

AGENDA ITEM SUMMARY FORT COLLINS CITY COUNCIL	ITEM NUMBER: 28 DATE: August 17, 2004 STAFF: Steve Roy
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SUBJECT

First Reading of Ordinance No. 136, 2004, Amending Chapter 7 of the City Code so as to Include a New Article 7 Pertaining to Election Offenses.

RECOMMENDATION

None.

EXECUTIVE SUMMARY

This Ordinance would prohibit knowing and willful misrepresentations by the circulators of initiative or referendum petitions.

BACKGROUND

Under the State Constitution, home rule municipalities may adopt local laws governing matters related to local elections. The City Charter requires that each initiative or referendum petition contain a purpose statement and that the entire text of the initiated or referred measure be attached to the petition. However, neither the purpose statement nor the entire measure appears on each signature page of the petition. Therefore, it is possible that persons signing a petition may not fully understand the purpose of the measure and may be misled by representatives of the petition circulator.

An issue arose during a recent local election in which representations made by the circulator of an initiative petition were arguably inconsistent with the stated purposes of the petition. This Ordinance would prohibit any petition circulator from knowingly and willfully misrepresenting the purpose of an initiated or referred measure that is the subject of a petition, or the issues to be submitted to the electorate regarding the initiated or referred measure, in order to better ensure that persons signing such petitions are not misled in any way.

ORDINANCE NO. 136, 2004
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 7 OF THE CODE OF THE CITY OF
FORT COLLINS SO AS TO INCLUDE A NEW ARTICLE 7
PERTAINING TO ELECTION OFFENSES

WHEREAS, under Article 20, Section 6 of the Colorado Constitution, home rule cities such as the City of Fort Collins are authorized to legislate upon, provide, regulate, conduct and control all matters pertaining to municipal elections within their municipal boundaries; and

WHEREAS, under Article 8, Section 1 of the City Charter, the Council is to provide by ordinance for the manner of holding City elections, and, if a particular matter regarding elections is not covered by the Charter or ordinances of the City or by the State constitution, then such matter is to be governed by the laws of the State of Colorado relating to municipal elections; and

WHEREAS, the City's Charter prescribes, in Article 10, the manner in which the power of initiative and referendum may be exercised with regard to City elections; and

WHEREAS, such Charter provisions require that, with regard to both initiated and referred measures, petitions be circulated among registered voters to determine whether a sufficient number of registered voters wishes to have the initiated or referred measure placed on the ballot at a City election; and

WHEREAS, Article 10, Section 5 of the Charter establishes certain regulations and requirements pertaining to the content and circulation of petitions and the affidavits of petition circulators; and

WHEREAS, neither the City Charter, nor the State election laws, prohibits the circulators of petitions from misrepresenting the purpose of the petition; and

WHEREAS, the City Council believes it to be in the best interests of the residents of the City that no petition circulator make any false or misleading statement about an initiative or referendum petition.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that a new Article VI is hereby added to Chapter 7 of the City Code to read in its entirety as follows:

ARTICLE VII. ELECTION OFFENSES

Sec. 7-165. Misrepresentations by petition circulators.

No circulator of a petition approved for circulation by the City Clerk under Article X, Section 5 of the City Charter shall knowingly and wilfully misrepresent to any person, through statements, acts, or omissions, the purpose of the initiated or

referred measure that is the subject of the petition, or the issues to be submitted to the electorate regarding the initiated or referred measure.

Introduced and considered favorably on first reading and ordered published this 17th day of August, A.D. 2004, and to be presented for final passage on the 7th day of September, A.D. 2004.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 7th day of September, A.D. 2004.

Mayor

ATTEST:

City Clerk