

Council Election Ad-Hoc Committee Minutes
February 23, 2016, 3:30 p.m.

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

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 Wednesday, February 23, 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 3:33 p.m. The Board reviewed the Agenda which contained these items:

1. Call Meeting to Order
2. Approval of January 20, 2016 Committee Meeting Minutes
3. Suggested Election Code Changes
 - a. Signature Verification – provided updated information
 - b. Absentee Ballots – broaden to include all absentee voters
4. Other Business
5. Adjournment

Councilmember Cunniff called the meeting to order. Councilmember Cunniff stated that the second order of business from the agenda was approval of the minutes from January 20, 2016 meeting. Councilmember Stephens moved for the approval of the minutes, Councilmember Overbeck seconded the motion. The minutes were approved unanimously.

Suggested Election Code Changes

a. Signature Verification

City Clerk Winkelmann summarized the new information obtained from touring the Larimer County Facilities on February 18, 2016. In addition, Ms. Winkelmann indicated there have been ongoing discussions with the Colorado Secretary of State's office concerning signature verification. Ms. Winkelmann summarized the current system which is a web voter look up interface. Chief Deputy City Clerk Knoll clarified that the current Secretary of State system is a web interface where the City does not currently have access to the signatures. The Secretary of State is considering giving municipalities access to the signature portion of voter information. Ms. Knoll noted that it is a manual system where each signature on ballots must be reviewed manually by an election worker.

Councilmember Cunniff asked if, based on the bar codes associated with each ballot, each signature could be associated with each ballot to simplify verifying signatures through work with the City's IT department. City Clerk Winkelmann responded that it would not be through the City's IT department, but through modifications to the Secretary of State system. Chief Deputy Clerk Knoll clarified that the Secretary of State, at this point, is not looking for an automated solution, but they are proposing a manual solution so the City would have access to the signature images. She added one election vendor provides an automated solution, and there are other industries that use signature technology such as in the banking industry. She said that the City Clerk would want to pursue an automated system.

City Clerk Winkelmann reported that in talking with other municipalities concerning their practices for signature verification, it was reported that other municipalities had been obtaining signature images from their respective Counties. Ms. Winkelmann indicated that, through follow up with Larimer County, it was determined that it was possible for them to provide signature images. Ms. Winkelmann met with Larimer County and they indicated that they had just recently learned that they can provide signature images, and that an Intergovernmental Agreement and confidentiality agreement would be necessary to facilitate this sharing of images. Ms. Winkelmann indicated there would be need for further discussion about whether to go with the Secretary of State system or the Larimer County system, but it is encouraging that there are now two available options to consider.

Councilmember Overbeck asked how much additional time is needed to fully investigate the options and what works best from staff perspective. City Clerk Winkelmann indicated that the City Clerk's office

recommendation is that it be done in time for the April 2019 election. Chief Deputy Clerk Knoll clarified that the bill before the legislature does not require or authorize signature verification until after March 30, 2018.

Chief Deputy Clerk Knoll reported that the Larimer County Clerk shared valuable information concerning signature verification during their meeting. The Larimer County Clerk indicated that it takes an election judge approximately four seconds for each manual verification of a voter's signature. She also stated that the County is qualifying approximately sixty percent of ballots electronically, so the time estimate only applies to those ballots that must be manually verified, and of those manually verified, ninety percent are qualified on the first available signature. The legislation has been modified to state that if one election judge feels that the signatures are a match, the ballot is qualified and counted. This process eliminates voters from getting unfairly disqualified.

There was discussion of the statistics of manually checking ballots based on the last election and the number of ballots received on particular dates, including Election Day. Based on the information received from Larimer County, City Clerk Winkelmann indicated that it would have taken approximately twenty man hours to signature verify the ballots just received on Election Day, so the Clerk's Office would have had to have more available election judges on hand, or the results on Election Day would have been delayed. Chief Deputy Clerk Knoll explained that based on the payment to election judges, she didn't think it was cost prohibitive to have enough elections judges on hand.

City Attorney Carrie Daggett explained that concerning the process to implement signature verification, two approaches have been discussed which will be put into the Ordinance coming forward on second reading. The first option is to add language which recognizes the pending legislation and directing the City Clerk to come back with further recommended modifications to election code at a later date. The second option would be to put in the code that prior to the April, 2019 Election, there would not be signature verification, but that the City intends to institute it in future elections.

City Clerk Winkelmann explained that one vendor estimates the cost for signature verification equipment to be \$65,000. The equipment could be used for three to four elections.

Councilmember Stephens asked City Attorney Daggett what she felt the best course might be to take under the circumstances. City Attorney Daggett explained that she felt there might be benefit to showing a commitment in moving forward with signature verification; however, based on the number of variables changing and the evolving legislation, she leaned toward codifying the current practice and recognizing a need for further discussion once all the information is available. She explained that whatever the Committee recommends, those changes would be made to the Ordinance that goes to print on February 24, 2016.

Councilmember Stephens indicated that it would be her preference to leave room to spell out the signature verification process once all the information is known. She indicated that she would be an advocate of publicly stating that the City is committed to instituting a process, but not enough information is known to codify the changes to the City Election Code. Ms. Daggett indicated there is draft language in the draft Ordinance which says that the City Clerk should continue to investigate options and come back to the Council in late 2016 with further recommendations.

Councilmember Overbeck indicated that his preference would be to indicate that a modification will be necessary in the future. The Committee unanimously approved submitting this option to the Council as whole.

b. Absentee Ballots – broaden to include all absentee voters

City Clerk Winkelmann stated that when they looked at the proposed election code changes, it occurred to them that it might be useful to broaden the ability of voters who request absentee ballots to vote electronically, and not just those who are military and registered as UOCAVA voters. This could apply to a situation where someone is in the United States, but still isn't able to return their ballot by mail. So, there

was a small change to the language previously recommended. Chief Deputy City Clerk Knoll explained this change will reflect current practice of the City Clerk's office.

Other Business

Councilmember Cunniff asked if there were other issues that needed the Committee's attention. City Clerk Winkelmann indicated that the only item was whether the Committee would be interested in touring the Larimer County Election facilities. The Committee members each expressed an interest in touring these facilities, and recommended that the entire Council be asked if they were interested in touring the facilities. City Clerk Winkelmann indicated that she would follow up on this issue and report to the Council.

City Attorney Carrie Daggett stated there have been modifications to the Election Code Changes under the section concerning applicable law. Ms. Daggett indicated this section (Page 8, Section 14) was simplified and she believes that the change is easier to understand and follow.

Meeting adjourned at 3:58 p.m.

MINUTES APPROVED: JULY 18, 2016