AGENDA
City Council Ad Hoc Committee
Election Code Amendments
January 20, 2016
4:00 p.m.
City Clerk Large Conference Room
300 LaPorte Avenue, Fort Collins, CO

Committee Members:
Councilmember Bob Overbeck, District 1
Councilmember Kristin Stephens, District 4
Councilmember Ross Cunniff, District 5, Chair

1. Call Meeting to Order

2. Approval of January 4, 2016 Committee Meeting Minutes

3. Review Feedback Received from Commission on Disability, Human Relations Commission, and Senior Advisory Board Regarding Council Compensation

4. Suggested Election Code Changes

5. Other Business

6. Adjournment

Council Election Ad-Hoc Committee Minutes
January 4, 2016
3:00 p.m.

Members in Attendance: Kristin Stephens, Bob Overbeck, and Ross Cunniff (chair).
Also present: Ann Hutchison, Fort Collins Chamber of Commerce; Sally Broste, League of Women Voters; Sarah Pitts, League of Women Voters
Staff in Attendance: Carrie Daggett, City Attorney; Wanda Winkelmann, City Clerk; Rita Knoll, Chief Deputy City Clerk; Cary Carricato Alton, Paralegal.

A meeting of the City Council Ad-hoc Election Committee ("Committee") was held on Monday, January 4, 2016, in the City Clerk's Office Large Conference Room, to consider proposed changes to the Fort Collins Charter and Municipal Code related to elections.

The meeting began at 3:05 p.m. The Board reviewed the Agenda which contained these items:

1. Call Meeting to Order
2. Approval of December 16, 2015 Committee Meeting Minutes
3. Suggested Election Code Changes
4. Other Business
5. Adjournment

Councilmember Cunniff called the meeting to order and acknowledged the attendance of members of the League of Women Voters and thanked them for attending. Councilmember Cunniff stated that the second order of business from the agenda was approval of the minutes from the December 16, 2015 meeting. Councilmember Overbook moved for the approval of the minutes, Councilmember Stephens seconded the motion.   The minutes were approved unanimously.

City Clerk Winkelmann summarized where the committee concluded following the meeting on December 16, 2015. Ms. Winkelmann said that the Committee had agreed at the last meeting was that they would not be recommending implementing Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), and continue with current practices, so the Committee would not be discussing UOCAVA at this meeting.

The Ad-Hoc Committee then moved on to the Suggested Election Code Changes. City Clerk Winkelmann indicted that she had noted the items previously agreed upon by the Committee with a green checkmark in the materials provided. Those items that had already been agreed as recommended would not be discussed unless there were specific questions.

Staff Recommended Changes – Election Code Amendments

Proposed Change 1: *Amend Section 7-156 to further clarify how a protest of ballot language is filed for ballot language adopted by* **ordinance or** *(new language) resolution.*

Amend Section 7-88 to further clarify how a protest of redistricting is filed.

This item will be recommended for approval.

Proposed Change 2: *Add a provision to Article VII, Section 7 pertaining to Mail Ballot Elections that prescribes the order items appear on the ballot.*

This item will be recommended for approval.

Proposed Change 3: *Amend Section 7 regarding election workers to address appointment, compensation and oath of office.*

This item will be recommended for approval.

Proposed Change 4: *Pending further Council direction, Amend Section 7-191 to state that: a) signature verification of returned ballots will not occur; or b) establish a process for signature verification.*

City Clerk Winkelmann stated that Section 7-191 would be amended to state that "Comparison of the signature on the return envelope to any signature image, including those signature images in the state-wide voter registration system, is not required". The Committee members did not have additional commentary on this item and it was agreed this language would be submitted as recommended.

Proposed Change 5: *Review Section 7-135 regarding campaign contribution limits for Council candidates.*

This Committee recommends no changes to current limits.

Proposed Change 6: *Amend Section 7-137 to remove the requirement of publishing 14-days prior to the election campaign finance reports and 30-days after the election campaign finance reports on the newspaper and add a provision that all reports be posted online.*

This item will be recommended for approval.

Proposed Change 7: *Amend Section 7-136 to change the requirement that reports are filed on the Friday before the Election Day to be filed by noon on the Friday before the election.*

This item will be recommended for approval.

Proposed Change 8: *Clarify whether members of City Council can accept a wage lower than the amount outlined in the code.*

This item will be recommended for approval. City Clerk Winkelmann clarified this item. This item will be taken to the Human Relations Commission and the Commission on Disability on January 14, 2016. City Clerk Winkelmann asked for direction whether the Committee wanted to schedule an additional meeting to discuss the recommendations of these Commissions. Councilmember Cunniff stated that he thought a short meeting between the Ad-Hoc Committee members would be good. Councilmember Stephens suggested this might be an item that also

needs to be taken to Senior Advisory Board. The Committee agreed this would be a good course of action and that they would have a short meeting to follow up.

Proposed Change 9 (only if UOCAVA fully implemented): *Amend Section 7-192 to state that an eligible voter has eight days after Election Day to correct deficiencies causing his/her ballot to be rejected (as long as the ballot was originally received by 7 p.m. on Election Day), such as a missing signature on the return envelope. No elector shall be allowed to open, change, or alter his or her ballot while in the process of correcting the deficiency.*

This item will not be in the list of recommended modifications due to the Committee not recommending the implementation of UOCAVA.

Proposed Change 10 (only if UOCAVA fully implemented): *Amend Section 7-193 to include a provision about the release of results on Election Day.*

This item will be recommended, as modified, even though UOCAVA is not being implementation is not being recommended. Councilmember Cunniff indicated this item will ensure the observability and transparency of the process.

Proposed Change 11: *Insert a section to address recount procedures.*

City Clerk Winkelmann indicated this is an item where there were significant modifications done following the prior meeting of the Committee. City Attorney Daggett explained this language was based on the Colorado Statute, but modified to better fit the timelines of the City with consideration of the practical aspects of what a recount procedure should entail. Ms. Daggett indicated that the recount procedure was restructured from prior versions so it created separate sections for different types of recounts. There was an addition to 7-132 to further define "contribution", to include funds collected subsequent to the election to pay the cost of a requested recount. There was also the addition of (5) to Section 7-138 to allow for unused campaign contributions to be used by the candidate to pay for the cost of a recount. City Attorney Daggett explained the addition in 7-138(d) and Section 7-46(a)(3), specific to Recounts by request with the intent of transparency in the process.

Councilmember Cunniff stated these modifications to the recount procedure seemed like they captured what the Committee had previously discussed. He asked a question related to 7-46(a)(4), and indicated that the party that requested the recount is not necessarily candidate and wondered if it would make sense to modify that provision. The Committee agreed it would make sense to strike "in favor of the party that requested".

Proposed Change 12: *Amend Section 7-143 to add a deadline for the filing of election complaints.*

City Clerk Winkelmann asked City Attorney Daggett to explain what she found in researching the issue related to this provision related to statute of limitations. City Attorney Daggett indicated that after discussion about this item, she believes it might be a good idea to put in a

statute of limitations provision into the City Code. In the event we moved forward with that change, it wouldn't make sense for the campaign violation provision to differ from that one year statute of limitations.

City Clerk Winkelmann indicated that on this basis, it might be best to withdraw this proposed change and not make a recommendation on this item. The Committee agreed that they would not be recommending this change.

Councilmember Stephens asked if the information on the time limit to file a complaint related to an election could be posted on the City Clerk's website so person could easily locate the information. Councilmember Cunniff asked about the administrative procedure for election complaints and that the procedure be clearly posted as well. Attorney Daggett added that there may be Code language changes that would be beneficial to bring forward following the establishment of an administrative process, but until the other modifications are made, we might not know exactly what would be beneficial.

Proposed Change 13: *Amend Section 7-134 to establish the termination of a campaign committee.*

City Clerk Winkelmann indicated that staff would like to withdraw this change.
Proposed Change 14: *Amend Section 7 to state that the Municipal Election Code (MEC) and Uniform Election Code (UEC) will be followed when our Code or Charter are silent on an election issue.*

City Attorney Daggett indicated there is draft language for the Committee to consider. She added that this language tracks the language in the Charter, however, we cannot clarify to quite the extent that the Committee was hoping. She said there are certain types of matters governed by the Uniform Election Code and others that are governed by the Municipal Election Code. City Attorney Daggett explained how this provision, as written, would work in different scenarios, including coordinated elections.

City Attorney Daggett indicated there might be a way to break this up to make it clearer and easier to follow and that she would look at possible modifications. Councilmember Stephens indicated that she believed that it was better to have something in the code rather than to let the code be silent on this issue and the Committee agreed. Councilmember Cunniff asked if the Notice of Election could specifically state what laws (MEC, UEC) the election would be subject to. City Attorney Daggett said that she thought it would be difficult to do this because it would be issue-dependent and used the example of the recount from the last election. Councilmember Cunniff suggested that perhaps we could have a flow chart or a FAQ on the website that would help clarify these issues. City Attorney Daggett indicated that the City can probably do this.

Proposed Change 15: *Add a section to the duties of the City Clerk to codify actions taken to inform UOCAVA voters of the upcoming election.*

City Clerk Winkelmann indicated that based on the research of the Clerk's Office, the duties of the City Clerk might need to be combined under one section rather than two sections as it

currently appears in the Code. The duties of the City Clerk would be located under a new Division 1, Article II, Administration.

Councilmember Cunniff asked about the new subparagraph 3 and the phrase "as soon as practicable". There was discussion about whether it made sense to have an actual deadline in code language. The Committee talked about striking "as soon as practicable". Ultimately, the Committee decided that they would like the deadline to be "by no later than the next business day" and this modification would make sense and believed it should be brought forward in the recommended changes.

Other Business

Councilmember Cunniff indicated that because of the discussion today, that one more meeting be scheduled for this Committee after hearing from the Boards and Commissions on Proposed Change #8. City Clerk Winkelmann indicated that we probably would not have the minutes from those Board and Commission meetings, but could summarize the conversation with those Boards and Commissions and their recommendations.

Because of concerns related to running into requirements for Election Code changes being made at least one year prior to the next election, Councilmember Cunniff suggested that all the recommended changes except for Proposed Change #8 be brought forward. The Committee agreed. Councilmember Overbeck moved to approve all the recommendations of the Committee, except for Proposed Change #8. Councilmember Stephens seconded the motion and it was passed unanimously.

Meeting adjourned at 3:45 p.m.

Election Code Amendments Due to UOCAVA (Uniformed and Overseas Citizens Absentee Voting Act): HB15-1130

- Amended the dates that ballots must be mailed to UOCAVA voters, which means all other deadlines must be changed.

Election Activity	Current Practice	UOCAVA - Change Will Require	UOCAVA "Light"
A. Candidate Petitions Due **Sec. 7-116. - Nomination of candidates; withdrawal from candidacy.** A nominating petition required pursuant to Article VIII of the Charter may not be circulated earlier than sixty (60) days before the election and must be filed with the City Clerk not later than forty (40) days before the election. A person who has been nominated may, not later than thirty-five (35) days before the election, withdraw by filing with the City Clerk a request therefor in writing, and no name so withdrawn shall be placed upon the ballot. Article VIII, Section 3 requires that "such time frame shall not be changed within one year immediately prior to the election."	60 – 40 days before Election Day	91 - 71 days before Election Day	91 - 71 days before Election Day
B. Candidate Withdrawal **Sec. 7-116. - Nomination of candidates; withdrawal from candidacy.** A nominating petition required pursuant to Article VIII of the Charter may not be circulated earlier than sixty (60) days before the election and must be filed with the City Clerk not later than forty (40) days before the election. A person who has been nominated may, not later than thirty-five (35) days before the election, withdraw by filing with the City Clerk a request therefor in writing, and no name so withdrawn shall be placed upon the ballot. Article VIII, Section 3 requires that "such time frame shall not be changed within one year immediately prior to the election."	35 days before Election Day	67 days before Election Day	67 days before Election Day
C. Ballots Mailed **Sec. 7-186. - Mailing of ballots; exception.** (a) No sooner than twenty-two (22) days before an election, and no later than fifteen (15) days before an election, the City Clerk shall mail to each active registered elector, at the last mailing address appearing in the registration records and in accordance with United States postal service regulations, a mail ballot packet marked "Do not forward. Address correction requested.", or other similar statement that is in accordance with United States postal service regulations.	22 – 15 days before Election Day (typically on the 18th day)	45 days before Election Day for UOCAVA voters; 22 – 15 days before Election Day (typically on the 18th day) for all other voters	45 days before Election Day for UOCAVA voters; 22 – 15 days before Election Day (typically on the 18th day)for all other voters
D. Deadline Ballots Must be Received in Order to be Counted **Sec. 7-190. - Voting and return of ballots.** (a) Upon receipt of a ballot, the eligible elector shall mark the ballot, sign and complete the return envelope and comply with the instructions provided with the ballot. (b) The eligible elector may return the marked ballot to the City Clerk by United States mail or by depositing the ballot at the office of the City Clerk or any place designated by the City Clerk. The ballot must be returned in the return envelope. If an eligible elector returns the ballot by mail, the elector may provide the necessary postage or, if not so paid by the elector, the cost of return postage shall be paid by the City. In order to be counted, the ballot must be received at the office of the City Clerk or a designated depository prior to 7:00 p.m. on election day. (c) Ballots received by the City Clerk after 7:00 p.m. on election day shall not be counted, but shall be preserved in accordance with § 7-195 below.	7 p.m. Election Day	8 Days after Election Day for UOCAVA Voters (as long as ballot is *postmarked* by 7 p.m. Election Day),	7 p.m. Election Day (to coincide with the Charter Provision re: canvass)

Election Activity	Current Practice	UOCAVA - Change Will Require	UOCAVA "Light"
E. Return of Ballot **Sec. 7-189. - Absentee voting.** (d) If an eligible elector requests delivery of an absentee ballot to an address outside of the United States and it appears unlikely in the judgment of the City Clerk that the absentee ballot will be delivered to the elector in sufficient time to allow the elector to vote the ballot and return it to the City Clerk before 7:00 p.m. on election day, the City Clerk is authorized to use any reasonable method to provide the elector an opportunity to vote, provided that the method is acceptable to the elector and the elector acknowledges in writing that he or she has agreed to vote in the method offered and has further agreed that the City Clerk may transfer the elector's vote to an official ballot for counting purposes.	Electronic receipt permissible	Bill provides that only ballots returned by mail are permissible.	Electronic receipt permissible (continue current practice)
F. Canvass Due **(Charter)** **Article VIII, Section 7. - Certification of election results.** On the third day after every city election and, after verifying the total number of legal votes cast for each candidate and measure voted upon, the Board of Elections shall complete a certificate declaring the results of the election. The candidate receiving the highest number of votes for a particular office shall be declared elected to that office. In event of a tie, the selection shall be made by the Board of Elections by lot after notice to the candidates affected. In case the candidate elected fails to qualify within sixty (60) days after the date of issuance of the certificate of election, the candidate with the next highest vote shall be elected, and the candidate failing to qualify shall forfeit his or her office whether or not such candidate has taken the oath of office. If there is no other elected successor who qualifies, the office shall be deemed vacant, and shall be filled by appointment by the remaining members of the Council, as provided in Article II, Section 18.	3 days after Election Day	Certification occurs after receipt of all ballots. ?Move to Code via Charter Change?	3 days after Election Day (continue current practice)
G. Recall – Date of Election **(Charter)** **Article IX, Section 1. - The recall.** (c) Call of election. A recall election shall be for the dual purposes of voting on the recall of the officer sought to be removed and the election of a successor. Upon the City Clerk's presentation of a petition certified sufficient for recall, the Council shall set a date for the election which shall be held on a Tuesday not less than sixty (60) nor more than ninety (90) days from the date of presentation of the certified petition to Council. However, if any other city election is to occur within ninety (90) days from the presentation of the certified petition to Council, the recall election shall be postponed and consolidated with such other city election. The order setting a date for the recall election shall not become effective until five (5) days from the presentation of the certified petition to Council. If the officer resigns within the five-day period, the vacancy may be filled by appointment. If a vacancy occurs in the affected office after the effective date of the order, the election to fill the vacancy shall nevertheless proceed.	60 – 90 days after recall petition is certified	90 - 120 days after recall petition is certified ?Move to Code via Charter Change?	90 - 120 days after recall petition is certified
H. Recall – Nominating Petitions **Sec. 7-117. - Recall elections; nomination of candidates.** Anyone desiring to become a candidate at a recall election shall do so by nominating petition as required in Article VIII of the Charter. All nominating petitions for such candidates shall be filed with the Office of the City Clerk no later than forty (40) days prior to the date of the recall election.	40 days before Recall Election Day	71 days before Recall Election Day	71 days before Recall Election Day
I. Write-in Candidate **Sec. 7-103. - Write-in candidates.** No write-in vote for a candidate for City Council office shall be counted unless the person whose name appears as the write-in vote has filed an affidavit of intent with the City Clerk, no later than the close of business thirty-five (35) days before the election, indicating that such person desires and is qualified for the office.	35 days before Election Day	67 days before Election Day	67 days before Election Day

Election Code Amendments – Staff Recommendations*

*Suggested Code language below is in draft form

✅ **= Committee has made final recommendation**

PROPOSED CHANGE 1:	CURRENT CODE PROVISION:
Amend Section 7-156 to further clarify how a protest of ballot language is filed for ballot language adopted by **ordinance or** (new language) resolution. Amend Section 7-88 to further clarify how a protest of redistricting is filed.	**Sec. 7-156. - Protests of proposed ballot title and/or submission clause.** Any registered elector desiring to protest a proposed ballot title and/or submission clause for any initiated or referred measure ~~may~~ shall file a notice of protest ~~written protest in the office of~~ with the City Clerk~~. Said notice of protest shall be filed~~ no later than 12:00 p.m. on the Monday immediately preceding the date upon which the City Council will consider the ordinance or resolution setting the ballot title and submission clause. ~~The~~ Such notice of protest shall be on a form available from the City Clerk, shall be signed by the protestor(s), and shall set forth: (1) the name, address, and phone number of the protestor(s); (2) the title of the ordinance or resolution being protested; (3) ~~set forth~~ with particularity the grounds of the protest; and (4) any other information required by the City Clerk. Such protest shall be heard, considered and resolved by the City Council prior to the adoption of said ordinance or resolution.
EXPLANATION: Staff is recommending the addition of language to clarify Sections 7-88 and 7-156 to add the requirement that a formal Notice of Protest be filed with the City Clerk. **Committee Comments: agree with staff's recommendation.** ✅	**Sec. 7-88. - Protest procedure.** Any registered elector desiring to protest the manner of redistricting proposed in any such redistricting ordinance ~~may~~ shall file a written protest ~~in the office of~~ with the City Clerk ~~. Said notice of protest shall be filed~~ no less than seven (7) days prior to the date upon which the proposed redistricting ordinance is to be heard by the City Council on first reading. Such ~~The~~ notice of protest shall be on a form available from the City Clerk, shall be signed by the protestor(s), and shall set forth (1) the name, address, and phone number of the protestor(s); (2) the title of the redistricting ordinance being protested; (3) ~~set forth~~ with particularity the grounds of the protest; and (4) any other information required by the City Clerk. Such protest shall be heard, considered and resolved by the City Council no later than the date of second reading of the proposed redistricting ordinance.

PROPOSED CHANGE 2:	CURRENT CODE PROVISION:
Add a provision to Article VIII Section 7 pertaining to Mail Ballot Elections that prescribes the order items appear on the ballot.	No code provision. **Sec. 7-185. - Form of ballots.; order of items on the ballot.** (a) The top portion of each ballot shall be divided by a perforated line. The portion above the perforated line shall be known as the ballot stub and shall have printed on it a sequential ballot number. The ballot stub may also have printed on it other information, including but not limited to the precinct number, Council district number, job sequencing information used by the printer or instructions.
EXPLANATION: Our Code does not outline the order items are to appear on the ballot. Staff recommends the following order: 1. City-initiated TABOR measures; 2. Citizen-initiated TABOR measures: 3. City-initiated measures; 4. Citizen-initiated or referred measures. **Committee Comments: agree with staff's recommendation.** 1. **State that citizen-initiated items are placed on the ballot in the order they were received.** ✅	(b)The ballot shall contain the following warning: "WARNING: Any person who, by use of force or other means, unduly influences an eligible elector to vote in any particular manner or to refrain from voting, or who falsely makes, alters, forges or counterfeits any mail ballot before or after it has been cast, or who destroys, defaces, mutilates or tampers with a ballot is subject, upon conviction, to imprisonment, or to a fine, or both." (c) The return envelope shall have printed on it a self-affirmation substantially in the following form: "I state under penalty of perjury that I am an eligible elector; that my name and address are as shown on this envelope; that I have not and will not cast any vote in this election except by the enclosed ballot; and that my ballot is enclosed in accordance with the provisions of the Code of the City of Fort Collins." (d)The signing of the self-affirmation on the return envelope shall constitute an affirmation by the voter, under penalty of perjury, that the facts stated in the self-affirmation are true. (e) Items on the ballot shall appear in the following order: 1. City-initiated TABOR measures; 2. Citizen-initiated TABOR measures. 3. City-initiated measures; 4. Citizen-initiated or referred measures Citizen–initiated TABOR measures and citizen-initiated or referred measures shall be listed in the order of receipt of final petition, whether it is the initial petition or an amended petition.

PROPOSED CHANGE 3:	CURRENT CODE PROVISION:
Amend Section 7 regarding election workers to address appointment, compensation, and oath of office.	**Division 3 – Election Workers**
EXPLANATION:	**Sec. 7-41. - Appointment.**
Staff is recommending that Sections 7-41 and 7-42 be amended to permit the City Clerk to appoint election workers and compensate them accordingly. Staff is also recommending the addition of Section 7-43 requiring election workers to take an oath of office.	The City Clerk shall appoint ~~judges~~ workers ~~for each precinct in accordance with the provisions of Article III, Division 2 of this Chapter.~~to participate in the conduct of the election. (Code 1972, § 9-2; Ord. No. 063, 2007, § 2, 5-15-07)
Committee Comments: Agree with staff's recommendation.	**Sec. 7-42. - Compensation.**
✅	~~Pursuant to the recommendation of the City Clerk, the judges of the E~~lection workers shall receive compensation for ~~their services as a judge at any~~ participating in the conduct of the election in an amount established by the City Clerk based on a review of comparable types of work ~~Council by resolution~~. ~~The City Clerk shall select one (1) of the election judges in each precinct to deliver the election returns, registration book or list and other election papers and supplies to the City Clerk. The judges selected shall be paid an additional amount as set by the City Council for the performance of such service.~~
	Sec. 7-43. – Oath of Office.
	Each election worker shall take and subscribe to an oath to support the Constitutions and laws of the United States and the State and the Charter and ordinances of the City.

PROPOSED CHANGE 4:	CURRENT CODE PROVISION:
Pending further Council direction, Amend Section 7-191 to state that: a) signature verification of returned ballots will not occur; or b) establish a process for signature verification.	**Sec. 7-191. - Receipt and qualification of ballots; signature verification not required.** b) Upon receipt of a voted ballot, an election worker shall first qualify the submitted ballot based on a visual inspection of the self-affirmation signature on the return envelope compared to the name of the elector printed on the envelope ~~by examining the return envelope~~ to determine whether the ballot was submitted by ~~an eligible~~ said elector ~~who has not previously voted in the election and whether the self-affirmation on the envelope is signed and completed by the eligible elector to whom the ballot was issued~~. Comparison of the signature on the return envelope to any signature image, including those signature images in the state-wide voter registration system, is not required. If the ballot so qualifies and is otherwise valid, the election judge shall indicate in the poll book that the eligible elector cast a ballot, and shall prepare the ballot for counting in accordance with § 7-193 below.
EXPLANATION:	
The issue of signature verification was raised during the April 2015 election. Presently the Secretary of State is not authorized to release signature files to municipalities (unless an agreement is in place between the municipality and the county, such as exists in Colorado Springs), nor does Fort Collins have the equipment to conduct such verification electronically. 2016 legislation regarding signature verification is expected.	
Committee Comments: do not conduct signature verification. Provide optional code language to state that signature verification will not occur.	
✅	

PROPOSED CHANGE 5:	CURRENT CODE PROVISION: SEE TABLE AT THE END OF THIS DOCUMENT FOR INFORMATION ON OTHER MUNICIPALITIES' PROVISIONS
Review Section 7-135 regarding campaign contribution limits for Council candidates.	**Sec. 7-135. - Campaign contributions.**
EXPLANATION:	(a) *Limits.* No person may make contributions and/or contributions in kind totaling more than one hundred dollars ($100.) to the candidate committee of any candidate for the office of Mayor. No person may make contributions and/or contributions in kind totaling more than seventy-five dollars ($75.) to the candidate committee of any candidate for the office of Councilmember.
Councilmember Overbeck requested a review of campaign contribution limits.	
Committee Comments: No changes needed to the current limits.	
✅	

PROPOSED CHANGE 6:	CURRENT CODE PROVISION: SEE TABLE AT END OF THIS DOCUMENT FOR INFORMATION ON OTHER MUNICIPALITIES' PROVISIONS
Amend Section 7-137 to remove the requirement of publishing 14-day prior to the election campaign finance reports and 30-day after the election campaign finance reports in the newspaper and add a provision that all reports be posted online.	**Sec. 7-137. - Reports to be public record.** (a) Upon receipt of any campaign report submitted pursuant to this Article, the City Clerk shall make available such report for public inspection and as soon as practicable post the report on the City's website. A notice shall be published in a newspaper of general circulation stating campaign reports are posted on the City's website. ~~The campaign report filed with the City Clerk fourteen (14) days prior to the election pursuant to § 7-136 above shall be published by the City Clerk in a newspaper of general circulation in the City, which publication shall occur no less than seven (7) days prior to the election. The campaign report filed with the City Clerk thirty (30) days after the election pursuant to § 7-136 above shall also be published by the City Clerk in a newspaper of general circulation in the City, which publication shall occur no more than seven (7) days after the City Clerk's receipt of the report.~~
EXPLANATION:	(b) No information contained in any campaign report submitted pursuant to this Article shall be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose.

The Code mandates publication (in the newspaper) of 14-day and 30-day campaign reports. Staff recommends removing this requirement and adding a provision that these reports be posted online (current practice). Costs for publication: $10K in '15
 	
Committee Comments: agree with staff changes as presented at 2nd Committee meeting.
	Sec. 7-184. - Notice of election.
	(a) No later than twenty (20) days before an election conducted pursuant to this Article, the City Clerk shall provide notice by publication of a mail ballot election, which notice shall state, as applicable for the particular election for which the notice is provided, the following:
	    (1)The date of the election;
	    (2) The hours during which the polls will be open on election day;
	    (3) The address of the walk-in location for the delivery of mail ballots and the receipt of replacement ballots, and the hours during which the walk-in location will be open;
	    (4) The address of the location for the application for, and the return of, absentee ballots and the hours during which the office will be open.
	
	(b) The notice required to be given by this Section shall be in lieu of the notice requirements set forth in Section 31-10-501(1), C.R.S.
	
	(c) Such other information that may be useful to voters regarding the conduct of the election or related to disclosures required in this Chapter.

PROPOSED CHANGE 7:	CURRENT CODE PROVISION:
Amend Section 7-136 to change the requirement that reports are filed on the Friday before the Election Day to filed by noon on the Friday before the election.	**Sec. 7-136. - Disclosure; filing of reports.** (c) Reports shall be filed with the City Clerk on the twenty-first day, fourteenth day, and by noon on the Friday before the election, thirty (30) days after the election, and annually on the first day of the month in which the anniversary of the election occurs until such time as a termination report is filed. If the reporting day falls on a weekend or legal holiday, the report shall be filed by the close of the next business day.
EXPLANATION:	
This would facilitate the receipt and posting of reports on the City's website by close of business on the Friday before the election. **Committee's Comments: agree with staff's recommendation**	

PROPOSED CHANGE 8:	CURRENT CHARTER PROVISION:
Clarify whether members of City Council can accept a wage lower than the amount outlined in the code.	**Article II, Section 3. - Compensation of members.** Commencing in 1998, the compensation for all Councilmembers except the Mayor shall be five hundred dollars ($500.) per month and the compensation of the Mayor shall be seven hundred fifty dollars ($750.) per month. These amounts shall be adjusted annually thereafter for inflation in accordance with the Denver/ Boulder Consumer Price Index.
EXPLANATION:	
The question arises every election from citizens/candidates whether a Councilmember can refuse his/her pay or accept a lower wage. **Committee's Comments: review recommendation with SAB, COD, and HRC.**	

PROPOSED CHANGE 9: **ONLY IF UOCAVA FULLY IMPLEMENTED**	CURRENT CODE PROVISION:
Amend Section 7-192 to state that an eligible voter has eight days after Election Day to correct deficiencies causing his/her ballot to be rejected (as long as the ballot was originally received by 7 p.m. on Election Day), such as a missing signature on the return envelope. Include a statement that the elector cannot change his ballot in the process of correcting the deficiency.	**Sec. 7-192. - Rejected ballots.** The City Clerk is authorized, but not required, to make a reasonable effort to allow an eligible elector whose ballot has been rejected to correct the deficiency causing rejection. No elector shall be allowed to correct a deficiency without first producing valid proof of identification. Electors shall have eight days after the Election Day to correct the deficiency causing the ballot to be rejected as long as the ballot was received by 7:00 p.m. on Election Day. No elector shall be allowed to open, change, or alter his or her ballot while in the process of correcting the deficiency.
EXPLANATION: Since final ballot tabulation cannot occur until the UOCAVA provisions have been met, staff recommends also allowing voters to correct unsigned ballot envelopes during the same period, as is currently allowed in County elections. **Committee comments: only consider if UOCAVA fully implemented**	

PROPOSED CHANGE 10:	CURRENT CODE PROVISION:
Amend Section 7-193 to include a provision about the release of results on Election Day.	**Sec. 7-193. - Counting mail ballots.; release of preliminary election results.** Counting of mail ballots may begin fourteen (14) days prior to the election and continue until counting is completed. The City Clerk shall take all precautions necessary to ensure the secrecy of ~~counting procedures~~ voted ballots, and no information concerning the same ~~count~~ shall be released by election workers ~~until after 7:00 p.m. on election day~~ except as authorized by the City Clerk. The City Clerk is authorized to release preliminary election results after 7:00 p.m. on Election Day provided they are clearly marked as unofficial. Official results shall be released upon final certification of the election.
EXPLANATION: Since the final election results cannot be certified until the UOCAVA ballots are tallied, staff recommends including a Code provision that permits the Clerk to release preliminary results on Election Day (or as soon as practicable). **Committee comments: agree with staff's recommendation; review language regarding "ensure the secrecy…"**	

PROPOSED CHANGE 11:	CURRENT CODE PROVISION: No Code provision.
Insert a section to address recount procedures.	**New Division 4 under Article II – Recounts.**

EXPLANATION:
 	
Because the issue of recount is not addressed in the City Code, staff relied on Title 31 (specifically 31-10-1207) to conduct the April 2015 recount.
 	
Committee comments: staff is asked to bring back options that detail how the recount can be funded.
	Section 7-45. Mandatory recounts.
	(a) The City Clerk shall conduct a recount of the votes cast in any election if it appears, as evidenced by the survey of returns, that the difference between the highest number of votes cast in the election and the next highest number of votes cast in the election is less than or equal to one-half of one percent of the highest number of votes cast in the election. In the event of a mandatory recount, the following procedures shall be used:
	  (1) The recount process shall be completed no later than the fifteenth (15) day following the certification of election results, and shall be paid for by the City.
	  (2) The City Clerk shall give notice of the recount to all candidates and, in the case of a ballot issue or question, to any petition representatives identified pursuant to Article X, Section 5(e) of the Charter that are affected by the result of the election. Such notice shall be given by certified mail or by other means reasonably expected to notify the affected candidates or petition representatives.
	  (3) Any affected candidate or his or her designee or petition representative shall be allowed to be present during and observe the recount.
	
	Section 7-46. Recounts by request.
	(a) Whenever a recount of the votes cast in an election is not required pursuant to Section 7-45 above, any candidate for office or a ballot issue or question, any committee's registered agent, or any eligible elector, may submit to the City Clerk a written request for a recount at the expense of the party making the request.
	  (1) This request, together with that amount determined by the City Clerk to be the preliminary estimated cost of the recount, shall be filed with the City Clerk within five (5) days after the certification of election results.
	  (2) Before conducting the recount, the City Clerk shall give notice of the recount in accordance with the provisions of Section 7-45.
	  (3) The funds paid to the City Clerk for the recount shall be in one (1) certified check, *accompanied by an affidavit disclosing the source or sources of the funds, and said funds shall be used* for payment of all expenses incurred in the recount.
	  (4) If, after the recount, the result of the election is reversed ~~in favor of the party that requested the recount~~ or if the amended election count is such that a recount otherwise would have been required pursuant to Section 7-45, the payment for expenses shall be refunded to the party who requested the recount.
	  (5) Within sixty (60) days after the final certification of election results, the City Clerk shall prepare and deliver to the party who requested the recount the final costs for the recount. Any additional amount due shall be paid by the party who requested the recount in one (1) certified check within thirty (30) days of receipt of the final costs. Any refund due shall be refunded within sixty (60) days.
	  (6) Any recount of votes conducted pursuant to this section shall be completed no later than the fifteenth (15) day after the certification of election results.
	
	Section 7-47. Recount procedures.
	(a) In addition to the applicable procedures described above, the City Clerk shall be responsible for conducting the recount, shall determine the method and procedures for conducting the recount, and shall be assisted by the Board of Elections, as outlined in Article VIII, Section 5 of the Charter. If a member of the Board of Elections is not available to participate in the recount, another person shall be appointed by the City Clerk.
	  (1) The City Clerk may appoint election workers to assist with the recount, whether or not such workers served as workers in the election. Persons assisting in the conduct of the recount shall be compensated as provided in Section 7-42 and shall take an oath of office as provided in Section 7-43 (suggested new section).
	  (2) After a recount conducted pursuant to this section has been completed, an amended certificate of election shall be completed by the Board of Elections, and the results of such amended certificate shall become final.
	
	Add to 7-132 Definition of Contribution
	Contribution shall not include:
	  (1) services provided without compensation by individuals volunteering their time on behalf of a candidate, candidate committee, political committee or issue committee;
	  (2) funds collected subsequent to the election to pay the cost of a requested recount pursuant to 7-46.
	
	Add to Sec. 7-138. - Unexpended campaign contributions.
	(a) Unexpended campaign contributions to a candidate committee may be:
	  (1) Contributed to a political party;
	  (2) Contributed to a candidate committee established by the same candidate for a subsequent campaign, subject to the limitations set forth in Paragraph 7-135(e)(2), if the candidate committee making such a contribution is affirmatively closed by the candidate no later than ten (10) days after the date such a contribution is made;
	  (3) Donated to a charitable organization recognized by the Internal Revenue Service;
	  (4) Returned to the contributors.
	  (5) Used to pay for the cost of a recount requested by the candidate pursuant to 7-46
	
	…(d) Unexpended contributions to an issue committee or political committee may be donated to any charitable organization recognized by the Internal Revenue Service, ~~or~~ returned to the contributor, or used to pay for the cost of a recount requested by the committee's registered agent pursuant to 7-46.

PROPOSED CHANGE 12: ~~Amend Section 7-143 to add~~ Clarify the deadline for filing of election complaints.	**CURRENT CODE PROVISION:** **SEE TABLE AT THE END OF THIS DOCUMENT FOR INFORMATION ON OTHER MUNICIPALITIES' PROVISIONS** **Sec. 7-143. - Violations and penalties** (a) Any person who knowingly violates or fails to comply with any of the provisions of this Article commits a misdemeanor and is subject to a fine or imprisonment in accordance with § 1-15. (b) Failure to comply with the provisions of this Article shall have no effect on the validity of any election.
EXPLANATION: Our code does not contain a deadline for the filing of election complaints. Staff is recommending a deadline of 45 days after the final certification of election results. **Committee comments: agree with staff's recommendation**	**Staff update after second committee meeting: The City Attorney is researching this provision.**

PROPOSED CHANGE 13: Amend Section 7-134 to establish the termination of a campaign committee.	**CURRENT CODE PROVISION:** **No Code provision.**
EXPLANATION: Our code does not address termination of a committee within a specific timeframe. Staff recommends requiring committees to terminate within six months after election results have been certified. **Committee comments: propose language for the termination of issue committees.** ✅**WITHDRAWN BY STAFF**	**Staff update after second committee meeting: in looking at the data, no issue committees remained open after the last two elections. In light of this, coupled with the fact committee reports are posted online, staff is recommending taking no action at this time.**

PROPOSED CHANGE 14: ~~Amend Section 7 to~~ state that the Municipal Election Code (MEC) and Uniform Election Code (UEC) will be followed when our Code or Charter are silent on an election issue.	**CURRENT CODE PROVISION:** **No Code provision.** **Sec. 7-182. – Mail ballot elections authorized.** The City Clerk is hereby authorized to conduct any regular or special municipal election which is not coordinated with the County pursuant to Section 1-7-116, C.R.S., by mail ballot in accordance with the provisions of this Article.
EXPLANATION: Our code does not address the reliance on the MEC first and then the UEC when a provision is not included. **Committee comments: agree with staff's recommendation.** ✅	**Staff update after second committee meeting: New draft language proposed:** **Section 7-1 Applicable law.** All City elections shall be governed by and conducted in accordance with the applicable election requirements and procedures in the Colorado Constitution, the Charter, this Chapter 7, and in any ordinance adopted by City Council. However, to the extent the Colorado Municipal Election Code of 1965, as amended, or the Colorado Uniform Election Code of 1992, as amended, impose other requirements or procedures applicable to municipal elections not addressed or covered by the Constitution, Charter, Code or Council ordinance, such state law requirements and procedures shall govern and apply in all City elections. If there is a conflict between any such applicable provision in the Municipal Election Code of 1965 and one in the Uniform Election Code of 1992, the provision in the Municipal Election Code of 1965 shall control in all City elections unless the election is being conducted as a coordinated election with the Larimer County Clerk and Recorder, in which case, the provision in the Uniform Election Code of 1992 shall control in that City election.

PROPOSED CHANGE 15:

1) Add a section to the duties of the City Clerk to codify actions taken to inform UOCAVA voters of the upcoming election; and
2) **Combine *Duties of City Clerk* in one section (this recommendation added since December 16 Committee meeting).**

EXPLANATION:

For the first time, letters were mailed to UOCAVA voters informing them of the upcoming April election and providing them alternate means to return their ballot.

Duties of the City Clerk are listed in Section 7-140 and Section 7-183.

Committee comments: agree with recommendation #1 & #2.

Staff inadvertently removed old #7 – added back in after third Committee meeting.

CURRENT CODE PROVISION:

Add a new Division 1 - Article II. – ADMINISTRATION

Sec. 7-~~201~~40. - Duties of City Clerk.
The City Clerk shall:
(1) ~~Prepare~~ Provide forms and instructions to assist candidates and the public in complying with the reporting requirements of ~~this~~ Article V;
~~(2) Develop a filing and indexing system consistent with the purposes of this Article;~~
(~~3~~ 2) Keep a copy of any report or statement required to be filed by ~~this~~ Article V for a period of one (1) year from the date of filing. In the case of candidates who were elected, those candidate's reports and filings shall be kept for one (1) year after the candidate leaves office;
(~~4~~ 3) Make reports and statements filed under ~~this~~ Article V available ~~for public inspection and copying no later than the end of the next business day after the date of filing~~ on the City's website no later than the next business day;
~~(5) Upon request by the Secretary of State, transmit records and statements filed under this Article to the Secretary of State;~~
~~(6) Notify any person who has failed to fully comply with the provisions of this Article;~~
(~~7~~ 4) Report apparent violations of ~~this~~ Article V to the City Manager.

~~**Sec. 7-183. - Duties of the City Clerk.**~~
~~The City Clerk shall:~~
(~~1~~ 5) Prescribe the form of materials to be used in the conduct of mail ballot elections consistent with the provisions contained in ~~this~~ Article VIII;
(~~2~~ 6) Establish procedures for conducting mail ballot elections consistent with the provisions contained in ~~this~~ Article VIII, including efforts to inform uniformed and overseas voters of the upcoming election;
(~~3~~ 7) Supervise the conduct of mail ballot elections;
(~~4~~ 8) Employ temporary election workers as needed; and
(~~5~~ 9) Take all necessary steps to protect the confidentiality of ~~the~~ voted ballots ~~cast~~ and the integrity of the election.

Municipality	Suggested Change #5 Candidate Contribution Limits	Suggested Change #6 Publishing Campaign Reports	Suggested Change #12 Deadline for filing Election Complaints
Commerce City	None	No code provision; practice is to publish online immediately upon receipt	No code provision
Aurora	None	No code provision; publish online	Follows Title 31-10-1303: ten days after the expiration a recount must be filed or ten days after a recount concluded.
Rifle	None	No requirement	No code provision
Grand Junction	None	No requirement; available for public inspection	No code provision
Windsor	None	No requirement	No code provision
Greenwood Village	$2,000	No requirement; not published online	Code refers to Title 31-10-1301
Greeley	None	No requirement	No code provision
Longmont[1]	$230 from any natural person; $590 from any person other than a natural person (LLC, corporation, etc.). Adjusted every 2 years by Boulder/Longmont CPI.	Reports published online within 24 hours after receipt.	For election procedural complaints: state statutes. For complaints related to Longmont Fair Campaign Practices Act: tickets for violations cannot be issued no more than 90 days after the election or required date of filing
Loveland[2]	$115; adjusted every 5 years.	Publish 14 day and 30 day report	No code provision

1 **2.04.204. - Contributions.**

A. No person shall act as a conduit for a contribution.

B. Notwithstanding any other section of this Act to the contrary, a candidate committee may receive a loan from a financial institution organized under state or federal law if the loan bears the usual and customary interest rate, is made on a basis that assures repayment, is evidenced by a written instrument, and is subject to a due date or amortization schedule.

C. All contributions received by a candidate committee, issue committee or political committee shall, within seven business days after receipt, be deposited in a financial institution in a separate account whose title shall include the name of the committee. All records pertaining to such accounts shall be maintained by the committee for 90 days following any municipal election in which the committee received contributions unless a ticket is issued by the city clerk for a violation of this Act, in which case they shall be maintained until final disposition of the ticket and any consequent litigation. Such records shall be subject to inspection at any hearing held under this Act.

D. No candidate committee, political committee or issue committee shall accept a contribution, or make an expenditure, in currency or coin exceeding $100.00.

E. No person shall make a contribution to a candidate committee, issue committee or political committee with the expectation that some or all of the amounts of such contribution will be reimbursed by another person. No person shall be reimbursed for a contribution made to any candidate committee, issue committee or political committee, nor shall any person make such reimbursement except as provided in subsections B. and G. of this section.

F. Contribution limits.

    1. A natural person shall not contribute more than $200.00 to any one candidate committee for an election or special election, except that this limit shall not apply to contributions by a candidate to the candidate's own committee.

    2. Persons, other than natural persons, shall not contribute more than $500.00 to any one candidate committee for an election or special election.

    3. Commencing with the election cycle that begins two years after the effective date of the ordinance from which this section is derived, and every two years thereafter, the contribution limits set forth in this subsection shall increase by adding an inflationary adjustment, rounded to the nearest ten dollars, which shall be equal to the inflation increase as defined by the Consumers Price Index for All Urban Consumers for the Denver-Boulder-Greeley Metropolitan Area, as published by the U.S. Department of Labor, Bureau of Labor Statistics or its successor ("CPI"). If publication of the CPI is discontinued, any similar index published for the Longmont area and recognized by the financial community as a substitute for the CPI shall be used in its place. In no event shall the contribution limits be decreased.

2 (b) Adjustment of limits. At the beginning of each calendar year in those years ending in the numeral five (5) or the numeral zero (0), as there becomes available from the Bureau of Labor Statistics of The United States Department of Labor the necessary Consumer Price Index data, the City Clerk shall determine and the City Council approve, unless the City Clerk is determined by the City Council to have acted arbitrarily or capriciously, an adjustment to the limits set forth in Subsection (a) of this Section in proportion to the rise or fall of the Consumer Price Index since the last such adjustment or, in the case of 2010, since enactment of this Article.

If any such adjustment amount is not a multiple of five dollars ($5.00) such amount shall be adjusted to the nearest multiple of five dollars ($5.00).

Each amount so adjusted shall be in effect until the next adjustment.

Thursday, January 14, 2016