



**City Clerk**  
300 LaPorte Avenue  
PO Box 580  
Fort Collins, CO 80522  
**970.221.6515**  
970.221-6295 - fax  
[fcgov.com/cityclerk](http://fcgov.com/cityclerk)

## **AGENDA**

City Council Election Code Committee  
July 20, 2017  
11:00 a.m. – 12:30 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

1. Call Meeting to Order
2. Approval of November 10, 2016 Committee Meeting Minutes
3. Suggested Election Code Changes
  - a. Value of Campaign Ads on Websites
  - b. Terminating Inactive Issue and Political Committees
  - c. Timing of Filing Financial Disclosure Statements
  - d. Signature Verification
  - e. Candidate Political Signs
4. Other Business
5. Adjournment

November 10, 2016

**ELECTION CODE COMMITTEE MEETING**

**12:00 PM**

PRESENT: Overbeck, Stephens, Cunniff, Winkelmann, Knoll, Gonzales, Daggett  
CITIZENS PRESENT: Mike Sportiello

● **APPROVAL OF JULY 18, 2016 COMMITTEE MEETING MINUTES**

Councilmember Overbeck made a motion, seconded by Councilmember Cunniff, to adopt the minutes of the September 14, 2016 Committee meeting. The motion was adopted unanimously.

● **SUGGESTED ELECTION CODE/CHARTER CHANGES**

**a. Code and Charter Changes**

City Clerk Winkelmann discussed added language which will amend the organizational meeting date.

Councilmember Cunniff asked if the language is clear enough given the final certification will take significant time.

City Attorney Daggett asked if that means the time between the election and the swearing in reduces the length of term to less than two or four years. Councilmember Cunniff replied that is potentially the issue and noted a person serving less than half a term; it does not count as a full term for term limits.

Chief Deputy City Clerk Knoll stated the term date is from swearing in to swearing in; therefore, the length of the term is not changing based on this change.

City Attorney Daggett and Councilmember Cunniff discussed the room for interpretation and variation with this issue. City Attorney Daggett stated, if the City were to ever adopt term limits, language could be included to anticipate this issue.

The group agreed to follow-up on the topic, though not as an urgent issue.

City Clerk Winkelmann discussed the past process of sending letters to voters with unsigned ballots up until the Thursday prior to Election Day. In 2015, there was some discussion regarding whether that is treating voters differently. She posed the question in general given the canvass date for 2017 will still be 3 days after Election Day.

City Attorney Daggett noted the current Code states 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.

Councilmember Stephens supported the practice and its intent and stated she would like to allow as many votes as possible to be counted.

Councilmember Cunniff stated the City should be increasing the enfranchisement of the electorate.

The group discussed reasonable measures and the goal of being as specific as possible with the new language.

Councilmember Overbeck asked if electronic communication would be an option rather than a physical letter.

City Clerk Winkelmann stated overseas voters can currently submit ballots electronically after signing a waiver indicating they realize their votes will be visible to election staff.

Chief Deputy City Clerk Knoll noted phone and email information is not updated or available.

The group agreed to continue the practice of sending letters.

Councilmember Cunniff asked about the overall cost of municipal elections. Knoll replied it is approximately \$200,000; however, the upcoming election will be more.

**b. Signature Verification**

City Clerk Winkelmann stated this was discussed at the previous meeting. The Committee recommends that this Code amendment be considered if the Canvass Date Charter Amendment passes.

**c. Recordkeeping Requirements for Campaign Expenditures and Independent Expenditures**

City Clerk Winkelmann stated this was discussed at the previous meeting and information regarding required documentation was included in the language.

**d. Amending the District-Precinct Map**

City Clerk Winkelmann discussed other municipalities with at-large Councilmembers.

Councilmember Cunniff stated having at-large members does not solve the problem as the Mayor is currently elected by all citizens.

City Attorney Daggett stated other possibilities used to address the issue involve truncating terms when redistricting has shifted precincts and affected voting opportunities, and having all seats up for reelection at the same time.

Councilmember Stephens discussed the possibility of having all seats up for reelection at the same time.

Councilmember Cunniff discussed issues with having everyone on two-year or four-year terms and stated there is currently no solution to the disenfranchisement problem that does not cause other problems.

Knoll noted all electors still have a Council representative regardless of their district or redistricting process.

Councilmember Cunniff suggested an incremental improvement to add direction to the redistricting criteria to minimize the number of electors who must wait more than four years to vote for a Councilmember and not allowing any one precinct to be shuffled more frequently than every four years perhaps.

The group discussed adding this priority to others relating to changing precincts.

City Attorney Daggett stated there has been a discussion about specifying more concretely the criteria and priorities for shifting precincts.

Councilmember Cunniff asked if there will be a Work Session on this topic. City Attorney Daggett replied one is scheduled for December.

Councilmember Stephens stated she would like to have the ability to reach out to residents of new precincts in her district. Councilmember Cunniff stated he held a neighborhood meeting for that purpose.

The group discussed the four-year concurrent as being the best solution.

City Clerk Winkelmann requested input from the Committee regarding the December Work Session. The group discussed the need for public input and a potential open house.

City Clerk Winkelmann commented on her desire to have a consultant involved in the community conversation and redistricting process.

**e. Election Complaints**

City Clerk Winkelmann presented the proposed election complaint form.

Councilmember Overbeck suggested translating the form to Spanish as well.

City Attorney Daggett discussed the aspect of reasonable attorney's fees and the group discussed the \$2,000 amount.

Councilmember Cunniff asked if the collection of fees would increase the likelihood that the district court would require a bond before proceeding. City Attorney Daggett replied the court would not typically do that for attorney's fees.

The group discussed the recovery of attorney's fees in various instances and agreed on a maximum alleged amount of \$7,500.

**f. Canceling a Council Meeting (Charter Amendment)**

City Clerk Winkelmann noted the Committee's recommendation to bring this forward at the December Work Session for Council's consideration.

**g. SENATE BILL 16-186: SMALL ISSUE COMMITTEE DISCLOSURE REQUIREMENTS**

Knoll discussed the criteria for a committee requiring reporting after the aggregate amount has been reached and expressed concern regarding the disclosure of contributions prior to reaching that amount.

The group discussed making a requirement that committees report all financials after \$5,000 retroactively to the start of their contributions.

● **OTHER BUSINESS**

The group discussed making the committee a standing committee that meets as needed.

Councilmember Cunniff asked when candidate guidelines would be prepared. Knoll replied generic guidelines are available on-line and will be updated following the Work Session.

● **ADJOURNMENT**

The meeting adjourned at 1:18 P.M.

**Topics for July 20 Election Code Committee**

Topic	Source	Questions/Comments/Explanation
1. Value of campaign ads on websites	LPT request – Feb. 2017 Mayor Pro Tem Horak	Staff requests a discussion with the Committee to receive guidance.
2. Terminating issue and political committees	Staff	Suggestions from staff: A. Set up a method for terminating if they have not had activity for one or two election cycles. Preference would be one cycle, because they should have to refile with current information. B. If a registered committee believes they are a small scale issue committee, they amend their original filing.
3. Timing of filing financial disclosure statements	Staff	If a candidate fails to file, they are disqualified...but still on the ballot. Staff suggests a process change to require the filing at the same time as accepting nomination.

**Sec. 7-133. - Candidate affidavit; disclosure statement; failure to file.**

- (a) When any individual becomes a candidate, such individual shall certify, by affidavit filed with the City Clerk within ten (10) days, that the candidate is familiar with the provisions of this Article.
- (b) Each candidate shall file a financial disclosure statement pursuant to [§ 2-636](#) with the City Clerk within ten (10) days after filing acceptance of nomination.
- (c) Failure of any person to file the affidavit or disclosure statement required under this Section shall result in the disqualification of such person as a candidate for the office being sought. Disqualification shall occur only after the City Clerk has sent a notice to the person by certified mail, return receipt requested, addressed to the person's last known residence address. The notice shall state that the person will be disqualified as a candidate if the person fails to file the appropriate document within five (5) business days of receipt of the notice.
- (d) The requirements of this Section shall not apply to any elected official who is the subject of recall proceedings.

**Suggested amendment:**

**Sec. 7-133. - Candidate affidavit; disclosure statement; failure to file.**

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- (b) Each candidate shall file a financial disclosure statement pursuant to [§ 2-636](#) with the City Clerk ~~within ten (10) days after~~ **at the same time as** filing acceptance of nomination.
- (c) Failure of any person to file the affidavit or disclosure statement required under this Section shall result in the disqualification of such person as a candidate for the office being sought. ~~Disqualification shall occur only after the City Clerk has sent a notice to the person by certified mail, return receipt requested, addressed to the person's last known residence address. The notice shall state that the person will be disqualified as a candidate if the person fails to file the appropriate document within five (5) business days of receipt of the notice.~~
- (d) The requirements of this Section shall not apply to any elected official who is the subject of recall proceedings.

Topic	Source	Questions/Comments/Explanation
4. Signature verification	Staff	Originally discussed with Election Code Committee in 2016. Staff will have demonstrations of the software/hardware, and then report back to Committee.
5. Candidate Political Signs	May 23 Work Session Councilmember Cunniff	<ul style="list-style-type: none"> <li>• Is the posting of a sign the same thing as announcing candidacy?</li> <li>• Staff requests a discussion with the Committee to receive feedback. One suggestion would be to change the definition of a public announcement.</li> </ul>