

ORDINANCE NO. 130, 2011
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 7 OF THE CODE OF THE CITY OF FORT COLLINS
TO EXPAND THE TYPES OF REGISTERED ELECTORS WHO
AUTOMATICALLY RECEIVE MAIL BALLOTS, AND TO REQUIRE
THE CITY TO PAY THE POSTAGE DUE FOR BALLOTS RETURNED BY MAIL

WHEREAS, the City of Fort Collins is a Colorado home rule municipality and, as such, is authorized under Article XX, Section 6 of the Colorado Constitution to exercise certain specific powers, including the power to legislate upon, provide, regulate, coordinate and control all matters pertaining to municipal elections;

WHEREAS, on November 7, 2006, the City Council adopted Ordinance No. 165, 2006, establishing in Chapter 7, Article VII of the City Code its own provisions for conducting local mail ballot elections; and

WHEREAS, among the provisions contained in Chapter 7, Article VIII is Section 7-186, which establishes the procedure for mailing ballots to the registered electors of the City; and

WHEREAS, Section 7-186 presently states that ballots are to be mailed by the City Clerk to each active registered elector in the City, which requirement is the same as exists under the state Mail Ballot Election Act; and

WHEREAS, the City Council believes that it would be in the best interests of the citizens of the City to expand the category of electors to whom ballots are mailed and to also amend Section 7-186 of the Code to require that the postage for such ballots be paid by the City, so as to encourage more widespread participation in City elections.

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

Section 1. That Section 7-181 of the Code of the City of Fort Collins is hereby amended to add a definition of "General Election" to read as follows:

General Election shall mean the election held on the Tuesday succeeding the first Monday of November in each even-numbered year and conducted by the County Clerk and Recorder pursuant to the Colorado Revised Statutes, Title 1.

Section 2. That Section 7-186(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7-186. Mailing of ballots; exception.

(a) No sooner than twenty-five (25) days before an election, and no later than fifteen (15) days before an election, the City Clerk shall mail to each active registered

elector, and to each inactive registered elector with a status designation of "inactive-failed to vote" who voted in at least one of the past two General Elections, a mail ballot packet, which shall be marked "DO NOT FORWARD," or with any other similar statement that is in accordance with United States postal service regulations. Said packet shall be sent in accordance with all applicable United States postal service regulations to the last mailing address appearing in the registration records of the County Clerk and Recorder.

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Section 3. That Section 7-190(b) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7-190. Voting and return of ballots.

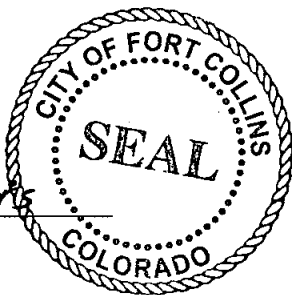
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(b) The eligible elector may return the marked ballot to the City Clerk by United States mail or by depositing the ballot at the office of the City Clerk or any place designated by the City Clerk. The ballot must be returned in the return envelope. If an eligible elector returns the ballot by mail, the elector may provide the necessary postage or, if not so paid by the elector, the cost of return postage shall be paid by the City. In order to be counted, the ballot must be received at the office of the City Clerk or a designated depository prior to 7:00 p.m. on election day.

Introduced, considered favorably on first reading, and ordered published this 4th day of October, A.D. 2011, and to be presented for final passage on the 1st day of November, A.D. 2011.

ATTEST:

Rita Knott Harris
Chief Deputy City Clerk



Karen Weickumet
Mayor

Passed and adopted on final reading on the 1st day of November, A.D. 2011.

ATTEST:

Heidi M. Rejcek
City Clerk



Karen Weithorn
Mayor