

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 24

DATE: August 19, 2003

FROM: Wanda Krajicek

SUBJECT:

First Reading of Ordinance No. 116, 2003, Amending the City Code Relating to Candidates for Municipal Election.

RECOMMENDATION:

Staff recommends adoption of the Ordinance on First Reading.

EXECUTIVE SUMMARY:

This Ordinance: (1) amends the deadline for a nominated candidate for municipal election to withdraw his or her candidacy; and (2) amends the deadline for a person to file an affidavit of intent with the City Clerk indicating that such person desires to be a write-in candidate and is qualified for the office.

BACKGROUND:

Withdrawal from Candidacy

Section 7-116 of the City Code currently provides that a person who has been nominated as a candidate for municipal office may withdraw his or her candidacy by filing a request for withdrawal with the City Clerk not later than 30 days before the election. Any name withdrawn cannot appear on the ballot.

Ballots packages are required to be mailed to voters no later than 15 days prior to the election. Because production of the ballot packages must wait until the deadline to withdraw has passed, production time is compressed into a two-week period. Within that two-week period, artwork must be finalized, printing plates must be cut, ballots must be printed, ballot packages must be assembled, addresses and ballot numbers must be applied to the ballot packages, and the ballot packages must be delivered to the postal facility. During the production process for the April 2003 election, a blizzard occurred and the vendor in Denver was unable to run shifts for two to three days. As a result, the City came very close to violating the statutory requirement to mail ballots 15 days prior to the election.

Staff is recommending that the deadline to withdraw from candidacy be changed to 35 days before the election in order to provide additional production time.

Write-in Candidates

Section 7-103 of the City Code specifies that "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 twenty (20) days before the election, indicating that such person desires and is qualified for the office."

Because this deadline falls just five days before the ballots have to be mailed, the ballots are designed and printed with a place provided for a write-in candidate in each race, even though there may not be any write-in candidates. Consequently, even when there are no write-in candidates who have timely filed an affidavit of intent, voters sometimes fill in the names of would-be candidate on the ballots. Any such votes for write-in candidates are invalid, because the Charter affidavit requirement has not been met. In the April 2003 election, invalid write-in votes were cast as follows:

<u>Race</u>	<u>Write-in Votes Cast</u>
Mayor	146
District 2	50
District 4	27
District 6	32
TOTAL	255

Staff is recommending that the deadline to register as a write-in candidate be changed to coincide with the proposed deadline for withdrawal from candidacy. If approved, write-in spaces will no longer appear on the ballot if there are no registered write-in candidates, eliminating the vehicle for voters to cast invalid votes for write-in candidates.

ORDINANCE NO. 116, 2003
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE CODE OF THE CITY OF FORT COLLINS
RELATING TO CANDIDATES FOR MUNICIPAL ELECTION

WHEREAS, Chapter 7 of the Code of the City of Fort Collins states that the deadline for a nominated candidate for municipal election to withdraw his or her candidacy is 30 days prior to the election; and

WHEREAS, since the state law requires that ballot packages be mailed to voters no later than 15 days prior the election, the current deadline for a nominated candidate to withdraw his or her candidacy restricts the amount of time available for production of ballot packages; and

WHEREAS, Chapter 7 of the City Code also contains a provision relating to write-in candidates which specifies that no write-in vote for a candidate for City Council shall be counted unless the candidate has filed an affidavit of intent with the City Clerk no later than 20 days before the election indicating that such person desires and is qualified for the office; and

WHEREAS, the deadline for a person to register as a write-in candidate is only five days prior to the statutory deadline to mail ballot packages so that, in order to meet the deadline for mailing ballot packages, ballots must be printed with a space provided for write-in candidates in each race to allow for the possibility that a person may file an affidavit of intent as a write-in candidate after the production of the ballots has commenced; and

WHEREAS, registered electors often cast votes for write-in candidates even when there are no registered write-in candidates, because a space for write-in candidates has been provided; and

WHEREAS, the City Council wishes to amend the foregoing deadlines in order to provide adequate time for the production of mail ballot packages and to eliminate voter confusion about their ability to cast a vote for a write-in candidate.

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

Section 1. That Section 7-116 of the Code of the City of Fort Collins is hereby amended so as to read in its entirety as follows:

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

A nominating petition required pursuant to Article VIII of the Charter may not be circulated earlier than sixty (60) days before the election and must be filed with the City Clerk not later than forty (40) days before the election. A person who has been nominated may, not later than ~~thirty (30)~~ thirty-five (35) 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.

Section 2. That Section 7-103 of the Code of the City of Fort Collins is hereby amended so as to read in its entirety 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 ~~twenty (20)~~ thirty-five (35) days before the election, indicating that such person desires and is qualified for the office.

Introduced, considered favorably on first reading, and ordered published this 19th day of August, A.D. 2003, and to be presented for final passage on the 2nd day of September, A.D. 2003.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 2nd day of September, A.D. 2003.

Mayor

ATTEST:

City Clerk