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**ARTICLE I.
IN GENERAL**

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**ARTICLE II.
ADMINISTRATION**

DIVISION 1. GENERALLY

Secs. 7-16—7-25. Reserved.

DIVISION 2. BOARD OF ELECTIONS*

Sec. 7-26. Duties.

The Board of Elections, as established in Article VIII, Section 5 of the Charter, shall be responsible for certifying the results of all City elections in the manner described in Article VIII, Section 7 of the Charter, and shall have such other duties related to the conduct of elections as may be established by the Council by ordinance.
(Ord. No. 063, 2007, § 1, 5-15-07)

Secs. 7-27—7-40. Reserved.

DIVISION 3. ELECTION JUDGES

Sec. 7-41. Appointment.

The City Clerk shall appoint judges for each precinct in accordance with the provisions of Article III, Division 2 of this Chapter.
(Code 1972, § 9-2; Ord. No. 063, 2007, § 2, 5-15-07)

Sec. 7-42. Compensation.

Pursuant to the recommendation of the City Clerk, the judges of the election shall receive compensation for their services as a judge at any election in an amount established by the City Council by resolution. The City Clerk shall select one (1) of the election judges in each precinct to deliver the election returns, registration book or list and other election papers and supplies to the City Clerk. The judges selected shall be paid an additional amount as set by the City Council for the performance of such service.
(Code 1972, § 9-3; Ord. No. 063, 2007, § 2, 5-15-07)
Charter reference—Compensation to be set by City Council, Art. VIII, § 5.

Secs. 7-43—7-55. Reserved.

**ARTICLE III.
PROCEDURE**

DIVISION 1. GENERALLY

Secs. 7-56—7-65. Reserved.

DIVISION 2. ELECTION PRECINCTS AND POLLING PLACES

Sec. 7-66. Established.

(a) The City Council shall by ordinance divide the City into as many election precincts for municipal elections as it may deem expedient for the convenience of registered electors in the City, and shall designate by resolution the polling place within each precinct. Insofar as practicable, boundaries of election precincts in the City shall correspond with the election precincts established by the County. Each precinct shall be given a separate number designation as

* Charter reference—Board of Elections, Art. VIII, § 5.

Cross-reference—Boards and commissions, § 2-71 et seq.

determined by the City Council. All precincts and polling places established pursuant hereto shall remain so designated until changed by the City Council. The City Council shall have the power to change or alter election precincts at any time.

(b) If the boundaries of the City are enlarged by annexation, the territory annexed shall be included in the precinct which it adjoins with all precinct boundaries extending in a straight line from the former municipal boundary limit to the enlarged boundary limit.

(Code 1972, §§ 9-1, 9-12)

Sec. 7-67. Changes due to new precinct or boundary changes.

(a) Changes in the boundaries of election precincts and the creation of new election precincts shall be completed not less than ninety (90) days prior to any municipal election, except in cases of precinct changes resulting from annexations.

(b) All changes in precinct boundaries and in municipal boundaries shall be reported by the City Clerk to the County Clerk and Recorder, and a corrected map shall be transmitted to the County Clerk and Recorder as soon as possible after such changes have been effected.

Sec. 7-68. Designation of precincts and polling places.

(a) Polling places for the several election precincts in the City shall be designated by resolution of the City Council.

(b) In the event that circumstances require any change to any polling place after designation by the City Council, the City Clerk is authorized to provide for a substitute polling place and is directed to give proper notice of any changes in the polling places.

(Code 1972, § 9-7)

Sec. 7-69. Polling place changes by petition.

The City Council shall change any polling place upon petition of a majority of the registered electors residing within the precinct.

Sec. 7-70. Judges may change polling places.

(a) When it becomes impossible or inconvenient to hold an election at the place designated therefor, the judges of election, after notifying the City Clerk and after having assembled at or as near as practicable to such place and before receiving any vote, may move to the nearest convenient place for holding the election and at such newly designated place forthwith proceed with the election.

(b) Upon moving to a new polling place, the judges shall display a proclamation of the change and shall station a police officer or some other proper person at the original polling place to notify all registered electors of the new location for holding the election.

Sec. 7-71. Precinct map.

The boundaries of the election precincts as herein created in the City are hereby fixed and established as shown on the map entitled "District-Precinct Map," which map is on file in the office of the City Clerk.

(Code 1972, § 9-8)

Sec. 7-72. Rental of polling places.

The City Clerk is hereby authorized to pay as rent for the polling place in each election precinct an amount established by the City Council.

(Code 1972, § 9-6)

Secs. 7-73—7-85. Reserved.

DIVISION 3. ELECTION DISTRICTS*

Sec. 7-86. Establishment.

Pursuant to the Charter, the City is hereby divided into six (6) Districts. From each District one (1) City Councilmember will be elected. Such Districts are designated as District No. 1, District No. 2, District No. 3, District No. 4, District No. 5 and District No. 6, and are delineated on the District-Precinct Map which is adopted by ordinance and made a part hereof by reference and is on file in the City Clerk's office.
(Code 1972, § 9-9; Ord. No. 130, 1990, 12-4-90)

Sec. 7-87. Redistricting; notice.

The City Council shall, by ordinance, amend the boundaries of the foregoing districts as necessary to comply with the provisions of Article II, Section 1(d) of the Charter. The City Clerk shall cause to be published twice, in a local newspaper of general circulation in the City, notice of the date, time and place of the City Council's consideration of any such redistricting ordinance. The first such notice shall be published no less than fourteen (14) days prior to the date of first hearing of the redistricting ordinance, and the second notice shall be published no less than ten (10) days prior to the date of the first reading of the same.
(Ord. No. 26, 1998, 3-17-98)

Sec. 7-88. Protest procedure.

Any registered elector desiring to protest the manner of redistricting proposed in any such redistricting ordinance may file a written protest in the office of the City Clerk. Said notice of protest shall be filed no less than seven (7) days prior to the date upon which the proposed redistricting ordinance is to be heard by the City Council on first reading. The notice of protest shall set forth with particularity the grounds of the protest. Such protest shall be heard, considered and resolved by the City Council no later than the date of second reading of the proposed redistricting ordinance.
(Ord. No. 26, 1998, 3-17-98; Ord. No. 224, 1998, 12-15-98)

Secs. 7-89—7-100. Reserved.

DIVISION 4. VOTING

Sec. 7-101. Registration of municipal electors.

(a) Registration of municipal electors shall be conducted in accordance with the provisions of the Colorado Municipal Election Code, Section 31-10-201 et seq., C.R.S. Any person registering to vote within the City shall indicate to the official who takes such person's registration that the person is a resident of the City. The County Clerk shall maintain the registration list in such manner that registered electors who are residents of the City can be separately identified from the other county registered electors. The registration list supplied by the County Clerk to the City Clerk for municipal elections shall indicate those electors who are registered as City electors.

(b) No person shall be entitled to vote in a City election who is not registered as an elector residing in the City, regardless of the fact that such person may be duly registered as an elector of the County.

(c) Any other provisions of the Colorado Municipal Election Code notwithstanding, qualified persons shall be permitted to register up to twenty-nine (29) days before any municipal election for which registration is required.
(Code 1972, § 9-11; Ord. No. 137, 1998, § 1, 8-18-98)

* Cross-reference—City Council, § 2-16 et seq.

Sec. 7-102. Electronic voting system.

An electronic voting system shall be used at each City election unless the City Council specifically determines otherwise. The City Clerk is authorized to rent from the County or other appropriate sources such voting equipment as may be necessary to adequately provide for each election precinct.
(Code 1972, § 9-5)

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 thirty-five (35) days before the election, indicating that such person desires and is qualified for the office.
(Code 1972, § 9-9.1; Ord. No. 71, 1991, 7-2-91; Ord. No. 116, 2003, § 2, 9-2-03)
Cross-reference—Candidates, § 7-116 et seq.

Secs. 7-104—7-115. Reserved.

**ARTICLE IV.
CANDIDATES***

DIVISION 1. GENERALLY

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-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.
(Ord. No. 24, 1998, 3-17-98; Ord. No. 116, 2003, § 1, 9-2-03)

Sec. 7-117. Recall elections; nomination of candidates.

Anyone desiring to become a candidate at a recall election shall do so by nominating petition as required in Article VIII of the Charter. All nominating petitions for such candidates shall be filed with the Office of the City Clerk no later than forty (40) days prior to the date of the recall election.
(Ord. No. 91, 1997, 7-1-97; Ord. No. 24, 1998, 3-17-98; Ord. No. 147, 2000, 11-7-00)

Secs. 7-118—7-130. Reserved.

**ARTICLE V.
CAMPAIGNS***

Sec. 7-131. Legislative declaration.

The City Council hereby finds and declares that large campaign contributions to political candidates allow wealthy contributors and special interest groups to exercise a disproportionate level of influence over the political process; that large campaign contributions create the potential for corruption and the appearance of corruption; that the rising costs of campaigning for political office prevent qualified citizens from running for political office; and that the interests of the public are best served by limiting campaign contributions, full and timely disclosure of campaign contributions and strong enforcement of campaign laws.
(Ord. No. 162, 2000, § 1, 11-21-00)

* **Cross-reference**—Financial disclosure required by each City Councilmember and any candidate for the office of City Councilmember within the certain time specified, § 2-636.

* **Charter references**—City Council, Art. II; campaign contributions, Art. VIII, § 7.

Cross-reference—Write-in candidates, § 7-103.

Sec. 7-132. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

Ballot issue, ballot question or issue shall mean any measure put to a vote of the registered electors of the City by the City Council at any election held under the provisions of the Charter. For purposes of this Article V, *ballot issue, ballot question or issue* shall also mean any measure for which recall, initiative or referendum proceedings have been commenced pursuant to Article IX, Section 1(b), Article X, Section 1(b), and Article X, Section 2(b), respectively, of the Charter.

Candidate shall mean any person who seeks nomination or election to the office of Mayor or Councilmember at any City election. A person is a candidate if the person has publicly announced an intention to seek such election or has filed nominating petitions for the office of Mayor or Councilmember. *Candidate* shall also mean any elected official who is the subject of recall proceedings pursuant to Article IX of the Charter.

Candidate committee shall mean 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 shall have only one (1) candidate committee. A candidate committee shall be considered open and active until the committee has filed a termination report with the City Clerk.

Contribution shall mean:

- (1) The payment, loan, pledge or advance of money, or guarantee of a loan, made to any candidate committee, issue committee or political committee;
- (2) Any payment made to a third party for the benefit of any candidate committee, issue committee or political committee;
- (3) Anything of value given, directly or indirectly, to a candidate committee for the purpose of promoting the candidate's nomination, retention, recall or election; or
- (4) With regard to a contribution for which the contributor receives compensation or consideration of less than equivalent value to such contribution, including, but not limited to, items of perishable or nonpermanent value, goods, supplies, services or participation in a campaign-related event, an amount equal to the value in excess of such compensation or consideration as determined by the candidate committee, issue committee or political committee.

Contribution shall not include services provided without compensation by individuals volunteering their time on behalf of a candidate, candidate committee, political committee or issue committee.

Contribution in kind shall mean the fair market value of a gift or loan of any item of real or personal property, other than money, made to or for any candidate committee, issue committee or political committee for the purpose of influencing the passage or defeat of any issue or the nomination, retention, election or defeat of any candidate. Personal services shall be considered a contribution in kind by the person paying compensation therefor. In determining the value to be placed on contributions in kind, a reasonable estimate of fair market value shall be used. *Contribution in kind* shall not include an endorsement of a candidate or an issue by any person and shall not include the payment of compensation for legal and accounting services rendered to a candidate, candidate committee, political committee or issue committee if the person paying for the services is the regular employer of the individual rendering the services and the services are solely for the purpose of ensuring compliance with the provisions of this Article.

Expenditure shall mean the payment, distribution, loan or advance of any money by any candidate committee, political committee or issue committee. *Expenditure* shall also include the payment, distribution, loan or advance of any money by a person for the benefit of a candidate committee, political committee or issue committee that is made with the prior knowledge and consent of an agent of the committee. An expenditure occurs when the actual payment is made or when there is a contractual agreement and the amount is determined.

Independent expenditure shall mean the payment of money by any person for the purpose of advocating the election, defeat or recall of a candidate, which expenditure is not controlled by, or coordinated with, any candidate or any agent of such candidate. *Independent expenditure* shall include expenditures for political messages which unambiguously refer to any specific public office or candidate for such office, but shall not include expenditures made by persons, other than political committees, in the regular course and scope of their business and political messages sent solely to their members.

Issue committee shall mean:

- (1) Two (2) or more persons who are elected, appointed or chosen, or have associated themselves, for the purpose of accepting contributions and making expenditures to support or oppose any ballot issue or ballot question; or
- (2) Any partnership, committee, association, corporation, labor organization or other organization or group of persons that has accepted contributions or made expenditures to support or oppose any ballot issue or ballot question. For purposes of this Paragraph (2), the term *expenditure* shall not include expenditures made by persons in the regular course and scope of their business or in connection with communications sent solely to their members. The term *expenditure* also does not include a contribution, as defined in this Section.

Issue committee shall not include political committees or candidate committees as otherwise defined in this Section.

Person shall mean any individual, partnership, committee, association, corporation, labor organization or other organization or group of persons.

Political committee shall mean two (2) or more persons who are elected, appointed or chosen, or have associated themselves, for the purpose of making contributions to candidate committees, issue committees or other political committees, or for the purpose of making independent expenditures. *Political committee* shall not include:

- (1) Issue committees or candidate committees as otherwise defined in this Section; or
- (2) Any partnership, committee, association, corporation, labor organization or other organization or group of persons previously established for a primary purpose outside of the scope of this Article.

Political message shall mean a message delivered by telephone, any print or electronic media or other written material which advocates the election or defeat of any candidate or which unambiguously refers to such candidate.

Termination report shall mean a final report prepared by a candidate committee, issue committee or political committee and filed with the City Clerk which discloses the committee's contributions received, expenditures made and obligations entered into, when the following conditions have been met:

- (1) The committee no longer intends to receive contributions or make expenditures; and
- (2) A zero (0) balance exists in the account established and maintained under Subsection 7-135(f) and the committee has no outstanding debts or obligations.

Unexpended campaign contributions shall mean the balance of funds on hand in any candidate committee, issue committee or political committee following an election, less the amount of all unpaid monetary obligations incurred prior to the election.

(Ord. No. 162, 2000, § 1, 11-21-00; Ord. No. 148, 2001, § 1, 11-6-01)

Sec. 7-133. Candidate affidavit; disclosure statement; failure to file.

(a) When any individual becomes a candidate, such individual shall certify, by affidavit filed with the City Clerk within ten (10) days, that the candidate is familiar with the provisions of this Article.

(b) Each candidate shall file a financial disclosure statement pursuant to § 2-636 with the City Clerk within ten (10) days after filing acceptance of nomination.

(c) Failure of any person to file the affidavit or disclosure statement required under this Section shall result in the disqualification of such person as a candidate for the office being sought. Disqualification shall occur only after the City Clerk has sent a notice to the person by certified mail, return receipt requested, addressed to the person's last known residence address. The notice shall state that the person will be disqualified as a candidate if the person fails to file the appropriate document within five (5) business days of receipt of the notice.

(d) The requirements of this Section shall not apply to any elected official who is the subject of recall proceedings.

(Ord. No. 162, 2000, § 1, 11-21-00; Ord. No. 148, 2001, § 2, 11-6-01)

Sec. 7-134. Registration of committees.

All candidate committees, political committees and issue committees shall register with the City Clerk before accepting or making any contributions. Registration shall include a statement listing:

- (1) The committee's full name, spelling out any acronyms used therein;
- (2) A natural person authorized to act as a registered agent;
- (3) A street address and telephone number for the principal place of operations;
- (4) All affiliated candidates and committees;
- (5) The purpose or nature of interest of the committee.

(Ord. No. 162, 2000, § 1, 11-21-00; Ord. No. 148, 2001, § 3, 11-6-01)

Sec. 7-135. Campaign contributions.

(a) *Limits.* No person may make contributions and/or contributions in kind totaling more than one hundred dollars (\$100.) to the candidate committee of any candidate for the office of Mayor. No person may make contributions and/or contributions in kind totaling more than seventy-five dollars (\$75.) to the candidate committee of any candidate for the office of Councilmember. No person shall make a contribution or contribution in kind in the name of another person or knowingly permit one's name to be used by another person to effect such a contribution or contribution in kind. These limitations shall 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 shall not apply to:

- (1) Contributions or contributions in kind made by a candidate to his or her 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 (5) 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 (5) percent; or
- (4) Contributions made to a candidate committee by another candidate committee established by the same candidate for the office of Mayor or Councilmember.

(b) *Joint contributions.* No person shall make a contribution jointly with another person through the issuance of a check drawn on a jointly owned account unless: (i) the total amount of the joint contribution is less than the maximum amount that can be contributed by one (1) person under the contribution limits established in Subsection (a) of this Section or (ii) 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. No candidate committee, issue committee or political committee shall knowingly accept a contribution made in violation of this Subsection (b).

(c) *Contributions in excess of limits.* No later than ten (10) business days after receiving a contribution in excess of the limits set forth in this Section, the candidate committee that received the contribution shall remit the excess to the contributor.

(d) *Prohibited contributors.* No candidate committee, issue committee or political committee shall knowingly accept contributions from any person who is not a citizen of the United States, from a foreign government or from any foreign corporation that does not have authority to transact business in this State pursuant to Article 115 of Title 7, C.R.S.

(e) *Contributions from one (1) candidate committee to another.*

(1) No candidate committee shall make a contribution or contribution in kind to, or accept a contribution or contribution in kind from, a candidate committee of another candidate.

(2) 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.

(f) *Recordkeeping.* All contributions received by a candidate committee, issue committee or political committee shall be deposited and maintained in a financial institution in a separate account whose title shall include the name of the committee. All records pertaining to such accounts shall be maintained by the committee for ninety (90) days following any election in which the committee received contributions unless a complaint has been filed under Subsection 7-143(a) alleging a violation of the provisions of this Article, in which case they shall be maintained until final disposition of the complaint and any consequent court proceedings. Such records shall be subject to inspection at any hearing held pursuant to this Article.

(g) *Reimbursements prohibited.* No person shall make a contribution to a candidate committee, issue committee or political committee with the expectation that some or all of the amounts of such contribution will be reimbursed by another person. No person shall be reimbursed for a contribution made to any candidate committee, issue committee or political committee, nor shall any person make such reimbursement. An unexpended campaign contribution returned to a contributor by a candidate committee pursuant to § 7-135(a)(4) shall not be considered a reimbursement. (Ord. No. 162, 2000, § 1, 11-21-00; Ord. No. 189, 2000, § 1, 1-2-01; Ord. No. 148, 2001, § 4, 11-6-01)

Sec. 7-136. Disclosure; filing of reports.

(a) All candidate committees, political committees and issue committees shall 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 in the amount of twenty dollars (\$20.) or more; expenditures made; and obligations entered into by the committee.

(b) For purposes of complying with the requirements of this Section, an issue committee consisting of an organization whose primary purpose is not to support or oppose ballot issues shall report only those contributions accepted, expenditures made and obligations entered into for the purpose of supporting or opposing a ballot issue or ballot question. Such issue committee shall not be required to report donations, membership dues or any other payments received unless such amounts are used or to be used for the purpose of supporting or opposing a ballot issue or ballot question.

(c) Reports shall be filed with the City Clerk on the twenty-first day, fourteenth day, and on the Friday before the election, thirty (30) days after the election, and annually on the first day of the month in which the anniversary of the election occurs until such time as a termination report is filed. If the reporting day falls on a weekend or legal holiday, the report shall be filed by the close of the next business day.

(d) The reports required by this Section shall include the balance of funds at the beginning of the reporting period, the total of contributions received, the total of expenditures made during the reporting period and the name and address of the financial institution used by the committee or party.

(e) All reports shall be submitted on forms provided by the City Clerk and shall be complete in all respects. Reports shall be current in all respects as of two (2) days prior to the date upon which each such report is to be filed.

(f) A report required to be filed by this Article is timely if the original report is received by the City Clerk not later than the close of business on the due date or if a copy of the report is filed by fax on or before the date due and the original report is filed not later than the close of business on the next business day. For the purpose of this provision, the *original report* shall mean a copy containing an original signature of the person completing the report.

(g) Any report that is deemed by the City Clerk to be incomplete or inconsistent with the requirements of this Article shall be accepted on a conditional basis, and the committee treasurer shall be notified in writing as to any deficiencies found. Such notice may be delivered in person, by mail, by fax, or, if an electronic mail address is on file with the City Clerk, by electronic mail. The committee treasurer shall have seven (7) business days from the date of delivery of such notice to file an amended report that cures the deficiencies. Any such amended report shall supercede the original report filed for the reporting period.

(h) Any candidate committee, political committee or issue committee which has not accepted any contributions or contributions in kind, made any expenditures, or entered into any obligations during a reporting period, shall file a report with the City Clerk on the days specified in Subparagraph (c) above certifying that the committee has not accepted any contributions or contributions in kind, made any expenditures or entered into any obligations during the relevant reporting period.

(Ord. No. 162, 2000, § 1, 11-21-00; Ord. No. 189, 2000, § 2, 1-2-01; Ord. No. 148, 2001, § 5, 11-6-01)

Sec. 7-137. Reports to be public record.

(a) Upon receipt of any campaign report submitted pursuant to this Article, the City Clerk shall make available such report for public inspection. The campaign report filed with the City Clerk fourteen (14) days prior to the election pursuant to § 7-136 above shall be published by the City Clerk in a newspaper of general circulation in the City, which publication shall occur no less than seven (7) days prior to the election. The campaign report filed with the City Clerk thirty (30) days after the election pursuant to § 7-136 above shall also be published by the City Clerk in a newspaper of general circulation in the City, which publication shall occur no more than seven (7) days after the City Clerk's receipt of the report.

(b) No information contained in any campaign report submitted pursuant to this Article shall be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose.

(Ord. No. 162, 2000, § 1, 11-21-00; Ord. No. 148, 2001, § 6, 11-6-01)

Sec. 7-138. Unexpended campaign contributions.

(a) 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, subject to the limitations set forth in Paragraph 7-135(e)(2), if the candidate committee making such a contribution is affirmatively closed by the candidate no later than ten (10) days after the date such a contribution is made;
- (3) Donated to a charitable organization recognized by the Internal Revenue Service;
- (4) Returned to the contributors.

In no event shall contributions to a candidate committee be used for personal purposes not reasonably related to supporting the election or retention of the candidate.

(b) In addition to any use described in Subsection (a) of this Section, a person elected to the office of Mayor or Councilmember, or retained in office following a recall attempt, may use unexpended campaign contributions held by the person's candidate committee for any of the following purposes:

- (1) Voter registration;
- (2) Political issue education, which includes obtaining information from or providing information to the electorate;
- (3) Postsecondary educational scholarships;
- (4) To defray reasonable and necessary expenses related to mailings and similar communications to constituents;
- (5) Any expenses that are directly related to such person's official duties as an elected official, including, but not limited to, 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.

(c) A candidate committee for a former officeholder or a person not elected to office shall expend all of the unexpended campaign contributions retained by such candidate committee, for the purposes specified in Subsection (a) of this Section, no later than five (5) years from the date such officeholder's term expired or from the date of the election at which such person was a candidate for office, whichever is later.

(d) Unexpended contributions to an issue committee or political committee may be donated to any charitable organization recognized by the Internal Revenue Service or returned to the contributor.
(Ord. No. 162, 2000, § 1, 11-21-00; Ord. No. 148, 2001, § 7, 11-6-01)

Sec. 7-139. Independent expenditures.

Any person or political committee making independent expenditures totaling more than one hundred dollars (\$100.) shall deliver notice in writing of such independent expenditures to the City Clerk no later than three (3) business days after the day that such funds are obligated. Said notice shall include the following information:

- (1) The name, address and telephone number of the person making the independent expenditures;
- (2) The name of the candidate whom the independent expenditures are intended to support or oppose;
- (3) The name and address of the vendor(s) providing the property, materials or services;
- (4) A detailed description of the independent expenditures;
- (5) The amount of the independent expenditures; and
- (6) The date the funds were obligated.

For the purposes of this provision, funds shall be considered to have been obligated as soon as an agreement is reached for the provision of the property, materials or services in question, regardless of when payment is to be made for such property or services.

(Ord. No. 162, 2000, § 1, 11-21-00; Ord. No. 148, 2001, § 8, 11-6-01)

Sec. 7-140. Duties of City Clerk.

The City Clerk shall:

- (1) Prepare forms and instructions to assist candidates and the public in complying with the reporting requirements of this Article;
- (2) Develop a filing and indexing system consistent with the purposes of this Article;
- (3) Keep a copy of any report or statement required to be filed by this Article for a period of one (1) year from the date of filing. In the case of candidates who were elected, those candidate's reports and filings shall be kept for one (1) year after the candidate leaves office;

- (4) Make reports and statements filed under this Article available for public inspection and copying no later than the end of the next business day after the date of filing;
 - (5) Upon request by the Secretary of State, transmit records and statements filed under this Article to the Secretary of State;
 - (6) Notify any person who has failed to fully comply with the provisions of this Article;
 - (7) Report apparent violations of this Article to the City Manager.
- (Ord. No. 162, 2000, § 1, 11-21-00)

Sec. 7-141. Expenditures for political advertising; rates and charges.

(a) No candidate committee shall pay to any radio or television station, newspaper, periodical 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.

(b) Any radio or television station, newspaper or periodical that charges an issue committee or candidate committee a lower rate for use of space, materials or services than the rate such station, newspaper, periodical or supplier charges another issue committee or candidate committee for the same ballot measure or public office for comparable use of space, materials or services shall report the difference in such rate as a contribution in kind to the issue committee or candidate committee that is charged such lower rate.

(c) Nothing in this Article shall be construed to prevent an adjustment in rates related to frequency, volume, production costs and agency fees if such adjustments are offered consistently to other advertisers.

(Ord. No. 162, 2000, § 1, 11-21-00)

Sec. 7-142. Encouraging withdrawal from campaign prohibited.

No person shall offer or give any candidate or candidate committee any money or any other thing of value for the purpose of encouraging the withdrawal of the candidate's candidacy, nor shall any candidate offer to withdraw a candidacy in return for money or any other thing of value.

(Ord. No. 162, 2000, § 1, 11-21-00)

Sec. 7-143. Violations and penalties.

(a) Any person who knowingly violates or fails to comply with any of the provisions of this Article commits a misdemeanor and is subject to a fine or imprisonment in accordance with § 1-15.

(b) Failure to comply with the provisions of this Article shall have no effect on the validity of any election.

(Ord. No. 162, 2000, § 1, 11-21-00)

Sec. 7-144. Severability.

If any provision of this Article or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Article which can be given effect without the invalid provision or application, and to this end the provisions of this Article are declared to be severable.

(Ord. No. 162, 2000, § 1, 11-21-00)

Secs. 7-145—7-154. Reserved.

**ARTICLE VI.
INITIATIVE AND REFERENDUM**

Sec. 7-155. Generally.

The manner of exercising the powers of initiative and referendum with regard to ordinances and resolutions of the City shall be governed by the provisions of this Article and the provisions of Article X of the Charter. Any matter not

covered by the State Constitution, this Article or other provisions of the Code shall be governed by the laws of the State relating thereto.
(Ord. No. 23, 2001, 2-20-01)

Sec. 7-156. Protests of proposed ballot title and/or submission clause.

Any registered elector desiring to protest a proposed ballot title and/or submission clause for any initiated or referred measure may file a written protest in the office of the City Clerk. Said notice of protest shall be filed no later than 12:00 p.m. on the Monday immediately preceding the date upon which the City Council will consider the resolution setting the ballot title and submission clause. The notice of protest shall set forth with particularity the grounds of the protest. Such protest shall be heard, considered and resolved by the City Council prior to the adoption of said resolution.
(Ord. No. 23, 2001, 2-20-01)

Secs. 7-157—7-164. Reserved.

**ARTICLE VII.
ELECTION OFFENSES**

Sec. 7-165. Obligation of petition circulators.

Any person circulating a petition approved for circulation by the City Clerk shall, upon the request of any person to whom the petition is presented, read aloud to such person the entire text of the initiated or referred measure that is the subject of the petition or, in the case of a recall petition, the statement of charges and statement of defenses.
(Ord. No. 160, 2004, 10-5-04)

Secs. 7-166—7-179. Reserved.

**ARTICLE VIII.
MAIL BALLOT ELECTIONS**

Sec. 7-180. Legislative declaration.

The City Council hereby finds, determines and declares that self-government by election is more legitimate and better accepted as voter participation increases. The City Council further finds, determines and declares that mail ballot elections are cost-efficient and have not resulted in increased fraud. By enacting this Article, the City Council hereby concludes that it is appropriate to provide for mail ballot elections under specified circumstances.
(Ord. No. 165, 2006, § 1, 11-7-06)

Sec. 7-181. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

Absentee ballot shall mean a ballot transmitted to an eligible elector at an address or location other than the residential or mail address of the elector as shown in the County's voter registration records.

Active registered elector shall mean a person residing in the City who is registered to vote in City elections and who is listed in the County's voter registration records as an "active" voter.

Ballot shall mean the list of all candidates and ballot measures upon which an eligible elector is entitled to vote at an election.

Election shall mean any regular or special municipal election held pursuant to the Charter, the Code, the "Uniform Election Code of 1992" or the "Colorado Municipal Election Code of 1965," and which is not coordinated with the County pursuant to Section 1-7-116, C.R.S.

Election day shall mean the date either established by the Charter or determined by the City Council to be the final day on which all ballots are determined to be due, and the date from which all other dates in this Article are set.

Election worker shall mean the City Clerk, an employee of the City Clerk or any other person designated by the City Clerk to participate in the conduct of an election.

Eligible elector shall mean a person who meets the specific requirements for voting at a specific election or for a specific candidate or ballot measure.

Mail ballot election shall mean an election in which eligible electors cast ballots by mail in accordance with this Article.

Mail ballot packet shall mean the packet of information, including an official ballot, provided by the City Clerk to eligible electors in a mail ballot election.

Poll book shall mean a list of eligible electors, including sufficient identifying information about each elector, the style and number of the ballot issued to each elector and the receipt and status of the ballot returned by the elector.

Replacement ballot shall mean a mail ballot packet provided to any eligible elector who did not receive a mail ballot packet for any reason, or who is unable to use the mail ballot packet originally received by the elector.

Return envelope shall mean an envelope provided in a mail ballot packet for the purpose of returning a voted ballot to the City Clerk that contains the name and address of an eligible elector voting in a mail ballot election, and that is designed to allow election workers, upon examining the signature, name and address that appear on the outside of the envelope, to determine whether the enclosed ballot is being submitted by an eligible elector who has not previously voted in that particular election.

Secrecy envelope or *secrecy sleeve* shall mean the envelope or sleeve provided in a mail ballot packet that is designed to conceal and maintain the confidentiality of the elector's vote until the counting of votes for that particular election. *Secrecy envelope* or *secrecy sleeve* shall also include a paper ballot which may be folded so that the elector's vote is concealed when the ballot is removed from the return envelope.

Undeliverable ballot shall mean a mail ballot packet that the U.S. Postal Service is unable to deliver to the intended recipient and which is returned to the City Clerk.
(Ord. No. 165, 2006, § 1, 11-7-06)

Sec. 7-182. Mail ballot elections authorized.

The City Clerk is hereby authorized to conduct any regular or special municipal election which is not coordinated with the County pursuant to Section 1-7-116, C.R.S., by mail ballot in accordance with the provisions of this Article.
(Ord. No. 165, 2006, § 1, 11-7-06)

Sec. 7-183. Duties of the City Clerk.

The City Clerk shall:

- (1) Prescribe the form of materials to be used in the conduct of mail ballot elections consistent with the provisions contained in this Article;
 - (2) Establish procedures for conducting mail ballot elections consistent with the provisions contained in this Article;
 - (3) Supervise the conduct of mail ballot elections;
 - (4) Employ temporary election workers as needed; and
 - (5) Take all necessary steps to protect the confidentiality of the ballots cast and the integrity of the election.
- (Ord. No. 165, 2006, § 1, 11-7-06)

Sec. 7-184. Notice of election.

(a) No later than twenty (20) days before an election conducted pursuant to this Article, the City Clerk shall provide notice by publication of a mail ballot election, which notice shall state, as applicable for the particular election for which the notice is provided, the following:

- (1) The date of the election;
- (2) The hours during which the polls will be open on election day;
- (3) The address of the walk-in location for the delivery of mail ballots and the receipt of replacement ballots, and the hours during which the walk-in location will be open;
- (4) The address of the location for the application for, and the return of, absentee ballots and the hours during which the office will be open.

(b) The notice required to be given by this Section shall be in lieu of the notice requirements set forth in Section 31-10-501(1), C.R.S.

(Ord. No. 165, 2006, §1, 11-7-06)

Sec. 7-185. Form of ballots.

(a) The top portion of each ballot shall be divided by a perforated line. The portion above the perforated line shall be known as the ballot stub and shall have printed on it a sequential ballot number. The ballot stub may also have printed on it other information, including but not limited to the precinct number, Council district number, job sequencing information used by the printer or instructions.

(b) The ballot shall contain the following warning:

"WARNING:

Any person who, by use of force or other means, unduly influences an eligible elector to vote in any particular manner or to refrain from voting, or who falsely makes, alters, forges or counterfeits any mail ballot before or after it has been cast, or who destroys, defaces, mutilates or tampers with a ballot is subject, upon conviction, to imprisonment, or to a fine, or both."

(c) The return envelope shall have printed on it a self-affirmation substantially in the following form:

"I state under penalty of perjury that I am an eligible elector; that my name and address are as shown on this envelope; that I have not and will not cast any vote in this election except by the enclosed ballot; and that my ballot is enclosed in accordance with the provisions of the Code of the City of Fort Collins."

(d) The signing of the self-affirmation on the return envelope shall constitute an affirmation by the voter, under penalty of perjury, that the facts stated in the self-affirmation are true.

(Ord. No. 165, 2006, § 1, 11-7-06)

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, at the last mailing address appearing in the registration records and in accordance with United States postal service regulations, 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.

(b) In the event that unusual circumstances exist that may delay the mailing of ballots in accordance with Subsection (a) above, the City Clerk, with the written approval of the City Manager, is authorized to mail the ballots no later than (10) days before an election. For the purposes of this provision, unusual circumstances shall include, but not be

limited to, extreme weather conditions such as blizzard or flood, equipment failure, labor work stoppage or slow-down, or other events outside the City's control.
(Ord. No. 165, 2006, § 1, 11-7-06)

Sec. 7-187. On-site polling place.

No sooner than twenty-five (25) days prior to election day and no later than 7:00 p.m. on election day, mail ballots shall be made available at the office of the City Clerk, or such other location as may be established by the City Clerk, for eligible electors who need to obtain a replacement ballot.
(Ord. No. 165, 2006, § 1, 11-7-06)

Sec. 7-188. Replacement ballots.

(a) An eligible elector may obtain a replacement ballot if:

- (1) The ballot was destroyed, spoiled, lost or for some other reason not received by the eligible elector;
- (2) A mail ballot packet was not sent to the elector because the eligibility of the elector could not be determined at the time the mail ballot packets were mailed;
- (3) The eligible elector was listed as "inactive" in the county's voter registration records; or
- (4) The eligible elector presents any other credible evidence that he or she is entitled to receive a replacement ballot.

(b) A request for a replacement ballot may be made in writing, by mail, by fax, by telephone or in person.

(c) An eligible elector requesting a replacement ballot must sign a sworn statement specifying the reason for requesting the ballot. If an eligible elector requests a replacement ballot in person, the statement shall be completed before a replacement ballot is issued to the elector. If a request for a replacement ballot is not made in person, the City Clerk may transmit the statement with the ballot package. The statement must be returned to the City Clerk no later than 7:00 p.m. on election day in order for the ballot to be counted, and such statement may be returned with the ballot.

(Ord. No. 165, 2006, § 1, 11-7-06)

Sec. 7-189. Absentee voting.

(a) Any eligible elector may request that an absentee ballot be transmitted to a place other than the elector's address listed in the voter registration records. Requests for absentee ballots must be made in writing and shall include the elector's name, residence address, date of birth and address where the absentee ballot should be mailed.

(b) A request for an absentee ballot may be filed any time after January 1 of the year of the election, but not later than the close of business on the Friday prior to the election, except that, if the applicant wishes to receive the absentee ballot by mail, the application shall be filed no later than the close of business seven (7) days prior to election day.

(c) Upon receipt of a request for an absentee ballot, and as soon as ballots are printed and available, the City Clerk shall transmit an absentee ballot to the elector at the address given in the request for an absentee ballot. If the timing of a request for an absentee ballot is such that ballots will not be printed in sufficient time to accommodate the unique circumstances of the elector's request, the City Clerk is authorized to prepare a substitute paper ballot containing all races and questions applicable to the elector, provided that the elector acknowledges in writing that the City Clerk may transfer the elector's vote to an official ballot for counting purposes.

(d) If an eligible elector requests delivery of an absentee ballot to an address outside of the United States and it appears unlikely in the judgment of the City Clerk that the absentee ballot will be delivered to the elector in sufficient time to allow the elector to vote the ballot and return it to the City Clerk before 7:00 p.m. on election day, the City Clerk is authorized to use any reasonable method to provide the elector an opportunity to vote, provided that the method is acceptable to the elector and the elector acknowledges in writing that he or she has agreed to vote in the me-

thod offered and has further agreed that the City Clerk may transfer the elector's vote to an official ballot for counting purposes.

(Ord. No. 165, 2006, § 1, 11-7-06)

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

(a) Upon receipt of a ballot, the eligible elector shall mark the ballot, sign and complete the return envelope and comply with the instructions provided with the ballot.

(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 must provide the necessary postage. 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.

(c) Ballots received by the City Clerk after 7:00 p.m. on election day shall not be counted, but shall be preserved in accordance with § 7-195 below.

(Ord. No. 165, 2006, § 1, 11-7-06)

Sec. 7-191. Receipt and qualification of ballots.

(a) All ballots, including undeliverable ballots, shall be marked to indicate the date the ballot was received by the City Clerk.

(b) Upon receipt of a voted ballot, an election worker shall first qualify the submitted ballot by examining the return envelope to determine whether the ballot was submitted by an eligible elector who has not previously voted in the election and whether the self-affirmation on the envelope is signed and completed by the eligible elector to whom the ballot was issued. If the ballot so qualifies and is otherwise valid, the election judge shall indicate in the poll book that the eligible elector cast a ballot, and shall prepare the ballot for counting in accordance with § 7-193 below.

(c) If an election worker is unable to qualify the ballot as set forth in Subsection (b) above, the ballot shall be rejected and the reason for rejection shall be indicated in the poll book. Rejected ballots shall remain unopened and shall be securely stored separate from qualified ballots unless such ballots are corrected as provided in § 7-192 below.

(d) If an election worker determines that an eligible elector to whom a replacement ballot has been issued has voted more than once, the City Clerk shall not count any ballot cast by the elector.

(Ord. No. 165, 2006, § 1, 11-7-06)

Sec. 7-192. Rejected ballots.

The City Clerk is authorized, but not required, to make a reasonable effort to allow an eligible elector whose ballot has been rejected to correct the deficiency causing rejection. No elector shall be allowed to correct a deficiency without first producing valid proof of identification.

(Ord. No. 165, 2006, § 1, 11-7-06)

Sec. 7-193. Counting mail ballots.

Counting of mail ballots may begin fourteen (14) days prior to the election and continue until counting is completed. The City Clerk shall take all precautions necessary to ensure the secrecy of the counting procedures, and no information concerning the count shall be released by election workers until after 7:00 p.m. on election day.

(Ord. No. 165, 2006, § 1, 11-7-06)

Sec. 7-194. Revealing how elector voted.

Any election worker, watcher or person who assists another person in voting who reveals how a voter has voted commits a misdemeanor and is subject to a fine or imprisonment in accordance with § 1-15 of this Code.

(Ord. No. 165, 2006, § 1, 11-7-06)

Sec. 7-195. Preservation of election records; destruction.

(a) All election records, including but not limited to voted ballots, rejected ballots, absentee ballots, undeliverable ballots, return envelopes, ballot stubs, unused ballots, application forms and poll books, shall be securely stored following an election and shall be preserved for at least six (6) months following a regular or special election. The provisions of this Subsection (a) shall not apply to secrecy envelopes separated from voted ballots during preparation of ballots for counting.

(b) Individual pieces of printed information that were intended to be used in the assembly of mail ballot packets, such as envelopes, secrecy envelopes and instructions, that were never assembled into a mail ballot packet may be destroyed on the day immediately following election day. The provisions of this Subsection (b) shall not apply to ballots.

(c) All records preserved pursuant to Subsection (a) of this Section shall be destroyed by fire or shredding after the period of preservation has expired.

(Ord. No. 165, 2006, § 1, 11-7-06)

Sec. 7-196. Validity of election.

No mail ballot election held pursuant to this Article shall be invalidated on the grounds that an eligible elector did not receive a ballot so long as the City Clerk acted in good faith in complying with the provisions of this Article.

(Ord. No. 165, 2006, § 1, 11-7-06)

Sec. 7-197. Severability.

If any provision of this Article or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Article which can be given effect without the invalid provision or application, and to this end the provisions of this Article are declared to be severable.

(Ord. No. 165, 2006, § 1, 11-7-06)

Secs. 7-198—7-210. Reserved