee from a previous City election and carried over as a starting balance to a subsequent campaign.

A candidate committee which receives a contribution in excess of the limits set forth above must remit the excess to the contributor no later than 10 business days after receiving the contribution.

JOINT CONTRIBUTIONS

Contributions made jointly with another person through the issuance of a check drawn on a jointly-owned bank account are prohibited **unless**:

- (1) the total amount of the joint contribution is less than the maximum amount that can be contributed by one person (\$100 to Mayoral candidates; \$75 to District candidates); or
- (2) the check is signed by all owners of the account, in which event the amount of the total contribution shall be allocated equally among all such persons unless a different allocation is specified on the face of the check. *(Example: A check written on the account of Bill and Betty Smith for \$150 to a District candidate must be signed by both Bill and Betty and will be assumed to be a \$75 contribution from each person.)*

No candidate committee shall knowingly accept a contribution in violation of these requirements.

LIMITED LIABILITY COMPANY CONTRIBUTIONS

A limited liability company (“LLC”) may make contributions or contributions in kind to candidate committees subject to the maximum amount that can be contributed to a Mayoral candidate (\$100) or a District candidate (\$75) and in compliance with the following requirements:

- (1) Any contributions from an LLC shall count against contribution limits for both the LLC itself and the individual members of the LLC as apportioned accordingly. The amount a person contributes as an individual member of the LLC counts towards the aggregate contribution limit that person may make to a candidate.
- (2) The LLC must provide the candidate committee with a written statement affirming the permissibility of the contribution on a form provided by the City Clerk. The affirmation will include:
 - a. The name and address of the LLC and each LLC member;
 - b. Information on how the contribution is attributed among the LLC members, which attribution must reflect the capital each member has invested in the LLC relative to the total amount of capital invested in the company, or the percentage of ownership each member has in the LLC as of the date of the contribution.
- (3) No candidate committee shall accept a contribution from an LLC unless the written affirmation statement is provided before the contribution is deposited by the committee.
- (4) The candidate committee receiving the contribution must:
 - a. List both the individual LLC members’ names and the name of the LLC as contributors on disclosure reports; and
 - b. Retain the affirmation statements for one (1) year after the end of the election; provided, however, in the event a complaint is filed against the committee, the committee must maintain the affirmations until final disposition of the complaint.

“Limited liability company” shall have the same meaning as “domestic limited liability company” as defined in Section 7-90-102(15), C.R.S., or “foreign limited liability company” as defined in Section 7-90-102(24), C.R.S.

PROHIBITED CONTRIBUTORS

A candidate committee cannot make a contribution or contribution in kind to, or accept a contribution or contribution in kind from, another candidate or candidate committee.

A candidate committee cannot accept a contribution or contribution in kind from the candidate's candidate committee that was established or maintained for a federal, state, or county election campaign or office.

In addition, pursuant to Article VIII, Section 7 of the Charter, no political party or city employee, directly or indirectly, and no public service corporation, nor any other person, firm or corporation, owning, interested in, or intending to apply for any franchise or contract with the City may contribute or expend any money or other valuable thing, directly or indirectly, to assist in the election or defeat of any candidate.

EXPENDITURES

All expenditures must be documented and all records pertaining to those expenditures must be maintained by the committee for one (1) year following any election in which the committee expended the funds unless a complaint has been filed under Subsection 7-145(a) alleging a violation of the provisions of Chapter 7 of the City Code, or the person or committee has received notice of an investigation or prosecution of a violation of Chapter 7, Article V, in which case they must be maintained until final disposition of the complaint and any consequent court proceedings.

Documentation includes:

- invoices, receipts, and instruments of payment
- the name and address of the vendor(s) or payee(s) providing the property, materials, or services
- the amount of the expenditure
- copies of any public communications produced as a result of the expenditure.

The records shall be made available within three (3) business days upon request of the City and subject to inspection in connection with any investigation or other action to enforce the terms of Chapter 7, Article V.

There are no limits on the amount of expenditures by a candidate committee. However, expenditures must be reported as noted earlier in this Section.

EXPENDITURES FOR POLITICAL ADVERTISING

A candidate committee cannot pay to any radio or television station, newspaper, periodical, internet advertiser or website provider, social media provider, or other supplier of materials or services a higher charge than that normally required for local commercial customers for comparable use of space, materials or services. Any such rate shall not be rebated, directly or indirectly.

If any radio or television station, newspaper, or periodical charges a candidate committee a lower rate for use of space, materials, or services than the rate charged another candidate committee for comparable use of space materials, or services, the difference in such rate must be reported as a contribution in kind to the candidate committee that was charged the lower rate.

FINANCIAL DISCLOSURE STATEMENT

Pursuant to Section 2-636 of the City Code, each candidate must file a financial disclosure statement with the City Clerk at the same time as filing an acceptance of nomination. The purpose of the statement is to disclose information concerning source of income, financial and property interests, offices and directorships, creditors, and business associations.

Failure to file a financial disclosure statement as required by the City Code will result in the disqualification of the individual as a candidate for the office being sought. [City Code Sec. 7-133(c)]

Elected candidates are required to provide an amended disclosure statement, or written notification that there has been no change in the disclosure statement filed prior to the election no later than May 15. The City Clerk's Office provides written notification of the disclosures required from elected candidates.

The Financial Disclosure Statement form is available online.

REPORTS ARE PUBLIC RECORD

Any report submitted pursuant to Chapter 7, Article V of the City Code, including but not limited to campaign finance reports and financial disclosure statements, are public records and will be available on the City's website.

No information contained in any campaign report may be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose.

COMPLAINTS, CAMPAIGN VIOLATIONS AND PENALTIES

Any candidate or registered elector of the City who has reason to believe a violation of Chapter 7, Article V, of the City Code, has occurred by any candidate, candidate committee, issue committee, small-scale issue committee or political committee may file a written complaint with the City Clerk, no later than sixty (60) days after the alleged violation has occurred.

The complaint must contain:

- (1) The name of the alleged violator;
- (2) The Code provision allegedly violated;
- (3) A brief statement or description of the offense allegedly committed and the basis for the allegation;
- (4) Identification of any relevant documents or other evidence;
- (5) Identification of any witnesses or persons with relevant knowledge; and
- (6) The name, address, and telephone number of the complainant.

Allegations of civil infraction(s)

The City Clerk will forward the complaint to the respondent by electronic mail, notifying the respondent that the alleged violation may be subject to a civil infraction.

The City Clerk will also forward the complaint to the City Attorney, who will review the complaint to determine whether the complaint (1) was timely filed; (2) contains the information required to be contained in a complaint; and (3) alleges sufficient facts to support a factual and legal basis for the alleged violations. If the City Attorney determines that the complaint fails to satisfy any of the elements listed herein, the City Attorney will notify the City Clerk who will, in turn, notify the complainant and respondent in writing.

If the City Attorney determines that the complaint satisfies all three elements described in the previous paragraph, the City Attorney will notify the City Clerk who will, in turn, notify the respondent in writing of the presumptive penalty in accordance with the following chart:

Code Section	Penalty Amount
7-134 – Registration of committees; termination	\$150 first offense \$300 each subsequent offense
7-135 – Campaign contributions/expenditures	\$100 first offense \$200 each subsequent offense
7-136 – Disclosure; filing of reports	\$100 first offense \$200 each subsequent offense
7-137(b) – Reports to be public record	\$50 first offense \$100 each subsequent offense
7-138 – Unexpended campaign contributions	\$100 first offense \$200 each subsequent offense
7-139 – Independent expenditures	\$100 first offense \$200 each subsequent offense
7-140 – Responsibility for communications	\$50 first offense \$100 each subsequent offense
7-141 – Expenditures for political advertising; rates and charges	\$50 first offense \$100 each subsequent offense

The City Clerk will also notify the respondent that the respondent will have seven days from the date of the notice to submit written evidence of its cure or diligent efforts to cure the violation, including any amendments to any applicable report containing one or more deficiencies, modified campaign materials, or proof that the violation has been corrected. The respondent's written response is due to the City Clerk no later than 5:00 p.m. on the seventh (7th) day. In the event the seventh day is a City holiday, the response is due no later than 5:00 p.m. the next business day.

Upon receipt of the respondent's written response, the City Attorney may, through the City Clerk, ask the respondent to provide more information and may grant the respondent an extension of time up to seven additional days to file an amended response regarding cure in order to respond to any such request.

After the period for cure has expired, the City Attorney will determine whether the respondent has cured any violation alleged in the complaint and, if so, whether the respondent has substantially complied with its legal obligations under Chapter 7, Article V, of the City Code. In determining whether the respondent has substantially complied with its legal obligations, the City Attorney will consider:

- (1) The extent of the respondent's noncompliance;
- (2) The purpose of the provision violated and whether that purpose was substantially achieved despite the noncompliance; and
- (3) Whether the noncompliance may properly be viewed as a knowing attempt to mislead the electorate or election officials.

If the City Attorney determines the respondent has cured any violation or otherwise substantially complied with its legal obligations, the City Attorney will notify the City Clerk who, in turn, will notify the complainant and the respondent and no penalty shall apply for the corresponding alleged violation or violations, as applicable.

If the City Attorney determines the respondent *has not* cured the alleged violation or otherwise substantially complied with its legal obligations, the City Attorney may conduct additional review or investigation of the allegations of the complaint to determine whether to file a complaint with the Municipal Court. If the City Attorney files a complaint with the Municipal Court, the matter shall be governed by Article V of Chapter 19 of the City Code.

A complainant or any other nonrespondent shall not be a party to the City Attorney's initial review, cure proceedings, investigation, or any proceeding in the Municipal Court. A complainant may request permission from the Municipal Judge or their designee to file an amicus curiae brief.

Any person that commits a violation shall be personally liable for the penalties imposed. Any candidate shall be personally liable for penalties imposed upon the candidate or the candidate's committee and may use campaign contributions to pay penalties.

Allegations of criminal violation(s)

Complaints that allege a criminal violation will be forwarded to the respondent and the City Attorney, who will evaluate the complaint for probable cause.

The following criminal violations, if found guilty, are misdemeanors and subject to a fine or imprisonment in accordance with Section 1-15 of the City Code:

- (1) Knowingly violating Section 7-136 of the City Code (disclosure and filing reports) with the intent to fraudulently misrepresent campaign contributions or expenditures on a disclosure report;
- (2) Knowingly violating Section 7-142 of the City Code (encouraging withdrawal from a campaign); or
- (3) Being found liable for a violation after the person has been found liable for two or more violations under Chapter 7, Article V of the City Code in a single election cycle.

If the City Attorney determines no probable cause exists, that the complaint fails to allege an enforceable violation, or that the requirements for filing a complaint were not met by the complainant, the City Attorney will notify the City Clerk, who will then notify the complainant and respondent in writing.

If the City Attorney determines probable cause does exist, the City Attorney may notify Fort Collins Police Services, who, in consultation with the City Attorney, may file and serve a summons and complaint to the respondent.

The City Attorney retains prosecutorial discretion on whether to ultimately file criminal charges. If the City Attorney determines filing a summons and complaint is inappropriate, the City Attorney will notify the City Clerk, who will, in turn, notify the complainant and respondent in writing.

Any person that commits a violation shall be personally liable for the penalties imposed. Any candidate shall be personally liable for penalties imposed upon the candidate or the candidate's committee and may use campaign contributions to pay penalties.

UNEXPENDED CAMPAIGN CONTRIBUTIONS

After the election is completed and has been certified, a candidate may have funds left in a candidate committee account. What can be done with those funds?

Unexpended campaign contributions to a candidate committee may be:

- (1) Contributed to a political party
- (2) Contributed to a candidate committee established by the same candidate for a subsequent campaign in a City election, or to a candidate committee established after January 1, 2021 for a non-City election, to the extent permitted by applicable law. For a City election, no candidate committee shall accept a contribution or contribution in kind from a candidate committee of the same candidate that was established or maintained for a federal, state or county election campaign or office.
- (3) Donated to a charitable organization recognized by the Internal Revenue Service
- (4) Returned to contributors
- (5) Used to pay for the cost of a recount requested by the candidate.

In addition to the above-listed options, a candidate that is elected to the office of Mayor or Councilmember may use unexpended campaign funds for:

- (1) Voter registration
- (2) Political issue education, which includes obtaining information from or providing information to the electorate
- (3) Postsecondary educational scholarships
- (4) Defraying reasonable and necessary expenses related to mailings or similar communications to constituents
- (5) Any expenses that are directly related to such person's official duties as an elected official, such as expenses for the purchase or lease of office equipment and supplies, room rental for public meetings, necessary travel and lodging expenses for legislative education such as seminars, conferences and meetings on legislative issues, and telephone and pager expenses.

Unexpended campaign contributions must be expended no later than five years from the date the officeholder's term ended or from the date of election (if the candidate was not elected). Once remaining funds have been expended, a termination report must be filed with the City Clerk detailing the disposition of the remaining funds. Disposition of remaining funds should be listed as expenditures.

Any unexpended contributions held by a candidate committee subsequent to the date of the election will, upon the registration of a candidate committee for a City office in a subsequent election, be available for the candidate committee as a beginning fund balance to use in that election. Those carryover funds will not count against any contribution limit attributable to any past contributor in a prior election campaign. Absent the candidate registering a candidate committee for a City office in a subsequent election, the unexpended campaign contributions may be used as set forth above.

ORGANIZATION MEETING

Terms of office for the Mayor and District Council members elected in a regular municipal election will begin at a regular or special City Council meeting held after final certification of the election. **At that meeting the City Council will elect a Mayor Pro Tem from among the Councilmembers for a two-year term and the City Clerk will administer oaths of office for the newly-elected Mayor and Councilmembers.**

Certification of the election will occur on the 10th day after the election. Any recount proceedings required after certification of the election may delay the organization meeting.

COUNCIL MEETINGS

Regular Council meetings are generally held on the first and third Tuesdays of each month beginning at 6:00 p.m. (Ceremonial matters, such as proclamations and presentations, are handled by the Mayor at 5:30 p.m. prior to regular meetings.) Work sessions are generally held on the second and fourth Tuesdays of each month at 6:00 p.m.

Agendas for Council meetings are available on the Thursday prior to each meeting on the City's web site at www.fcgov.com/agendas and at the City Clerk's Office. All Council meetings, including work sessions, are televised on FCTV (Cable channels 14 and 881) and video-streamed live on the City's web site at <http://www.fcgov.com/fctv>.

POWERS

The [Charter](#) defines the powers and responsibilities of the Mayor, Mayor Pro Tem, and City Council.

All powers of the City and the determination of all matters of policy are vested in the Council, except as otherwise provided in the Charter. The City of Fort Collins is a home rule city with the Council-Manager form of government.

The Mayor presides at Council meetings and is the recognized head of the City government for all ceremonial purposes and for purposes of military law. The Mayor executes documents and performs any other duties provided by ordinance or authorized by the Council. The Mayor Pro Tem serves in these capacities during the absence or disability of the Mayor.

TERMS OF OFFICE

Councilmembers serve four-year terms, and the Mayor is elected for a term of two years.

Article XVIII, Section 11 of the State Constitution limits elected officials to two consecutive terms. Terms of office which are two years or shorter in duration, are limited to three consecutive terms.

COMPENSATION

Council compensation can be found on the City's website at <http://www.fcgov.com/council>. These amounts are adjusted annually (effective in January) for inflation in accordance with the Consumer Price Index, Denver-Boulder-Greeley.

ETHICS, CONFLICTS OF INTEREST AND RESPECTFUL WORKPLACE POLICY

Members of the City Council are subject to City Charter and City Code limitations and requirements relating to ethical rules of conduct and conflicts of interest. In addition, various ethics and criminal statutes in Colorado law apply to local officials in the performance of their duties. The City Council has also adopted a Respectful Workplace Policy [link to Resolution approving the Policy with Policy attached] to establish conduct standards for Council members and Council appointees.

MISCELLANEOUS ELECTION INFORMATION

ELECTION LOGO

The City of Fort Collins has created an election logo in an effort to increase voter recognition of City elections. This logo is available for use by candidates subject to certain terms and conditions available at www.fcgov.com/elections/fcvote-logo-terms. Slight variations of the logo (with or without the City's web site domain) are available. Please contact the City Clerk's Office if you would like to obtain graphic files for use in your campaign materials.



PRECINCTS AND POLLS

There are currently 106 municipal election precincts, numbered sequentially from 1 through 106. This numbering system differs from precinct numbers established by the Larimer County Elections Office. Voter registration lists and/or mailing labels are available from the Larimer County Elections Office. Please consult with the Larimer County Elections Office regarding your specific needs and the costs for producing those records. In order to accommodate your request, Larimer County will need to know the County precinct numbers you want. It may also be possible to request all voters in a particular Council District (referred to as a "ward" in the voter registration system).

Because every municipal election is a mail ballot election, voters will not go to polling places in each precinct to vote. However, there will be one "on-site" polling place at the City Clerk's Office for voters who want to vote their ballots in person or who need a replacement ballot.

VOTER REGISTRATION

Voters in City elections are registered electors who live within the Fort Collins city limits. In order to participate in a municipal election, the elector must live within the city limits for 22 days prior to the election.

Voter registration forms are available at the Larimer County Elections Office and the Driver's License Office. Registration can be done online via the [Secretary of State web site](#) and forms can be downloaded at that same site. Registration can occur up to and on Election Day; however, anyone wishing to receive a ballot by mail must register no later than the eighth day before Election Day.

Often candidates inquire about conducting voter registration drives. Colorado law and rules promulgated by the Secretary of State define a voter registration drive (VRD) as the distribution and collection of voter registration applications by two or more persons for delivery to a county clerk and recorder.

VRDs must be registered with the Secretary of State on an annual basis; authorizations to conduct drives are valid until December 31st of the calendar year in which they were signed. The VRD organizer must complete a mandatory training provided by the Secretary of State before circulating any voter registration forms.

Please visit the GoVoteColorado.com for further information.

ADDRESS CHANGES

Registered voters who have moved since the last election must complete a change of address by 8 days before Election Day in order to receive a mail ballot at the voter's correct address. Mail ballots **will not** be forwarded and will be returned to the City Clerk's Office as undeliverable if the voter moved and failed to complete an address change by the deadline.

Address changes must be made online at [GoVoteColorado.com](https://www.govotecolorado.com) or in person at the Larimer County Elections Office, 200 West Oak.

REPLACEMENT BALLOTS

Voters may apply in writing at the City Clerk's Office for a replacement ballot under the following circumstances:

- The voter did not receive the ballot mailed to the voter.
- The ballot was destroyed or damaged.
- The ballot was lost.
- The voter spoiled the ballot and needs a new one.

The deadline to apply for a replacement ballot is 7:00 p.m. on Election Day. In order to be counted, replacement ballots must be received by the City Clerk's Office no later than 7:00 p.m. on Election Day.

IN PERSON VOTING

Voters may take the ballot they received in the mail to the City Clerk's Office to vote in person and deposit the voted ballot into a ballot box. The deadline to vote on-site, using a ballot received in the mail, is 7:00 p.m. on Election Day.

The on-site polling place at the City Clerk's Office will be open from 8:00 a.m. until 5:00 p.m. Monday through Friday (except holidays), beginning approximately two weeks before Election Day. On Election Day, the on-site polling place will be open from 7:00 a.m. until 7:00 p.m.

ABSENTEE VOTERS

Absentee ballots can be mailed to voters who will be out of town during the time mail-in balloting takes place. Application must be made in writing to request that an absentee ballot be mailed to an address other than the voter's place of residence.

The earliest date to apply for an absentee ballot is January 2. The deadline to apply for an absentee ballot **that must be mailed** is seven days before Election Day at 5:00 p.m.

Absentee ballots must be returned to the City Clerk's Office before 7:00 p.m. on Election Day in order to be counted.

UNIFORM MILITARY AND OVERSEAS VOTERS (UOCAVA)

Members of the Uniformed Services or Merchant Marines on active duty, absent from Fort Collins by reason of active duty, eligible spouses of those members of the Uniformed Services or Merchant Marines or US citizens residing outside the United States who are residents of the City and are eligible to vote in City elections, but are absent, are eligible to submit absentee votes in City elections. Ballots received from citizens who qualify for UOCAVA and who mailed their ballots by 7:00 p.m., Election Day, will be counted if they are received by the City Clerk by 5:00 p.m. mountain time on the eighth day after the election. (City Code, Chapter 7, Article IX)

SIGNATURE VERIFICATION

Verification of each signature on the self-affirmation on the ballot envelope will be conducted by election workers. Signatures will be compared with the elector's digitized signature in the statewide voter registration system. Voters will have an opportunity to correct any ballot that is rejected due to signature discrepancy. Voters will be notified by mail of any signature discrepancy and will be allowed to correct the discrepancy up to eight days after Election Day. Ballots with corrected self-affirmation signatures will be counted before final certification of the election.

ELECTION NIGHT TABULATION

Ballots will be tabulated at City Hall, 300 LaPorte Avenue, after 7:00 p.m. on Election Day. **Unofficial results are not expected to be available until after 9:00 p.m.** There will be no periodic returns; the only returns will be the unofficial tabulation of all ballots cast on Election Day. Final results will be released upon final certification of the election 10 days later and will include additional votes cast by uniformed military and overseas voters (City Code, Chapter 7, Article IX) and other ballots held for signature verification.

Results will be posted on www.fcgov.com after all ballots have been processed.

ELECTED OFFICIALS

Upon completion of the canvass ten days after Election Day, the candidate receiving the highest number of votes for a particular office shall be declared elected to that office and will be sworn in at a regular or special City Council meeting held after final certification of the election.