



AGENDA ITEM SUMMARY

Election Code Committee

STAFF

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SUBJECT

2024 Election Update and Workplan Check-In.

EXECUTIVE SUMMARY

The Election Code Committee finished its work for the previous term in May 2024. Charter amendments were approved by Council in July 2024 for Article VIII – Elections, Article IX – Recall (repeal and re-enact) and Article X – Initiative and Referendum (repeal and re-enact) in preparation for the November 5, 2024, Special Election. These items, together with a ballot issue to extend the City’s existing 0.25% sales and use tax for the street maintenance program will appear on the upcoming election ballot.

Campaign Finance Enforcement is the next item set for Committee consideration with an expected January 14 Work Session and possible Council action on February 4 (1st Reading). Additional Code changes that could be brought forward at the same time include:

Redistricting and
Charter follow-up for any items that pass.

Additional items remaining on the Committee’s Work Plan include:

1. Education for Ranked Choice Voting and Sign Code requirements
2. Additional Charter Amendments
 - a. Article II – Vacancies
 - b. Article IV – General Provisions
3. Other Topics: “Bike Rack” Items:
 - a. Oversight Committee; and
 - b. Public Financing of Campaigns

Staff will provide updates on these items and is also wanting to ensure there is an understanding of the scope of work needed for the remaining items and whether there are any other items of interest that need to be added.

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

1. Are these the existing priorities the Committee would like to continue working on in the current term?
2. Does the committee want to pursue any additional code changes relating to elections in the current term?

BACKGROUND / DISCUSSION

The Election Code Committee reconvened in March 2024 and spent time planning future work for the Committee and, during its meetings in April and May 2024, worked on potential Charter changes. The Charter changes included modernizing language and changing time computations for all articles. Additionally, the following changes were proposed:

- Article VIII – General Elections
 - Updating processes to allow the City Clerk to appoint an elections expert to serve on the Board of Election; and
 - Eliminating vague language related to qualification of elected officers (utilizing the statutory process).
- Article IX – Recall
 - Reorganizing the material for clarity (requires a repeal and re-enact due to the significant number of revisions);
 - Ensuring the results were based on first choice votes due to ranked choice voting;
 - Extending City Clerk review periods;
 - Simplifying the petition review process;
 - Modifying election timeframes; and
 - Eliminating vague language related to qualification of elected officers (utilizing statutory process).
- Article X – Initiative and Referendum
 - Reorganizing the material for clarity (requires a repeal and re-enact due to the significant number of revisions);
 - Modifying processes around petition form approval;
 - Extending City Clerk review periods;
 - Simplifying the petition review process (elimination of cure provisions);
 - Creating a uniform protest process; and
 - Modifying election timeframes.

These items were approved by Council at its July 2, 2024, and July 16, 2024, meetings and will appear on the November 5, 2024 ballot.

COMMITTEE PRIORITIES

Campaign Finance Enforcement

This is the next priority item set for Committee consideration. A separate agenda item has been created for this topic and will be discussed at the September 11, 2024, meeting.

Code Changes (new addition to the Committee's Work Plan)

There are some potential Municipal Code changes to be considered by the Committee:

Campaign Contributions:

Some interest has been expressed to staff in modifying the existing campaign contribution amount for candidates to match the \$225 allowed by the State. Staff would like to get guidance from the Committee on whether there is interest in pursuing this. If interested, staff will bring back historical and other requested information such as what the amount would be had it been adjusted for inflation since it was last changed.

Redistricting:

During the process of completing redistricting following the decennial census, there was discussion by the Committee about making changes to City Code provisions governing the redistricting process. Of particular interest was looking at what activates a requirement to adjust district boundaries.

In the City's Municipal Code, it requires that a redistricting review be done:

- no more than 18 months after an official decennial (10 year) publication of the United States census to ensure there is no more than a ten percent deviation between the most populous and least populous district; and
- not less than once every six years after the census work is done. Another review to ensure no more than a ten percent deviation.

Additionally, any time that Larimer County provides notice that precinct boundaries have been amended, the City Clerk is directed to review precinct boundaries and recommend to Council any precinct boundary changes. If this results in population deviations that exceed ten percent, the City Clerk is directed to recommend boundary adjustments and possible redistricting options.

Precinct adjustments by Larimer County are common prior to most elections. Instead of moving forward with a full redistricting effort each time, Council has adopted an ordinance that amended the City precinct map to reflect changes in the County precinct boundaries but waived the redistricting requirement.

When discussed, staff will share more history around redistricting efforts, provide related suggestions, and get feedback from the Committee on the desired direction and possible Code changes.

Charter Changes:

A review of elections items within the Municipal Code will need to be reviewed based on whether any of the election-related Charter changes pass in November. Staff will bring back needed changes for Committee approval once we know what item(s) pass.

Education Efforts

Ranked Choice Voting:

Staff will be doing research and bringing suggestions to the Committee on education and outreach related to ranked choice voting to help prepare Council, candidates, staff and voters on how the process works and related procedures and expectations. Staff will be looking at a variety of things to help including using or developing training videos, written materials, a robust outreach and engagement plan, and providing town hall meetings and/or open houses to help ensure everyone is aligned and has the information needed to understand and fully participate in the new process. Staff has a field trip scheduled to the City of Boulder to learn more about its ranked choice voting efforts and related processes, procedures and educational efforts.

Sign Code Requirements:

Staff plans to discuss with the Committee current sign code requirements as it relates to temporary signs and to bring related strategies to get feedback and direction. Making this information more prominent on election web pages, developing related social media campaigns and having more proactive enforcement are items that are planned for discussion.

Additional Charter Amendments

An additional item identified by the Committee for possible amendments to the Charter included Article II – Vacancies. This item will likely be consolidated as part of the current Charter Update project that is underway. Recommended changes will be brought back to Council for discussion and approval.

Other Topics: “Bike Rack”

Two items have been placed on the Committee’s Bike Rack and might be considered at a later time. The items include consideration of an Oversight Committee and Public Financing of Campaigns.

Election Update

Here’s what is happening related to the current election:

- The IGA with the County enabling a coordinated election has been signed and completed with the County
- A notice of the Charter amendments was published
- All ballot content has been certified and submitted to the County
 - Ballot Issue – TABOR – 0.25% Sales and Use Tax for Street Maintenance
 - Ballot Question – Proposed Charter Amendment No. 1 – Article VIII – General Elections
 - Ballot Question – Proposed Charter Amendment No. 2 – Article IX – Recall
 - Ballot Question – Proposed Charter Amendment No. 3 – Article X – Initiative & Referendum
- Deadline to submit pro and con statements for TABOR issues is September 20
- Ballots must be sent to military and overseas voters by September 21
- Deadline to submit TABOR text to Larimer County is September 23
- Deadline to mail TABOR notices to households is October 4
- The earliest mail ballot packages will go out to voters is October 14

ATTACHMENTS

1. Presentation