

ORDINANCE NO. 006, 2015
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 ARTICLE IX,
SECTION 3(c) OF THE CITY CHARTER PERTAINING TO RECALL ELECTIONS

WHEREAS, Article IV, Section 8 of the Charter of the City of Fort Collins ("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, Article IX, Section 3(c) of the Charter states that certain language shall be effective in counting recall votes and shall appear on a recall ballot to the effect that no vote cast shall be counted for any candidate for such office unless the voter also voted for or against the recall of the person sought to be recalled from the office; and

WHEREAS, in a recent Colorado Supreme Court decision, the court ruled that provisions similar to such Charter language conflict with the First and Fourteenth Amendments to the United States Constitution.

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

Section 1. That the following proposed change to Article IX, Section 3(c) of the City Charter shall be submitted to the registered electors of the City as "Proposed Charter Amendment No. ____" at the regular municipal election to be held on Tuesday, April 7, 2015:

Section 3. Elections.

...

(c) *Ballots.* There shall be printed on the official ballot, as to every officer whose recall is to be voted on, the statement of grounds and, if requested by the affected officer, the officer's statement in defense followed by the words, "Shall (name of person against whom the recall petition is filed) be recalled from the office of (_____)?" Following such question shall appear the words, "Yes" indicating a vote in favor of the recall and "No" indicating a vote against such recall. On such ballots, under each question, there shall also be printed the names of those persons who have been nominated as candidates to succeed the person sought to be recalled. ~~The following instruction shall be effective in counting votes and shall appear on the ballot: No vote cast shall be counted for any candidate for such office, unless the voter also voted for or against the recall of the person sought to be recalled from the office.~~

Section 2. That the following ballot language is hereby adopted for submitting Proposed Charter Amendment No. ____ to the voters at said election:

**CITY-INITIATED
PROPOSED CHARTER AMENDMENT NO. ____**

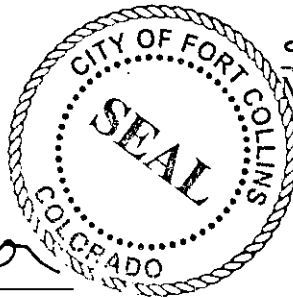
Shall Article IX, Section 3(c) of the Fort Collins City Charter, pertaining to votes cast in the event of a recall, be amended to eliminate the requirement that no vote cast for a candidate to replace a recalled City Councilmember shall be counted unless the voter also voted for or against the recall of the person sought to be recalled from the office (which amendment is made necessary by a recent decision of the Colorado Supreme Court that prohibits such a requirement)?

____ Yes
____ No

Introduced, considered favorably on first reading, and ordered published this 6th day of January, A.D. 2015, and to be presented for final passage on the 20th day of January, A.D. 2015.

ATTEST:

Wanda Nelson
City Clerk



Karen Weitzenant
Mayor

Passed and adopted on final reading on this 20th day of January, A.D. 2015.

ATTEST:

Wanda Nelson
City Clerk



Karen Weitzenant
Mayor