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**AGENDA**  
**City Council Election Code Committee**  
**March 21, 2022, 12:00-1:30 p.m.**  
**CIC Conference Room, City Hall, 300 Laporte Ave**  
**Remote Participation available**

**Committee Members:**  
Mayor Jeni Arndt – Vice Chair  
Councilmember Tricia Canonico, District 3 - Chair  
Councilmember Kelly Ohlson, District 5  
Councilmember Julie Pignataro, District 2 (alternate)

**Public Participation Options:**

**Watch the Meeting:** Anyone can view the Election Code Committee (ECC) meeting live:

**Join Zoom Meeting**

<https://fcgov.zoom.us/j/93910757534>

**Meeting ID: 939 1075 7534**

**Public Comment:** Individuals who wish to address the Committee via remote public participation can do so through the link provided above.

**The meeting will be available beginning at 11:30 a.m. Monday. To participate:**

- You need to have a laptop or computer with a microphone and/or headset that includes a microphone.
- You need to have access to the internet.
- Join the Zoom meeting listed above.
- Keep yourself on muted status.

**Note:**

- If you are unable to participate via Zoom, you may attend the meeting in person (however, we have very limited capacity based on social distancing recommendations).
- Alternatively, you may provide comments to the Committee via email prior to 11:30 a.m. at [cityleaders@fcgov.com](mailto:cityleaders@fcgov.com). Emails will be read by City Leaders; however, not read into the formal meeting record.

**2021-2022**  
**Main Topics of Discussion in**  
**Priority Order**

- 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

1. **Call Meeting to Order**
2. **Roll Call**
3. **Public Comment - 30 minutes total (limited to 5 minutes per speaker max)**
4. **Public Comment Follow-up**
5. **Consideration and approval of the February 28, 2022, and March 7, 2022, Committee Meeting Minutes**
6. **Review of Potential Ballot Questions being presented at the March 22, 2022, Work Session**
7. **Review of Potential Campaign Finance Code Amendments (See attachment)**
8. **Proposed timeline:**
  - March 22, 2022                      Work Session – November Election Discussion & RCV
  - March-April 2022                  City Attorney’s Office drafts ballot language
  - ECC March meeting                Any follow-up prior to Work Session; additional Campaign finance discussion; Review code language regarding timing of redistricting.
  - ECC April meeting                 Present ballot language to ECC regarding the move to November Coordinated elections and RCV; Present Campaign Finance Code Language
  - May & June 2022                  Present ballot language to Council; Call for Special Election; Campaign finance amendments ordinance to Council
9. **Other Business**
10. **Adjournment**

**ATTACHMENTS:**

- February 28, 2022, Committee Meeting Minutes
- March 7, 2022, Committee Meeting Minutes
- Election Code Changes for Consideration

Next Election Code Committee Meeting: 12:00-1:30 p.m., April 18, 2022

March 7, 2022

**ELECTION CODE COMMITTEE MEETING**

**12:00 PM**

COUNCILMEMBERS PRESENT: Arndt, Canonico, Ohlson  
STAFF PRESENT: Rita Knoll, Ryan Malarky, Tammi Pusheck, Carrie Daggett, Anissa Hollingshead  
CITIZENS PRESENT: Robbie Moreland, Jan Kok, Eric Fried, Kathleen Schmidt, Sonya Ketting, Nick Armstrong, Michelle Haefele

**1. CALL MEETING TO ORDER**

**2. ROLL CALL**

**3. PUBLIC COMMENT**

Robbie Moreland encouraged the Committee to refer ranked choice voting to the ballot.

Jan Kok supported replacing the current plurality voting system with an improved system, approval voting. He discussed the system which involves utilizing the current type of ballot while allowing voters to vote for as many candidates as they would like. He stated Fargo, North Dakota and Saint Louis, Missouri have adopted the system.

Eric Fried supported ranked choice voting and opposed plurality voting. He noted Maine, Alaska, and New York City use ranked choice voting.

Kathleen Schmidt discussed the disadvantages of plurality voting and the advantages of ranked choice voting.

Sonya Ketting expressed support for ranked choice voting.

Nick Armstrong expressed support for ranked choice voting.

Michelle Haefele expressed support for ranked choice voting.

**4. PUBLIC COMMENT FOLLOW-UP**

Mayor Arndt thanked Mr. Fried for discussing a new voting system.

Members thanked the speakers.

**5. ELECTION TIMING AND ADMINISTRATIVE OPTIONS DISCUSSION**

Mayor Arndt commented on the possibility of prioritizing changes, such as referring ranked choice voting to the ballot first then considering changing elections to November.

Chair Canonico noted considering changing the election to November was a priority for the Committee; however, ranked choice voting was not.

Councilmember Ohlson stated his first priority is campaign finance reform and he believes all changes could be made at the same time. He stated he could support odd year November elections over even year. He also stated if ranked choice voting is approved by voters in November, it would not necessarily need to be implemented in an April 2023 election. He expressed personal support for ranked choice voting and supported placing both items on the November ballot.

Mayor Arndt stated her first preference is also to put both items on the November ballot.

Members discussed wording for dealing with the possibility that ranked choice voting passes and moving to November elections does not.

Chair Canonico asked when counties will be required to be prepared to hold ranked choice elections. City Clerk Hollingshead replied the Secretary of State is recommending counties be prepared by November of 2023; however, there is some discretionary language involved.

Chief Deputy City Clerk Knoll noted the issue is whether Larimer County will have the equipment that is ultimately certified by the Secretary of State. If it does not have that equipment, it is not required to replace equipment per the legislation related to ranked choice voting.

Chair Canonico asked if the City could be ready to do a ranked choice election in April of 2023 should the ballot initiative to move the elections to November fail. City Clerk Hollingshead replied the most challenging aspect would be dealing with contingencies through election day.

City Attorney Daggett stated there would still be an option to have a local April 2023 election even if voters approve the change to November elections. Mayor Arndt stated that would be difficult for the electorate.

City Attorney Daggett noted the work session agenda materials will go to print prior to the next Committee meeting. Members discussed the topics to be included in the work session materials.

Councilmember Ohlson commented on his desire for all donors to any type of committee to be made public. Members discussed concerns with donors being required to provide addresses which become public information.

City Attorney Daggett discussed independent expenditures and requirements for small scale issue committees, which are consistent with state law. She suggested changing the requirements for small scale issue committees to be such that they would automatically switch to a full committee with regular reporting requirements after reaching a certain threshold for independent expenditures.

Councilmember Ohlson stated he wants to see as much transparency and disclosure as possible.

City Attorney Daggett noted anyone who is receiving contributions for a political activity must register as a committee. Any type of existing group, such as the Sierra Club for example, that happens to be spending money in a City election is currently not required to disclose where the money came from; therefore, addressing independent expenditures is likely the best way to ensure additional transparency in those types of situations.

## **6. PROPOSED TIMELINE**

City Clerk Hollingshead noted the next Committee meeting will be the day prior to the work session and stated future meetings will focus more on campaign finance as well as redistricting.

Councilmember Ohlson asked about the scale of change in the Council districts that will result from the redistricting. Chief Deputy City Clerk Knoll suggested an entire reconfiguration of the districts could be a possibility. She asked members to discuss whether that would be acceptable, or whether they would prefer to keep the current district layout with additional balance. She noted the districts need to be as balanced as possible population-wise, among other requirements in the Charter.

## **7. OTHER BUSINESS**

## **8. ADJOURNMENT**

The meeting adjourned by unanimous consent at 1:18 PM

**February 28, 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: Joe Rowan, Robbie Moreland, Jody DesChenes, Steve Lucas

**1. CALL MEETING TO ORDER**

**2. ROLL CALL**

**3. PUBLIC COMMENT**

Joe Rowan suggested items being discussed for ballot consideration should be brought forward by citizens, not Council. He also stated there needs to be more robust conversation about the implications and costs of making various changes to the election process.

Robbie Moreland stated she is looking forward to the discussion on ranked choice voting and she presented postcards from residents in support of the placement of the topic on the November ballot. She commented on the difference between the City and state regarding disclosure requirements for contributions collected by independent expenditure groups.

Jody DesChenes expressed support for the placement of ranked choice voting on the November ballot. She stated ranked choice voting is not more difficult nor more expensive than a regular election.

Steve Lucas, Citizens for a Sustainable Economy, commented on myths regarding successes of ranked choice voting. He cited various election situations and stated ranked choice voting disenfranchises voters. He also stated moving elections to November will increase election costs. He commented on the number of towns that have repealed ranked choice voting.

**4. PUBLIC COMMENT FOLLOW-UP**

Mayor Arndt stated the costs associated with ranked choice voting should be researched and she concurred the disclosure requirements for independent expenditure committees should be changed. Councilmember Ohlson concurred. Chief Deputy City Clerk Knoll noted that would require a Code change.

Chair Canonico requested additional information on communities that have repealed ranked choice voting. Councilmember Ohlson concurred that would be valuable information to have for the upcoming work session.

**5. CONSIDERATION AND APPROVAL OF THE JANUARY 10, 2022 COMMITTEE MEETING MINUTES**

Councilmember Ohlson made a motion, seconded by Mayor Arndt, to adopt and approve the meeting minutes of January 10, 2022. The motion was adopted unanimously.

**6. REDISTRICTING UPDATE**

Chief Deputy City Clerk Knoll stated the County's redistricting data has recently been received and GIS is now moving forward with the City's efforts. She stated the plan is for an April or May presentation of the information.

**7. ELECTION TIMING AND ADMINISTRATIVE OPTIONS DISCUSSION**

City Clerk Hollingshead stated staff would like to walk through potential alternatives for a work session discussion. She discussed pros and cons of election timing in terms of maintaining April elections or moving to November elections of either odd or even years.

Councilmember Ohlson commented on the direction being provided to staff to be prepared for an April 2023 election.

Chair Canonico asked when the state will be requiring counties to be prepared to handle ranked choice voting. City Clerk Hollingshead replied it is a soft requirement for November of 2023.

Members discussed the various effects of changing from April to November elections, particularly on Council terms.

City Attorney Daggett noted any changes to Council terms that would result from a switch to November elections would also need to be part of the voter approval, but would not necessarily need to be written into the Charter.

Mayor Arndt asked if there are other municipalities that conduct local elections in November of odd years. City Clerk Hollingshead replied there are many, including Loveland and Greeley.

City Clerk Hollingshead presented information regarding the effects of April versus November elections on ranked choice voting in terms of responsibilities. She also discussed what items would be included on the ballots for April versus November elections and listed advantages and disadvantages of having elections remain in April versus switching to November.

Members also discussed the effects of the timing of taking office for April versus November elections. City Attorney Daggett noted the timeframe between the election and swearing in has increased due to Charter changes that allow for more time for receiving overseas ballots and conducting recounts if needed.

City Clerk Hollingshead discussed a meeting with County Clerk Myers regarding what the City could anticipate in working with the County in coordinated elections. She discussed the cost allocation for coordinated elections and noted all ranked choice voting costs of those elections would be passed on to the City.

City Clerk Hollingshead outlined the various deadlines that would change with a shift to November elections. She also discussed public outreach and voter education regarding ranked choice voting. She showed examples of ballots that include ranked choice voting and ballots for even versus odd years.

City Attorney Daggett noted the County will be following state standards when conducting elections.

Chief Deputy City Clerk Knoll noted ranked choice voting is only an option for municipal candidates, not school board.

Councilmember Ohlson noted changes, even if met with resistance initially, are always doable.

Mayor Arndt asked City Clerk Hollingshead if more candidates ran for office when ranked choice voting was implemented. City Clerk Hollingshead replied in the affirmative.

Malarkey suggested an additional ECC meeting may need to be scheduled prior to the March 21<sup>st</sup> meeting in advance of the March 22<sup>nd</sup> work session. Members concurred and determined the remaining items on this agenda will be discussed at that additional meeting.

## **8. SCOPE OF WORK DISCUSSION ON POTENTIAL BALLOT QUESTIONS AND DIRECTION FOR STAFF**

**9. CAMPAIGN FINANCE COMPARISON TO STATE LAW**

Chief Deputy City Clerk Knoll stated, in most cases, the City Code is somewhat stricter and more transparent than the state law, and the only major difference is related to the independent expenditure committees' contribution reporting.

**10. PROPOSED TIMELINE**

**11. FUTURE ELECTION CODE COMMITTEE DATES WITH SCHEDULING CONFLICTS**

**12. OTHER BUSINESS**

**13. ADJOURNMENT**

The meeting adjourned by unanimous consent at 1:33 PM

## ELECTION CODE CHANGES FOR CONSIDERATION

Chapter/ Section	Suggested Change
<b>Campaign Finance-Related Code Amendments</b>	
7-133(f)	Extend the one-year from the election requirement for recordkeeping to make sure it covers more than a year. Should cover 70-day post-election report. What about annual reports?
7-134 (a)(7)	If an account is opened in the name of the committee, most banks will try to impose inapplicable federal campaign requirements on the account. Amend as follows: (7) The name and address of the financial institution in which all contributions received by the committee are deposited in a separate account bearing the name of the candidate or the candidate's committee, and documentation of such account reasonably satisfactory to the City Clerk; and
7-135(c)	Last sentence in section refers to "this Subsection (b)" – it should be "this Subsection (c)"
7-135(d)	Contributions in excess of limits – should be modified to include political committees now that there is a \$100 contribution limit
7-136(d)	Need to delete "and the name and address of the financial institution used by the committee or party." from the end of the section relating to campaign finance reports. It is no longer on the forms, and we require documentation of the opening of the account, so we have information on the institution.
7-136(f)	This section still refers to paper reports. We are now requiring everyone to file reports as Excel files, so this needs to be fixed.
7-141(b)	Relating to rates and charges for advertising -- inconsistently lists the committees affected by this provision (small scale issue committee is excluded from the second half of the paragraph).  Should political committees also be included in this provision? May also need to amend depending on amended provisions relating to independent expenditures.
7-145(10)	Currently makes anyone found guilty of a violation personally liable for penalties. Consider allowing candidates and other types of committees to use their campaign funds to pay penalties?
Chapter 7, Article V	Modify the current provision to require any person or affiliated persons who make \$5,000 in independent expenditures to register as a committee and report the source of funds for reported independent expenditures. (Those making independent expenditures totaling \$250 must report within three days of entering into obligations for the expenditures and must comply with "paid for by" requirements.) Registered committees must report the source of funds spent by the committee. These dollar thresholds are consistent with those for small-scale issue committees.
<b>Other Election-Related Code Amendments</b>	
7-103	Investigate/consider the elimination of write-in candidates
7-181	Amend definition of "mail ballot election" to reflect that voters <i>primarily</i> cast ballots by mail, since mail is not the only way to cast a ballot
7-185(e)	Relating to order of the ballot: Amend subparagraph (3) to read: City-initiated <i>or referred</i> measures.
7-188	Can we consider eliminating the need to request a replacement ballot in writing? It is extra paperwork, and anytime a replacement ballot is issued, the reason for doing so is documented in the electronic pollbook by staff.
7-195(b)	Amend first sentence of (b) as follows: Individual pieces of printed information that were intended to be used in the assembly of mail ballot packets, such as envelopes, secrecy envelopes and instructions, that were never assembled into a mail ballot packet may be destroyed on the day immediately following final certification of election results.
Chap 7, Article VIII	Add provisions relating to watchers
Chap 7, Article IX	Article title should be amended to read "Uniformed Military and Overseas Voters"
Various	After election, extensive updates as needed to implement any Charter amendments adopted