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AGENDA

City Council Ad Hoc Committee
Election Code Amendments
September 14, 2016
12:00 p.m. – 1:30 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, Chair

1. Call Meeting to Order
2. Approval of July 18, 2016 Committee Meeting Minutes
3. Suggested Election Code/Charter Changes
 - a. Certifying Election Results (Charter Amendment)
 - b. Signature Verification
 - c. Recordkeeping Requirements for Campaign Expenditures and Independent Expenditures
 - d. Amending the District-Precinct Map
 - e. Election Complaints
 - f. Canceling a Council Meeting (Charter Amendment)
4. Senate Bill 16-186: Small Issue Committee Disclosure Requirements
5. Other Business
 - a. Redistricting Alternatives (Proposal by Citizen Mike Sportiello)
6. Adjournment

Council Election Ad-Hoc Committee Minutes

July 18, 2016

12:00 p.m.

Members in Attendance: Kristin Stephens, Bob Overbeck, and Ross Cunniff (chair).

Also present: Members of League of Women Voters

Staff in Attendance: Carrie Daggett, City Attorney; Wanda Winkelmann, City Clerk; Rita Knoll, Chief Deputy City Clerk; Jeanne Sanford, Paralegal.

A meeting of the City Council Ad-hoc Election Committee ("Committee") was held on Monday, July 18, 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 12:00 p.m. The Board reviewed the Agenda which contained these items:

1. Call Meeting to Order
2. Approval of February 23, 2016 Committee Meeting Minutes
3. Suggested Election Code Changes
 - a. Signature Verification
 - b. Charter Amendment Regarding Date of Canvass (Certifying Election Results);
 - c. Recordkeeping Requirements for Campaign Expenditures and Independent Expenditures;
 - d. Amending the District-Precinct Map
 - e. Election Complaints
4. Senate Bill 16-186: Small Issue Committee Disclosure Requirements
5. Other Business
6. Adjournment

Councilmember Cunniff called the meeting to order and asked for a motion to approve the February 23, 2016 meeting minutes. Councilmember Stephens made a motion, seconded by Councilmember Overbeck, to approve the February 23 minutes. The minutes were approved unanimously.

Suggested Election Code Changes

- A. Signature Verification**
- B. Amend Canvass Date**

City Clerk Winkelmann discussed signature verification pursuant to House Bill 16-1070. Ms. Winkelmann stated the suggested language would require signature verification beginning with the April, 2019 election.. Following the same practice as Larimer County, the City Clerk would notify voters with unsigned ballot envelopes by letter. The voter would have eight days following the election to correct the deficiency. In order to do this, the date of the canvass would need to be changed pursuant to Proposed Change B Charter amendment. Ms. Winkelmann stated the two issues go hand in hand; you must change the date of the canvass in order to allow time for voters to correct a signature deficiency.

Deputy City Clerk Rita Knoll added that the proposed change allows eight days after election to be consistent with the provisions of HB 16-1070.

City Clerk Winkelman indicated that if the Code is amended now to provide for signature verification in April 2019, but the Charter amendment changing the date of the canvass does not pass in April 2017, the Code will need to be modified again to remove, or amend, the signature verification requirement.

City Attorney Daggett stated, from a legal standpoint, it would be best wait to amend the Code until the Charter amendment is approved so that the City is not adopting Code provisions that do not conform to the Charter.

Councilmember Cunniff added that it made sense to wait for a Charter change and make it clear that signature verification is consistent with state law. Important to note the intent is there to take the extra step in between.

City Clerk Winkelmann asked about timing of bringing forth this specific Charter amendment of this issue.

City Attorney Daggett suggested planning for this to be on the April ballot, but bringing forward with other potential Charter amendments for Council consideration.

City Clerk Winkelmann suggested a December work session on potential Charter amendments and it was agreed by all for early December.

Suggested Election Code Changes

C. Add Expenditure Recordkeeping Requirements for Campaign Committees and Independent Expenditures

City Clerk Winkelmann discussed Proposed Change C, which adds expenditure recordkeeping requirements for campaign committees and independent expenditures. Ms. Winkelmann turned this subject over to Deputy City Clerk Knoll who was better informed to speak on this topic.

Deputy City Clerk Knoll discussed what prompted this proposed change was a recent complaint about independent and campaign expenditures. Ms. Knoll indicated although it is the expectation for committees to keep documentation, she does not believe the record keeping is at a level that would be good for an investigation if there was a complaint.

Councilmember Overbeck asked what the reasonable expectation of time was.

City Attorney Daggett answered technically, upon request is immediate.

Councilmember Overbeck stated he believed there needs to be a specific time line assessed.

Councilmember Cunniff stated next day would be reasonable. Mr. Cunniff then asked about the ramifications of failure to produce records and thereafter the penalties for violation?

City Attorney Daggett answered if the party failed to produce records, it would be a Code violation, which could result in financial ramifications on the front end, but that it was unlikely a judge would assess jail time unless it snowballed into something bigger.

In response to a question, City Attorney Daggett indicated it typically takes two to three weeks after being cited for the court appearance. If a trial is desired, there would be additional delay involved due to court scheduling and turn-around time, so it could take several months. Ms. Daggett added one could seek a jury trial causing even more time would be added to the process before the conclusion.

Councilmember Cunniff asked if the process could be shortened by assessing penalties immediately upon failure to file a report or produce records.

City Attorney Daggett stated the City does have the ability to be backed up by Court via daily penalties for failing to produce records, but it still won't get to the conclusion more quickly.

City Attorney Daggett stated the Committee brought up the same issue about two years ago and there is still not a great process for pursuing those violations and perhaps this should be put on the list of priorities.

Councilmember Cunniff agreed it was necessary.

City Clerk Winkelmann indicated that when surveying other jurisdictions on the topic, most were surprised by the questions regarding handling campaign complaints.

Chief Deputy City Clerk Knoll added it is a relatively new phenomena here too with just a couple complaints in the recent past.

Councilmember Cunniff asked if electronic filing was allowed for submitting receipts.

Ms. Knoll indicated it would be up to the investigator whether to accept electronic copies.

Councilmember Overbeck asked if there was any forensic accounting to check up on documents.

City Attorney Daggett answered that the challenge would be in determining what type of violation would be significant enough to employ such resources. For example, is a \$128 expenditure worth using resources to investigate it.

Councilmember Cunniff stated that it comes down to why a civil penalty is a better option than judicial proceeding.

Councilmember Stephens stated it is about awareness of what has to be documented. It can be confusing for a candidate and it is important to spell it out what they need to do so they don't make mistakes. Ms. Stephens added that producing records in one day can create a scramble, not because of poor record keeping, but due to chaos of the campaign.

Councilmember Cunniff suggested maybe three business days would be better.

Chief Deputy City Clerk Knoll asked if using campaign funds to pay fines, if levied, would be an acceptable use.

Councilmember Cunniff stated that when you are talking about candidates, it is part of the overall package of a campaign and part of campaign expense. Mr. Cunniff pointed out that the Secretary of State assesses penalties against the campaign, not individuals. Mr. Cunniff also suggested that there should be requirements for complaints so they are not frivolous. Mr. Cunniff stated the need for accountability.

City Clerk Winkelmann stated that on Proposed Change E, she added that "complaints made regarding alleged violations should be in writing and shall contain a detailed description of the allegations". Ms. Winkelmann asked if that language was sufficient.

City Attorney Daggett stated she wants to make sure an outside complaint is not the only way an issue could arise. Ms. Daggett explained there have been past issues where it is very clear a violation occurred. The City should be able to prosecute the issue without a complaining party. There are a range of violations where it is so obvious and intentional as to prosecute as a criminal offense and then there are some which are minor. Ms. Daggett stated she believes the Board might want to create new tools and yet retain some we already have so there is not only one path.

Councilman Stephens agreed and asked Ms. Knoll if reports are checked for accuracy. Ms. Knoll replied they are not.

Councilmember Stephens asked Ms. Daggett if she was saying we need to be more proactive at screening? Ms. Daggett replied that the underlying premise is that "sunshine is the best disinfectant" so getting information to the public so people can see what is submitted is more effective than a drawn-out process for prosecuting. Information is so readily available with daily posting of information available for the public to see.

Councilmember Cunniff added he would not be in favor of City staff proactively trying to enforce. As long as the City is following the appropriate rules, anyone who wants to post a complaint can and the citizens can be their own watchdogs.

City Attorney Daggett spoke of the recent complaint by Ward Luthi and how frustrating it was for him because the complaint was not pursued to his liking. Ms. Daggett explained staff has been discussing how to create a process that provides additional recourse if the City's determination is not satisfactory to the complainant.

Discussion ensued about the applicability of the Colorado Open Records Act to campaign records (a) while still in the custody of the campaign; and (b) after they are submitted to the City as "evidence". A legal memo will be prepared on the subject.

The Board stated there was nothing else on Proposed Change C.

Suggested Election Code Changes

D. Amend Sections 7-71 and 7-87 to clarify when the City Clerk recommends amending the District-Precinct Map.

City Clerk Winkelmann discussed Proposed Change D establishing criteria for reviewing population deviation between census years.

City Attorney Daggett pointed out the change requiring a review once every 6 years (instead of 5), emphasizing the importance of trying to avoid extra rounds of redistricting.

Councilmember Cunniff stated he would like see if there are ways we can address the concerns about a voter waiting 6 years to elect a district representative. He acknowledged that the City is constrained by Charter and federal election code on how to do that. He stated it is important to note we are not disenfranchising anybody. Everyone still gets to vote for council members, mayor, initiatives, etc.

City Attorney Daggett stated one school of thought is that the closer you can get the deviation to zero, the less likely it is that you will ever get to 10%. Ms. Daggett explained the reason for the deviations in 2016 was because there were bigger deviations in 2012. Ms. Daggett discussed ideally working from the census data.

Councilmember Cunniff agreed and noted that then you are working with data not projections.

Chief Deputy City Clerk Knoll stated there have been recent court opinions that state if you are not choosing the lowest deviation, you are not doing it to the extent reasonably possible.

Councilmember Cunniff asked if there were any concerns about this change.

Council members Overbeck and Stephens replied no, but it was good to think about.

Councilmember Overbeck brought up a discussion regarding precinct maps and if they are posted in the newspaper so people understand redistricting and have a visual of where they are. Deputy City Clerk Knoll indicated mailings are sent to every affected precinct containing a letter, brochure, and new map.

Suggested Election Code Changes

E. Proposed change clarifying that election complaints shall be in writing.

City Clerk Winkelmann read Proposed Change E and added that this answers Councilmember Cunniff's questions that complaints not be anonymous.

Other Business:

City Clerk Winkelmann discussed Senate Bill 16-186 dealing with small-scale issue committee expenses between \$200- \$5,000.

City Attorney Daggett indicated recent litigation resulted in a 10th Circuit Court decision that calls a distinction being made for "small scale committees". Ms. Daggett explained there is some imperative for making that distinction and lightening up the level of burden on smaller committees. If one exceeds the threshold, they would have to report expenditures. Ms. Daggett explained this makes it easier for groups spending a small dollar amount to actually not have to comply with so many requirements.

Councilmember Cunniff asked if the City was subject to this.

City Attorney Daggett stated yes, and suggested the City create a similar version in the Code, using state statute as a model.

Councilmembers Overbeck and Cunniff stated they thought that was reasonable.

The Board discussed questions of what happens when the threshold was hit. Information in the Issue Committee Guidelines will be important.

Ms. Daggett stated she would work on a City Code provision that parallels the new state statute so it will be ready for Council to look at in subsequent discussions.

City Clerk Winkelmann asked if the Board would like to meet again for a final review after revisions are made. The Board affirmed.

Councilmember Cunniff asked if there was any interest to establish an elections committee board instead of it being ad hoc due to the interest in citizens and the number of legislation coming up on the matter.

Councilmember Stephens stated it might be worth it because there is a lot to talk about.

The Board discussed timing of Code amendments. City Clerk Winkelmann suggested September and Ms. Daggett suggested meeting in late August.

The Board affirmed that time frame would work and a lunch hour meeting was best.

The meeting was adjourned at 1:15 p.m.

PROPOSED CHANGE A:

Consider a Charter Amendment to Amend the Canvass Date

EXPLANATION:

Per state statute, Larimer County sends a letter to voters whose ballot was rejected due to problems with the signature. If signature verification is implemented in the April 2019 election, staff recommends a Charter Amendment be placed on the April 2017 ballot that moves the canvass date to 10 days after the election to permit time for letters to be sent.

CURRENT CHARTER PROVISION:

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...

SUGGESTED AMENDMENT:

Section 7. Certification of election results.

No later than ~~On~~ the tenth ~~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... **In the event of a mandatory recount or recount by request, the Board of Elections shall complete an amended certificate declaring the results of the election no later than the fifth day after the completion of the recount.**

PROPOSED CHANGE B:

Conduct signature verification beginning with the 2019 municipal election.

(Note: this change is dependent upon the Charter Amendment in Proposed Change A)

EXPLANATION:

House Bill 16-1070 requires that after March 30, 2018, access to the digitized signatures contained in the statewide voter registration system must be made available to municipal clerks.

CURRENT CODE PROVISION:

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 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.

Committee feedback: Consider these code amendments if the Canvass Date Charter Amendment passes (proposed Change A).

(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.

Sec. 7-191. - Receipt and qualification of ballots; signature verification not required.

(a) All ballots, including undeliverable ballots, shall be marked to indicate the date the ballot was received by the City Clerk.

(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 to determine whether the ballot was submitted by said elector. Comparison of the signature on the return envelope to any signature image, including those signature images in the statewide 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.

(c) If an election worker is unable to qualify the ballot as set forth in Subsection (b) above, the ballot shall be rejected and the reason for rejection shall be indicated in the poll book. Rejected ballots shall remain unopened and shall be securely stored separate from qualified ballots unless such ballots are corrected as provided in § 7-192 below.

(d) If an election worker determines that an eligible elector to whom a replacement ballot has been issued has voted more than once, the City Clerk shall not count any ballot cast by the elector.

SUGGESTED AMENDMENT:

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 **except as provided in § 7-191 below**, but shall be preserved in accordance with § 7-195 below.

Sec. 7-191. - Receipt and qualification of ballots; signature verification ~~not~~ required.

(a) All ballots, including undeliverable ballots, shall be marked to indicate the date the ballot was received by the City Clerk.

(b) Upon receipt of a voted ballot **in an election conducted prior to April 2019**, 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 to determine whether the ballot was submitted by said elector. Comparison of the signature on the return envelope to any signature image, including those signature images in the statewide 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.

(c) Beginning with the April 2019 municipal election, provided that the City Clerk has been given access to digitized signatures in the statewide voter registration system for each elector, election workers shall compare the elector's self-affirmation signature on the return envelope with the elector's digitized signature(s) in the statewide voter registration system in accordance with the provisions of Section 31-10-910.3, C.R.S.

(ed) If an election worker is unable to qualify the ballot as set forth in Subsection (b) or (c) above, the ballot shall be rejected and the reason for rejection shall be indicated in the poll book. Rejected ballots shall remain unopened and shall be securely stored separate from qualified ballots unless such ballots are corrected as provided in § 7-192 below.

(de) If an election worker determines that an eligible elector to whom a replacement ballot has been issued has voted more than once, the City Clerk shall ~~not~~ count ~~any~~ the first ballot ~~cast~~ received by the elector and shall reject all subsequent ballots received from that elector.

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.~~

(a) *Unsigned return envelopes.* Beginning with the April 2019 municipal election, the City Clerk shall, within three (3) days after receipt of a ballot returned in an unsigned return envelope, but in no event later than two (2) days after election day, send to the eligible elector at the mailing address indicated in the registration records a letter explaining the deficiency and instructing the eligible elector how to correct the deficiency. If the elector appears in the office of the City Clerk no later than the close of business on the eighth day after the date of the election to sign the return envelope, and if the ballot is otherwise valid, the ballot shall be counted.

b) No elector shall be allowed to correct a deficiency without first producing valid proof of identification. No elector shall be allowed to open, change, or alter his or her ballot while in the process of correcting the deficiency.

PROPOSED CHANGE C:

Add expenditure recordkeeping requirements for campaign committees and independent expenditures

EXPLANATION:

Presently there is not a requirement in the code for the recordkeeping of receipts for expenditures by committees or independent expenditures. This is a suggested improvement as a result of an election complaint.

CURRENT CODE PROVISION:

Sec. 7-135. Campaign contributions.

(f) Recordkeeping. All contributions received by a candidate committee, issue committee or political committee shall be deposited and maintained 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 ninety (90) days following any election in which the committee received contributions unless a complaint has been filed under Subsection 7-143(a) alleging a violation of the provisions of this Article, in which case they shall be maintained until final disposition of the complaint and any consequent court proceedings. Such records shall be subject to inspection at any hearing held pursuant to this Article.

SUGGESTED AMENDMENT:

Sec. 7-135. Campaign contributions/expenditures.

(f) Recordkeeping.

(1) All contributions received by a candidate committee, **small-scale issue committee**, issue committee or political committee shall be **documented and** deposited and maintained in a financial institution in a separate account whose title shall include the name of the committee. All records pertaining to **contributions and related such** accounts shall be maintained by the committee for **ninety (90) days one year** following any election in which the committee received contributions unless a complaint has been filed under Subsection 7-143(a) alleging a violation of the provisions of this Article, in which case they shall be maintained until final disposition of the complaint and any consequent court proceedings. Such records shall be subject to inspection **at any hearing held pursuant to in connection with any investigation or other action to enforce the terms of** this Article.

(2) All expenditures shall be documented and all records pertaining to said expenditures, including but not limited to invoices, receipts, and instruments of payment, shall be maintained by the committee for one year following any election in which the committee expended the funds unless a complaint has been filed under Subsection 7-143(a) alleging a violation of the provisions of this Article, in which case they shall be maintained until final disposition of the complaint and any consequent court proceedings. Documentation shall include the name and address of the vendor(s) or payee(s) providing the property, materials, or services and the amount of the expenditure. Such records shall be made available **within three (3) business days** upon request of the City and subject to inspection in connection with any investigation or other action to enforce the terms of **at any hearing held pursuant to** this Article.

Sec. 7-139. - Independent expenditures.

Any person or political committee making independent expenditures totaling more than one hundred dollars (\$100.) shall deliver notice in writing of such independent expenditures to the City Clerk no later than three (3) business days after the day that such funds are obligated. Said notice shall include the following information:

- (1) The name, address and telephone number of the person making the independent expenditures;
- (2) The name of the candidate whom the independent expenditures are intended to support or oppose;
- (3) The name and address of the vendor(s) providing the property, materials or services;
- (4) A detailed description of the independent expenditures **sufficient to allow for determination of compliance**

with this section;

(5) The amount of the independent expenditures; ~~and~~

(6) The date the funds were obligated; ~~and~~

(7) Copies of receipts, invoices, or other documentation related to the independent expenditure.

For the purposes of this provision, funds shall be considered to have been obligated as soon as an agreement is reached for the provision of the property, materials or services in question, regardless of when payment is to be made for such property or services. All independent expenditures shall be documented and all records pertaining to independent expenditures including but not limited to invoices, receipts, and instruments of payment shall be maintained for one year following any election in which the funds were expended unless a complaint has been filed under Subsection 7-143(a) alleging a violation of the provisions of this Article, in which case they shall be maintained until final disposition of the complaint and any consequent court proceedings. Such records shall be made available within three (3) business days upon request of the City and subject to inspection at any hearing held pursuant to this Article.

PROPOSED CHANGE D:

Amend Sections 7-71 and 7-87 to clarify when the City Clerk recommends amending the District-Precinct map.

EXPLANATION:

The recent redistricting effort prompted staff to review the process for recommending amendments.

CURRENT CODE PROVISION:**Sec. 7-71. - Precinct map.**

The boundaries of the election precincts as herein created in the City are hereby fixed and established as shown on the map entitled "District-Precinct Map," which map is on file in the office of the City Clerk.

Sec. 7-87. - Redistricting; notice.

(a) The City Council shall, by ordinance, amend the boundaries of the foregoing districts as necessary to comply with the provisions of Article II, Section 1(c) of the Charter. The City Clerk shall cause to be published twice, in a local newspaper of general circulation in the City, notice of the date, time and place of the City Council's consideration of any such redistricting ordinance. The first such notice shall be published no less than fourteen (14) days prior to the date of first hearing of the redistricting ordinance, and the second notice shall be published no less than ten (10) days prior to the date of the first reading of the same.

(b) Not more than eighteen (18) months after the official decennial publication of the United States Census concerning the population of the City of Fort Collins, the City Clerk shall recommend to the City Council any district boundary changes necessary to ensure that, to the extent reasonably possible, there is no more than a ten-percent deviation between the most populous and the least populous district.

(c) Not less than once every five (5) years after making the determination required under Subsection (b) above, the City Clerk shall again review the district boundaries to determine whether the maximum deviation between the most populous and the least populous district meets the standard described in Subsection (b) above. If the standard in Subsection (b) above is not met, the City Clerk shall recommend to the City Council any district boundary changes necessary to ensure that the districts conform to such standard.

(d) Any changes to district boundaries shall be established by ordinance no less than one hundred twenty (120) days before a regular municipal election.

SUGGESTED AMENDMENT:**Sec. 7-71. - Precinct map/amendment.**

(a) The boundaries of the election precincts as herein created in the City are hereby fixed and established as shown on the map entitled "District-Precinct Map," which map is on file in the office of the City Clerk.

(b) Upon notice by Larimer County that its precinct boundaries have been amended, the City Clerk shall review precinct boundaries and recommend to City Council any precinct boundary changes to ensure they match Larimer County's precincts.

Sec. 7-87. - Redistricting; notice.

(c) Not less than once every ~~five (5)~~ six (6) years after making the determination required under Subsection (b) above, the City Clerk shall again review the district boundaries to determine whether the maximum deviation between the most populous and the least populous district meets the standard described in Subsection (b) above. If the standard in Subsection (b) above is not met, the City Clerk shall recommend to the City Council any district boundary changes necessary to ensure that the districts conform to such standard.

(d) The need to amend precinct boundaries pursuant to Section 7-71(b) shall automatically cause the City Clerk to review current population deviations, regardless of how long it has been since the last review. If the deviation is found to exceed ten percent, the City Clerk shall recommend that the City Council make boundary adjustments, and present the Council with possible redistricting options that to the maximum extent possible equalize the population in each district, subject to the requirements for contiguity and compactness set forth in Article II, Section 1(c) of the Charter, with a maximum permissible deviation of ten percent between the most populous and least populous district.

(ed) Any changes to district boundaries shall be established by ordinance no less than ~~one hundred twenty (120) days~~ one hundred eighty (180) before a regular municipal election.

<p>PROPOSED CHANGE E:</p> <p>Clarify that election complaints shall be received in writing.</p>	<p>EXPLANATION:</p> <p>Presently, the code does not require election complaints to be received in writing.</p>
<p>CURRENT CODE PROVISION:</p> <p>Sec. 7-20. - Duties of City Clerk. The City Clerk shall:</p> <ul style="list-style-type: none"> (1) Provide forms and instructions to assist candidates and the public in complying with the reporting requirements of Article V; (2) Keep a copy of any report or statement required to be filed by 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; (3) Make reports and statements filed under Article V available on the City's website no later than the next business day; (4) Report apparent violations of Article V to the City Manager. <p>Sec. 7-143. - Violations and penalties.</p> <ul style="list-style-type: none"> (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 <u>§ 1-15</u>. (b) Failure to comply with the provisions of this Article shall have no effect on the validity of any election. 	
<p>SUGGESTED AMENDMENT:</p> <p>Sec. 7-20. - Duties of City Clerk. The City Clerk shall:</p> <p>... (4) Report apparent complaints received regarding alleged violations of Article V to the City Manager.</p> <p>Sec. 7-143. – Violations, and penalties, and complaints.</p> <ul style="list-style-type: none"> (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 <u>§ 1-15</u>. (b) Complaints made regarding alleged violations of Article V shall be made in writing to the City Clerk and shall contain a detailed description of the allegations. (c) Failure to comply with the provisions of this Article shall have no effect on the validity of any election. 	

PROPOSED CHANGE F: (NEW)

Consider a Charter Amendment that would permit the cancellation of a Council meeting in the event of an emergency, natural disaster, etc.

EXPLANATION:

The February 2 City Council meeting was cancelled due to inclement weather. In accordance with Charter Article II Section 11, the City Clerk is authorized to adjourn a meeting. On February 2, this meant travel to City Hall to announce that the meeting was cancelled.

CURRENT CHARTER LANGUAGE:

Section 11. - Meetings, quorum, executive session.

The Council shall hold regular meetings at such time and place as it may prescribe by ordinance and shall prescribe the manner in which special meetings may be called. Notice of any special meeting shall be given to all Councilmembers no less than one (1) day prior to such meeting. All meetings shall be open to the public. A majority of the members of Council shall constitute a quorum sufficient to transact business. A smaller number can adjourn a meeting to a later date and time, and in the absence of all members, the City Clerk may adjourn any meeting for not longer than one (1) week.

SUGGESTED AMENDMENT:

Section 11. - Meetings, quorum, executive session.

The Council shall hold regular meetings at such time and place as it may prescribe by ordinance and shall prescribe the manner in which special meetings may be called. Notice of any special meeting shall be given to all Councilmembers no less than one (1) day prior to such meeting. All meetings shall be open to the public. A majority of the members of Council shall constitute a quorum sufficient to transact business. A smaller number can adjourn a meeting to a later date and time, and in the absence of all members, the City Clerk may adjourn any meeting for not longer than one (1) week.

In the event of an emergency, natural disaster, or unforeseen circumstances that render the holding of a meeting undesirable or impracticable, the City Manager may, with agreement of the Mayor, cancel a City Council meeting and shall make a reasonable attempt to notify the public of such cancellation before the scheduled time of the meeting.