

May 3, 2018

ELECTION CODE COMMITTEE MEETING

12:00 PM

PRESENT: Overbeck, Cunniff, Coldiron, Malarkey, Knoll, Gonzales, Daggett
ABSENT: Stephens
CITIZENS PRESENT: Marge Norskog, Robbie Moreland,

1. CALL MEETING TO ORDER

Councilmember Cunniff called the meeting to order.

2. CITIZEN COMMENT

Marge Norskog thanked the Committee for recent Election Code changes, especially those related to the registered agent and committee termination. She supported simplifying the calendar for all committees and discussed the value of campaign ads issue. Ms. Norskog requested the Committee require a legible image of any material referenced in expenditure reports and supported the formation of a citizen committee. She also stated she is attempting to meet with Councilmember Martinez regarding her concerns.

Councilmember Overbeck stated public comment rather than a citizen committee may be the most effective way to get topics into the process swiftly and directly.

Councilmember Cunniff noted citizen comment summaries are included in the minutes.

Councilmember Overbeck noted all Councilmembers receive Election Code Committee minutes.

Councilmember Cunniff stated the best process for citizen oversight of elections is ongoing and he is not opposed to citizen involvement in some fashion. He stated he is supportive of having a “paid for by” statement on advertisements and noted the Committee has discussed requiring candidates and committees to save printed campaign materials in a fashion similar to financial records. He stated it is important to balance candidate and committee first amendment rights with the ease of citizens to find information. He noted “paid for by” disclaimers must also be crafted to withstand first amendment challenges.

3. APPROVAL OF APRIL 5, 2018 COMMITTEE MEETING MINUTES

Councilmember Overbeck made a motion, seconded by Councilmember Cunniff, to adopt the March 1, 2018 Committee meeting minutes. The motion was adopted unanimously.

4. ELECTION-RELATED CHANGES FOR DISCUSSION

a. Value of Campaign Ads on Websites

City Attorney Daggett provided language that would add some specific references to online methods of communicating and noted that language will also be included in other Code sections as applicable.

Councilmember Cunniff suggested the addition of language related to social media.

City Attorney Daggett suggested the addition of a social media definition.

Chief Deputy City Clerk Knoll discussed the importance of making it clear that internet and social media expenditures must be reported. She asked if this language can be placed into a draft ordinance. Councilmembers Overbeck and Cunniff replied in the affirmative.

b. Deadlines for Nomination Petitions, Withdrawal, and Write-in Candidates

Councilmember Cunniff stated the goal is to align deadlines in 7-day increments and stated this language is ready to proceed to a draft ordinance.

c. UOCAVA Voters

City Attorney Daggett discussed language changes and noted overseas military post offices may not postmark immediately and this topic may need some additional research.

Councilmember Cunniff asked if early counts will be provided after polls close on Election Day. Knoll replied unofficial results will be posted on Election Day; however, to protect the secrecy of ballots received or signatures cured in the 8-day period, there will be some ballots held back from the Election Day tabulation.

Councilmembers Cunniff and Overbeck stated they have no additional concerns and suggested language move forward.

d. Disclaimer Notices on Campaign Materials and Definition of Independent Expenditures

City Attorney Daggett stated staff is attempting to create a foundation for moving forward with the “paid for by” language. She presented language for changes specifically requiring the retention of sample communications and expanding the definition of independent expenditures to include expenditures to support or oppose ballot measures.

Councilmember Cunniff supported the expansion of independent expenditures and suggested the agenda materials state that these changes are proposed because the amount of money being spent on elections is increasing and is in the interest of voter education and better transparency.

Councilmember Overbeck suggested the Clerk or this Committee write a “letter to the editor” about this process and changes.

Councilmember Cunniff suggested copies of materials to be retained be allowed to be electronic as well as physical. He asked if staff has examples of the enabling legislation and rationale for the statement “this message is approved by the candidate” requirements. City Attorney Daggett replied the federal rules have been in place for some time and may be part of the federal register; however, they may have been created administratively. She stated Denver has recently adopted “paid for by” requirements.

5. FOLLOW-UP ITEMS

Knoll noted redistricting will be a future topic.

City Clerk Coldiron stated the Clerk’s Office has put an enhancement offer in the upcoming budget process to hire a consultant for the 2020 redistricting efforts.

Councilmember Overbeck asked how a consultant was selected. City Clerk Coldiron replied a consultant has not been selected. She stated a consultant would provide a non-biased approach and could provide some expertise staff does not already possess.

Knoll stated the scope of work for the budget offer includes a public outreach component.

6. NEXT MEETING

Councilmember Cunniff stated the next meeting is June 7, 2018.

7. OTHER BUSINESS

8. ADJOURNMENT

The meeting adjourned at 12:45 PM.

MINUTES APPROVED JULY 5, 2018