

March 21, 2022

ELECTION CODE COMMITTEE MEETING

12:00 PM

COUNCILMEMBERS PRESENT: Arndt, Canonico, Ohlson

STAFF PRESENT: Kyle Stannert, Rita Knoll, Ryan Malarky, Tammi Pusheck, Carrie Daggett, Anissa Hollingshead

CITIZENS PRESENT: Robbie Moreland, Jody DesChenes

1. CALL MEETING TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT

Robbie Moreland spoke about regulation of independent expenditures and requested that the threshold for requiring registration for independent expenditures be set at \$1,000 rather than \$5,000. She also posed the question of whether there is a need to have both political committees and independent expenditure committees.

Jody Deschenes expressed support for Robbie's comments.

4. PUBLIC COMMENT FOLLOW-UP

City Attorney Daggett stated, at the state level, there are political committees that are allowed to coordinate with candidates, and there are independent expenditure committees which are required to be independent. The City has political committees and issues committees, neither of which can coordinate with candidates, and independent expenditures which are reported but not required to register as committees and file reports; however, any entity formed in order to participate in an election or who are receiving contributions must register as a committee under the current requirements. She stated the independent expenditure relates to entities that are spending their own money and which were perhaps formed for another purpose and happen to be participating in an election. Those entities are technically not supposed to be receiving contributions for election purposes.

City Attorney Daggett discussed the current independent expenditure thresholds and stated a suggestion was made to set an amount which would trigger the requirement for the entity to register as a committee.

Councilmember Ohlson stated campaign finance reform is his main priority; however, he does not yet have enough information to respond to the three suggestions made during public input. He stated he would like to keep discussing the issue moving forward. Mayor Arndt concurred.

5. CONSIDERATION AND APPROVAL OF THE FEBRUARY 28 AND MARCH 7, 2022, COMMITTEE MEETING MINUTES

Councilmember Ohlson made a motion, seconded by Mayor Arndt, to approve the minutes of the February 28 and March 7, 2022, committee meetings. The motion was adopted unanimously.

6. REVIEW OF POTENTIAL BALLOT QUESTIONS BEING PRESENTED AT THE MARCH 22, 2022, WORK SESSION

City Clerk Hollingshead presented information related to election preparation for a coordinated election in November, a possible April 2023 election, and possible ranked choice voting implementation. She stated the information planned to be discussed at the work session is all related to previous committee discussions.

City Attorney Daggett noted a variety of City Code changes would be required to implement ranked choice voting should it be approved by voters.

Councilmember Ohlson stated other Council members should be made aware the committee has agreed to recommend November elections, to place ranked choice voting on the ballot, though it has yet to be determined if that would take effect in April. Mayor Arndt agreed summarizing the committees work is important for the work session. Chair Canonico also requested the trade-offs with various options are outlined.

7. REVIEW OF POTENTIAL CAMPAIGN FINANCE CODE AMENDMENTS

Chief Deputy City Clerk Knoll presented a list of potential campaign finance code amendments which have either been discussed by the committee or noticed as possibly beneficial changes during previous elections.

City Attorney Daggett suggested the committee may want to consider some type of amendment related to campaign contributions from entities that may be seeking a contract with the City as the current regulation states an entity cannot make those contributions but does not prohibit a candidate from taking those contributions. Mayor Arndt questioned whether a new candidate for Council would know whether or not to accept a given contribution; she stated the standard of knowledge is too high given the low contribution limits in Fort Collins. She stated the only thing she would support would be a fine no greater than the contribution amount. City Attorney Daggett suggested a solution would be to require a candidate to return a contribution once they are made aware of a potential conflict.

Mayor Arndt and Chair Canonico questioned how far past an election this would apply and Mayor Arndt stated she believes the regulation would be too ambiguous.

Councilmember Ohlson concurred and suggested the best approach could be just to require a candidate to return a contribution with no associated penalty. Mayor Arndt concurred.

Chief Deputy City Clerk Knoll discussed other possible election related Code amendments, including the possibility of eliminating write-in candidates or changing the deadline for write-in candidates. Mayor Arndt supported leaving them in but changing deadlines to better work for the timeline.

Chief Deputy City Clerk Knoll outlined additional suggested Code amendments.

Members discussed the order of ballot issues and Councilmember Ohlson suggested citizen-initiated items should be placed above City-initiated items.

Chief Deputy City Clerk Knoll outlined additional Code amendments that may be beneficial.

Councilmember Ohlson commended the history of the City Clerk's Office handling of elections. Mayor Arndt and Chair Canonico concurred.

8. PROPOSED TIMELINE

9. OTHER BUSINESS

10. ADJOURNMENT

The meeting adjourned by unanimous consent at 1:05 PM

MINUTES APPROVED AT THE APRIL 18, 2022 ELECTION CODE COMMITTEE MEETING