

December 10, 2024

**ELECTION CODE COMMITTEE MEETING**

**4:00 PM**

COMMITTEEMEMBERS PRESENT

Chair/Councilmember Tricia Canonico  
Mayor Jeni Arndt  
Councilmember Julie Pignataro

STAFF PRESENT

Delynn Coldiron  
Cecilia Good  
Sara Arfman  
Carrie Daggett  
Rupa Venkatesh  
Heather Walls

**A. CALL MEETING TO ORDER**

**B. ROLL CALL**

**C. PUBLIC PARTICIPATION**

None.

**D. PUBLIC PARTICIPATION FOLLOW-UP**

None.

**E. APPROVAL OF MINUTES – October 21, 2024**

1. Approval of Minutes

*The purpose of this item is to approve the minutes of the October 21, 2024, Election Code Committee meeting.*

***Councilmember Pignataro made a motion, seconded by Mayor Arndt, to approve the minutes of the October 21, 2024 meeting. Yeas: Councilmember Pignataro and Mayor Arndt. Nays: none. Abstain: Chair Canonico.***

**F. DISCUSSION/INFORMATIONAL ITEMS**

2. Revised Potential Code Changes Regarding the Campaign Complaint Process and the Campaign Contribution Limits.

Sara Arfmann, Assistant City Attorney II, provided a summary of the changes that have been made since the October 21<sup>st</sup> meeting.

Councilmember Pignataro commended the changes and suggested showing the draft to someone who has yet to see the language. Mayor Arndt concurred.

Arfmann stated the campaign contribution limits have been increased per the discussion at the last meeting and clarifications regarding electronic donations and payments and third-party transaction fees were added.

Councilmember Pignataro noted transaction fees would come out of the donation amount making a \$100 donation actually less. Members discussed whether it would be easier to ask

donors to cover the fee and opted to allow those campaigning to make the decision. The language was left as presented.

Arfmann discussed the subsection regarding cryptocurrency and stated many other communities do not allow it as it is too difficult to determine the value, which is how the language was written for this section. Members concurred and noted it could be revisited if something changes. Councilmember Canonico suggested including language that would prevent campaigns from purchasing things with cryptocurrency as well. Members concurred.

Mayor Arndt asked if that would be illegal and the City Attorney's Office will do additional research.

Arfmann asked if the inflation adjustment should be rounded to the nearest ten dollars. Members concurred.

Councilmember Pignataro asked when the inflation adjustment is analyzed. Arfmann replied it would be analyzed every two years with the first being the first quarter of 2027. Councilmember Canonico questioned whether that would be an adequate timeframe given people have already declared candidacy and suggested it should be analyzed the fourth quarter of the previous year or first quarter of even years. Members opted to adjust in 2026 and even years thereafter.

### 3. Enforcement of Local Campaign Regulations.

Cecelia Good, Senior Deputy City Clerk, discussed research done by staff related to campaign compliance oversight in other municipalities and stated the recommendation is for a contract with an outside entity to provide monitoring oversight and investigation and enforcement of campaign compliance. Good noted there are currently no funds allocated to this option, however, and staff does not yet have an established cost.

Councilmember Pignataro concurred with the recommendation to contract with an outside entity. Mayor Arndt also concurred and noted there has been a reliance on community members to date. She stated that system provides for the opportunity for an individual to thwart a candidate's campaign by becoming a self-appointed auditor.

City Clerk Coldiron concurred with the idea of taking complaints out of the hands of the City Clerk's Office given the possible perceived conflict of interest.

Councilmember Pignataro concurred with the previous comments and noted the oversight would apply to all campaign violations, not just those related to finance. She stated that while the idea of having a technology solution for campaign finance reporting is good, the math is fairly basic; therefore, the current Excel spreadsheets work.

Councilmember Canonico noted some individuals do not have Microsoft and Google Forms would be a more uniform, free option. City Clerk Coldiron replied the Clerk's Office is currently looking at revising the forms or perhaps offering two options.

Mayor Arndt commented on making the formulas additive.

Good noted there were no other municipalities in Colorado who have an additional oversight contractor. Mayor Arndt suggested there are likely other cities having similar issues and stated the information may be worth sharing with CML.

Councilmember Pignataro suggested CML may also be a source for a contractor. City Clerk Coldiron noted former clerks could be consulted as well.

Good stated she would research costs and availability of resources.

4. 2024 Work Plan Check-in and Election and Ranked Choice Voting Updates.

City Clerk Coldiron outlined upcoming Work Plan items, including potential Code changes related to write-in candidates and ranked choice voting, the necessary Charter change related to the circulation period, education efforts around ranked choice voting, redistricting, and public financing of campaigns, though they may not all be ready to be addressed in the first quarter of the year.

City Attorney Daggett outlined additional items that will be coming before the Committee in January, including adding filing requirements for committees.

City Clerk Coldiron noted items will come before the Committee in January and will go before the full Council in February. Regarding write-in candidates, she noted they are currently allowed in the Code, but there may be some desire to eliminate that due to ranked choice voting. She noted Boulder does allow up to two write-in candidates in its ranked choice voting regulations.

City Attorney Daggett noted there would be other Code clean-up items that would need to occur if write-in candidates are still allowed.

Councilmember Pignataro expressed support for eliminating write-in candidates and reviewing the issue at a later time.

Mayor Arndt stated it seems unfair for write-in candidates to have the same benefits as a nominated candidate who has collected signatures for placement on the ballot. She suggested the signature requirement could be eliminated for all candidates.

Councilmember Canonico asked if other peer cities allow for write-in candidates. City Clerk Coldiron replied many likely do as it is allowed in state statute.

City Attorney Daggett suggested staff could return at the next meeting with some alternative scenarios and additional comparative information.

Councilmember Pignataro stated she is more comfortable going back to the original question of eliminating write-in candidates or not and posing that to the full Council.

City Clerk Coldiron discussed the changes related to petition circulation to eliminate the provision that circulators had to read the entire petition if asked to do so and including ranked choice voting language aligning with state statute in the Code in case a special election is needed. Mayor Arndt questioned the petition circulation item asking if a visually impaired person would then not be able to sign a petition if the petitioner is not required to read the language. She suggested language related to appropriate accommodations should be added.

City Clerk Coldiron asked if the petition language must be read by the circulator or if it could be made available in another way.

City Attorney Daggett suggested staff could come forward with language related to providing accommodations for various situations.

City Clerk Coldiron stated redistricting and public financing of campaigns will be kept on the list for later consideration.

Members discussed having the last Committee meeting occur in February.

City Clerk Coldiron noted the November election has been certified by the County and there was a return rate of over 83%. She stated the election cost estimate was \$164,337, though she has yet to receive the final statement, and noted that will be higher for the ranked choice elections, though there is a hope that some funding could come from the state.

City Clerk Coldiron stated the website is being updated to include a ranked choice voting webpage and noted there have already been candidates asking for information.

Members discussed Council term limitations.

City Clerk Coldiron noted a core team has been meeting regarding ranked choice voting and stated there is collaboration with CSU and the County to ensure messaging remains consistent. She stated a communication plan is being developed and she provided some detail around that timeline and plan for utilizing volunteers.

**G. OTHER BUSINESS**

None.

**H. ADJOURNMENT**

The meeting adjourned by unanimous consent at 5:12 p.m.

**I. INITIAL DISCUSSION OF VOTER AND CANDIDATE EDUCATION PRIORITIES**

**J. REVIEW OF TIMELINE FOR PRIORITIES**

**K. OTHER BUSINESS**

**L. ADJOURNMENT**

**M.**

The meeting adjourned by unanimous consent at 5:59 P.M.