

March 27, 2024

ELECTION CODE COMMITTEE MEETING

4:30 PM

COMMITTEE MEMBERS PRESENT: Arndt, Pignataro, Canonico

STAFF PRESENT: Rita Knoll, Rupa Venkatesh, Sara Arfman, Tyler Robbins, Carrie Daggett, Kelly DiMartino

1. CALL MEETING TO ORDER

2. ROLL CALL

3. ELECTION OF CHAIR

Mayor Arndt made a motion, seconded by Councilmember Pignataro, to elect Councilmember Canonico as Chair.

Councilmember Canonico accepted the nomination.

The motion was adopted by unanimous consent.

4. PUBLIC PARTICIPATION

Robbie Moreland suggested the Committee should add the topic of yard sign placement to its meeting to help clarify the rules relative to elections and provide specific guidance to candidates. Additionally, Moreland suggested the Committee also consider implementing public funding of elections, like Boulder's dollar for dollar matching program, if it considers raising campaign limits. Moreland also encouraged the Committee to continue the discussion on creating a quasi-judicial election oversight board which could include retired judges, lawyers, and interested community members.

Kathleen Schmidt encouraged the Committee to consider forming an election oversight committee or commission with quasi-judicial powers to help ease the burden on the City Attorney's Office and City Clerk's Office.

Nick Armstrong concurred with Moreland and commented on the importance of public election funding to help candidates who may need assistance with technical aspects of their campaign they may not be able to do themselves. Armstrong commented on the Fort Collins Voter Guide that was assembled by community members.

Jody Deschenes discussed her complaint about 'paid for by' information not being included on an issue committee's campaign materials, specifically yard signs in November of 2022.

Brian Tracy stated petitions and initiatives are a Constitutional right and those processes should not be made more difficult. Tracy also suggested the Committee should find a way to eliminate any sources of dark money backing candidates in local elections to decrease the influence of anonymous wealthy donors.

5. PUBLIC PARTICIPATION FOLLOW-UP

Mayor Arndt concurred with the comments related to yard signs and stated it is worth looking into an election oversight board. Additionally, she noted there are no plans to change the petition process.

Councilmember Pignataro asked about the 2022 yard sign complaint outcome. City Attorney Daggett replied an outside attorney is frequently used for those reviews and that attorney's review showed that it was technically a violation and did not meet the complete requirement of the Code, but that there was an effort to identify the source of the sign funding and it was not such a flagrant violation that it would merit prosecution.

Councilmember Pignataro stated her recollection was that the issue was related more to negligence than a nefarious actor.

City Attorney Daggett noted that as these issues come up, it does help flag ways the information the City is providing can help people do better at getting things done properly.

Councilmember Pignataro stated she is curious about an oversight board and would like to hear about experiences of other municipalities if that idea moves forward. She asked if there are any responsibilities around candidate finances or behaviors that fall to the County given the new joint elections. Chief Deputy City Clerk Rita Knoll replied in the negative.

Chair Canonico noted there were some clean up issues with the petitions that may need to be addressed.

6. APPROVAL OF MINUTES

None.

7. PLANNING FUTURE WORK FOR THE ELECTION CODE COMMITTEE

Rupa Venkatesh, Assistant City Manager, reviewed the history of the Election Code Committee (ECC) noting it became permanent in 2017.

Rita Knoll, Chief Deputy City Clerk, outlined some of the accomplishments of the ECC for 2023, including redistricting, updates to the campaign finance provisions, the voter-approved switch to joint November elections and the implementation of ranked choice voting beginning in 2025. She noted there is an ongoing list of accomplishments of the Committee for each year. Additionally, Knoll noted there were items on the 2023 work plan that did not move forward, including public financing of elections, the election oversight board, and the possibility of switching to partisan elections.

Mayor Arndt noted the Committee decided not to move forward with partisan elections.

Chair Canonico thanked Knoll for all the work she has done with the Committee and elections in general.

Assistant City Manager Venkatesh noted Tyler Robbins will be joining the Clerk's Office on the elections side, particularly with campaign reports.

Assistant City Attorney Sara Arfman provided a list of items for future work of the Committee, including one state bill that would allow the Secretary of State to review complaints with which the City has a conflict, potential increases to contribution limits, adding an off-ramp for campaign finance complaints to allow a violator to pay a fine rather than go to Municipal Court, and looking into the concept of the write-in candidate as well as looking at the number of signatures required for candidate nomination forms.

Knoll stated additional topics added to the list include initiative and referendum processes, who prepares the packet for circulation, some potential charter amendments related to the requirement to include the full text of the referred ordinance, timelines for review of the signed petitions, discussing ranked choice voting implementation and education program, adjusting the Council vacancy process, and the requirements for financial disclosure from someone who is leaving office.

Councilmember Pignataro asked how the priority around the Charter is going to be implemented. She expressed concern about forming a work plan that may be derailed by how many changes will need to be considered due to Charter cleanup. City Attorney Daggett stated it could be thought of as something to try to avoid overlap with, because if the Charter cleanup is not going to be policy changes, but more reconciling inconsistencies, it may be determined that some of the items on this list should go to that process, with the other issues that are more policy-related in terms of changes to how things are working being separate.

Mayor Arndt noted with ranked choice voting, it needs to be made clear that one does not need to be nominated to be elected if write-in candidates are going to remain. She noted the Charter currently states

one must be nominated and elected to serve. City Attorney Daggett noted there is some room for interpretation of the Charter provision, but she concurred the language should be clarified.

City Attorney Daggett noted Charter amendments must be put on the ballot by ordinance, which would put the second meeting in August as the last date for second reading. She stated those types of items would be anything related to candidates and potentially the petition and referendum items. Additionally, City Attorney Daggett stated there will be some issues around how an election oversight board would get its authority, and under what type of code that would occur.

Mayor Arndt suggested the Committee first consider all items that would need a Charter amendment due to the ballot timeline, including the vacancy process, recall provisions, nomination signatures, write-in candidates, and the referendum process.

City Attorney Daggett stated one question related to a voter guide is that there is a lot of concern, generally, about what the City should be saying to voters about the ballot to ensure neutrality. She stated there is potentially some benefit in discussing whether to place something in the Charter that would clearly authorize or direct something like that.

Members discussed having a running list of items for the Committee to consider, as has been done in the past.

Chair Canonico stated she has recently been asked when the \$75 and \$100 donation limits were put in place for campaigns.

Councilmember Pignataro stated public financing of elections is interesting to consider and suggested it could be considered even if donation limits are raised.

Chair Canonico suggested time is still needed to analyze the big changes that occurred as part of the last Committee's work and stated she would like to postpone consideration of public financing of elections and concentrate on cleanup and other things before that.

Members agreed there is interest in looking at contribution limits and updating reporting requirements.

Members discussed options for the required number of signatures for nomination.

8. REVIEW OF UPCOMING CALENDAR

Assistant City Manager Venkatesh requested input as to how often the Committee would like to meet. Chair Canonico replied monthly meetings should occur until July with the possibility of changing the cadence after that time.

9. OTHER BUSINESS

None.

10. ADJOURNMENT

The meeting was adjourned by unanimous consent at 5:45 p.m.