

May 29, 2024

ELECTION CODE COMMITTEE MEETING

4:34 PM

COMMITTEE MEMBERS PRESENT: Arndt, Pignataro (remote), Canonico  
STAFF PRESENT: Rita Knoll, Rupa Venkatesh, Sara Arfmann, Tyler Robbins, Carrie Daggett, Heather Walls

A. CALL MEETING TO ORDER

B. ROLL CALL

C. PUBLIC PARTICIPATION

Robbie Moreland requested the Committee consider including in the proposed Charter changes language that would allow for the formation of a quasi-judicial election oversight commission.

D. PUBLIC PARTICIPATION FOLLOW-UP

None.

E. APPROVAL OF MINUTES

*The purpose of this item is to approve the minutes of the April 24, 2024, Election Code Committee meeting.*

***Mayor Arndt made a motion, seconded by Councilmember Pignataro, to approve the minutes of the April 24 meeting. Yeas: Canonico, Arndt, and Pignataro. Nays: None.***

***THE MOTION CARRIED.***

F. DISCUSSION/INFORMATIONAL ITEMS

***1. Proposed Charter Amendments Relating to Elections, Recall and Initiative and Referendum.***

*The purpose of this item is to allow the Committee to consider amendments to Articles VIII, IX, and X of the City Charter that will address computation of time, inconsistencies in timing, re-organization of certain provisions, and suggested updates to simplify language to promote more efficiencies in the conduction of election-related processes.*

Interim City Clerk Walls outlined the proposed changes to modernize the language, compute time in terms of dates falling on holidays or weekends, shifting 'working days' to 'business days,' and timing of election events, in Articles VIII, IX, and X of the City Charter.

City Attorney Daggett stated the main substantive change to Article VIII relates to changing the time for an elected candidate to qualify for office from 60 to 30 days. Members discussed whether this provision is necessary. City Attorney Daggett stated staff would further research the topic.

City Attorney Daggett outlined the proposed changes related to recall. Mayor Arndt asked about the 25% of signatures required to recall the Mayor. Chief Deputy City Clerk Knoll replied that number is in state statute, Municipal Election Code, and Uniform Election Code. City Attorney Daggett stated there would be no legal barrier to lowering that number.

City Attorney Daggett stated the Uniform Election Code is the main set of election statutes for the state whereas the Municipal Election Code is specific to municipal elections and how statutory cities

and towns are required to run their elections. Fort Collins can vary from those Codes as it is a home rule city; however, many aspects of elections are dependent on state functions, such as voter registration records.

City Attorney Daggett discussed the possibility of changing the number of days for mayor recall petition circulation, the potential to cure signature deficiencies in a petition, increasing the number of days for determination of sufficiency, and the election timeline.

Chief Deputy City Clerk Knoll noted the city has never gone through a recall process.

City Attorney Daggett discussed proposed changes to the initiative timeline and election timeframe.

Chief Deputy City Clerk Knoll noted it is not legal to check signatures against images on file on a petition, though research could be done by the City Clerk's Office if a protest occurs.

Members discussed how to ensure signatures are gathered from all districts for petition efforts. Chief Deputy City Clerk Knoll stated signatures do seem to come from all areas of the city based on anecdotal examinations of petitions.

City Attorney Daggett outlined the proposed changes to referenda and protest hearing language and noted staff will thoroughly examine the proposed changes prior to the Council hearing.

Mayor Arndt requested information as to whether petition circulators are required to carry the full petition document and ordinance language with them. City Attorney Daggett replied there is proposed revised language that states the petition will contain an accurate and fair summary of the ordinance prepared by the City Clerk in consultation with the City Attorney if the ordinance is more than two pages long.

Councilmember Pignataro expressed concern about the ambiguity of 'accurate and fair.' Mayor Arndt stated she is comfortable with the City Clerk writing the summary if it is not in concert with the petitioner.

Councilmember Canonico asked if a process needs to be put in place for an individual to dispute the language should they not believe it to be fair and accurate. Members discussed wording that the Clerk's language would be final.

## **G. REVIEW OF UPCOMING CALENDAR**

### **1. 2024 Workplan**

Interim City Clerk Walls stated the only change to the Workplan is to move the first reading of the Charter amendments to July 2 and second reading to July 16.

Councilmember Pignataro requested staff ensure the reasons around the changes are made clear to ensure that the changes are not twisted into looking like the voice of the public is being suppressed.

Members concurred there is not a need for a work session on the Charter changes, though Councilmember Canonico suggested other Councilmembers should be given the opportunity to ask questions or discuss the topics prior to July 2.

## **H. OTHER BUSINESS**

Members acknowledged Chief Deputy City Clerk Knoll's upcoming retirement and thanked her for her work.

## **I. ADJOURNMENT**

The meeting was adjourned by unanimous consent at 5:51 p.m.

