



Meeting Minutes
Election Code Committee
September 11, 2024 – 4:00 PM

Colorado River Room, 222 Laporte Avenue and via Zoom at <https://fcgov.zoom.us/j/98639152564>

A) Call Meeting to Order

1. The meeting was called to order at 4:00 P.M.

B) Roll Call

1. Mayor Jeni Arndt, Councilmember Julie Pignataro, and Councilmember Tricia Canonico were all present.
2. Others present: City Clerk Delynn Coldiron, City Attorney Carrie Daggett, Assistant City Attorney Sara Arfmann, Assistant City Manager Rupa Venkatesh

C) Public Participation

1. Robbie Morland, District 1, discussed Ranked Choice Voting and the mock voter's guide from 2023. Voter guides were collected from municipalities around the country as examples. The intent is to mail out the guide in addition to social media and other outlets. Daggett discussed not using the City logo in future publications.
2. Kathleen Schmidt, representing the League of Women Voters of Larimer County, expressed support for educating voters on RCV and offered the League's assistance to ensure successful outreach for the 2025 implementation. She advised contacting the Clerk's Office to help ensure adequate outreach.
3. Jack Armstrong from District 4 reiterated that the mock guide would not be distributed to the public; it was simply an example of what could be created for voters. Mayor Arndt supported not using the City logo in such publications.

D) Public Participation Follow-up

1. There was no follow-up.

E) Approval of Minutes

1. Councilmember Arndt moved, seconded by Councilmember Pignataro, to approve the minutes of the May 29, 2024, Election Code Committee meeting.

F) Discussion / Informational Items

2. Potential Code Changes Regarding Campaign Finance.

Background: In February 2024, Council appointed Mayor Jeni Arndt and Councilmembers Tricia Canonico and Julie Pignataro to serve as members of the ECC and Councilmember Melanie Potyondy to serve as an alternate. At its first meeting on March 27, 2024, the Committee heard and discussed potential topics. It was decided to focus first on Charter amendments given the ballot timeline, and then after the Committee discussed examining Code revisions related to campaign finance and associated complains.

City Attorney Carrie Dagget introduced Assistant City Attorney Sara Arfmann to the Election Code Committee. Assistant City Attorney Arfmann provided a presentation on Campaign Finance, the Complaint Process, and potential ways to streamline the system. She presented statistics on complaints and investigations related to campaign finance and explained the current process, where complaints can be submitted online or dropped off in person. A person facing a complaint can pay fines immediately to resolve the issue.

Assistant City Attorney Arfmann outlined the notice process for subjects of complaints, which includes giving them a time window to correct the issue. She explained how conflicts related to an elected city position are handled, noting that the City prefers to avoid any appearance of bias. In such cases, conflicts can be referred to the Secretary of State.

Sara highlighted three elements required for a valid complaint: it must be timely filed, contain the required information, and allege sufficient facts. She explained the process for filing and processing complaints. If the issue is resolved ("cured"), the process ends. If not, the case moves to municipal court, which can take several weeks to months to resolve.

Councilmember Pignataro inquired whether the violations only pertain to finance. The City Attorney's Office clarified that the violations cover more than finance, and suggested the name be changed to "Campaign Violations" rather than just "Campaign Finance Violations." Changing the code would be required to allow a violator to pay a fine and resolve the case. Councilmember Pignataro also asked whether fines could be paid from personal or campaign funds, and the City Attorney confirmed they could be paid from committee funds.

Prosecutors have the authority to dismiss cases if deemed not worthwhile. Councilmember Canonico asked about a specific case, which the City Attorney elaborated on. Assistant City Attorney Arfmann noted that previously, campaign violation cases were treated as criminal offenses, whereas they are now civil cases. An investigator, commissioned by the police chief, reviews complaints, though it is difficult for police to prioritize these cases.

Councilmember Pignataro inquired about using an independent investigator for ethics complaints. The City Attorney explained that outside attorneys are used for ethics complaints, but there is no independent contractor for campaign violation investigations.

Mayor Arndt asked about proposed changes to the process. Assistant City Attorney Arfmann suggested allowing violators to pay fines earlier to resolve cases more quickly. She also mentioned that referring conflicts to the Secretary of State would not require a code change and could save the City money on outside counsel and staff time.

There was concern from Mayor Arndt about whether the Secretary of State's office would be familiar enough with the City's Code to handle these cases thoroughly. Assistant City Attorney Arfmann suggested that simplifying the Code might make it easier for people to understand.

Finally, the Committee discussed clarifying complaints before proceeding, as many issues involve minor corrections, such as ensuring text messages in campaigns include links to websites that disclose who paid for them. The Committee also discussed fines related to campaign materials, such as postcards without "paid for by" disclosures, and how to streamline the process for repeat compliance issues. The agenda packet included a discussion on fines and potential increases in donations and penalties for violations.

G) Review of Upcoming Calendar

3. 2024 Election Update and Workplan Check-In.

Background: 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 the current items and ensure the committee understands the scope of work needed for the remaining items. The discussion will also address whether there are any additional items of interest to be added.

Staff has proposed several code changes, education on Ranked Choice Voting (RCV) and issues related to temporary signage under the sign code. Additional charter amendments concerning vacancies were also mentioned.

The committee discussed the topic of campaign finance limits, noting that these limits have not been adjusted, even for inflation. The City Clerk had consulted with the Secretary of State to determine allowable contribution levels. Mayor Arndt emphasized the importance of keeping limits low to maintain community involvement, while acknowledging the challenge of addressing "dark money." Canonico expressed support for a \$225 limit for general elections, suggesting that aligning local limits with state levels for committees would simplify matters. Carrie referenced recent 2023 legislation that sets limits on campaign contributions, with a maximum aggregate donation of \$400. Arndt advocated for broader donations, while Pignataro suggested considering an increase tied to other factors.

The Clerk recommended bringing historical data on campaign finance back to the committee. Councilmember Pignataro noted that low limits could have unintended consequences and create barriers. The group reviewed the historic costs associated with campaign finances. Rupa suggested bringing this topic back for further discussion at the October committee meeting, particularly considering what the state is doing. The committee agreed to consider a few options at that time.

The topic of redistricting also requires a code change, according to the Clerk. The current code mandates a review of district alignment every six years after the census. When the County changes precinct boundaries, the City must assess and adjust accordingly. The committee discussed past coordination issues between the County Clerk and the City’s boundaries, with the City Attorney explaining that these precinct changes are often driven by election mechanics rather than population shifts. The committee discussed overriding the code and moving boundaries to ensure alignment with how residents elect Council members, especially when people move between precincts. The

City sets its district boundaries, and the County follows them, but the Clerk mentioned the importance of ensuring GIS alignment and providing notices of precinct changes. Arndt suggested removing conflicting language in the code and adjusting the timeline to 180 days before the election.

Mayor Arndt left the meeting at 5:02 PM.

The committee also discussed engaging with CSU students regarding election campaigns, with a field trip planned for October 11th to observe Boulder's process. The group discussed strategies for raising awareness about RCV in the first or second quarter of the year, including hosting town halls and making the information engaging to capture public attention. There was mention of exploring an RCV initiative at the state level.

Councilmember Pignataro suggested using relatable events to help communicate complex redistricting concepts, while Councilmember Canonico raised the idea of utilizing the City's Public Information Office (CPIO) to market voting.

On the topic of the sign code, the committee discussed the need for more education around the rules, and Councilmember Pignataro suggested including information about signage in campaign materials. Councilmember Canonico stressed the importance of providing clear dates for when signs can be posted and ensuring the messaging is succinct. The City Attorney noted that the code enforcement team should clearly communicate how they are enforcing the sign code.

The discussion also touched on Proposition 131, which would establish a top four primary with RCV for specific positions, set to take effect in 2026.

Finally, the committee discussed charter amendments related to the vacancy process, which is currently convoluted. The Election Code Committee (ECC) will keep this item on the agenda as part of the broader charter cleanup process. The City Attorney mentioned that a charter review project is underway to identify inconsistencies, with a work session planned for December.

H) Other Business

1. City Clerk Delynn Coldiron provided the following updates to the Council:
 - Election update: Intergovernmental Agreement (IGA) ballot content has been sent to the County.
 - September 20: TABOR Pros/Cons statements must be submitted by noon, with the County sending out the notice on September 23.
 - September 21: Overseas/military ballots will be sent.
 - TABOR statements will be added to the notice.
 - Mail ballots will be sent on October 14.
2. City Attorney Daggett asked about the timing of upcoming initiatives. Assistant City Manager Venkatesh responded with the following timeline:
 - First reading of code changes is scheduled for the February Council meeting, with content proposals to be presented in October.
 - November will focus on redistricting, after which they will know about any necessary charter code changes.
 - In January, the Election Code Committee (ECC) will convene, with Council reviewing the updates in February.

- Education efforts regarding RCV will follow in the spring, after the February meeting.

I) Adjournment

1. **The Committee adjourned at 5:18 P.M.**

Next Scheduled Committee Meeting: 4:00 PM, October 21, 2024