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AGENDA

City Council Election Code Committee
October 5, 2017
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 (Chair)
Councilmember Ross Cunniff, District 5

1. Call Meeting to Order
2. Citizen Comment
3. Approval of July 20, 2017 Committee Meeting Minutes
4. Election-Related Changes for Discussion
 - a. Designate the City Clerk to serve as the Designated Election Official
 - b. Remove the “two signature requirement” on checks from couples for campaign contributions
 - c. Can a felony received as a minor be used to disqualify a Council candidate?
 - d. Value of campaign ads on websites
 - e. Terminating inactive Issue and Political Committees
 - f. Candidate political signs
 - g. Preliminary discussion of redistricting issues
5. Next Meeting
 - Determine next meeting date/time
 - Holdover items
6. Other Business
7. Adjournment

PARKING LOT

Items Ready for Council Consideration	Items on Hold Pending Further Research
<ul style="list-style-type: none">• Timing of Filing Financial Disclosure Statements	<ul style="list-style-type: none">• Signature Verification (need demo)

July 20, 2017

ELECTION CODE COMMITTEE MEETING

11:00 am

PRESENT: Overbeck, Stephens, Cunniff, Malarky, Knoll, Gonzales, Daggett
CITIZENS PRESENT: None

● **APPROVAL OF NOVEMBER 10, 2016 COMMITTEE MEETING MINUTES**

Councilmember Overbeck made a motion, seconded by Councilmember Stephens, to adopt the minutes of the November 10, 2016 Committee meeting. The motion was adopted unanimously.

● **SUGGESTED ELECTION CODE/CHARTER CHANGES**

a. Value of Campaign Ads on Websites

Knoll stated this was a request from Mayor Pro Tem Horak to discuss whether candidates should receive guidance on how to value campaign ads on websites for reporting purposes.

City Attorney Daggett stated provisions exist which rely on either the payment of money or an in-kind contribution. In-kind contributions are defined as the fair market value of a gift or loan of any item of real or personal property other than money made to or for any candidate committee, issue committee, or political committee, for the purpose of influencing the passage or defeat. Given social media and the internet, a line now needs to be drawn in terms of what items have value and should be counted as a contribution.

City Attorney Daggett discussed the fact that the placement of signs is not considered an in-kind contribution.

Councilmember Overbeck asked about the value of purchasing a domain name prior to an election. City Attorney Daggett noted that domain name could be used for several elections or other uses.

Councilmember Stephens noted Facebook pages are free but paid ads are disclosed.

Members discussed letters to the editor and endorsements.

Councilmember Cunniff stated paying more than the usual operating cost for a website for information to appear should trigger a financial disclosure.

Members discussed pop-up ads on the internet and the order of endorsements on the Coloradoan.

City Attorney Daggett noted the Fair Campaign Practices Act provision allows Council to adopt a resolution in support of a ballot measure, but it can only be disseminated in the way resolutions are normally disseminated.

Councilmember Stephens questioned what would happen if an entity published something without the knowledge of the candidate. Councilmember Cunniff and Knoll replied that would be an independent expenditure, which has a \$100 threshold, for which the entity or person would be responsible.

Councilmember Cunniff noted contributions wherein money does not change hands are in-kind.

City Attorney Daggett noted the placement of a yard sign is similar to the placement of something on a blog as no additional expenditures are occurring. She stated it might be beneficial to include Code definitions to provide clarity around some of these issues and suggested preparing draft language.

Knoll suggested including examples in candidate guidelines.

Members discussed whether it is permissible to require a disclosure of who funded ads.

It was determined that issue needs additional research.

b. Terminating Inactive Issue and Political Committees

Knoll stated complaints have been filed regarding committees that were never active or terminated and did not meet filing requirements. Allowing committees for one election cycle only would eliminate ambiguity and ensure information is current and asked if members would be supportive of drafting such language.

Councilmembers Stephens, Cunniff and Overbeck expressed support for drafting such language.

Knoll suggested committees auto-terminate if an annual report is not filed.

c. Timing of Filing Financial Disclosure Statements

Knoll noted currently, a financial disclosure statement is required to be filed within 10 days after accepting a nomination; however Code language requires mail notification if that does not occur which provides a problem for ballot printing. The suggestion is to make the financial disclosure statement due when the nomination petition and acceptance of nomination are submitted.

Knoll noted candidates will be educated pre-emptively.

Councilmembers supported making the change and stated it would be less confusing.

d. Signature Verification

Knoll stated this item is on hold and the Clerk's Office will be receiving a demo on the new Larimer County equipment.

e. Candidate Political Signs

Knoll stated Councilmember Cunniff has asked if posting a sign is the same as announcing candidacy. She stated she would like to better define a public announcement.

Members discussed signs being left after an election.

City Attorney Daggett stated the circumstances that constitute a "public announcement" should be defined in addition to having the expectation that if someone is taking affirmative steps to communicate with the public, no matter the medium, that too would be a public announcement.

Knoll asked if signs can be required to be removed by a certain date. City Attorney Daggett replied they cannot be required to be removed; however, the question relates to future candidacy.

Councilmember Cunniff asked about bus benches. City Attorney Daggett replied the City's bus ad program is based on the characterization of those ads being used as City speech for a particular purpose.

City Attorney Daggett discussed the possibility of a series of steps automatically triggering an announcement, such as making requests for or receiving donations or in-kind contributions. Councilmember Cunniff and Knoll supported adding that language. Knoll stated that may mean a candidate needs to register prior to accepting a contribution, or perhaps within 10 days.

Councilmember Stephens stated it is not hard to register prior to asking for donations.

Councilmember Cunniff supported adding language related to soliciting or accepting contributions.

Knoll stated currently there are 10 days to file following the public announcement and the filing should occur prior to accepting contributions or making expenditures.

Councilmember Overbeck suggested adding language related to social media announcements.

Members discussed the number of individuals present at a meeting which would constitute a public announcement and discussed the requirement for paperwork to be filed as soon as any type of contribution is received (within one business day).

Members discussed taxes, employee payments and bank account requirements.

f. Other Business

Councilmember Overbeck asked about the federal administration wanting voter information. City Attorney Daggett replied the Secretary of State has the data being sought, which is public data.

City Attorney Daggett stated her staff has been discussing whether there would be any benefit in adding any kind of transition language that allows a committee that has registered to turn itself into a small issues committee. Knoll stated committees or candidates have always been allowed to amend their registrations as additional information becomes available.

Councilmember Cunniff stated the current code language should allow changing a registration into a small issue committee administratively.

Members discussed the necessary language forms should include for such a change.

City Attorney Daggett suggested electing a Chair of this committee.

Councilmember Cunniff made a motion, seconded by Councilmember Overbeck, to elect Councilmember Stephens as Chair. The motion was adopted unanimously.

City Attorney Daggett suggested the committee meet again once staff has completed its assigned research and draft language.

Knoll stated Larimer County changed its precincts and the City will need to do the same. As a result of the County changes, the City now must look at the deviation. The GIS department is currently doing that analysis and the hope is the deviation will be small enough to not trigger changing boundaries for the City.

Councilmembers requested additional information regarding redistricting options.

The next meeting date will be prior to September 21.

● **ADJOURNMENT**

The meeting adjourned at 12:31 P.M.

Topic 1	Source	Questions/Comments/Explanation
Designate the City Clerk as Designated Election Official (DEO) in the City Code	Staff	State Statute calls for the governing body to appoint a Designated Election Official for elections coordinated with the County. That designation is typically made in the IGA with the County, which the Council has, by ordinance, authorize the City Manager to execute. It would be preferable to address it in this way to be clear that the Council has made the designation. In the event that the City Clerk is not available to serve in this role, the amendment provides the Clerk may delegate authority.

Proposed amendment:

Sec. 7-20. - Duties of city clerk.

The City Clerk shall:

- (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 complaints received regarding alleged violations of Article V to the City Manager.
- (5) Prescribe the form of materials to be used in the conduct of mail ballot elections consistent with the provisions contained in Article VIII;
- (6) Establish procedures for conducting mail ballot elections consistent with the provisions contained in Article VIII, including efforts to inform uniformed and overseas voters of the upcoming election;
- (7) Supervise the conduct of mail ballot elections;
- (8) Employ temporary election workers as needed; and
- (9) Take all necessary steps to protect the confidentiality of voted ballots and the integrity of the election.
- (10) Serve as, or designate a qualified employee of the City Clerk to serve as, the City's Designated Election Official, as defined in Section 1-1-104(8), C.R.S., for any election coordinated with Larimer County pursuant to Section 1-7-116, C.R.S.

Topic 2	Source	Questions/Comments/Explanation
Remove the “two signature requirement” on checks from couples for campaign contributions	Councilmember Summers	<ul style="list-style-type: none"> • Councilmember Summers suggested a Code amendment that would remove the “two signature requirement” on checks from couples for campaign contributions. He mentioned that the state does not have this requirement. When the contribution is reported, both names are listed, even when only one person signed the check • Staff requests a discussion with the Committee to receive feedback.

HISTORY:

In November 2000, Council established local provisions regulating election campaigns, which provisions superseded the provisions of the Fair Campaign Practices Act. During the April 2001 election, many of the contribution and expenditure reports contained joint contributions from married couples (example: Mr. and Mrs. John Smith-\$150). The Clerk’s office received several questions about those contributions and how anyone could be sure such a contribution was split evenly and in compliance with contributions. In October 2001, City Code was amended to include a requirement that joint contribution be allowed to be accepted if the check is signed by all parties to the joint contribution to provide transparency to the contribution.

Current Code language:

Sec. 7-135. - Campaign contributions/expenditures.

- (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. No person shall make a contribution or contribution in kind in the name of another person or knowingly permit one's name to be used by another person to effect such a contribution or contribution in kind. These limitations shall apply to all contributions or contributions in kind, whether made directly to a candidate committee or indirectly via earmarked gifts passed through an intermediary, except that these limitations shall not apply to:
- (1) Contributions or contributions in kind made by a candidate to his or her own candidate committee;
 - (2) Independent expenditures;
 - (3) Monetary loans that are: (a) personally guaranteed in writing by the candidate, the candidate's immediate family or a business entity in which the candidate owns at least five (5) percent; or (b) secured by real or personal property owned by the candidate, the candidate's immediate family or a business entity in which the candidate owns at least five (5) percent; or

- (4) Contributions made to a candidate committee by another candidate committee established by the same candidate for the office of Mayor or Councilmember.
- (b) *Joint contributions.* No person shall make a contribution jointly with another person through the issuance of a check drawn on a jointly owned account unless: (i) the total amount of the joint contribution is less than the maximum amount that can be contributed by one (1) person under the contribution limits established in Subsection (a) of this Section or (ii) the check is signed by all owners of the account, in which event the amount of the total contribution shall be allocated equally among all such persons unless a different allocation is specified on the face of the check. No candidate committee, issue committee or political committee shall knowingly accept a contribution made in violation of this Subsection (b).

Topic 3	Source	Questions/Comments/Explanation
Redistricting	Staff	<ul style="list-style-type: none"> • Staff requests a discussion with the Committee to receive guidance • Would the Committee consider removing sections 7-71(b), 7-87(c) and (d)? Removing this review will lessen the frequency of moving precincts between districts. • Would the committee support funding to hire a consultant to help formulate options/different methods for redistricting?

Review of precinct boundaries is required by City Code Section 7-71(b), 7-87(c) and (d) whenever Larimer County changes its precinct boundaries.

Current Code language:

Division 2-Election precincts and Polling Places

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.

Division 3-Election Districts

Sec. 7-86. - Establishment.

Pursuant to the Charter, the City is hereby divided into six (6) Districts. From each District one (1) City Councilmember will be elected. Such Districts are designated as District No. 1, District No. 2, District No. 3, District No. 4, District No. 5 and District No. 6, and are delineated on the District-Precinct Map which is adopted by ordinance and made a part hereof by reference and is on file in the City Clerk's office.

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 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 § 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 (10) 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 (10) percent between the most populous and least populous district.
- (e) Any changes to district boundaries shall be established by ordinance no less than one hundred eighty (180) days before a regular municipal election.

Larimer County notified the City in June that the Commissioners had approved precinct boundary changes. Pursuant to City Code, this action by Larimer County triggered the review of the population deviation between districts. Staff discovered that the deviation between the most populous and least populous districts is greater than 10%. District 1 has grown dramatically since the last redistricting, which occurred in June 2016. Districts 2, 3, 5, and 6 had about equal growth while District 4 had no growth. The current practice for reviewing and adjusting districts appears to be unsustainable.

Criteria considered for redistricting:

1. **To the extent possible, Districts consist of an equal number of inhabitants (Charter)**
2. Districts must be contiguous (Charter)
3. Districts must be reasonably compact, consisting of contiguous, undivided general election precincts (Charter)
4. Residence address of each Councilmember so that no Councilmember is disenfranchised from his or her district.

Topic 4	Source	Questions/Comments/Explanation
Can a felony received as a minor be used to disqualify a Council candidate	Citizen questions	It has become fairly common each election to receive at least one question regarding the Charter language relating to candidate/Councilmember qualifications and felony convictions.

Current Charter language:

Article II, Section 2. - Qualifications of candidates and members; challenges.

- (a) An individual shall be eligible to be a candidate for the office of Councilmember if at the time of the election he or she is a citizen of the United States; is at least twenty-one (21) years of age; has been for one (1) year immediately preceding such election an elector of the city; and, in the case of a District Councilmember, has continuously resided in the District from which he or she is to be elected since the date of accepting any nomination for election under Article VIII, Section 3, of this Charter.
- (b) No person who has been convicted of a felony shall be eligible to be a candidate for, or hold, the office of Councilmember.
- (c) No person shall be eligible to stand for election to more than one (1) elective office at any single municipal election. During a term of office, no member of the Council shall be an employee of the city or hold any other elective public office. No person shall be elected or appointed to any city office, position or employment for which the compensation was increased or fixed by the Council while such person was a member thereof until after expiration of one (1) year from the date when such person ceased to be a member of the Council.
- (d) Any registered elector may file with the City Clerk a written protest challenging the qualifications of any member of the Council. Any such protest shall be resolved by the City Clerk as expeditiously as possible but no more than forty-five (45) days from the date of filing of the protest, pursuant to a procedure established by the Council by ordinance. In order to resolve such protests, the City Clerk shall have the power to subpoena witnesses, administer oaths, and require the production of evidence. No protest shall be filed prior to the date of appointment or the date of issuance of the certificate of election of a Councilmember, whichever is applicable, nor shall any such protest, other than a protest based upon the fact of a felony conviction, be filed more than fifteen (15) days after said date.
- (e) The fact that a Councilmember may be determined to have lacked any qualification for the office of Councilmember during all or any portion of his or her term of office shall not affect the validity of any action taken by the Council during such Councilmember's term of office.

Discussion:

A question has arisen about whether a felony conviction as a minor could be used to disqualify one from being a candidate for the office of Councilmember. This question implicates the difference between a minor being *convicted* of a felony in adult criminal court and a minor being *adjudicated* for a felony offense in juvenile court. In Colorado, felonies may be prosecuted against juveniles in either juvenile court or in adult criminal court. If prosecuted in juvenile court, the case proceeds under the Colorado

Children's Code, C.R.S. §§ 19-1-101, *et seq.* (the "Children's Code"). Juvenile courts have jurisdiction over juveniles ten (10) years of age or older who, subject to certain exceptions, violate any federal or state law, county or municipal ordinances, and any juvenile court order. The Children's Code provides that a juvenile may be adjudicated as having committed a delinquent act, which can include felonies.

In the alternative, a felony case could be brought against a juvenile in adult criminal court, where the juvenile could be convicted of a felony and sentenced either as a juvenile or as an adult. Whether a juvenile should be tried as an adult depends on the age of the juvenile; the type of offense charged; the extent of the juvenile's past history of delinquency; and whether the district attorney files the felony case directly with the adult court or seeks to transfer the case out of juvenile court to adult court.

As a general rule, the likelihood that a district attorney may file criminal charges against a juvenile as an adult increases with the age of the juvenile, the severity of the charged offense, and the juvenile's past history of delinquency.

Although adjudication and convictions are technically different, the two are treated identically in many contexts. For instance, certain agencies that regulate professional licensure may view an adjudication the same as a conviction when determining if a person is eligible for a license. Enhanced penalties for crimes committed later in life can apply if a person has a prior adjudication. In addition, an adjudication can serve as evidence of conduct that can result in the loss of a public benefit or immigration consequences. The full consequences of an adjudication versus a felony are broad, making a full reporting in this document impracticable.

ONGOING TOPICS FROM THE JULY 20, 2017 ELECTION CODE COMMITTEE MEETING

Topic	Source	Questions/Comments/Explanation
Value of campaign ads on websites	Mayor Pro Tem Horak (Feb 2017 LPT request)	Suggested that staff provide Council candidates information on declaring the value of campaign ads on websites.
Status: <ul style="list-style-type: none">• Committee discussion on July 20, 2017.• City Attorney's Office continues to research language that would be examples of what is or is not an independent expenditure, especially in the area of social media use.• Need for additional clarification (City Code and/or candidate guidelines) of when a web-based campaign ad should be reported as a contribution or contribution in-kind.		

Topic	Source	Questions/Comments/Explanation
Terminating election 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 issue committee believes they are a small-scale issue committee, they amend their original filing.
Status: <ul style="list-style-type: none"> • Committee discussion on July 20, 2017. • Committee supports a code change that would allow the termination of an issue committee after 1 election cycle. Staff will draft code language that states an issue committee will be terminated 45 days after election, unless the committee files a form stating the committee chooses to continue. 		

Current Code language:

Sec. 7-134. - Registration of committees.

All candidate committees, political committees and issue committees shall register with the City Clerk before accepting or making any contributions. Registration shall include a statement listing:

- (1) The committee's full name, spelling out any acronyms used therein;
- (2) A natural person authorized to act as a registered agent;
- (3) A street address and telephone number for the principal place of operations;
- (4) All affiliated candidates and committees;
- (5) The purpose or nature of interest of the committee.

Suggested language:

Sec. 7-134. - Registration of committees; termination.

(a) All candidate committees, political committees and issue committees shall register with the City Clerk before accepting or making any contributions. Registration shall include a statement listing:

- (1) The committee's full name, spelling out any acronyms used therein;
- (2) A natural person authorized to act as a registered agent;
- (3) A street address and telephone number for the principal place of operations;
- (4) All affiliated candidates and committees;
- (5) The purpose or nature of interest of the committee.
- (6) The date of the election during which the committee intends to be active.

(b) Any candidate committee or issue committee that has registered with the City Clerk, but has not engaged in any election activities or reported any contributions accepted or expenditures

made, may terminate at any time by filing an amended committee registration indicated the nature of the amendment is termination of the committee. In addition, the committee shall file a campaign report indicating no contributions have been received or expenditures made, and indicating it is a termination report.

(c) Any candidate committee or issue committee that has not terminated pursuant to Subsection (b) above shall be automatically terminated on the 45th day after the election date designated at the time of registration. The City Clerk shall notify the registered agent of the committee's termination.

Topic	Source	Questions/Comments/Explanation
Timing of filing financial disclosure statements	Staff	If a candidate fails to file, they are disqualified...but probably too late to remove them from the ballot. Staff suggests a process change to require the filing at the same time as accepting nomination.
Status: <ul style="list-style-type: none"> Committee discussion on July 20, 2017. Committee supports a code change to require the filing of the financial disclosure statement at the same time as the filing the acceptance of nomination. Draft language provided below. 		

Current Code language:

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.

- (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~~ **at the same time as** filing an 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
Signature verification	Staff	
Status: <ul style="list-style-type: none"><li data-bbox="240 344 987 375">• Originally discussed with Election Code Committee in 2016.<li data-bbox="240 380 1382 449">• City Code amendments needed to authorize signature verification beginning with April 2019 election. (Needed to wait until Charter amendment approved in April 2017.)<li data-bbox="240 453 1403 485">• Staff will have demonstrations of the software/hardware, and then report back to Committee.<li data-bbox="240 489 716 520">• Demonstration has not yet occurred		

Topic	Source	Questions/Comments/Explanation
Candidate Political Signs	Councilmember Cunniff (May 23 work session)	<ul style="list-style-type: none"> • Is the posting of a sign the same thing as announcing candidacy? • Staff requests a discussion with the Committee to receive feedback. One suggestion would be to change the definition of a public announcement.
<p>Status:</p> <ul style="list-style-type: none"> • Committee discussion on July 20, 2017. 		

Current Code:

Sec. 7-132. –Definitions.

Candidate shall mean any person who seeks nomination or election to the office of Mayor or Councilmember at any City election. A person is a candidate if the person has publicly announced an intention to seek such election or has filed nominating petitions for the office of Mayor or Councilmember. *Candidate* shall also mean any election official who is the subject of recall proceedings pursuant to Article IX of the Charter.

Suggested amendment:

Candidate shall mean any person who seeks nomination or election to the office of Mayor or Councilmember at any City election. A person is a candidate if the person has publicly announced an intention to seek such election or has filed nominating petitions for the office of Mayor or Councilmember. **A public announcement means:**

- (1) Registering a candidate committee; or
- (2) A statement made by the candidate signifying an interest in, or exploring the possibility of, seeking the office by means of a speech, advertisement or other communication reported or appearing in public media or in any place accessible to the public, including social media, that a reasonable person would expect to become public.

Candidate shall also mean any election official who is the subject of recall proceedings pursuant to Article IX of the Charter.