



AGENDA ITEM SUMMARY

Election Code Committee

STAFF

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SUBJECT

Planning Future Work for the Election Code Committee on Committee Priorities and Other Election Topics.

EXECUTIVE SUMMARY

The Election Code Committee began its work in the current term following the April 2021 Municipal Election. At its last meeting prior to the November special election that included three City ballot questions, the Committee agreed to reconvene after that election to plan for any necessary additional work.

In its discussions at the December 2022 committee meeting, members reviewed the original priorities that had been identified at the outset of the current term:

1. Redistricting
2. Campaign Finance Provisions
3. November Elections
4. RCV
5. Public Financing of Elections
6. Election Oversight Board
7. Partisan/Non-Partisan Elections

Substantial work has occurred on the first four priorities during the first 18 months of the committee's current term. Committee members identified an interest in exploring further action on the public financing of elections priority. There is also an outstanding need to do some additional work on ongoing provisions relating to redistricting based on how that process occurred in 2022. There is an opportunity for the Committee to provide guidance to staff in laying out expectations for some potential paths for work in these areas to continue.

Before the Committee concludes its work for the current term, staff is looking to ensure an understanding of any other scopes of work that are of interest. This includes additional code changes as well as potential ballot questions, particularly Charter amendments, there is interest in having staff work on to be ready for a future election.

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

1. Are there 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?

3. Are there potential Charter amendments the Committee is interested in ensuring staff is prepared for in future elections.
4. What meeting cadence would the Committee like to follow going forward?

BACKGROUND / DISCUSSION

Typically, the Election Code Committee pauses meeting in the fall before a spring election. There was some consensus at the August meeting of the Committee prior to November's special election to pause meetings until after the next municipal election. This also included acknowledgement, however, that because of the potential timing shift for regular municipal elections, it might be necessary for the Committee to determine if it would like to continue meeting and at what intervals to continue any needed work. The Committee reconvened in December after the results of the ballot questions on the November Special Election were known to begin planning for any additional work needed. At this January meeting staff is looking to understand the full scope of additional work desired in this term.

Given staff's current focus on both identifying and implementing needed changes as a result of the Charter amendment adoptions as well as other demands across the Clerk's Office, including in the realm of elections a referendum process and potential special election, the ability to complete work on additional priorities in 2023 is limited. It is also important to ensure staff is clearly hearing from the Committee around its expectations.

COMMITTEE PRIORITIES

Since beginning its work in the current term following the April 2021 Municipal Election, the Election Code Committee has now met 15 times. Work on the committee's seven areas of priority items has been occurring since mid-2021 with the current composition of the Election Code Committee, with substantial action occurring on the first four priorities. The Committee also heard focused presentations on priority 5, the public financing of elections.

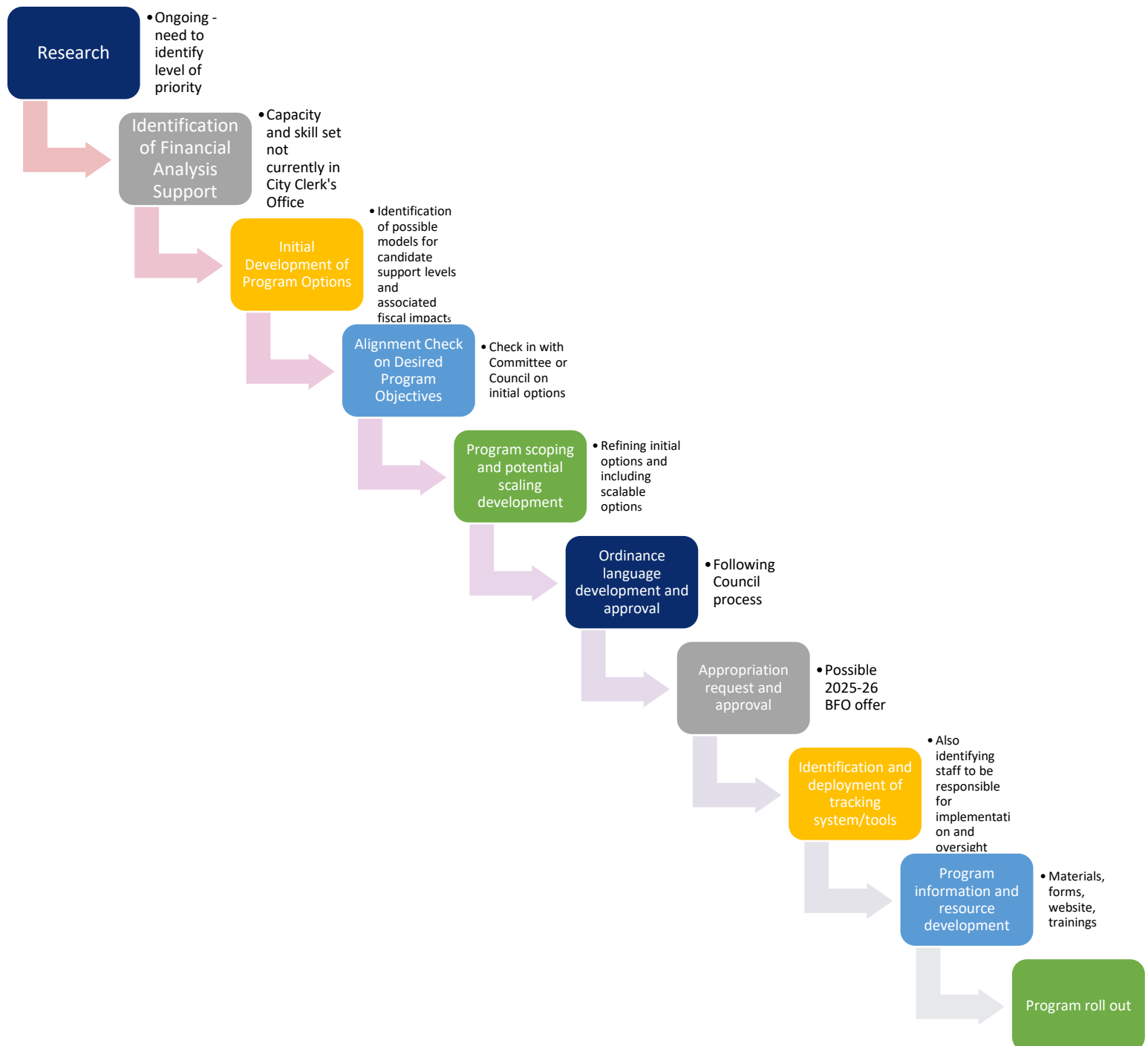
Public Financing of Elections

At the December 2022 Committee meeting, staff was asked to address the potential for looking at implementing public financing of elections. One consideration for the Committee in determining the timing desired for possible implementation of a public financing program is how this change would fit with other changes in election process and procedures being made for municipal elections. With the adoption of the two ballot measures relating to election administration in 2022 as well as a third measure making changes to Council compensation, future municipal elections will include significant changes that will be implemented in 2023 and 2025 successively. The Committee may want to consider how these shifts will impact candidates, voters, and election administrators, including how to measure the impacts of these shifts on both voter turnout and candidate participation. Making changes to multiple factors at one time makes it more difficult to ascertain which factors do and do not have the intended effects on participation and involvement in the electoral process.

Staff has been working to scope out the requirements for the development and implementation of public financing of elections. This is not a topic where there is existing staff expertise within the City. The two primary people in the City Clerk's Office who work on elections are the City Clerk and the Chief Deputy City Clerk. This would be a new initiative for both of these roles and the people in them, requiring substantial research and program development work. The financial aspects of a potential program would require both additional appropriations that were not made as part of the 2023-24 budget process as well as specialized staff capacity not currently identified for development, implementation, and monitoring. The City Clerk's Office does not have existing financial analysis support for the department. That work

across the department right now is done primarily by the Chief Deputy City Clerk, with some assistance from the City Clerk.

The Committee heard a presentation from a Colorado State University student in 2021 about this topic. Additional information has been provided by members of the public regarding broad parameters in place in various similar programs around the country. To date, staff has not had the ability to focus on this topic for more intensive research and scoping. If it is the Committee's direction, staff proposes to continue analysis of the information provided as well as conducting additional research to more fully develop a potential program plan for Council's consideration for implementation. Based on current resources and existing work requirements across the City Clerk's Office, targeting potential implementation for the 2025 municipal election would be aggressive yet could be possible if made a priority over other existing work areas in City Clerk programs.



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. Staff is looking for guidance from the Committee around expectations for when it may be desirable to look at this topic again.

OTHER CODE AMENDMENTS

Depending upon the Committee's direction, the shift to November elections will likely include a slate of proposed code amendments. If the Committee is supportive, staff will be bringing forward draft language to support those changes for the February ECC meeting.

Staff has begun identifying some potential clean up language changes to elections provisions in the code that can be brought forward with other changes if desired. In addition, the Committee has already done substantial work on Campaign Finance provisions within the code this term. With some experience now in implementing those provisions, staff would like to understand if there is a desire for any additional shifts or cleanup work in this realm before the November election.

POTENTIAL CHARTER AMENDMENTS AND OTHER BALLOT QUESTIONS

With the shift to November Municipal Elections, there is now one planned election event annually that ballot questions and ballot issues can be referred to. In some instances, it is possible to refer some ballot questions to special elections called for that or another purpose. Ballot issues, those items that involve local government matters arising under Section 20 of Article X of the State Constitution subject to TABOR provisions, can only appear on regular election ballots.

Given the potential always exists for a special election to be required for some purpose, as well as the ability of the Council to call a special election if it so desires at most times, there could be advantages for future planning to have a sense of potential ballot questions there is interest in pursuing. Some of the potential Charter amendments discussed previously by this Committee, the Council, or staff, include:

- Amendments to Charter provisions around referendum procedures. The recent referendum petition process highlighted areas within the Charter that are in conflict with each other regarding some prescribed procedures. The overall timing outlined in existing referendum procedures also deviates from what is prescribed in state statute for municipalities that are not home rule with their own provisions in this area. The practical effect of these differences results in protested ordinances having the potential to first go into effect before being stayed after a successful protest and petition, which differs from statutory provisions that ensure an ordinance does not yo-yo in and out of effect after a successful petition effort.
- Calculation of date provisions. This also arose as an issue in the recent referendum petition process, as the Charter is currently silent in most instances about how days should be calculated in the event of non-working days, including holidays or weekends.
- Residency requirements for certain City employees. There are different areas within the Charter that contain residency requirements for some City employees. There has been interest expressed in potentially making some changes to this language, including potentially removing it from Charter to place into the City Code instead to allow more nimbleness when needed in making shifts.
- Recall and initiative provision amendments. Similar to the referendum procedures in Charter, there are some inconsistencies as well as timing challenges in the current language that appear to be unintended that should be addressed at some point.
- Amend provisions banning felons from running for office or serving on Council that conflict with provisions of the Colorado State Constitution.